



SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDREDTH GENERAL ASSEMBLY

97TH LEGISLATIVE DAY

THURSDAY, FEBRUARY 22, 2018

11:45 O'CLOCK A.M.

NO. 97

[February 22, 2018]

SENATE
Daily Journal Index
97th Legislative Day

Action	Page(s)
Communication from the Minority Leader	30
Legislative Measure(s) Filed	3
Message from the President	30
Presentation of Senate Joint Resolution No. 55	3
Presentation of Senate Resolutions No'd. 1430-1432.....	3
Report(s) Received.....	3
Resolutions Consent Calendar.....	28

Bill Number	Legislative Action	Page(s)
SB 0335	Recalled - Amendment(s)	6
SB 0336	Recalled - Amendment(s)	12
SB 0337	Recalled - Amendment(s)	18
SB 0559	Recalled - Amendment(s)	20
SB 0576	Recalled - Amendment(s)	26
SB 0748	Second Reading	5
SB 2223	Second Reading	5
SB 2252	Second Reading	5
SB 2271	Second Reading	5
SB 2275	Second Reading	5
SB 2288	Second Reading	5
SB 2306	Second Reading	5
SB 2337	Second Reading	5
SB 2421	Second Reading	5
SB 2436	Second Reading	5
SB 2446	Second Reading	5
SB 2461	Second Reading	6
SB 2468	Second Reading	6
SB 2561	Second Reading	6
SB 2578	Second Reading	6
SB 2580	Second Reading	6
SB 2581	Second Reading	6
SB 2587	Second Reading	6
SB 2608	Second Reading	6
SB 2651	Second Reading	6
SJR 0055	Committee on Assignments.....	4

The Senate met pursuant to adjournment.
Senator Kimberly A. Lightford, Maywood, Illinois, presiding.
Prayer by Reverend Robert Freeman, First United Methodist Church, Urbana, Illinois.
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, February 21, 2018, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Reporting Requirement of Public Act 98-1142 (Eavesdropping), submitted by the Franklin County State's Attorney.

2017 First Stop Business Information Center, submitted by the Department of Commerce and Economic Opportunity.

State of Illinois Economic Forecast, February 2018, submitted by the Commission on Government Forecasting and Accountability.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following Committee amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 2429
Amendment No. 1 to Senate Bill 2439
Amendment No. 1 to Senate Bill 2531
Amendment No. 1 to Senate Bill 2612
Amendment No. 1 to Senate Bill 2638

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1430

Offered by Senator Haine and all Senators:
Mourns the death of Dennis F. Manns of Alton.

SENATE RESOLUTION NO. 1431

Offered by Senator Haine and all Senators:
Mourns the death of Edward Leroy "Hambone" Emerick of Wood River.

SENATE RESOLUTION NO. 1432

Offered by Senator Haine and all Senators:
Mourns the death of Christina Marie "Tina" Kessler of Alton.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Raoul offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

[February 22, 2018]

SENATE JOINT RESOLUTION NO. 55

WHEREAS, In 2011, the General Assembly enacted the Illinois Voting Rights Act to require legislative and representative districts drawn after each decennial redistricting plan pursuant to Article IV, Section 3 of the Illinois Constitution to create crossover districts, coalition districts, or influence districts so long drawing these districts would not conflict the United States Constitution, any federal law regarding redistricting Legislative Districts or Representative Districts, including but not limited to the federal Voting Rights Act, or the Illinois Constitution; and

WHEREAS, The purpose of the Illinois Voting Rights Act, as explained by the federal court decision upholding it, is to "prevent what is commonly known as the 'facturering' of minority voting districts" and protect the voting rights of racial and language minorities; and

WHEREAS, Illinois has a significant interest in ensuring that the United States Census Bureau conducts its 2020 decennial census in a manner to fully and accurately count "the whole number of persons in each State" in order to ensure Illinois' fair representation in Congress, its influence in the Electoral College, its fair share of federal funds based on Census data, and its compliance with the Illinois Voting Rights Act's requirement to draw state legislative and representative districts in a manner that protects the voting rights of racial and language minorities; and

WHEREAS, The United States Department of Justice has requested that the United States Census Bureau reinstate a question on citizenship to the 2020 census, claiming that the data is critical to the Department's enforcement of Section 2 of the Voting Rights Act and the important protections it provides against racial discrimination in voting; and

WHEREAS, The Department of Justice states it needs a reliable calculation of the citizen voting age population in localities where voting rights are alleged or suspected; and

WHEREAS, Experts agree that since the same question is included in the American Community Survey it is adequate to fulfill the Department of Justice's stated purpose of enforcing the Voting Rights Act; and

WHEREAS, The Attorneys General of 17 states, including Illinois, and the District of Columbia, and the Governor of Colorado recently sent a joint letter opposing the Department of Justice's request to the Secretary of the United States Department of Commerce, which oversees the Census Bureau; and

WHEREAS, The Attorneys General's joint letter correctly explains how adding a citizenship question would significantly depress participation in the 2020 decennial census and cause a population undercount that would disproportionately harm states and cities with large immigrant communities; and

WHEREAS, The Attorney General's joint letter further explains how adding a citizenship question would frustrate the Census Bureau's obligation under the U.S. Constitution to determine "the whole number of persons in each state", threaten the fair representation of their states in Congress, dilute the influence of their states in the Electoral College, and deprive their states of their fair share of hundreds of billions dollars in federal funds allocated based upon Census data; and

WHEREAS, The Attorney General's joint letter rightly points out that the Census Bureau itself has previously explained that "any effort to ascertain citizenship" in the decennial Census "will inevitably jeopardize the overall accuracy of the population count"; and

WHEREAS, Four former Directors of the Census Bureau - appointed by Presidents of both political parties - explained in a brief filed with the U.S. Supreme Court less than three years ago that "a one-by-one citizenship inquiry would invariably lead to a lower response rate to the Census in general" and would "seriously frustrate the Census Bureau's ability to conduct the only count the Constitution expressly requires"; and

WHEREAS, It is abundantly clear that reinstating a citizenship question will lead to comprehensive inaccuracies, including how congressional, state, and local legislative districts are drawn and how government funds are distributed; and

[February 22, 2018]

WHEREAS, U.S. senators have asked the current presidential administration to reject the request since it could depress or hinder census turnout due to fear that the government could use the information against the participants and since the question has not been asked by the Census Bureau since 1950; and

WHEREAS, Reinstating this question will have the unintended effect of increasing the Census Bureau's costs and budget to conduct the census, as the Bureau must send out enumerators to interview the occupants of any address that did not respond; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we strongly urge the Secretary of Commerce to reject the U.S. Department of Justice's request to include the citizenship question in the 2020 census; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Honorable Wilbur Ross, Secretary of the U.S. Department of Commerce, and each member of the Illinois Congressional Delegation.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Barickman, **Senate Bill No. 748** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Nybo, **Senate Bill No. 2223** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Tracy, **Senate Bill No. 2271** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Cunningham, **Senate Bill No. 2275** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Tracy, **Senate Bill No. 2288** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **Senate Bill No. 2252** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was postponed in the Committee on State Government.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Murphy, **Senate Bill No. 2306** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **Senate Bill No. 2337** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2421** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Nybo, **Senate Bill No. 2436** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **Senate Bill No. 2446** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **Senate Bill No. 2461** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 2468** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **Senate Bill No. 2561** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 2578** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 2580** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 2581** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 2587** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 2608** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2651** having been printed, was taken up, read by title a second time and ordered to a third reading.

SENATE BILLS RECALLED

On motion of Senator Harmon, **Senate Bill No. 335** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 335

AMENDMENT NO. 1. Amend Senate Bill 335 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.32 as follows:
(5 ILCS 80/4.32)

Sec. 4.32. Acts repealed on January 1, 2022. The following Acts are repealed on January 1, 2022:

The Boxing and Full-contact Martial Arts Act.

The Collateral Recovery Act.

The Detection of Deception Examiners Act.

The Home Inspector License Act.

The Registered Interior Designers ~~Design~~-Title Act.

The Massage Licensing Act.

The Petroleum Equipment Contractors Licensing Act.

The Real Estate Appraiser Licensing Act of 2002.

The Water Well and Pump Installation Contractor's License Act.

(Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11; 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff. 8-16-11; 97-514, eff. 8-23-11; 97-576, eff. 7-1-12; 97-598, eff. 8-26-11; 97-602, eff. 8-26-11; 97-813, eff. 7-13-12.)

Section 10. The Interior Design Title Act is amended by changing Sections 1, 2, 3, 5, 8, 9, 10, and 13 as follows:

(225 ILCS 310/1) (from Ch. 111, par. 8201)

(Section scheduled to be repealed on January 1, 2022)

Sec. 1. Short title. This Act may be cited as the Registered Interior Designers ~~Design~~-Title Act.

[February 22, 2018]

(Source: P.A. 92-104, eff. 7-20-01.)

(225 ILCS 310/2) (from Ch. 111, par. 8202)

(Section scheduled to be repealed on January 1, 2022)

Sec. 2. Public policy. Interior design in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the interior design profession ~~professions~~ merit and receive the confidence of the public and that only qualified persons be permitted to use the title of registered interior designer in the State of Illinois. This Act shall be liberally construed to carry out these objectives and purposes.

(Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

(225 ILCS 310/3) (from Ch. 111, par. 8203)

(Section scheduled to be repealed on January 1, 2022)

Sec. 3. Definitions. As used in this Act:

~~"Department" means the Department of Financial and Professional Regulation.~~

~~"Secretary" means the Secretary of Financial and Professional Regulation.~~

~~"Board" means the Board of Registered Interior Design Professionals established under Section 6 of this Act.~~

"Department" means the Department of Financial and Professional Regulation.

"The profession of interior design", within the meaning and intent of this Act, refers to persons qualified by education, experience, and examination, who administer contracts for fabrication, procurement, or installation in the implementation of designs, drawings, and specifications for any interior design project and offer or furnish professional services, such as consultations, studies, drawings, and specifications in connection with the location of lighting fixtures, lamps and specifications of ceiling finishes as shown in reflected ceiling plans, space planning, furnishings, or the fabrication of non-loadbearing structural elements within and surrounding interior spaces of buildings but specifically excluding mechanical and electrical systems, except for specifications of fixtures and their location within interior spaces.

"Public member" means a person who is not an interior designer, educator in the field, architect, structural engineer, or professional engineer. For purposes of board membership, any person with a significant financial interest in the design or construction service or profession is not a public member.

"Registered interior designer" means a person who has received registration under Section 8 of this Act. A person represents himself or herself to be a "registered interior designer" within the meaning of this Act if he or she holds himself or herself out to the public by any title incorporating the words "registered interior designer" or any title that includes the words "registered interior design".

"Secretary" means the Secretary of Financial and Professional Regulation.

~~"The profession of interior design", within the meaning and intent of this Act, refers to persons qualified by education, experience, and examination, who administer contracts for fabrication, procurement, or installation in the implementation of designs, drawings, and specifications for any interior design project and offer or furnish professional services, such as consultations, studies, drawings, and specifications in connection with the location of lighting fixtures, lamps and specifications of ceiling finishes as shown in reflected ceiling plans, space planning, furnishings, or the fabrication of non-loadbearing structural elements within and surrounding interior spaces of buildings but specifically excluding mechanical and electrical systems, except for specifications of fixtures and their location within interior spaces.~~

~~A person represents himself or herself to be a "registered interior designer" within the meaning of this Act if he or she holds himself or herself out to the public by any title incorporating the words "registered interior designer" or any title that includes the words "registered interior design".~~

(Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

(225 ILCS 310/5) (from Ch. 111, par. 8205)

(Section scheduled to be repealed on January 1, 2022)

Sec. 5. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers, and duties:

(a) To conduct or authorize examinations to ascertain the fitness and qualifications of applicants for registration and issue certificates of registration to those who are found to be fit and qualified.

(b) To prescribe rules and regulations for a method of examination of candidates. The Department shall designate as its examination for registered interior designers the National Council for Interior Design Qualification examination.

(c) To adopt as its own rules relating to education requirements, those guidelines published from time to time by the Council for Interior Design Accreditation Foundation for Interior Design Education Research or its successor entity equivalent.

[February 22, 2018]

(d) To conduct hearings on proceedings to revoke, suspend, or refuse to issue certificates of registration.

(e) To promulgate rules and regulations required for the administration of this Act.
(Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

(225 ILCS 310/8) (from Ch. 111, par. 8208)

(Section scheduled to be repealed on January 1, 2022)

Sec. 8. Requirements for registration.

(a) Each applicant for registration shall apply to the Department in writing on a form provided by the Department. Except as otherwise provided in this Act, each applicant shall take and pass the examination approved by the Department. Prior to registration, the applicant shall provide substantial evidence to the Board that the applicant:

(1) is a graduate of a ~~5-year~~ 5-year interior design program from an accredited institution and has completed at least 2 years of ~~full-time~~ full-time diversified interior design experience;

(2) is a graduate of a ~~4-year~~ 4-year interior design program from an accredited institution and has completed at least 2 years of ~~full-time~~ full-time diversified interior design experience;

(3) has completed at least 3 years of interior design curriculum from an accredited institution and has completed 3 years of ~~full-time~~ full-time diversified interior design experience;

(4) is a graduate of a ~~2-year~~ 2-year interior design program from an accredited institution and has completed 4 years of ~~full-time~~ full-time diversified interior design experience; or

(5) (blank).

(b) In addition to providing evidence of meeting the requirements of subsection (a), ~~each~~ :(1) Each applicant for registration as a registered interior designer shall provide substantial evidence that he or she has successfully completed the examination administered by the National Council for Interior Design Qualifications.

~~(2) (Blank).~~

Examinations for applicants under this Act may be held at the direction of the Department from time to time but not less than once each year. The scope and form of the examination shall conform to the National Council for Interior Design Qualification examination for interior designers.

~~(b-5) Each applicant for registration who possesses the necessary qualifications shall pay to the Department the required registration fee, which is not refundable, at the time of filing his or her application.~~

~~(c) An individual may apply applying for original registration prior to passing the examination. He or she shall have 2 years after 3 years from the date of filing an application to pass the examination complete the application process. If evidence and documentation of passing the examination is received by the Department later than 2 years after the individual's filing the process has not been completed in 3 years, the application shall be denied and the fee forfeited. The applicant may reapply at any time, but shall meet the requirements in effect at the time of reapplication.~~

~~(e) (Blank).~~

~~(e-5) (Blank).~~

(d) Upon payment of the required fee, which shall be determined by rule, an applicant who is an architect licensed under the laws of this State may, without examination, be granted registration as a registered interior designer by the Department provided the applicant submits proof of an active architectural license in Illinois.

~~(e) (Blank).~~

(Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

(225 ILCS 310/9) (from Ch. 111, par. 8209)

(Section scheduled to be repealed on January 1, 2022)

Sec. 9. Expiration; renewal; restoration.

(a) The expiration date and renewal period for each certificate of registration issued under this Act shall be set by rule. A registrant may renew such registration during the month preceding its expiration date by paying the required renewal fee.

(b) Inactive status.

(1) Any registrant who notifies the Department in writing on forms prescribed by the Department may elect to place his or her certificate of registration on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

(2) Any registrant requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her registration.

(3) Any registrant whose registration is on inactive status shall not use the title

"registered interior designer" in the State of Illinois.

(4) Any registrant who uses the title "registered interior designer" while his or her certificate of registration is lapsed or inactive shall be considered to be using the title without a registration which shall be grounds for discipline under Section 13 of this Act.

(c) Any registrant whose registration has expired may have his or her certificate of registration restored at any time within 5 years after its expiration, upon payment of the required fee.

(d) Any person whose registration has been expired for more than 5 years may have his or her registration restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her registration restored, including sworn evidence certifying to active lawful practice in another jurisdiction, and by paying the required restoration fee. A person using the title "registered interior designer" on an expired registration is deemed to be in violation of this Act.

(e) If a person whose certificate of registration has expired has not maintained active status in another jurisdiction, the Department shall determine, by an evaluation process established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated practical experience, and may require successful completion of an examination.

(f) Any person whose certificate of registration has expired while he or she has been engaged (1) in federal or State service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her registration restored without paying any lapsed renewal or restoration fee if, within 2 years after termination of such service, training or education, he or she furnishes the Department with satisfactory proof that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(g) An individual applying for restoration of a registration shall have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied and the fee forfeited. The applicant may reapply at any time ~~but shall meet the requirement in effect at the time of reapplication.~~

(Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

(225 ILCS 310/10) (from Ch. 111, par. 8210)

(Section scheduled to be repealed on January 1, 2022)

Sec. 10. Foreign applicants. Upon payment of the required fee, an applicant who is an interior designer currently registered, certified, or licensed under the laws of another state or territory of the United States or a foreign country or province shall, without further examination, be granted registration as an interior designer ~~as the case may be~~, by the Department: ~~(a) whenever the requirements of such state or territory of the United States or a foreign country or province were, at the date of registration~~ certification, or licensure, substantially equal to or greater than the requirements then in force in this State; ~~or~~

~~(b) whenever such requirements of another state or territory of the United States or a foreign country or province together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as an interior designer in such state or territory of the United States are substantially equal to the requirements in force in Illinois at the time of application for registration.~~

(Source: P.A. 96-1334, eff. 7-27-10.)

(225 ILCS 310/13) (from Ch. 111, par. 8213)

(Section scheduled to be repealed on January 1, 2022)

Sec. 13. Refusal, revocation or suspension of registration. The Department may refuse to issue, renew, or restore or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed \$5,000 for each violation, with regard to any registration for any one or combination of the following causes:

(a) Fraud in procuring the certificate of registration.

(b) Habitual intoxication or addiction to the use of drugs.

(c) Making any misrepresentations or false promises, directly or indirectly, to influence, persuade, or induce patronage.

(d) Professional connection or association with, or lending his or her name, to another for illegal use of the title "registered interior designer", or professional connection or association with any person, firm, or corporation holding itself out in any manner contrary to this Act.

(e) Obtaining or seeking to obtain checks, money, or any other items of value by false or fraudulent representations.

(f) Use of the title under a name other than his or her own.

(g) Improper, unprofessional, or dishonorable conduct of a character likely to deceive, defraud, or harm the public.

(h) Conviction in this or another state, or federal court, of any crime which is a

felony, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

(i) A violation of any provision of this Act or its rules.

(j) Revocation by another state, the District of Columbia, territory, or foreign nation of an interior design or residential interior design license, certification, or registration if at least one of the grounds for that revocation is the same as or the equivalent of one of the grounds for revocation set forth in this Act.

(k) Mental incompetence as declared by a court of competent jurisdiction.

(l) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the registrant has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(m) Aiding or assisting another person in violating any provision of this Act or its rules.

(n) Failure to provide information in response to a written request made by the Department within 30 days after receipt of the written request.

(o) Physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill that results in the inability to practice interior design with reasonable judgment, skill, or safety.

The Department shall deny a registration or renewal authorized by this Act to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a certificate of registration or renewal if such person has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

The Department may refuse to issue or may suspend the registration of any person who fails to file a return, or to pay the tax, penalty, or interest showing in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

The entry of a decree by any circuit court establishing that any person holding a certificate of registration under this Act is a person subject to involuntary admission under the Mental Health and Developmental Disabilities Code shall operate as a suspension of that registration. That person may resume using the title "registered interior designer" only upon a finding by the Board that he or she has been determined to be no longer subject to involuntary admission by the court and upon the Board's recommendation to the Director that he or she be permitted to resume using the title "registered interior designer".

(Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

Section 15. The Unified Code of Corrections is amended by changing Section 5-5-5 as follows:

(730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

Sec. 5-5-5. Loss and Restoration of Rights.

(a) Conviction and disposition shall not entail the loss by the defendant of any civil rights, except under this Section and Sections 29-6 and 29-10 of The Election Code, as now or hereafter amended.

(b) A person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.

(c) A person sentenced to imprisonment shall lose his right to vote until released from imprisonment.

(d) On completion of sentence of imprisonment or upon discharge from probation, conditional discharge or periodic imprisonment, or at any time thereafter, all license rights and privileges granted under the authority of this State which have been revoked or suspended because of conviction of an offense shall be restored unless the authority having jurisdiction of such license rights finds after investigation and hearing that restoration is not in the public interest. This paragraph (d) shall not apply to the suspension or revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.

(e) Upon a person's discharge from incarceration or parole, or upon a person's discharge from probation or at any time thereafter, the committing court may enter an order certifying that the sentence has been satisfactorily completed when the court believes it would assist in the rehabilitation of the person and be consistent with the public welfare. Such order may be entered upon the motion of the defendant or the State or upon the court's own motion.

(f) Upon entry of the order, the court shall issue to the person in whose favor the order has been entered a certificate stating that his behavior after conviction has warranted the issuance of the order.

(g) This Section shall not affect the right of a defendant to collaterally attack his conviction or to rely on it in bar of subsequent proceedings for the same offense.

(h) No application for any license specified in subsection (i) of this Section granted under the authority of this State shall be denied by reason of an eligible offender who has obtained a certificate of relief from disabilities, as defined in Article 5.5 of this Chapter, having been previously convicted of one or more

criminal offenses, or by reason of a finding of lack of "good moral character" when the finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or

(2) the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making such a determination, the licensing agency shall consider the following factors:

(1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;

(2) the specific duties and responsibilities necessarily related to the license being sought;

(3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(4) the time which has elapsed since the occurrence of the criminal offense or offenses;

(5) the age of the person at the time of occurrence of the criminal offense or offenses;

(6) the seriousness of the offense or offenses;

(7) any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified in the certificate; and

(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.

(i) a certificate of relief from disabilities shall be issued only for a license or certification issued under the following Acts:

(1) the Animal Welfare Act; except that a certificate of relief from disabilities may not be granted to provide for the issuance or restoration of a license under the Animal Welfare Act for any person convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for Animals Act or Section 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012;

(2) the Illinois Athletic Trainers Practice Act;

(3) the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985;

(4) the Boiler and Pressure Vessel Repairer Regulation Act;

(5) the Boxing and Full-contact Martial Arts Act;

(6) the Illinois Certified Shorthand Reporters Act of 1984;

(7) the Illinois Farm Labor Contractor Certification Act;

(8) the ~~Registered Interior Designers Design Title~~ Act;

(9) the Illinois Professional Land Surveyor Act of 1989;

(10) the Illinois Landscape Architecture Act of 1989;

(11) the Marriage and Family Therapy Licensing Act;

(12) the Private Employment Agency Act;

(13) the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;

(14) the Real Estate License Act of 2000;

(15) the Illinois Roofing Industry Licensing Act;

(16) the Professional Engineering Practice Act of 1989;

(17) the Water Well and Pump Installation Contractor's License Act;

(18) the Electrologist Licensing Act;

(19) the Auction License Act;

(20) the Illinois Architecture Practice Act of 1989;

(21) the Dietitian Nutritionist Practice Act;

(22) the Environmental Health Practitioner Licensing Act;

(23) the Funeral Directors and Embalmers Licensing Code;

(24) (blank);

(25) the Professional Geologist Licensing Act;

(26) the Illinois Public Accounting Act; and

(27) the Structural Engineering Practice Act of 1989.

(Source: P.A. 100-534, eff. 9-22-17.)

Section 20. The Mechanics Lien Act is amended by changing Section 1 as follows:
(770 ILCS 60/1) (from Ch. 82, par. 1)

Sec. 1. Contractor defined; amount of lien; waiver of lien; attachment of lien; agreement to waive; when not enforceable.

(a) Any person who shall by any contract or contracts, express or implied, or partly expressed or implied, with the owner of a lot or tract of land, or with one whom the owner has authorized or knowingly permitted to contract, to improve the lot or tract of land or for the purpose of improving the tract of land, or to manage a structure under construction thereon, is known under this Act as a contractor and has a lien upon the whole of such lot or tract of land and upon adjoining or adjacent lots or tracts of land of such owner constituting the same premises and occupied or used in connection with such lot or tract of land as a place of residence or business; and in case the contract relates to 2 or more buildings, on 2 or more lots or tracts of land, upon all such lots and tracts of land and improvements thereon for the amount due to him or her for the material, fixtures, apparatus, machinery, services or labor, and interest at the rate of 10% per annum from the date the same is due. This lien extends to an estate in fee, for life, for years, or any other estate or any right of redemption or other interest that the owner may have in the lot or tract of land at the time of making such contract or may subsequently acquire and this lien attaches as of the date of the contract.

(b) As used in subsection (a) of this Section, "improve" means to furnish labor, services, material, fixtures, apparatus or machinery, forms or form work in the process of construction where cement, concrete or like material is used for the purpose of or in the building, altering, repairing or ornamenting any house or other building, walk or sidewalk, whether the walk or sidewalk is on the land or bordering thereon, driveway, fence or improvement or appurtenances to the lot or tract of land or connected therewith, and upon, over or under a sidewalk, street or alley adjoining; or fill, sod or excavate such lot or tract of land, or do landscape work thereon or therefor; or raise or lower any house thereon or remove any house thereto, or remove any house or other structure therefrom, or perform any services or incur any expense as an architect, structural engineer, professional engineer, land surveyor, registered interior designer, or property manager in, for, or on a lot or tract of land for any such purpose; or drill any water well thereon; or furnish or perform labor or services as superintendent, time keeper, mechanic, laborer or otherwise, in the building, altering, repairing or ornamenting of the same; or furnish material, fixtures, apparatus, machinery, labor or services, forms or form work used in the process of construction where concrete, cement or like material is used, or drill any water well on the order of his agent, architect, structural engineer, registered interior designer, or superintendent having charge of the improvements, building, altering, repairing, or ornamenting the same.

(c) The taking of additional security by the contractor or sub-contractor is not a waiver of any right of lien which he may have by virtue of this Act, unless made a waiver by express agreement of the parties and the waiver is not prohibited by this Act.

(d) An agreement to waive any right to enforce or claim any lien under this Act, or an agreement to subordinate the lien, where the agreement is in anticipation of and in consideration for the awarding of a contract or subcontract, either express or implied, to perform work or supply materials for an improvement upon real property is against public policy and unenforceable. This Section does not prohibit release of lien under subsection (b) of Section 35 of this Act, nor does it prohibit an agreement to subordinate a mechanics lien to a mortgage lien that secures a construction loan if that agreement is made after more than 50% of the loan has been disbursed to fund improvements to the property.
(Source: P.A. 98-764, eff. 7-16-14.)

Section 99. Effective date. This Act takes effect January 1, 2018."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 336** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 336

AMENDMENT NO. 1. Amend Senate Bill 336 by replacing everything after the enacting clause with the following:

[February 22, 2018]

"Section 1. This Act may be referred to as the Alternatives to Opioids Act of 2018.

Section 5. The Compassionate Use of Medical Cannabis Pilot Program Act is amended by changing Sections 5, 10, 60, and 160 as follows:

(410 ILCS 130/5)

(Section scheduled to be repealed on July 1, 2020)

Sec. 5. Findings.

(a) The recorded use of cannabis as a medicine goes back nearly 5,000 years. Modern medical research has confirmed the beneficial uses of cannabis in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis, and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

(b) Studies published since the 1999 Institute of Medicine report continue to show the therapeutic value of cannabis in treating a wide array of debilitating medical conditions. These include relief of the neuropathic pain caused by multiple sclerosis, HIV/AIDS, and other illnesses that often fail to respond to conventional treatments and relief of nausea, vomiting, and other side effects of drugs used to treat HIV/AIDS and hepatitis C, increasing the chances of patients continuing on life-saving treatment regimens.

(c) Cannabis has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 600,000 patients in states with medical cannabis laws. The medical utility of cannabis is recognized by a wide range of medical and public health organizations, including the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, and many others.

(d) Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 cannabis arrests in the U.S. are made under state law, rather than under federal law. Consequently, changing State law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use cannabis.

(d-5) In 2014, the Task Force on Veterans' Suicide was created by the Illinois General Assembly to gather data on veterans' suicide prevention. Data from a U.S. Department of Veterans Affairs study indicates that 22 veterans commit suicide each day.

(d-10) According to the State of Illinois Opioid Action Plan released in September 2017, "The opioid epidemic is the most significant public health and public safety crisis facing Illinois."

According to the Action Plan, "Fueled by the growing opioid epidemic, drug overdoses have now become the leading cause of death nationwide for people under the age of 50. In Illinois, opioid overdoses have killed nearly 11,000 people since 2008. Just last year, nearly 1,900 people died of overdoses—almost twice the number of fatal car accidents. Beyond these deaths are thousands of emergency department visits, hospital stays, as well as the pain suffered by individuals, families, and communities."

According to the Action Plan, "At the current rate, the opioid epidemic will claim the lives of more than 2,700 Illinoisans in 2020."

Further, the Action Plan states, "Physical tolerance to opioids can begin to develop as early as two to three days following the continuous use of opioids, which is a large factor that contributes to their addictive potential."

The 2017 State of Illinois Opioid Action Plan also states, "The increase in OUD [opioid use disorder] and opioid overdose deaths is largely due to the dramatic rise in the rate and amount of opioids prescribed for pain over the past decades."

Further, according to the Action Plan, "In the absence of alternative treatments, reducing the supply of prescription opioids too abruptly may drive more people to switch to using illicit drugs (including heroin), thus increasing the risk of overdose."

According to the Action Plan, "Medication-assisted treatment (MAT) is the use of medications in combination with counseling, behavioral therapies, and other recovery support services for the treatment of SUDs [substance use disorders]."

Finally, the Action Plan states, "The World Health Organization (WHO), CDC, National Institutes of Health (NIH), and other experts all agree that MAT is essential to treating those with OUD and helping them recover."

(e) Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, and Washington, D.C. have removed state-level criminal penalties from the medical use and cultivation of cannabis. Illinois joins in this effort for the health and welfare of its citizens.

[February 22, 2018]

(f) States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this Act does not put the State of Illinois in violation of federal law.

(g) State law should make a distinction between the medical and non-medical uses of cannabis. Hence, the purpose of this Act is to protect patients with debilitating medical conditions, as well as their physicians and providers, from arrest and prosecution, criminal and other penalties, and property forfeiture if the patients engage in the medical use of cannabis.

(Source: P.A. 98-122, eff. 1-1-14; 99-519, eff. 6-30-16.)

(410 ILCS 130/10)

(Section scheduled to be repealed on July 1, 2020)

Sec. 10. Definitions. The following terms, as used in this Act, shall have the meanings set forth in this Section:

(a) "Adequate supply" means:

(1) 2.5 ounces of usable cannabis during a period of 14 days and that is derived solely from an intrastate source.

(2) Subject to the rules of the Department of Public Health, a patient may apply for a waiver where a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, 2.5 ounces is an insufficient adequate supply for a 14-day period to properly alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(3) This subsection may not be construed to authorize the possession of more than 2.5 ounces at any time without authority from the Department of Public Health.

(4) The pre-mixed weight of medical cannabis used in making a cannabis infused product shall apply toward the limit on the total amount of medical cannabis a registered qualifying patient may possess at any one time.

(b) "Cannabis" has the meaning given that term in Section 3 of the Cannabis Control Act.

(c) "Cannabis plant monitoring system" means a system that includes, but is not limited to, testing and data collection established and maintained by the registered cultivation center and available to the Department for the purposes of documenting each cannabis plant and for monitoring plant development throughout the life cycle of a cannabis plant cultivated for the intended use by a qualifying patient from seed planting to final packaging.

(d) "Cardholder" means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the Department of Public Health.

(e) "Cultivation center" means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

(f) "Cultivation center agent" means a principal officer, board member, employee, or agent of a registered cultivation center who is 21 years of age or older and has not been convicted of an excluded offense.

(g) "Cultivation center agent identification card" means a document issued by the Department of Agriculture that identifies a person as a cultivation center agent.

(h) "Debilitating medical condition" means one or more of the following:

(1) cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, cachexia/wasting syndrome, muscular dystrophy, severe fibromyalgia, spinal cord disease, including but not limited to arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, Rheumatoid arthritis, fibrous dysplasia, spinal cord injury, traumatic brain injury and post-concussion syndrome, Multiple Sclerosis, Arnold-Chiari malformation and Syringomyelia, Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's, Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD (Complex Regional Pain Syndromes Type I), Causalgia, CRPS (Complex Regional Pain Syndromes Type II), Neurofibromatosis, Chronic Inflammatory Demyelinating Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella syndrome, residual limb pain, seizures (including those characteristic of epilepsy), post-traumatic stress disorder (PTSD), or the treatment of these conditions;

(1.5) terminal illness with a diagnosis of 6 months or less; if the terminal illness is not one of the qualifying debilitating medical conditions, then the physician shall on the certification form identify the cause of the terminal illness; or

(2) any other debilitating medical condition or its treatment that is added by the Department of Public Health by rule as provided in Section 45.

[February 22, 2018]

Through June 30, 2020, "debilitating medical condition" includes any other medical condition for which an opioid has been or could be prescribed by a physician based on generally accepted standards of care.

(i) "Designated caregiver" means a person who: (1) is at least 21 years of age; (2) has agreed to assist with a patient's medical use of cannabis; (3) has not been convicted of an excluded offense; and (4) assists no more than one registered qualifying patient with his or her medical use of cannabis.

(j) "Dispensing organization agent identification card" means a document issued by the Department of Financial and Professional Regulation that identifies a person as a medical cannabis dispensing organization agent.

(k) "Enclosed, locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients.

(l) "Excluded offense" for cultivation center agents and dispensing organizations means:

(1) a violent crime defined in Section 3 of the Rights of Crime Victims and Witnesses

Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or

(2) a violation of a state or federal controlled substance law, the Cannabis Control

Act, or the Methamphetamine Control and Community Protection Act that was classified as a felony in the jurisdiction where the person was convicted, except that the registering Department may waive this restriction if the person demonstrates to the registering Department's satisfaction that his or her conviction was: (A) for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use; or (B) a result of opioid addiction or dependence. This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law.

For purposes of this subsection, the Department of Public Health shall determine by emergency rule within 30 days after the effective date of this amendatory Act of the 99th General Assembly what constitutes a "reasonable amount".

(l-5) "Excluded offense" for a qualifying patient or designated caregiver means a violation of state or federal controlled substance law, the Cannabis Control Act, or the Methamphetamine and Community Protection Act that was classified as a felony in the jurisdiction where the person was convicted, except that the registering Department may waive this restriction if the person demonstrates to the registering Department's satisfaction that his or her conviction was: (1) for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use; or (2) a result of opioid addiction or dependence. This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law. For purposes of this subsection, the Department of Public Health shall determine by emergency rule within 30 days after the effective date of this amendatory Act of the 99th General Assembly what constitutes a "reasonable amount".

(m) "Medical cannabis cultivation center registration" means a registration issued by the Department of Agriculture.

(n) "Medical cannabis container" means a sealed, traceable, food compliant, tamper resistant, tamper evident container, or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization.

(o) "Medical cannabis dispensing organization", or "dispensing organization", or "dispensary organization" means a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

(p) "Medical cannabis dispensing organization agent" or "dispensing organization agent" means a principal officer, board member, employee, or agent of a registered medical cannabis dispensing organization who is 21 years of age or older and has not been convicted of an excluded offense.

(q) "Medical cannabis infused product" means food, oils, ointments, or other products containing usable cannabis that are not smoked.

(r) "Medical use" means the acquisition; administration; delivery; possession; transfer; transportation; or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

(r-5) "Opioid" means a narcotic drug or substance that is a Schedule II controlled substance under paragraph (1), (2), (3), or (5) of subsection (b) or under subsection (c) of Section 206 of the Illinois Controlled Substances Act.

(s) "Physician" means a doctor of medicine or doctor of osteopathy licensed under the Medical Practice Act of 1987 to practice medicine and who has a controlled substances license under Article III of the Illinois Controlled Substances Act. It does not include a licensed practitioner under any other Act including but not limited to the Illinois Dental Practice Act.

(t) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

(u) "Registered" means licensed, permitted, or otherwise certified by the Department of Agriculture, Department of Public Health, or Department of Financial and Professional Regulation.

(v) "Registry identification card" means a document issued by the Department of Public Health that identifies a person as a registered qualifying patient or registered designated caregiver.

(w) "Usable cannabis" means the seeds, leaves, buds, and flowers of the cannabis plant and any mixture or preparation thereof, but does not include the stalks, and roots of the plant. It does not include the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration, food, or drink.

(x) "Verification system" means a Web-based system established and maintained by the Department of Public Health that is available to the Department of Agriculture, the Department of Financial and Professional Regulation, law enforcement personnel, and registered medical cannabis dispensing organization agents on a 24-hour basis for the verification of registry identification cards, the tracking of delivery of medical cannabis to medical cannabis dispensing organizations, and the tracking of the date of sale, amount, and price of medical cannabis purchased by a registered qualifying patient.

(y) "Written certification" means a document dated and signed by a physician, stating (1) that the qualifying patient has a debilitating medical condition and specifying the debilitating medical condition the qualifying patient has; and (2) that the physician is treating or managing treatment of the patient's debilitating medical condition. A written certification shall be made only in the course of a bona fide physician-patient relationship, after the physician has completed an assessment of the qualifying patient's medical history, reviewed relevant records related to the patient's debilitating condition, and conducted a physical examination.

A veteran who has received treatment at a VA hospital shall be deemed to have a bona fide physician-patient relationship with a VA physician if the patient has been seen for his or her debilitating medical condition at the VA Hospital in accordance with VA Hospital protocols.

A bona fide physician-patient relationship under this subsection is a privileged communication within the meaning of Section 8-802 of the Code of Civil Procedure.

(Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15; 99-519, eff. 6-30-16.)

(410 ILCS 130/60)

(Section scheduled to be repealed on July 1, 2020)

Sec. 60. Issuance of registry identification cards.

(a) Except as provided in subsection (b), the Department of Public Health shall:

(1) verify the information contained in an application or renewal for a registry identification card submitted under this Act, and approve or deny an application or renewal, within 30 days of receiving a completed application or renewal application and all supporting documentation specified in Section 55;

(2) issue registry identification cards to a qualifying patient and his or her designated caregiver, if any, within 15 business days of approving the application or renewal;

(3) enter the registry identification number of the registered dispensing organization the patient designates into the verification system; and

(4) allow for an electronic application process, and provide a confirmation by electronic or other methods that an application has been submitted.

(b) The Department of Public Health may not issue a registry identification card to a qualifying patient who is under 18 years of age, unless that patient suffers from seizures, including those characteristic of epilepsy, or as provided by administrative rule. The Department of Public Health shall adopt rules for the issuance of a registry identification card for qualifying patients who are under 18 years of age and suffering from seizures, including those characteristic of epilepsy. The Department of Public Health may adopt rules to allow other individuals under 18 years of age to become registered qualifying patients under this Act with the consent of a parent or legal guardian. Registered qualifying patients under 18 years of age shall be prohibited from consuming forms of cannabis other than medical cannabis infused products and purchasing any usable cannabis.

(c) A veteran who has received treatment at a VA hospital is deemed to have a bona fide physician-patient relationship with a VA physician if the patient has been seen for his or her debilitating medical condition at the VA hospital in accordance with VA hospital protocols. All reasonable inferences regarding

the existence of a bona fide physician-patient relationship shall be drawn in favor of an applicant who is a veteran and has undergone treatment at a VA hospital.

(c-10) An individual who submits an application as someone who is terminally ill shall have all fees and fingerprinting requirements waived. The Department of Public Health shall within 30 days after this amendatory Act of the 99th General Assembly adopt emergency rules to expedite approval for terminally ill individuals. These rules shall include, but not be limited to, rules that provide that applications by individuals with terminal illnesses shall be approved or denied within 14 days of their submission.

(c-15) An individual whose initial application is submitted as an alternative to opioid treatment shall have all provisions of subsection (f) of Section 60 of this Act relating to fingerprints and background checks waived. An individual issued a registry card under this subsection who is seeking renewal of the registry card must follow the renewal requirements under subsection (c) of Section 70 of this Act. Within 30 days after the effective date of this amendatory Act of the 100th General Assembly, the Department of Public Health shall adopt emergency rules to expedite approval for individuals who submit an application under this subsection. The rules shall include, but are not be limited to, rules that provide that:

(1) an application by an individual whose application is submitted as an alternative to opioid treatment shall be approved or denied within 14 days after submission; and

(2) a registry card issued under this subsection and the rules applicable to the card shall be valid for 12 months.

(c-20) The provisions of subsection (c-15) are inoperative on and after July 1, 2020.

(d) Upon the approval of the registration and issuance of a registry card under this Section, the Department of Public Health shall forward the designated caregiver or registered qualified patient's driver's registration number to the Secretary of State and certify that the individual is permitted to engage in the medical use of cannabis. For the purposes of law enforcement, the Secretary of State shall make a notation on the person's driving record stating the person is a registered qualifying patient who is entitled to the lawful medical use of cannabis. If the person no longer holds a valid registry card, the Department shall notify the Secretary of State and the Secretary of State shall remove the notation from the person's driving record. The Department and the Secretary of State may establish a system by which the information may be shared electronically.

(e) Upon the approval of the registration and issuance of a registry card under this Section, the Department of Public Health shall electronically forward the registered qualifying patient's identification card information to the Prescription Monitoring Program established under the Illinois Controlled Substances Act and certify that the individual is permitted to engage in the medical use of cannabis. For the purposes of patient care, the Prescription Monitoring Program shall make a notation on the person's prescription record stating that the person is a registered qualifying patient who is entitled to the lawful medical use of cannabis. If the person no longer holds a valid registry card, the Department of Public Health shall notify the Prescription Monitoring Program and Department of Human Services to remove the notation from the person's record. The Department of Human Services and the Prescription Monitoring Program shall establish a system by which the information may be shared electronically. This confidential list may not be combined or linked in any manner with any other list or database except as provided in this Section.

(f) All applicants for a registry card shall be fingerprinted as part of the application process if they are a first-time applicant, if their registry card has already expired, or if they previously have had their registry card revoked or otherwise denied. At renewal, cardholders whose registry cards have not yet expired, been revoked, or otherwise denied shall not be subject to fingerprinting. Registry cards shall be revoked by the Department of Public Health if the Department of Public Health is notified by the Secretary of State that a cardholder has been convicted of an excluded offense. For purposes of enforcing this subsection, the Department of Public Health and Secretary of State shall establish a system by which violations reported to the Secretary of State under paragraph 18 of subsection (a) of Section 6-205 of the Illinois Vehicle Code shall be shared with the Department of Public Health.

(Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15; 99-519, eff. 6-30-16.)

(410 ILCS 130/160)

(Section scheduled to be repealed on July 1, 2020)

Sec. 160. Annual reports. (a) The Department of Public Health shall submit to the General Assembly a report, by September 30 of each year, that does not disclose any identifying information about registered qualifying patients, registered caregivers, or physicians, but does contain, at a minimum, all of the following information based on the fiscal year for reporting purposes:

- (1) the number of applications and renewals filed for registry identification cards or registrations;
- (2) the number of qualifying patients and designated caregivers served by each

[February 22, 2018]

dispensary during the report year;

(3) the nature of the debilitating medical conditions of the qualifying patients;

(4) the number of registry identification cards or registrations revoked for misconduct;

(5) the number of physicians providing written certifications for qualifying patients;

and

(6) the number of registered medical cannabis cultivation centers or registered

dispensing organizations; -

(7) the number of applications received from applicants seeking an alternative to opioid treatment;

(8) the nature of the conditions of the applicants seeking an alternative to opioid treatment; and

(9) the number of applications approved and denied from applicants seeking an alternative to opioid treatment.

(Source: P.A. 98-122, eff. 1-1-14; revised 11-8-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 336

AMENDMENT NO. 2. Amend Senate Bill 336, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 4, by deleting lines 11 through 18.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 337** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 337

AMENDMENT NO. 1. Amend Senate Bill 337 by replacing everything after the enacting clause with the following:

"Section 5. If and only if Senate Bill 1657 of the 100th General Assembly becomes law in the form in which it passed the Senate on April 27, 2017, then the Gun Dealer Licensing Act is amended by changing Sections 35, 70, and 150 as follows:

(100 SB1657eng, Sec. 35)

Sec. 35. Issuance of license; renewal; fees.

(a) The Department shall, upon the applicant's satisfactory completion of the requirements under this Act and receipt of the fee, issue the license indicating the name and business location of the licensee and the date of expiration. On or before December 31, 2019, the Department shall issue dealer and dealership licenses to all qualified applicants whose business existed in that location on the effective date of this Act, and who submitted the application to the Department on or after January 1, 2019 but before October 1, 2019. If an applicant submits an application for a license before October 1, 2019 and the Department does not issue or deny the license on or before December 31, 2019, or the Department does not issue or deny a license within 90 days to an applicant who submits an application for a license or renewal of a license on October 1, 2019 or thereafter, the applicant or licensee shall not be in violation of this Act on the basis of continuing to operate the business.

(b) The expiration date and renewal period for each license shall be 5 years. The ~~and~~ conditions for renewal and restoration of each license shall be set by rule. The holder may renew the license during the 90 days preceding its expiration by paying the required fee and by meeting conditions that the Department may specify. As a condition of renewal of a dealer's license, the Department shall receive from the applicant a copy of his or her valid and unexpired concealed carry license, or shall verify the validity of the applicant's Firearm Owner's Identification Card through the Department of State Police in a manner prescribed by rule by the Department of State Police. A dealership or dealer operating on an expired license is considered to be practicing without a license.

[February 22, 2018]

(c) A dealership that has permitted a license to expire may have it restored by submitting an application to the Department, successfully completing an inspection by the Department, and by paying the required restoration fee and all lapsed renewal fees.

(d) A dealer that has permitted a license to expire may have it restored by submitting an application to the Department, paying the required restoration fee and all lapsed renewal fees and by providing evidence of competence to resume practice satisfactory to the Department and the Board, which shall include a copy of the license holder's valid and unexpired concealed carry license, or verification of the continued validity of the license holder's Firearm Owner's Identification Card through the Department of State Police in a manner prescribed by rule by the Department of State Police, and may include passing a written examination.

(e) Any dealer whose license has expired while he or she has been engaged (1) in the federal service in active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal fees or restoration fee, if within 2 years after termination of that service, training or education, other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training or education has been so terminated.

(f) A license shall not be denied any applicant because of the race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical disability that does not affect a person's ability to practice with reasonable judgment, skill, or safety.

(Source: 100SB1657eng.)

(100 SB1657eng, Sec. 70)

Sec. 70. Requirements; prohibitions.

(a) The Department of Financial and Professional Regulation shall implement the provisions of this Section by rule.

(b) A licensee shall maintain operating documents which shall include procedures for the oversight of the licensee and procedures to ensure accurate recordkeeping.

(c) By the date of application, a licensee shall implement appropriate security measures, as provided by rule, to deter and prevent the theft of firearms and unauthorized entrance into areas containing firearms. The rules may provide for:

(1) the manner of securing firearms when the location is both open and closed for business;

(2) alarm systems for licensees; and

(3) other reasonable requirements to deter illegal sales and reduce the risk of burglaries and other crimes or accidents at licensees' business establishments.

(d) Beginning January 1, 2021, if ~~if~~ a licensee operates the business at a permanent physical location that is open to the public, that location shall be equipped with a video surveillance system sufficient to monitor the critical areas of the business premises, including, but not limited to, all places where firearms are stored, handled, sold, transferred, or carried. A video surveillance system of the licensee's business premises may not be installed in a bathroom and may not monitor the bathrooms located in the business premises. The video surveillance system shall operate without interruption whenever the licensee is open for business. Whenever the licensee is not open for business, the system shall be triggered by a motion detector and begin recording immediately upon detection of any motion within the monitored area. The stored images shall be maintained on the business premises of the licensee for a period of not less than 90 days from the date of recording and shall only be available for inspection on the premises by the licensee, the licensee's dealership agents, the Department, or federal, State, and local law enforcement upon request, and neither the stored images, copies, records, or reproductions of the stored images shall leave the custody of the licensee except under a court order, subpoena, or search warrant. The licensee shall post a sign in a conspicuous place at each entrance to the premises that states in block letters not less than one inch in height:

"THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED."

(e) The area where the licensee stores firearms that are inventory of the licensee shall only be accessed by dealership agents, Department of Financial and Professional Regulation staff performing inspections, law enforcement or other emergency personnel, and contractors working on jobs unrelated to firearms, such as installing or maintaining security devices or performing electrical wiring.

(f) A licensee shall operate its business and conduct all sales and transfers of firearms in compliance with all federal and State laws, and maintain all records as required by federal and State laws.

(g) A licensee shall make a photo copy of a buyer's or transferee's valid photo I.D. card whenever a sale transaction takes place. The photo copy shall be attached to the documentation detailing the record of sale.

(h) A licensee shall post in a conspicuous position on the premises where the licensee conducts business a sign that contains the following warning in block letters not less than one inch in height:

"With few exceptions, it is unlawful for you to:

- (1) store or leave an unsecured firearm in a place where a child can obtain access to it,
- (2) sell or transfer your firearm to someone else without receiving approval for the transfer from the Department of State Police, or
- (3) fail to report the loss or theft of your firearm to local law enforcement within 72 hours."

A licensee shall post any additional warnings or provide any other information regarding firearms laws and the safe storage of firearms to consumers as required by the Department by rule.

(i) Before issuance, renewal, or restoration of a dealership license, the Department shall inspect the premises of the proposed business to ensure compliance with this Act. Licensees shall have their places of business open for inspection by the Department and law enforcement during all hours of operation, provided that the Department may conduct no more than one unannounced inspection per dealer or dealership per year without good cause. Licensees shall make all records, documents, and firearms accessible for inspection upon the request of law enforcement and the Department.

(j) The premises where the licensee conducts business shall not be located in any district or area that is within 500 feet of any school, pre-school, or day-care facility. This subsection (j) does not apply to a licensee whose business existed in that location on the effective date of this Act, and does not limit the authority of a local government to impose and enforce additional limits on the location of a business regulated under this Act.

(Source: 100SB1657eng.)

(100SB1657eng, Sec. 150)

Sec. 150. Fees; deposit of fees and fines. The Department shall by rule provide for fees for the administration and enforcement of this Act, and those fees are nonrefundable. An application fee or renewal fee for a dealership license or a dealer license shall not exceed \$1,000 for the 5-year period. All of the fees, penalties, and fines collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration and enforcement of this Act.

(Source: 100SB1657eng.)

Section 99. Effective date. This Act takes effect upon Senate Bill 1657 of the 100th General Assembly becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Morrison, **Senate Bill No. 559** was recalled from the order of third reading to the order of second reading.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 559

AMENDMENT NO. 1. Amend Senate Bill 559 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Lethal Violence Order of Protection Act.

Section 5. Definitions. As used in this Act:

"Family member of the respondent" means a spouse, parent, child, or step-child of the respondent, any other person related by blood or present marriage to the respondent, or a person who shares a common dwelling with the respondent.

"Intimate partner" means a spouse, former spouse, a person with whom the respondent has or allegedly has a child in common, or a person with whom the respondent has or has had a dating or engagement relationship.

[February 22, 2018]

"Lethal violence order of protection" means an order issued by the court, prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms.

"Petitioner" means:

(1) a family member of the respondent as defined in this Act; or

(2) a law enforcement officer, who files a petition alleging that the respondent poses a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

"Respondent" means the person alleged in the petition to pose a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

Section 10. Commencement of action; procedure.

(a) Actions for a lethal violence order of protection are commenced by filing a verified petition for a lethal violence order of protection in any circuit court.

(b) A petition for a lethal violence order of protection may be filed in any county where the respondent resides.

(c) No fee shall be charged by the clerk for filing, amending, vacating, certifying, or photocopying petitions or orders; or for issuing alias summons; or for any related filing service. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.

(d) The court shall provide, through the office of the clerk of the court, simplified forms and clerical assistance to help with the writing and filing of a petition under this Section by any person not represented by counsel. In addition, that assistance may be provided by the State's Attorney.

Section 15. Subject matter jurisdiction. Each of the circuit courts shall have the power to issue lethal violence orders of protection.

Section 20. Jurisdiction over persons. The circuit courts of this State have jurisdiction to bind (1) State residents and (2) non-residents having minimum contacts with this State, to the extent permitted by Section 2-209 of the Code of Civil Procedure.

Section 25. Process. The summons shall be in the form prescribed by Supreme Court Rule 101(d), except that it shall require respondent to answer or appear within 7 days. Attachments to the summons or notice shall include the petition for the lethal violence order of protection and supporting affidavits, if any, and any emergency lethal violence order of protection that has been issued. The enforcement of an order under Section 35 shall not be affected by the lack of service, delivery, or notice, provided the requirements of subsection (f) of that Section are otherwise met.

Section 30. Service of notice of hearings. Service of notice of hearings. Except as provided in Section 25, notice of hearings on petitions or motions shall be served in accordance with Supreme Court Rules 11 and 12, unless notice is excused by Section 35 of this Act, or by the Code of Civil Procedure, Supreme Court Rules, or local rules.

Section 35. Ex parte orders and emergency hearings.

(a) A petitioner may request an emergency lethal violence order of protection by filing an affidavit or verified pleading alleging that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm. The petition shall also describe the type, and location of any firearm or firearms presently believed by the petitioner to be possessed or controlled by the respondent.

(b) If the respondent is alleged to pose an immediate and present danger of causing personal injury to an intimate partner, or an intimate partner is alleged to have been the target of a threat or act of violence by the respondent, petitioner shall make a good faith effort to provide notice to any and all intimate partners of the respondent. The notice must include that the petitioner intends to petition the court for an emergency lethal violence order, and, if petitioner is a law enforcement officer, referral to relevant domestic violence or stalking advocacy or counseling resources, if appropriate. Petitioner shall attest to having provided the notice in the filed affidavit or verified pleading. If after making a good faith effort petitioner is unable to provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.

(c) Every person who files a petition for an emergency lethal violence order, knowing the information provided to the court at any hearing or in the affidavit or verified pleading to be false, is guilty of perjury under Section 32-2 of the Criminal Code of 2012.

(d) An emergency order of protection shall be issued on an ex parte basis, that is, without notice to the respondent.

(e) An emergency hearing held on an ex parte basis shall be held the same day that the petition is filed or the next day that the court is in session.

(f) If a circuit or associate judge finds reasonable cause to believe that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm the circuit or associate judge shall issue an emergency order.

(g) An emergency lethal violence order of protection shall require:

(1) the respondent to refrain from having in his or her custody or control, owning, purchasing, possessing, or receiving additional firearms for the duration of the order;

(2) the respondent to turn over to the local law enforcement agency any Firearm Owner's Identification Card and concealed carry license in his or her possession. The local law enforcement agency shall immediately mail the card and concealed carry license to the Department of State Police Firearm Owner's Identification Card Office for safekeeping. The firearm or firearms and Firearm Owner's Identification Card and concealed carry license, if unexpired, shall at the respondent's request, be returned to the respondent after the lethal violence order of protection is terminated or expired. It is the respondent's responsibility to notify the Department of State Police Firearm Owner's Identification Card Office; and

(3) any law-enforcement agency to forthwith search for and seize firearms of the respondent upon probable cause that the respondent has possession of a firearm, and petitioner or the court can describe, with sufficient particularity, the location of the firearm or firearms.

(h) Upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card and concealed carry license cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency.

(i) In accordance with subsection (e) of this Section, the court shall schedule a full hearing within 14 days of the issuance of an ex parte lethal violence order of protection to determine if a one-year lethal violence order of protection shall be issued. The court may extend an ex parte order as needed, but not to exceed 30 days, to effectuate service of the order or if necessary to continue protection.

Section 40. One-year orders.

(a) A petitioner may request a one-year lethal violence order of protection by filing an affidavit or verified pleading alleging that the respondent poses a significant danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm. The petition shall also describe the number, types, and locations of any firearms presently believed by the petitioner to be possessed or controlled by the respondent.

(b) If the respondent is alleged to pose an immediate and present danger of causing personal injury to an intimate partner, or an intimate partner is alleged to have been the target of a threat or act of violence by the respondent, petitioner shall make a good faith effort to provide notice to any and all intimate partners of the respondent. The notice must include that the petitioner intends to petition the court for an emergency lethal violence order, and, if petitioner is a law enforcement officer, referral to relevant domestic violence or stalking advocacy or counseling resources, if appropriate. Petitioner shall attest to having provided the notice in the filed affidavit or verified pleading. If after making a good faith effort petitioner is unable to provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.

(c) Every person who files a petition for an emergency lethal violence order, knowing the information provided to the court at any hearing or in the affidavit or verified pleading to be false, is guilty of perjury under Section 32-2 of the Criminal Code of 2012.

(d) Upon receipt of a petition for a one-year lethal violence order of protection, the court shall order a hearing within 30 days.

(e) In determining whether to issue a lethal violence order of protection under this Section, the court shall consider evidence of:

[February 22, 2018]

(1) A recent threat of violence or act of violence by the respondent directed toward himself, herself, or another.

(2) A violation of an emergency order of protection issued under Section 217 of the Illinois Domestic Violence Act of 1986 or Section 112A-17 of the Code of Criminal Procedure of 1963 or of an order of protection issued under Section 214 of the Illinois Domestic Violence Act of 1986 or Section 112A-14 of the Code of Criminal Procedure of 1963.

(3) A pattern of violent acts or violent threats, including, but not limited to, threats of violence or acts of violence by the respondent directed toward himself, herself, or another.

(f) In determining whether to issue a lethal violence order of protection under this Section, the court may consider evidence including, but not limited to, the following:

(1) The unlawful and reckless use, display, or brandishing of a firearm by the respondent.

(2) The history of use, attempted use, or threatened use of physical force by the respondent against another person.

(3) Any prior arrest of the respondent for a felony offense.

(4) Evidence of the abuse of controlled substances or alcohol by the respondent.

(5) Evidence of recent acquisition of firearms, ammunition, or other deadly weapons.

(g) At the hearing, the petitioner shall have the burden of proving, by preponderance of the evidence, that the respondent poses a significant danger of personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

(h) If the court finds that there is a preponderance of the evidence to issue a lethal violence order of protection, the court shall issue a lethal violence order of protection that shall be in effect for one year subject to renewal under Section 45 of this Act or termination under that Section.

(i) A one-year lethal violence order of protection shall require:

(1) the respondent to refrain from having in his or her custody or control, owning, purchasing, possessing or receiving additional firearms for the duration of the order;

(2) the respondent to turn over to the local law enforcement agency any firearm or Firearm Owner's Identification Card and concealed carry license in his or her possession. The local law enforcement agency shall immediately mail the card and concealed carry license to the Department of State Police Firearm Owner's Identification Card Office for safekeeping. The firearm or firearms and Firearm Owner's Identification Card and concealed carry license, if unexpired shall at the respondent's request, be returned to the respondent after the lethal violence order of protection is terminated or expired. It is the respondent's responsibility to notify the Department of State Police Firearm Owner's Identification Card Office; and

(3) any law-enforcement agency to forthwith search for and seize firearms of the respondent upon probable cause that the respondent has possession of a firearm, and petitioner can describe, with sufficient particularity, the location of the firearm or firearms.

(j) Upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency.

(k) If the court does not issue a lethal violence order of protection at the hearing, the court shall dissolve any emergency lethal violence order of protection then in effect.

(l) When the court issues a lethal violence order of protection under this Section, the court shall inform the respondent that he or she is entitled to one hearing during the period of the order to request a termination of the order, under Section 45 of this Act, and shall provide the respondent with a form to request a hearing.

Section 45. Termination and renewal.

(a) A person subject to a lethal violence order of protection issued under this Act may submit one written request at any time during the effective period of the order for a hearing to terminate the order.

(1) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

(2) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

(b) A petitioner may request a renewal of a lethal violence order of protection at any time within the 3 months before the expiration of a lethal violence order of protection.

(1) A court shall, after notice and a hearing, renew a lethal violence order of protection issued under this part if the petitioner proves, by a preponderance of the evidence, that the respondent continues to pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

(2) In determining whether to renew a lethal violence order of protection issued under this Act, the court shall consider evidence of the facts identified in subsection (e) of Section 40 of this Act and any other evidence of an increased risk for violence, including, but not limited to, evidence of any of the factors identified in subsection (f) of Section 40 of this Act.

(3) At the hearing, the petitioner shall have the burden of proving, by a preponderance of the evidence that the respondent continues to pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

(4) The renewal of a lethal violence order of protection issued under this Section shall be in effect for one year, subject to termination by further order of the court at a hearing held under this Section and further renewal by further order of the court under this Section.

Section 50. Notice of orders.

(a) Entry and issuance. Upon issuance of any lethal violence order of protection, the clerk shall immediately, or on the next court day if an emergency lethal violence order of protection is issued in accordance with Section 35 of this Act (emergency lethal violence order of protection), (i) enter the order on the record and file it in accordance with the circuit court procedures and (ii) provide a file stamped copy of the order to respondent, if present, and to petitioner.

(b) Filing with sheriff. The clerk of the issuing judge shall, or the petitioner may, on the same day that a lethal violence order of protection is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon respondent. If the order was issued in accordance with Section 35 of this Act (emergency lethal violence order of protection), the clerk shall on the next court day, file a certified copy of the order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records.

(c) Service by sheriff. Unless respondent was present in court when the order was issued, the sheriff, other law enforcement official, or special process server shall promptly serve that order upon respondent and file proof of the service, in the manner provided for service of process in civil proceedings. Instead of serving the order upon the respondent, however, the sheriff, other law enforcement official, special process server, or other persons defined in Section 112A-22.10 of the Code of Criminal Procedure of 1963 may serve the respondent with a short form notification as provided in that Section. If process has not yet been served upon the respondent, it shall be served with the order or short form notification if the service is made by the sheriff, other law enforcement official, or special process server. A single fee may be charged for service of an order obtained in circuit court, or for service of the order together with process, unless waived or deferred under subsection (c) of Section 10 of this Act.

(d) Any order renewing or terminating any lethal violence order of protection shall be promptly recorded, issued, and served as provided in this Section.

Section 55. Data maintenance by law enforcement agencies.

(a) All sheriffs shall furnish to the Department of State Police, daily, in the form and detail the Department requires, copies of any recorded lethal violence order of protection issued by the court, and any foreign orders of protection filed by the clerk of the court, and transmitted to the sheriff by the clerk of the court under Section 50. Each lethal violence order of protection shall be entered in the Law Enforcement Agencies Data System (LEADS) on the same day it is issued by the court. If an emergency lethal violence order of protection was issued in accordance with Section 35 of this Act, the order shall be entered in the Law Enforcement Agencies Data System (LEADS) as soon as possible after receipt from the clerk.

(b) The Department of State Police shall maintain a complete and systematic record and index of all valid and recorded lethal violence orders of protection issued or filed under this Act. The data shall be used to inform all dispatchers and law enforcement officers at the scene of a violation of lethal violence order of protection of the effective dates and terms of any recorded order of protection.

(c) The data, records and transmittals required under this Section shall pertain to any valid emergency or one-year lethal violence order of protection, whether issued in a civil or criminal proceeding or authorized under the laws of another state, tribe, or United States territory.

Section 60. Filing of a lethal violence order of protection issued by another state.

(a) A person entitled to protection under a lethal violence order of protection or similar order issued by the court of another state, tribe, or United States territory may file a certified copy of the lethal violence order of protection with the clerk of the court in a judicial circuit in which the person believes that enforcement may be necessary.

(b) The clerk shall:

(1) treat the foreign lethal violence order of protection in the same manner as a judgment of the circuit court for any county of this State in accordance with the provisions of the Uniform Enforcement of Foreign Judgments Act, except that the clerk shall not mail notice of the filing of the foreign order to the respondent named in the order; and

(2) on the same day that a foreign lethal violence order of protection is filed, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records as set forth in Section 55 of this Act.

(c) Neither residence in this State nor filing of a foreign lethal violence order of protection shall be required for enforcement of the order by this State. Failure to file the foreign order shall not be an impediment to its treatment in all respects as an Illinois lethal violence order of protection.

(d) The clerk shall not charge a fee to file a foreign order of protection under this Section.

Section 65. Enforcement; sanctions for violation of order.

(a) A respondent who knowingly violates a lethal violence order of protection is guilty of a Class A misdemeanor. Prosecution for a violation of a lethal violence order of protection shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the lethal violence order of protection.

(b) A petitioner who files a petition for a lethal violence order of protection knowing the information in the petition to be false is guilty of a Class A misdemeanor.

Section 70. Non-preclusion of remedies. Nothing in this Act shall preclude a petitioner or law-enforcement officer from removing weapons under other authority, or filing criminal charges when probable cause exists.

Section 135. The Firearm Owners Identification Card Act is amended by changing Section 8.2 as follows:

(430 ILCS 65/8.2)

Sec. 8.2. Firearm Owner's Identification Card denial or revocation. The Department of State Police shall deny an application or shall revoke and seize a Firearm Owner's Identification Card previously issued under this Act if the Department finds that the applicant or person to whom such card was issued is or was at the time of issuance subject to an existing order of protection or lethal violence order of protection.

(Source: P.A. 96-701, eff. 1-1-10.)

Section 140. The Firearm Concealed Carry Act is amended by changing Section 70 as follows:

(430 ILCS 66/70)

Sec. 70. Violations.

(a) A license issued or renewed under this Act shall be revoked if, at any time, the licensee is found to be ineligible for a license under this Act or the licensee no longer meets the eligibility requirements of the Firearm Owners Identification Card Act.

(b) A license shall be suspended if an order of protection, including an emergency order of protection, plenary order of protection, or interim order of protection under Article 112A of the Code of Criminal Procedure of 1963 or under the Illinois Domestic Violence Act of 1986, or if a lethal violence order of protection, including an emergency lethal violence order of protection, under the Lethal Violence Order of Protection Act, is issued against a licensee for the duration of the order, or if the Department is made aware of a similar order issued against the licensee in any other jurisdiction. If an order of protection is issued against a licensee, the licensee shall surrender the license, as applicable, to the court at the time the order is entered or to the law enforcement agency or entity serving process at the time the licensee is served the order. The court, law enforcement agency, or entity responsible for serving the order of protection shall notify the Department within 7 days and transmit the license to the Department.

(c) A license is invalid upon expiration of the license, unless the licensee has submitted an application to renew the license, and the applicant is otherwise eligible to possess a license under this Act.

(d) A licensee shall not carry a concealed firearm while under the influence of alcohol, other drug or drugs, intoxicating compound or combination of compounds, or any combination thereof, under the standards set forth in subsection (a) of Section 11-501 of the Illinois Vehicle Code.

A licensee in violation of this subsection (d) shall be guilty of a Class A misdemeanor for a first or second violation and a Class 4 felony for a third violation. The Department may suspend a license for up to 6 months for a second violation and shall permanently revoke a license for a third violation.

(e) Except as otherwise provided, a licensee in violation of this Act shall be guilty of a Class B misdemeanor. A second or subsequent violation is a Class A misdemeanor. The Department may suspend a license for up to 6 months for a second violation and shall permanently revoke a license for 3 or more violations of Section 65 of this Act. Any person convicted of a violation under this Section shall pay a \$150 fee to be deposited into the Mental Health Reporting Fund, plus any applicable court costs or fees.

(f) A licensee convicted or found guilty of a violation of this Act who has a valid license and is otherwise eligible to carry a concealed firearm shall only be subject to the penalties under this Section and shall not be subject to the penalties under Section 21-6, paragraph (4), (8), or (10) of subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5) of paragraph (3) of subsection (a) of Section 24-1.6 of the Criminal Code of 2012. Except as otherwise provided in this subsection, nothing in this subsection prohibits the licensee from being subjected to penalties for violations other than those specified in this Act.

(g) A licensee whose license is revoked, suspended, or denied shall, within 48 hours of receiving notice of the revocation, suspension, or denial, surrender his or her concealed carry license to the local law enforcement agency where the person resides. The local law enforcement agency shall provide the licensee a receipt and transmit the concealed carry license to the Department of State Police. If the licensee whose concealed carry license has been revoked, suspended, or denied fails to comply with the requirements of this subsection, the law enforcement agency where the person resides may petition the circuit court to issue a warrant to search for and seize the concealed carry license in the possession and under the custody or control of the licensee whose concealed carry license has been revoked, suspended, or denied. The observation of a concealed carry license in the possession of a person whose license has been revoked, suspended, or denied constitutes a sufficient basis for the arrest of that person for violation of this subsection. A violation of this subsection is a Class A misdemeanor.

(h) A license issued or renewed under this Act shall be revoked if, at any time, the licensee is found ineligible for a Firearm Owner's Identification Card, or the licensee no longer possesses a valid Firearm Owner's Identification Card. A licensee whose license is revoked under this subsection (h) shall surrender his or her concealed carry license as provided for in subsection (g) of this Section.

This subsection shall not apply to a person who has filed an application with the State Police for renewal of a Firearm Owner's Identification Card and who is not otherwise ineligible to obtain a Firearm Owner's Identification Card.

(i) A certified firearms instructor who knowingly provides or offers to provide a false certification that an applicant has completed firearms training as required under this Act is guilty of a Class A misdemeanor. A person guilty of a violation of this subsection (i) is not eligible for court supervision. The Department shall permanently revoke the firearms instructor certification of a person convicted under this subsection (i).

(Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-899, eff. 8-15-14)."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Bush, **Senate Bill No. 576** was recalled from the order of third reading to the order of second reading.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 576

AMENDMENT NO. 1. Amend Senate Bill 576 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Human Rights Act is amended by changing Section 2-101 as follows:
(775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

[February 22, 2018]

Sec. 2-101. Definitions. The following definitions are applicable strictly in the context of this Article.

(A) Employee.

(1) "Employee" includes:

- (a) Any individual performing services for remuneration within this State for an employer;
- (b) An apprentice;
- (c) An applicant for any apprenticeship.

For purposes of subsection (D) of Section 2-102 of this Act, "employee" also includes an unpaid intern. An unpaid intern is a person who performs work for an employer under the following circumstances:

- (i) the employer is not committed to hiring the person performing the work at the conclusion of the intern's tenure;
- (ii) the employer and the person performing the work agree that the person is not entitled to wages for the work performed; and
- (iii) the work performed:
 - (I) supplements training given in an educational environment that may enhance the employability of the intern;
 - (II) provides experience for the benefit of the person performing the work;
 - (III) does not displace regular employees;
 - (IV) is performed under the close supervision of existing staff; and
 - (V) provides no immediate advantage to the employer providing the training and may occasionally impede the operations of the employer.

(2) "Employee" does not include:

- (a) (Blank);
- (b) Individuals employed by persons who are not "employers" as defined by this Act;
- (c) Elected public officials ~~or the members of their immediate personal staffs~~;
- (d) Principal administrative officers of the State or of any political subdivision, municipal corporation or other governmental unit or agency;
- (e) A person in a vocational rehabilitation facility certified under federal law who has been designated an evaluatee, trainee, or work activity client.

(B) Employer.

(1) "Employer" includes:

- (a) Any person employing 15 or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation;
- (b) Any person employing one or more employees when a complainant alleges civil rights violation due to unlawful discrimination based upon his or her physical or mental disability unrelated to ability, pregnancy, or sexual harassment;
- (c) The State and any political subdivision, municipal corporation or other governmental unit or agency, without regard to the number of employees;
- (d) Any party to a public contract without regard to the number of employees;
- (e) A joint apprenticeship or training committee without regard to the number of employees.

(2) "Employer" does not include any religious corporation, association, educational institution, society, or non-profit nursing institution conducted by and for those who rely upon treatment by prayer through spiritual means in accordance with the tenets of a recognized church or religious denomination with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, society or non-profit nursing institution of its activities.

(C) Employment Agency. "Employment Agency" includes both public and private employment agencies and any person, labor organization, or labor union having a hiring hall or hiring office regularly undertaking, with or without compensation, to procure opportunities to work, or to procure, recruit, refer or place employees.

(D) Labor Organization. "Labor Organization" includes any organization, labor union, craft union, or any voluntary unincorporated association designed to further the cause of the rights of union labor which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

(E) Sexual Harassment. "Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(F) Religion. "Religion" with respect to employers includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(G) Public Employer. "Public employer" means the State, an agency or department thereof, unit of local government, school district, instrumentality or political subdivision.

(H) Public Employee. "Public employee" means an employee of the State, agency or department thereof, unit of local government, school district, instrumentality or political subdivision. "Public employee" does not include public officers or employees of the General Assembly or agencies thereof.

(I) Public Officer. "Public officer" means a person who is elected to office pursuant to the Constitution or a statute or ordinance, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by the Constitution or a statute or ordinance, to discharge a public duty for the State, agency or department thereof, unit of local government, school district, instrumentality or political subdivision.

(J) Eligible Bidder. "Eligible bidder" means a person who, prior to contract award or prior to bid opening for State contracts for construction or construction-related services, has filed with the Department a properly completed, sworn and currently valid employer report form, pursuant to the Department's regulations. The provisions of this Article relating to eligible bidders apply only to bids on contracts with the State and its departments, agencies, boards, and commissions, and the provisions do not apply to bids on contracts with units of local government or school districts.

(K) Citizenship Status. "Citizenship status" means the status of being:

- (1) a born U.S. citizen;
- (2) a naturalized U.S. citizen;
- (3) a U.S. national; or
- (4) a person born outside the United States and not a U.S. citizen who is not an

unauthorized alien and who is protected from discrimination under the provisions of Section 1324b of Title 8 of the United States Code, as now or hereafter amended.

(Source: P.A. 99-78, eff. 7-20-15; 99-758, eff. 1-1-17; 100-43, eff. 8-9-17.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 1412

Offered by Senator Bennett and all Senators:
Mourns the death of William Moreland "Bill" Kuhne of Champaign.

SENATE RESOLUTION NO. 1414

Offered by Senator Morrison and all Senators:
Mourns the death of Thomas Joseph "Tom" McHugh of Lake Forest.

SENATE RESOLUTION NO. 1415

Offered by Senator Barickman and all Senators:
Mourns the death of Donna Ruth Kuhlman of Savoy.

SENATE RESOLUTION NO. 1417

Offered by Senator Haine and all Senators:

[February 22, 2018]

Mourns the death of Linda Jean Carroll of Edwardsville.

SENATE RESOLUTION NO. 1418

Offered by Senator Link and all Senators:

Mourns the death of John Fitzallen Moore.

SENATE RESOLUTION NO. 1420

Offered by Senator Althoff and all Senators:

Mourns the death of Donald L. "Don" Perkins of Woodstock.

SENATE RESOLUTION NO. 1421

Offered by Senator Althoff and all Senators:

Mourns the death of Hugo "Nick" Oster of Crystal Lake.

SENATE RESOLUTION NO. 1422

Offered by Senator Althoff and all Senators:

Mourns the death of Nancy H. Strieter of McHenry.

SENATE RESOLUTION NO. 1423

Offered by Senator Althoff and all Senators:

Mourns the death of Glenn A. Waspi of Crystal Lake.

SENATE RESOLUTION NO. 1424

Offered by Senator Althoff and all Senators:

Mourns the death of Timothy J. "Tim" Goluba of Harvard.

SENATE RESOLUTION NO. 1426

Offered by Senator Manar and all Senators:

Mourns the death of Marlon Allen "Al" Page.

SENATE RESOLUTION NO. 1427

Offered by Senator Morrison and all Senators:

Mourns the death of Diana P. Southard.

SENATE RESOLUTION NO. 1428

Offered by Senator Hunter and all Senators:

Mourns the death of Rosemary Robinson Jackson, Ph.D., of Chicago.

SENATE RESOLUTION NO. 1429

Offered by Senator Hunter and all Senators:

Mourns the death of Lerone Bennett, Jr.

SENATE RESOLUTION NO. 1430

Offered by Senator Haine and all Senators:

Mourns the death of Dennis F. Manns of Alton.

SENATE RESOLUTION NO. 1431

Offered by Senator Haine and all Senators:

Mourns the death of Edward Leroy "Hambone" Emerick of Wood River.

SENATE RESOLUTION NO. 1432

Offered by Senator Haine and all Senators:

Mourns the death of Christina Marie "Tina" Kessler of Alton.

The Chair moved the adoption of the Resolutions Consent Calendar.

The motion prevailed, and the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

[February 22, 2018]

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

February 22, 2018

The Honorable Tim Anderson
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Secretary Anderson,

Please be advised that I have appointed the following Senator to serve on Senate Democratic Leadership:

Majority Caucus Whip Senator Linda Holmes

This appointment is effective immediately. If you have any questions regarding this appointment, please contact my Chief of Staff Kristin Richards at your convenience.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Republican Leader William Brady

COMMUNICATION FROM THE MINORITY LEADER

SPRINGFIELD OFFICE:
309G STATE HOUSE
SPRINGFIELD, ILLINOIS 62706
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2203 EASTLAND DRIVE, SUITE 3
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BILLBRADY@SENATORBILLBRADY.COM

ILLINOIS STATE SENATE
BILL BRADY
SENATE REPUBLICAN LEADER
44th SENATE DISTRICT

February 22, 2018

Mr. Tim Anderson
Secretary of the Senate
401 State House
Springfield, Illinois 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2 (c), I hereby appoint **Senator Nybo** to temporarily replace **Senator Connelly** as a member of the **Senate Judiciary Committee**. This appointment is effective at 9:00 a.m. February 23, 2018 and shall automatically expire at the close of the day.

[February 22, 2018]

Sincerely,
s/Bill Brady
Bill Brady
Illinois Senate Republican Leader
44th District

cc: Senate President John Cullerton
Assistant Secretary of the Senate Scott Kaiser

At the hour of 12:10 o'clock p.m., pursuant to **House Joint Resolution No. 107**, the Chair announced that the Senate stands adjourned until Tuesday, February 27, 2018, at 12:30 o'clock p.m., or until the call of the President.

[February 22, 2018]