



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FOURTH GENERAL ASSEMBLY**

**101ST LEGISLATIVE DAY**

**TUESDAY, APRIL 11, 2006**

**10:24 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**101st Legislative Day**

<b>Action</b>	<b>Page(s)</b>
Committee Meeting Announcement .....	6
Joint Action Motion Filed .....	5
Legislative Measure(s) Filed .....	5
Presentation of Senate Joint Resolution No. 89 .....	20
Presentation of Senate Resolution No. 716 .....	3

<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
SB 1279	Third Reading .....	20
SB 1279	Recalled - Amendment(s) .....	9
SB 2348	Concur in House Amendment(s) .....	6
SB 2395	Concur in House Amendment(s) .....	8
SB 2868	Concur in House Amendment(s) .....	8
SB 2985	Concur in House Amendment(s) .....	7
SJR 0089	Adopted .....	21
HB 4298	Other proceedings .....	5

The Senate met pursuant to adjournment.  
Senator Debbie DeFrancesco Halvorson, Kankakee, Illinois, presiding.  
Prayer by Pastor Jeff Smith, Modesto Christian Church, Modesto, Illinois.  
Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Monday, April 10, 2006, be postponed, pending arrival of the printed Journal.  
The motion prevailed.

**REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

“Plan for Non-Discrimination, Vendor Utilization Diversity, and Employee Affirmative Action,” submitted by Illinois Global Partnership, Inc.

2004 Independent Auditor’s Report, submitted by the Illinois Thoroughbred Breeders and Owners Foundation.

Report issued to address reorganization and consolidation of workforce development and job training program to DCEO resulting from E.O. 11 (2003), submitted by the Department of Commerce and Economic Opportunity.

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

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION 716**

Offered by Senators Pankau – Millner and all Senators:  
Mourns the death of Jay W. Steam, founder of the Village of Carol Stream.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

**MESSAGES FROM THE HOUSE**

A message from the House by  
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2868

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2868

Passed the House, as amended, April 10, 2006.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 2868**

AMENDMENT NO. 1. Amend Senate Bill 2868 by replacing everything after the enacting clause with the following:

"Section 5. The Capital Development Board Act is amended by changing Section 10.09-5 as follows:  
(20 ILCS 3105/10.09-5)

[April 11, 2006]

Sec. 10.09-5. Standards for an energy code. To adopt rules, ~~by January 1, 2004,~~ implementing a statewide energy code for the construction or repair of State facilities described in Section 4.01. The energy code adopted by the Board shall incorporate standards promulgated by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc., (ASHRAE). In proposing rules, the Board shall consult with the Department of Commerce and Economic Opportunity Community Affairs. (Source: P.A. 93-190, eff. 7-14-03; revised 12-6-03.)

Section 10. The Energy Efficient Commercial Building Act is amended by changing Section 10 as follows:

(20 ILCS 3125/10)

Sec. 10. Definitions.

"Board" means the Capital Development Board.

"Code" means the latest published edition of the International Code Council's International Energy Conservation Code, excluding published supplements but including 2000 International Energy Conservation Code, the ASHRAE 90.1 1999 Standard, which is included within that Code, the 2001 supplement to that Code, and the adaptations to the Code that are made by the Board.

"Commercial building" means any building except a building that is a residential building, as defined in this Section.

"Department" means the Department of Commerce and Economic Opportunity.

"Municipality" means any city, village, or incorporated town.

"Residential building" means (i) a detached one-family or 2-family dwelling or (ii) any building that is 3 stories or less in height above grade that contains multiple dwelling units, in which the occupants reside on a primarily permanent basis, such as a townhouse, a row house, an apartment house, a convent, a monastery, a rectory, a fraternity or sorority house, a dormitory, and a rooming house. (Source: P.A. 93-936, eff. 8-13-04.)

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

Under the rules, the foregoing **Senate Bill No. 2868**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 4298

A bill for AN ACT concerning criminal law.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4298

Senate Amendment No. 2 to HOUSE BILL NO. 4298

Non-concurred in by the House, April 10, 2006.

MARK MAHONEY, Clerk of the House

Under the rules, the foregoing **House Bill No. 4298**, with Senate Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has receded from their amendment numbered 1 to a bill of the following title, to-wit:

SENATE BILL NO. 2579

A bill for AN ACT concerning public aid.

Action taken by the House, April 10, 2006.

[April 11, 2006]

MARK MAHONEY, Clerk of the House

A message from the House by  
Mr. Mahoney, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 2475  
A bill for AN ACT concerning families.  
SENATE BILL NO. 2921  
A bill for AN ACT concerning State government.  
SENATE BILL NO. 2954  
A bill for AN ACT in relation to criminal law.  
Passed the House, April 10, 2006.

MARK MAHONEY, Clerk of the House

### **LEGISLATIVE MEASURES FILED**

The following Floor amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to Senate Bill 1279

The following Floor amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 2 to House Bill 2708

### **JOINT ACTION MOTIONS FILED**

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 2868

The following Joint Action Motion to the House Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Recede from Senate Amendments numbered 1 and 2 to House Bill 4298

### **CONFERENCE COMMITTEES APPOINTED**

Senator Emil Jones, Jr., President of the Senate, appointed the following Senators to be members of the First Conference Committee on House Bill 4161: Senator DeLeo, Senator Silverstein, Senator Hendon, Senator Petka and Senator Sieben.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Emil Jones, Jr., President of the Senate, appointed the following Senators to be members of the First Conference Committee on House Bill 4195: Senator del Valle, Senator Ronen, Senator Raoul, Senator Righter and Senator Radogno.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 10:28 o'clock a.m., Senator Link presiding.

[April 11, 2006]

### REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its April 11, 2006 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to Senate Bill 1279.**

Senator Viverito, Chairperson of the Committee on Rules, during its April 11, 2006 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Licensed Activities: **Motion to Concur in House Amendment 1 to Senate Bill 2395**

State Government: **Motion to Concur in House Amendment 1 to Senate Bill 2868**

### COMMITTEE MEETING ANNOUNCEMENTS

Senator Demuzio, Chairperson of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet today in Room A-1 Stratton Building, at 11:40 o'clock a.m.

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212, at 12:10 o'clock p.m.

Senator Hunter, Member of the Committee on State Government, announced that the State Government Committee will meet today in Room A-1 Stratton Building, at 12:10 o'clock p.m.

### CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Cullerton, **Senate Bill No. 2348**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Schoenberg
Axley	Geo-Karis	Meeks	Shadid
Bomke	Haine	Millner	Sieben
Brady	Halvorson	Munoz	Silverstein
Burzynski	Harmon	Pankau	Sullivan
Clayborne	Hendon	Peterson	Syverson
Collins	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito
Cullerton	Jones, J.	Raoul	Watson
Dahl	Jones, W.	Rauschenberger	Wilhelmi
del Valle	Laufen	Righter	Winkel
DeLeo	Lightford	Risinger	Mr. President
Demuzio	Link	Ronen	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

[April 11, 2006]

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2348**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 2985**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Schoenberg
Axley	Geo-Karis	Meeks	Shadid
Bomke	Haine	Millner	Sieben
Brady	Halvorson	Munoz	Silverstein
Burzynski	Harmon	Pankau	Sullivan
Clayborne	Hendon	Peterson	Syverson
Collins	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito
Cullerton	Jones, J.	Raoul	Watson
Dahl	Jones, W.	Rauschenberger	Wilhelmi
del Valle	Lauzen	Righter	Winkel
DeLeo	Lightford	Risinger	Mr. President
Demuzio	Link	Ronen	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2985**.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 10:48 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

#### AFTER RECESS

At the hour of 1:17 o'clock p.m., the Senate resumed consideration of business.

Senator DeLeo, presiding.

#### REPORTS FROM STANDING COMMITTEES

Senator Demuzio, Chairperson of the Committee on Licensed Activities, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2395

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Garrett, Chairperson of the Committee on State Government, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2868

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 1279

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

### **CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK**

On motion of Senator Wilhelmi, **Senate Bill No. 2395**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Wilhelmi moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Maloney	Sandoval
Axley	Geo-Karis	Martinez	Schoenberg
Bomke	Haine	Meeks	Shadid
Brady	Halvorson	Millner	Sieben
Burzynski	Harmon	Munoz	Silverstein
Clayborne	Hendon	Pankau	Sullivan
Collins	Hunter	Peterson	Syverson
Crotty	Jacobs	Petka	Trotter
Cullerton	Jones, J.	Radogno	Viverito
del Valle	Jones, W.	Raoul	Watson
DeLeo	Lauzen	Rauschenberger	Wilhelmi
Demuzio	Lightford	Righter	Winkel
Dillard	Link	Risinger	Mr. President
Forby	Luechtefeld	Ronen	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2395**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 2868**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

[April 11, 2006]



The following voted in the affirmative:

Althoff	Garrett	Maloney	Sandoval
Axley	Geo-Karis	Martinez	Schoenberg
Bomke	Haine	Meeks	Shadid
Brady	Halvorson	Millner	Sieben
Burzynski	Harmon	Munoz	Silverstein
Clayborne	Hendon	Pankau	Sullivan
Collins	Hunter	Peterson	Syverson
Crotty	Jacobs	Petka	Trotter
Cullerton	Jones, J.	Radogno	Viverito
del Valle	Jones, W.	Raoul	Watson
DeLeo	Lauzen	Rauschenberger	Wilhelmi
Demuzio	Lightford	Righter	Winkel
Dillard	Link	Risinger	Mr. President
Forby	Luechtefeld	Ronen	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2868**.

Ordered that the Secretary inform the House of Representatives thereof.

#### SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 1279** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 1279

AMENDMENT NO. 1. Amend Senate Bill 1279 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 15-25 and by adding Sections 45-67 and 45-70 as follows:

(30 ILCS 500/15-25)

Sec. 15-25. Bulletin content.

(a) Invitations for bids. Notice of each and every contract that is offered, including renegotiated contracts and change orders, shall be published in the Bulletin. The applicable chief procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least the date first offered, the date submission of offers is due, the location that offers are to be submitted to, the purchasing State agency, the responsible State purchasing officer, a brief purchase description, the method of source selection, ~~and~~ information of how to obtain a comprehensive purchase description and any disclosure and contract forms, and encouragement to prospective vendors to hire qualified veterans, as defined by Section 45-67 of this Code, and Illinois residents discharged from any Illinois adult correctional center.

(b) Contracts let or awarded. Notice of each and every contract that is let or awarded, including renegotiated contracts and change orders, shall be published in the next available subsequent Bulletin, and the applicable chief procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least all of the information specified in subsection (a) as well as the name of the successful responsible bidder or offeror, the contract price, the number of unsuccessful responsive bidders, and any other disclosure specified in any Section of this Code.

(c) Emergency purchase disclosure. Any chief procurement officer, State purchasing officer, or designee exercising emergency purchase authority under this Code shall publish a written description and reasons and the total cost, if known, or an estimate if unknown and the name of the responsible chief procurement officer and State purchasing officer, and the business or person contracted with for all emergency purchases in the next timely, practicable Bulletin.

(d) Other required disclosure. The applicable chief procurement officer shall provide by rule for the organized publication of all other disclosure required in other Sections of this Code in a timely manner.

[April 11, 2006]

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/45-67 new)

Sec. 45-67. Encouragement to hire qualified veterans. A chief procurement officer may, as part of any solicitation, encourage prospective vendors to consider hiring qualified veterans and to notify them of any available financial incentives or other advantages associated with hiring such persons. In establishing internal guidelines in furtherance of this Section, the Department of Central Management Services may work with an interagency advisory committee consisting of representatives from the Department of Veterans Affairs, the Department of Employment Security, the Department of Commerce and Economic Opportunity, and the Department of Revenue and consisting of 4 members of the General Assembly, 2 of whom are appointed by the Speaker of the House of Representatives and 2 of whom are appointed by the President of the Senate.

For the purposes of this Section, "qualified veteran" means an Illinois resident who: (i) was a member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of any reserve component of the Armed Forces of the United States; (ii) served on active duty in connection with Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom; and (iii) was honorably discharged.

The Department of Central Management Services must report to the Governor and to the General Assembly by December 31 of each year on the activities undertaken by chief procurement officers and the Department of Central Management Services to encourage prospective vendors to consider hiring qualified veterans. The report must include the number of vendors who have hired qualified veterans.

(30 ILCS 500/45-70 new)

Sec. 45-70. Encouragement to hire ex-offenders. A chief procurement officer may, as part of any solicitation, encourage prospective vendors to consider hiring Illinois residents discharged from any Illinois adult correctional center, in appropriate circumstances, and to notify them of any available financial incentives or other advantages associated with hiring such persons. In establishing internal guidelines in furtherance of this Section, the Department of Central Management Services may work with an interagency advisory committee consisting of representatives from the Department of Corrections, the Department of Employment Security, the Department of Juvenile Justice, the Department of Commerce and Economic Opportunity, and the Department of Revenue and consisting of 4 members of the General Assembly, 2 of whom are appointed by the Speaker of the House of Representatives and 2 of whom are appointed by the President of the Senate.

The Department of Central Management Services must report to the Governor and to the General Assembly by December 31 of each year on the activities undertaken by chief procurement officers and the Department of Central Management Services to encourage prospective vendors to consider hiring Illinois residents who have been discharged from an Illinois adult correctional center. The report must include the number of vendors who have hired Illinois residents who have been discharged from any Illinois adult correctional center.

Section 10. The Illinois Income Tax Act is amended by adding Sections 216 and 217 as follows:

(35 ILCS 5/216 new)

Sec. 216. Credit for wages paid to ex-felons.

(a) For each taxable year beginning on or after January 1, 2007, each taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 of this Act in an amount equal to 25% of that portion of federal work opportunity credit allowed to the taxpayer for the taxable year under Section 51 of the Internal Revenue Code that is attributable to the qualified first-year wages paid by the taxpayer to one or more Illinois residents who are eligible offenders, as defined under Section 5-5.5-5 of the Unified Code of Corrections.

(b) For purposes of this Section, if the general business credit allowed to the taxpayer under Section 38 of the Internal Revenue Code exceeds the taxpayer's federal income tax liability for the taxable year, so that a portion of the credit earned in the taxable year is carried over to other taxable years, then for purposes of the calculation of the credit under this Section, the portion of the general business credit that is attributable to the qualified first-year wages paid by the taxpayer to one or more Illinois residents who are qualified ex-felons is deemed to have been taken in full in the taxable year it is earned, to the extent that portion does not exceed the total general business credit otherwise allowed for the taxable year.

(c) In no event shall a credit under this Section reduce the taxpayer's liability to less than zero. If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The tax credit shall be applied to the earliest year for which there is a tax liability. If there are credits for more than one year that are available to offset a liability, the earlier credit shall be applied first.

[April 11, 2006]

(35 ILCS 5/217 new)

Sec. 217. Credit for wages paid to qualified veterans.

(a) For each taxable year beginning on or after January 1, 2007, each taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 of this Act in an amount equal to 5%, but in no event to exceed \$600, of the gross wages paid by the taxpayer to a qualified veteran in the course of that veteran's sustained employment during the taxable year.

(b) For purposes of this Section:

"Qualified veteran" means an Illinois resident who: (i) was a member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of any reserve component of the Armed Forces of the United States; (ii) served on active duty in connection with Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom; (iii) was honorably discharged; and (iv) was initially hired by the taxpayer on or after January 1, 2007.

"Sustained employment" means a period of employment that is not less than 185 days during the taxable year.

(c) In no event shall a credit under this Section reduce the taxpayer's liability to less than zero. If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The tax credit shall be applied to the earliest year for which there is a tax liability. If there are credits for more than one year that are available to offset a liability, the earlier credit shall be applied first.

Section 15. The Unified Code of Corrections is amended by changing Sections 3-2-2, 5-5-5, and 5-5-5 as follows:

(730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

(Text of Section before amendment by P.A. 94-696)

Sec. 3-2-2. Powers and Duties of the Department.

(1) In addition to the powers, duties and responsibilities which are otherwise provided by law, the Department shall have the following powers:

(a) To accept persons committed to it by the courts of this State for care, custody, treatment and rehabilitation, and to accept federal prisoners and aliens over whom the Office of the Federal Detention Trustee is authorized to exercise the federal detention function for limited purposes and periods of time.

(b) To develop and maintain reception and evaluation units for purposes of analyzing the custody and rehabilitation needs of persons committed to it and to assign such persons to institutions and programs under its control or transfer them to other appropriate agencies. In consultation with the Department of Alcoholism and Substance Abuse (now the Department of Human Services), the Department of Corrections shall develop a master plan for the screening and evaluation of persons committed to its custody who have alcohol or drug abuse problems, and for making appropriate treatment available to such persons; the Department shall report to the General Assembly on such plan not later than April 1, 1987. The maintenance and implementation of such plan shall be contingent upon the availability of funds.

(b-1) To create and implement, on January 1, 2002, a pilot program to establish the effectiveness of pupillometer technology (the measurement of the pupil's reaction to light) as an alternative to a urine test for purposes of screening and evaluating persons committed to its custody who have alcohol or drug problems. The pilot program shall require the pupillometer technology to be used in at least one Department of Corrections facility. The Director may expand the pilot program to include an additional facility or facilities as he or she deems appropriate. A minimum of 4,000 tests shall be included in the pilot program. The Department must report to the General Assembly on the effectiveness of the program by January 1, 2003.

(b-5) To develop, in consultation with the Department of State Police, a program for tracking and evaluating each inmate from commitment through release for recording his or her gang affiliations, activities, or ranks.

(c) To maintain and administer all State correctional institutions and facilities under its control and to establish new ones as needed. Pursuant to its power to establish new institutions and facilities, the Department may, with the written approval of the Governor, authorize the Department of Central Management Services to enter into an agreement of the type described in subsection (d) of Section 405-300 of the Department of Central Management Services Law (20 ILCS 405/405-300). The Department shall designate those institutions which shall constitute the State Penitentiary System.

Pursuant to its power to establish new institutions and facilities, the Department may authorize the Department of Central Management Services to accept bids from counties and

[April 11, 2006]

municipalities for the construction, remodeling or conversion of a structure to be leased to the Department of Corrections for the purposes of its serving as a correctional institution or facility. Such construction, remodeling or conversion may be financed with revenue bonds issued pursuant to the Industrial Building Revenue Bond Act by the municipality or county. The lease specified in a bid shall be for a term of not less than the time needed to retire any revenue bonds used to finance the project, but not to exceed 40 years. The lease may grant to the State the option to purchase the structure outright.

Upon receipt of the bids, the Department may certify one or more of the bids and shall submit any such bids to the General Assembly for approval. Upon approval of a bid by a constitutional majority of both houses of the General Assembly, pursuant to joint resolution, the Department of Central Management Services may enter into an agreement with the county or municipality pursuant to such bid.

(c-5) To build and maintain regional juvenile detention centers and to charge a per diem to the counties as established by the Department to defray the costs of housing each minor in a center. In this subsection (c-5), "juvenile detention center" means a facility to house minors during pendency of trial who have been transferred from proceedings under the Juvenile Court Act of 1987 to prosecutions under the criminal laws of this State in accordance with Section 5-805 of the Juvenile Court Act of 1987, whether the transfer was by operation of law or permissive under that Section. The Department shall designate the counties to be served by each regional juvenile detention center.

(d) To develop and maintain programs of control, rehabilitation and employment of committed persons within its institutions.

(d-5) To provide a pre-release job preparation program for inmates at Illinois adult correctional centers.

(e) To establish a system of supervision and guidance of committed persons in the community.

(f) To establish in cooperation with the Department of Transportation to supply a sufficient number of prisoners for use by the Department of Transportation to clean up the trash and garbage along State, county, township, or municipal highways as designated by the Department of Transportation. The Department of Corrections, at the request of the Department of Transportation, shall furnish such prisoners at least annually for a period to be agreed upon between the Director of Corrections and the Director of Transportation. The prisoners used on this program shall be selected by the Director of Corrections on whatever basis he deems proper in consideration of their term, behavior and earned eligibility to participate in such program - where they will be outside of the prison facility but still in the custody of the Department of Corrections. Prisoners convicted of first degree murder, or a Class X felony, or armed violence, or aggravated kidnapping, or criminal sexual assault, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, or forcible detention, or arson, or a prisoner adjudged a Habitual Criminal shall not be eligible for selection to participate in such program. The prisoners shall remain as prisoners in the custody of the Department of Corrections and such Department shall furnish whatever security is necessary. The Department of Transportation shall furnish trucks and equipment for the highway cleanup program and personnel to supervise and direct the program. Neither the Department of Corrections nor the Department of Transportation shall replace any regular employee with a prisoner.

(g) To maintain records of persons committed to it and to establish programs of research, statistics and planning.

(h) To investigate the grievances of any person committed to the Department, to inquire into any alleged misconduct by employees or committed persons, and to investigate the assets of committed persons to implement Section 3-7-6 of this Code; and for these purposes it may issue subpoenas and compel the attendance of witnesses and the production of writings and papers, and may examine under oath any witnesses who may appear before it; to also investigate alleged violations of a parolee's or releasee's conditions of parole or release; and for this purpose it may issue subpoenas and compel the attendance of witnesses and the production of documents only if there is reason to believe that such procedures would provide evidence that such violations have occurred.

If any person fails to obey a subpoena issued under this subsection, the Director may apply to any circuit court to secure compliance with the subpoena. The failure to comply with the order of the court issued in response thereto shall be punishable as contempt of court.

(i) To appoint and remove the chief administrative officers, and administer programs of training and development of personnel of the Department. Personnel assigned by the Department to be responsible for the custody and control of committed persons or to investigate the alleged misconduct of committed persons or employees or alleged violations of a parolee's or releasee's conditions of

parole shall be conservators of the peace for those purposes, and shall have the full power of peace officers outside of the facilities of the Department in the protection, arrest, retaking and reconfining of committed persons or where the exercise of such power is necessary to the investigation of such misconduct or violations.

(j) To cooperate with other departments and agencies and with local communities for the development of standards and programs for better correctional services in this State.

(k) To administer all moneys and properties of the Department.

(l) To report annually to the Governor on the committed persons, institutions and programs of the Department.

(l-5) In a confidential annual report to the Governor, the Department shall identify all inmate gangs by specifying each current gang's name, population and allied gangs. The Department shall further specify the number of top leaders identified by the Department for each gang during the past year, and the measures taken by the Department to segregate each leader from his or her gang and allied gangs. The Department shall further report the current status of leaders identified and segregated in previous years. All leaders described in the report shall be identified by inmate number or other designation to enable tracking, auditing, and verification without revealing the names of the leaders. Because this report contains law enforcement intelligence information collected by the Department, the report is confidential and not subject to public disclosure.

(m) To make all rules and regulations and exercise all powers and duties vested by law in the Department.

(n) To establish rules and regulations for administering a system of good conduct credits, established in accordance with Section 3-6-3, subject to review by the Prisoner Review Board.

(o) To administer the distribution of funds from the State Treasury to reimburse counties where State penal institutions are located for the payment of assistant state's attorneys' salaries under Section 4-2001 of the Counties Code.

(p) To exchange information with the Department of Human Services and the Illinois Department of Healthcare and Family Services ~~Public Aid~~ for the purpose of verifying living arrangements and for other purposes directly connected with the administration of this Code and the Illinois Public Aid Code.

(q) To establish a diversion program.

The program shall provide a structured environment for selected technical parole or mandatory supervised release violators and committed persons who have violated the rules governing their conduct while in work release. This program shall not apply to those persons who have committed a new offense while serving on parole or mandatory supervised release or while committed to work release.

Elements of the program shall include, but shall not be limited to, the following:

- (1) The staff of a diversion facility shall provide supervision in accordance with required objectives set by the facility.
- (2) Participants shall be required to maintain employment.
- (3) Each participant shall pay for room and board at the facility on a sliding-scale basis according to the participant's income.
- (4) Each participant shall:
  - (A) provide restitution to victims in accordance with any court order;
  - (B) provide financial support to his dependents; and
  - (C) make appropriate payments toward any other court-ordered obligations.
- (5) Each participant shall complete community service in addition to employment.
- (6) Participants shall take part in such counseling, educational and other programs as the Department may deem appropriate.
- (7) Participants shall submit to drug and alcohol screening.
- (8) The Department shall promulgate rules governing the administration of the program.

(r) To enter into intergovernmental cooperation agreements under which persons in the custody of the Department may participate in a county impact incarceration program established under Section 3-6038 or 3-15003.5 of the Counties Code.

(r-5) To enter into intergovernmental cooperation agreements under which minors adjudicated delinquent and committed to the Department of Corrections, Juvenile Division, may participate in a county juvenile impact incarceration program established under Section 3-6039 of the Counties Code.

(r-10) To systematically and routinely identify with respect to each streetgang active

within the correctional system: (1) each active gang; (2) every existing inter-gang affiliation or alliance; and (3) the current leaders in each gang. The Department shall promptly segregate leaders from inmates who belong to their gangs and allied gangs. "Segregate" means no physical contact and, to the extent possible under the conditions and space available at the correctional facility, prohibition of visual and sound communication. For the purposes of this paragraph (r-10), "leaders" means persons who:

(i) are members of a criminal streetgang;

(ii) with respect to other individuals within the streetgang, occupy a position of organizer, supervisor, or other position of management or leadership; and

(iii) are actively and personally engaged in directing, ordering, authorizing, or requesting commission of criminal acts by others, which are punishable as a felony, in furtherance of streetgang related activity both within and outside of the Department of Corrections.

"Streetgang", "gang", and "streetgang related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(s) To operate a super-maximum security institution, in order to manage and supervise inmates who are disruptive or dangerous and provide for the safety and security of the staff and the other inmates.

(t) To monitor any unprivileged conversation or any unprivileged communication, whether in person or by mail, telephone, or other means, between an inmate who, before commitment to the Department, was a member of an organized gang and any other person without the need to show cause or satisfy any other requirement of law before beginning the monitoring, except as constitutionally required. The monitoring may be by video, voice, or other method of recording or by any other means. As used in this subdivision (1)(t), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

As used in this subdivision (1)(t), "unprivileged conversation" or "unprivileged communication" means a conversation or communication that is not protected by any privilege recognized by law or by decision, rule, or order of the Illinois Supreme Court.

(u) To establish a Women's and Children's Pre-release Community Supervision Program for the purpose of providing housing and services to eligible female inmates, as determined by the Department, and their newborn and young children.

(v) To do all other acts necessary to carry out the provisions of this Chapter.

(2) The Department of Corrections shall by January 1, 1998, consider building and operating a correctional facility within 100 miles of a county of over 2,000,000 inhabitants, especially a facility designed to house juvenile participants in the impact incarceration program.

(3) When the Department lets bids for contracts for medical services to be provided to persons committed to Department facilities by a health maintenance organization, medical service corporation, or other health care provider, the bid may only be let to a health care provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds are rated AAA by a bond rating organization.

(4) When the Department lets bids for contracts for food or commissary services to be provided to Department facilities, the bid may only be let to a food or commissary services provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds are rated AAA by a bond rating organization.

(Source: P.A. 92-444, eff. 1-1-02; 92-712, eff. 1-1-03; 93-839, eff. 7-30-04; revised 12-15-05.)

(Text of Section after amendment by P.A. 94-696)

Sec. 3-2-2. Powers and Duties of the Department.

(1) In addition to the powers, duties and responsibilities which are otherwise provided by law, the Department shall have the following powers:

(a) To accept persons committed to it by the courts of this State for care, custody, treatment and rehabilitation, and to accept federal prisoners and aliens over whom the Office of the Federal Detention Trustee is authorized to exercise the federal detention function for limited purposes and periods of time.

(b) To develop and maintain reception and evaluation units for purposes of analyzing the custody and rehabilitation needs of persons committed to it and to assign such persons to institutions and programs under its control or transfer them to other appropriate agencies. In consultation with the Department of Alcoholism and Substance Abuse (now the Department of Human Services), the Department of Corrections shall develop a master plan for the screening and evaluation of persons committed to its custody who have alcohol or drug abuse problems, and for

making appropriate treatment available to such persons; the Department shall report to the General Assembly on such plan not later than April 1, 1987. The maintenance and implementation of such plan shall be contingent upon the availability of funds.

(b-1) To create and implement, on January 1, 2002, a pilot program to establish the effectiveness of pupillometer technology (the measurement of the pupil's reaction to light) as an alternative to a urine test for purposes of screening and evaluating persons committed to its custody who have alcohol or drug problems. The pilot program shall require the pupillometer technology to be used in at least one Department of Corrections facility. The Director may expand the pilot program to include an additional facility or facilities as he or she deems appropriate. A minimum of 4,000 tests shall be included in the pilot program. The Department must report to the General Assembly on the effectiveness of the program by January 1, 2003.

(b-5) To develop, in consultation with the Department of State Police, a program for tracking and evaluating each inmate from commitment through release for recording his or her gang affiliations, activities, or ranks.

(c) To maintain and administer all State correctional institutions and facilities under its control and to establish new ones as needed. Pursuant to its power to establish new institutions and facilities, the Department may, with the written approval of the Governor, authorize the Department of Central Management Services to enter into an agreement of the type described in subsection (d) of Section 405-300 of the Department of Central Management Services Law (20 ILCS 405/405-300). The Department shall designate those institutions which shall constitute the State Penitentiary System.

Pursuant to its power to establish new institutions and facilities, the Department may authorize the Department of Central Management Services to accept bids from counties and municipalities for the construction, remodeling or conversion of a structure to be leased to the Department of Corrections for the purposes of its serving as a correctional institution or facility. Such construction, remodeling or conversion may be financed with revenue bonds issued pursuant to the Industrial Building Revenue Bond Act by the municipality or county. The lease specified in a bid shall be for a term of not less than the time needed to retire any revenue bonds used to finance the project, but not to exceed 40 years. The lease may grant to the State the option to purchase the structure outright.

Upon receipt of the bids, the Department may certify one or more of the bids and shall submit any such bids to the General Assembly for approval. Upon approval of a bid by a constitutional majority of both houses of the General Assembly, pursuant to joint resolution, the Department of Central Management Services may enter into an agreement with the county or municipality pursuant to such bid.

(c-5) To build and maintain regional juvenile detention centers and to charge a per diem to the counties as established by the Department to defray the costs of housing each minor in a center. In this subsection (c-5), "juvenile detention center" means a facility to house minors during pendency of trial who have been transferred from proceedings under the Juvenile Court Act of 1987 to prosecutions under the criminal laws of this State in accordance with Section 5-805 of the Juvenile Court Act of 1987, whether the transfer was by operation of law or permissive under that Section. The Department shall designate the counties to be served by each regional juvenile detention center.

(d) To develop and maintain programs of control, rehabilitation and employment of committed persons within its institutions.

(d-5) To provide a pre-release job preparation program for inmates at Illinois adult correctional centers.

(e) To establish a system of supervision and guidance of committed persons in the community.

(f) To establish in cooperation with the Department of Transportation to supply a sufficient number of prisoners for use by the Department of Transportation to clean up the trash and garbage along State, county, township, or municipal highways as designated by the Department of Transportation. The Department of Corrections, at the request of the Department of Transportation, shall furnish such prisoners at least annually for a period to be agreed upon between the Director of Corrections and the Director of Transportation. The prisoners used on this program shall be selected by the Director of Corrections on whatever basis he deems proper in consideration of their term, behavior and earned eligibility to participate in such program - where they will be outside of the prison facility but still in the custody of the Department of Corrections. Prisoners convicted of first degree murder, or a Class X felony, or armed violence, or aggravated kidnapping, or criminal sexual assault, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, or forcible detention, or arson, or a prisoner adjudged a Habitual Criminal shall not be eligible for

selection to participate in such program. The prisoners shall remain as prisoners in the custody of the Department of Corrections and such Department shall furnish whatever security is necessary. The Department of Transportation shall furnish trucks and equipment for the highway cleanup program and personnel to supervise and direct the program. Neither the Department of Corrections nor the Department of Transportation shall replace any regular employee with a prisoner.

(g) To maintain records of persons committed to it and to establish programs of research, statistics and planning.

(h) To investigate the grievances of any person committed to the Department, to inquire into any alleged misconduct by employees or committed persons, and to investigate the assets of committed persons to implement Section 3-7-6 of this Code; and for these purposes it may issue subpoenas and compel the attendance of witnesses and the production of writings and papers, and may examine under oath any witnesses who may appear before it; to also investigate alleged violations of a parolee's or releasee's conditions of parole or release; and for this purpose it may issue subpoenas and compel the attendance of witnesses and the production of documents only if there is reason to believe that such procedures would provide evidence that such violations have occurred.

If any person fails to obey a subpoena issued under this subsection, the Director may apply to any circuit court to secure compliance with the subpoena. The failure to comply with the order of the court issued in response thereto shall be punishable as contempt of court.

(i) To appoint and remove the chief administrative officers, and administer programs of training and development of personnel of the Department. Personnel assigned by the Department to be responsible for the custody and control of committed persons or to investigate the alleged misconduct of committed persons or employees or alleged violations of a parolee's or releasee's conditions of parole shall be conservators of the peace for those purposes, and shall have the full power of peace officers outside of the facilities of the Department in the protection, arrest, retaking and reconfining of committed persons or where the exercise of such power is necessary to the investigation of such misconduct or violations.

(j) To cooperate with other departments and agencies and with local communities for the development of standards and programs for better correctional services in this State.

(k) To administer all moneys and properties of the Department.

(l) To report annually to the Governor on the committed persons, institutions and programs of the Department.

(l-5) In a confidential annual report to the Governor, the Department shall identify all inmate gangs by specifying each current gang's name, population and allied gangs. The Department shall further specify the number of top leaders identified by the Department for each gang during the past year, and the measures taken by the Department to segregate each leader from his or her gang and allied gangs. The Department shall further report the current status of leaders identified and segregated in previous years. All leaders described in the report shall be identified by inmate number or other designation to enable tracking, auditing, and verification without revealing the names of the leaders. Because this report contains law enforcement intelligence information collected by the Department, the report is confidential and not subject to public disclosure.

(m) To make all rules and regulations and exercise all powers and duties vested by law in the Department.

(n) To establish rules and regulations for administering a system of good conduct credits, established in accordance with Section 3-6-3, subject to review by the Prisoner Review Board.

(o) To administer the distribution of funds from the State Treasury to reimburse counties where State penal institutions are located for the payment of assistant state's attorneys' salaries under Section 4-2001 of the Counties Code.

(p) To exchange information with the Department of Human Services and the Illinois Department of Healthcare and Family Services Public Aid for the purpose of verifying living arrangements and for other purposes directly connected with the administration of this Code and the Illinois Public Aid Code.

(q) To establish a diversion program.

The program shall provide a structured environment for selected technical parole or mandatory supervised release violators and committed persons who have violated the rules governing their conduct while in work release. This program shall not apply to those persons who have committed a new offense while serving on parole or mandatory supervised release or while committed to work release.

Elements of the program shall include, but shall not be limited to, the following:

(1) The staff of a diversion facility shall provide supervision in accordance with



required objectives set by the facility.

- (2) Participants shall be required to maintain employment.
- (3) Each participant shall pay for room and board at the facility on a sliding-scale basis according to the participant's income.
- (4) Each participant shall:
  - (A) provide restitution to victims in accordance with any court order;
  - (B) provide financial support to his dependents; and
  - (C) make appropriate payments toward any other court-ordered obligations.
- (5) Each participant shall complete community service in addition to employment.
- (6) Participants shall take part in such counseling, educational and other programs as the Department may deem appropriate.
- (7) Participants shall submit to drug and alcohol screening.
- (8) The Department shall promulgate rules governing the administration of the program.

(r) To enter into intergovernmental cooperation agreements under which persons in the custody of the Department may participate in a county impact incarceration program established under Section 3-6038 or 3-15003.5 of the Counties Code.

(r-5) (Blank).

(r-10) To systematically and routinely identify with respect to each streetgang active within the correctional system: (1) each active gang; (2) every existing inter-gang affiliation or alliance; and (3) the current leaders in each gang. The Department shall promptly segregate leaders from inmates who belong to their gangs and allied gangs. "Segregate" means no physical contact and, to the extent possible under the conditions and space available at the correctional facility, prohibition of visual and sound communication. For the purposes of this paragraph (r-10), "leaders" means persons who:

- (i) are members of a criminal streetgang;
- (ii) with respect to other individuals within the streetgang, occupy a position of organizer, supervisor, or other position of management or leadership; and
- (iii) are actively and personally engaged in directing, ordering, authorizing, or requesting commission of criminal acts by others, which are punishable as a felony, in furtherance of streetgang related activity both within and outside of the Department of Corrections.

"Streetgang", "gang", and "streetgang related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(s) To operate a super-maximum security institution, in order to manage and supervise inmates who are disruptive or dangerous and provide for the safety and security of the staff and the other inmates.

(t) To monitor any unprivileged conversation or any unprivileged communication, whether in person or by mail, telephone, or other means, between an inmate who, before commitment to the Department, was a member of an organized gang and any other person without the need to show cause or satisfy any other requirement of law before beginning the monitoring, except as constitutionally required. The monitoring may be by video, voice, or other method of recording or by any other means. As used in this subdivision (1)(t), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

As used in this subdivision (1)(t), "unprivileged conversation" or "unprivileged communication" means a conversation or communication that is not protected by any privilege recognized by law or by decision, rule, or order of the Illinois Supreme Court.

(u) To establish a Women's and Children's Pre-release Community Supervision Program for the purpose of providing housing and services to eligible female inmates, as determined by the Department, and their newborn and young children.

(v) To do all other acts necessary to carry out the provisions of this Chapter.

(2) The Department of Corrections shall by January 1, 1998, consider building and operating a correctional facility within 100 miles of a county of over 2,000,000 inhabitants, especially a facility designed to house juvenile participants in the impact incarceration program.

(3) When the Department lets bids for contracts for medical services to be provided to persons committed to Department facilities by a health maintenance organization, medical service corporation, or other health care provider, the bid may only be let to a health care provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds are rated AAA by a bond rating organization.

(4) When the Department lets bids for contracts for food or commissary services to be provided to

Department facilities, the bid may only be let to a food or commissary services provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds are rated AAA by a bond rating organization.

(Source: P.A. 93-839, eff. 7-30-04; 94-696, eff. 6-1-06; revised 12-15-05.)

(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 of the Criminal Code of 1961;

- (2) the Illinois Athletic Trainers Practice Act;
- (3) the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985;
- (4) the Boiler and Pressure Vessel Repairer Regulation Act;
- (5) the Professional Boxing Act;
- (6) the Illinois Certified Shorthand Reporters Act of 1984;
- (7) the Illinois Farm Labor Contractor Certification Act;
- (8) the Interior 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 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; ~~and~~
- (18) the Electrologist Licensing Act; -
- (19) the Auction License Act;
- (20) Illinois Architecture Practice Act of 1989;
- (21) the Dietetic and Nutrition Services Practice Act;
- (22) the Environmental Health Practitioner Licensing Act;
- (23) the Funeral Directors and Embalmers Licensing Code;
- (24) the Land Sales Registration Act of 1999;
- (25) the Professional Geologist Licensing Act;
- (26) the Illinois Public Accounting Act; and
- (27) the Structural Engineering Practice Act of 1989.

(Source: P.A. 93-207, eff. 1-1-04; 93-914, eff. 1-1-05.)

(730 ILCS 5/5-5.5-5)

Sec. 5-5.5-5. Definitions and rules of construction. In this Article:

"Eligible offender" means a person who has been convicted of a crime or of an offense that is not a crime of violence as defined in Section 2 of the Crime Victims Compensation Act, a Class X or a nonprobationable offense, or a violation of Article 11 or Article 12 of the Criminal Code of 1961, but who has not been convicted more than ~~twice~~ ~~once~~ of a felony.

"Felony" means a conviction of a felony in this State, or of an offense in any other jurisdiction for which a sentence to a term of imprisonment in excess of one year, was authorized.

For the purposes of this Article the following rules of construction apply:

- (i) two or more convictions of felonies charged in separate counts of one indictment or information shall be deemed to be one conviction;
- (ii) two or more convictions of felonies charged in 2 or more indictments or informations, filed in the same court prior to entry of judgment under any of them, shall be deemed to be one conviction; and
- (iii) a plea or a verdict of guilty upon which a sentence of probation, conditional discharge, or supervision has been imposed shall be deemed to be a conviction.

(Source: P.A. 93-207, eff. 1-1-04.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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.

**READING OF BILL OF THE SENATE A THIRD TIME**

On motion of Senator Link, **Senate Bill No. 1279**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 31; Nays 12; Present 6.

The following voted in the affirmative:

Clayborne	Garrett	Maloney	Shadid
Collins	Haine	Martinez	Silverstein
Crotty	Halvorson	Meeks	Sullivan
Cullerton	Harmon	Raoul	Trotter
del Valle	Hendon	Risinger	Viverito
DeLeo	Hunter	Ronen	Wilhelmi
Demuzio	Lightford	Sandoval	Mr. President
Forby	Link	Schoenberg	

The following voted in the negative:

Brady	Millner	Rauschenberger
Burzynski	Pankau	Sieben
Jones, W.	Peterson	Watson
Lauzen	Petka	Winkel

The following voted present:

Axley	Dillard	Luechtefeld
Bomke	Jones, J.	Syverson

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**RESOLUTIONS CONSENT CALENDAR**

**SENATE RESOLUTION 715**

Offered by Senator Haine and all Senators:

Mourns the death of Kevin Carl Teets of Springfield, formerly of Bethalto.

**SENATE RESOLUTION 716**

Offered by Senators Pankau – Millner and all Senators:

Mourns the death of Jay W. Steam, founder of the Village of Carol Stream.

Senator DeLeo moved the adoption of the foregoing resolutions. The motion prevailed, and the resolutions were adopted.

**PRESENTATION OF RESOLUTION**

Senator Halvorson offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

[April 11, 2006]

**SENATE JOINT RESOLUTION NO. 89**

**RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN,** that when the two Houses adjourn on Tuesday, April 11, 2006, the Senate stands adjourned until Tuesday, April 18, 2006, in perfunctory session; and when it adjourns on that day, it stands adjourned until Thursday, April 20, 2006, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 25, 2006, at 12:00 o'clock noon; and the House of Representatives stands adjourned until Wednesday, April 12, 2006, at 1:00 o'clock p.m., and when it adjourns on that day, it stands adjourned until Tuesday, April 18, 2006, at 1:00 p.m.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Burzynski announced a Republican caucus to begin immediately upon adjournment.

At the hour of 1:52 o'clock p.m., pursuant to **Senate Joint Resolution No. 89**, the Chair announced the Senate stand adjourned until Tuesday, April 18, 2006, in perfunctory session.