



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FIFTH GENERAL ASSEMBLY**

**155TH LEGISLATIVE DAY**

**TUESDAY, MAY 13, 2008**

**12:42 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**155th Legislative Day**

<b>Action</b>	<b>Page(s)</b>
Deadline Established.....	7
Introduction of Senate Bill No. 3040.....	5
Legislative Measure(s) Filed.....	4, 5, 9, 10
Message from the President.....	7
Presentation of Senate Resolutions No'd. 701 & 702.....	5
Report Received.....	4

<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
HB 0896	Second Reading.....	12
HB 0946	Second Reading.....	15
HB 1449	Second Reading.....	16
HB 1496	Second Reading.....	16
HB 1639	Second Reading.....	21
HB 1915	Second Reading.....	16
HB 2212	First Reading.....	5
HB 2518	First Reading.....	11
HB 2671	Second Reading.....	21
HB 2757	Second Reading.....	21
HB 3399	Second Reading.....	16
HB 3477	Second Reading.....	21
HB 3508	Second Reading.....	16
HB 3569	Second Reading.....	18
HB 3571	Second Reading.....	18
HB 3677	Second Reading.....	20
HB 4129	Second Reading.....	18
HB 4178	Second Reading.....	20
HB 4182	Second Reading.....	21
HB 4189	Second Reading.....	18
HB 4195	Second Reading.....	18
HB 4203	Second Reading.....	21
HB 4206	Second Reading.....	23
HB 4216	Second Reading.....	18
HB 4221	Second Reading.....	18
HB 4249	First Reading.....	11
HB 4297	Second Reading.....	18
HB 4369	Second Reading.....	18
HB 4370	First Reading.....	5
HB 4407	Second Reading.....	19
HB 4417	First Reading.....	11
HB 4506	Second Reading.....	19
HB 4548	First Reading.....	5
HB 4588	Second Reading.....	19
HB 4603	Second Reading.....	23
HB 4611	Second Reading.....	19
HB 4646	Second Reading.....	23
HB 4648	Second Reading.....	23
HB 4673	First Reading.....	11
HB 4674	Second Reading.....	19
HB 4675	Second Reading.....	23
HB 4683	Second Reading.....	23

[May 13, 2008]

HB 4687	Second Reading.....	19
HB 4700	Second Reading.....	19
HB 4705	Third Reading.....	20
HB 4725	Second Reading.....	19
HB 4766	Second Reading.....	23
HB 4768	First Reading.....	11
HB 4811	Second Reading.....	19
HB 4839	Second Reading.....	19
HB 4931	Second Reading.....	19
HB 4936	Second Reading.....	19
HB 4956	Second Reading.....	23
HB 4992	Second Reading.....	19
HB 5017	Second Reading.....	19
HB 5022	Second Reading.....	19
HB 5074	Second Reading.....	19
HB 5076	Second Reading.....	19
HB 5088	Second Reading.....	19
HB 5108	Second Reading.....	23
HB 5230	Second Reading.....	23
HB 5242	Second Reading.....	20
HB 5243	Second Reading.....	24
HB 5285	Second Reading.....	19
HB 5338	First Reading.....	11
HB 5370	First Reading.....	11
HB 5493	First Reading.....	6
HB 5505	Second Reading.....	24
HB 5536	First Reading.....	11
HB 5607	Second Reading.....	20
HB 5655	Second Reading.....	20
HB 5699	Second Reading.....	24
HB 5761	First Reading.....	6
HB 5904	Second Reading.....	20
HB 5907	Second Reading.....	20
HB 5983	Second Reading.....	20
HB 6339	First Reading.....	11

The Senate met pursuant to adjournment.  
 Senator Terry Link, Waukegan, Illinois, presiding.  
 Prayer by Dr. Clifford Hayes, First Presbyterian Church, Springfield, Illinois.  
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, May 8, 2008, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

### **REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

Metropolitan Pier and Exposition Authority's Financial Statements for the nine months ended March 31, 2008, submitted by the Metropolitan Pier and Exposition Authority.

Revised Report of Medicaid Services for Persons who are Medically Fragile, Technology Dependent, submitted by the Department of Healthcare and Family Services.

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

### **LEGISLATIVE MEASURES FILED**

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

Senate Floor Amendment No. 1 to Senate Bill 970  
 Senate Floor Amendment No. 1 to Senate Bill 1029  
 Senate Floor Amendment No. 2 to Senate Bill 1029  
 Senate Floor Amendment No. 1 to Senate Bill 2288  
 Senate Floor Amendment No. 2 to Senate Bill 2288  
 Senate Floor Amendment No. 3 to Senate Bill 2288  
 Senate Floor Amendment No. 4 to Senate Bill 2288  
 Senate Floor Amendment No. 5 to Senate Bill 2288  
 Senate Floor Amendment No. 1 to Senate Bill 2720

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

Senate Committee Amendment No. 1 to House Bill 1040  
 Senate Committee Amendment No. 2 to House Bill 1040  
 Senate Committee Amendment No. 1 to House Bill 1534  
 Senate Committee Amendment No. 1 to House Bill 2859  
 Senate Committee Amendment No. 1 to House Bill 3106  
 Senate Committee Amendment No. 1 to House Bill 3477  
 Senate Committee Amendment No. 1 to House Bill 3733  
 Senate Committee Amendment No. 1 to House Bill 4203  
 Senate Committee Amendment No. 1 to House Bill 4206  
 Senate Committee Amendment No. 1 to House Bill 4549  
 Senate Committee Amendment No. 1 to House Bill 4602  
 Senate Committee Amendment No. 1 to House Bill 5038  
 Senate Committee Amendment No. 1 to House Bill 5082  
 Senate Committee Amendment No. 2 to House Bill 5121  
 Senate Committee Amendment No. 1 to House Bill 5195  
 Senate Committee Amendment No. 1 to House Bill 5776

[May 13, 2008]

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to House Bill 4216  
 Senate Floor Amendment No. 1 to House Bill 5494  
 Senate Floor Amendment No. 1 to House Bill 5729

### PRESENTATION OF RESOLUTIONS

#### SENATE RESOLUTION NO. 701

Offered by Senator Maloney and all Senators:  
 Mourns the death of Joseph L. Graham.

#### SENATE RESOLUTION NO. 702

Offered by Senators Burzynski – Syverson – Lauzen and all Senators:  
 Mourns the death of Robert L. Turner of Belvidere.

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

### MESSAGE 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 passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4172

A bill for AN ACT concerning safety.  
 Passed the House, May 8, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 4172** was taken up, ordered printed and placed on first reading.

### INTRODUCTION OF BILL

**SENATE BILL NO. 3040.** Introduced by Senator Clayborne, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

**House Bill No. 2212**, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4370**, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4548**, sponsored by Senator Peterson, was taken up, read by title a first time and referred to the Committee on Rules.

[May 13, 2008]

**House Bill No. 5493**, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5761**, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Rules.

#### EXCUSED FROM ATTENDANCE

On motion of Senator Risinger, Senators Cronin, Dillard and Hultgren were excused from attendance due to district business.

#### REPORTS FROM RULES COMMITTEE

Senator Hendon, Chairperson of the Committee on Rules, to which was referred **Senate Bills Numbered 970 and 1029** on December 3, 2007, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 970 and 1029** were returned to the order of third reading.

Senator Hendon, Chairperson of the Committee on Rules, during its May 13, 2008 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Committee Amendment No. 1 to House Bill 4549; Senate Committee Amendment No. 1 to House Bill 5776; Senate Floor Amendment No. 1 to Senate Bill 970.**

Commerce and Economic Development: **Senate Floor Amendment No. 1 to House Bill 4216.**

Education: **Senate Committee Amendment No. 1 to House Bill 5038.**

Environment and Energy: **Senate Committee Amendment No. 1 to House Bill 3733.**

Executive: **Senate Floor Amendment No. 1 to House Bill 5494.**

Higher Education: **Senate Floor Amendment No. 2 to Senate Bill 1908.**

Human Services: **Senate Floor Amendment No. 1 to House Bill 5729.**

Insurance: **Senate Floor Amendment No. 1 to House Bill 4255.**

Judiciary Civil Law: **Senate Floor Amendment No. 2 to Senate Bill 1029; Senate Committee Amendment No. 2 to House Bill 4196; Senate Committee Amendment No. 2 to House Bill 5121.**

Judiciary Criminal Law: **Senate Floor Amendment No. 1 to Senate Bill 2305; Senate Floor Amendment No. 1 to Senate Bill 2720; Senate Committee Amendment No. 1 to House Bill 2859; Senate Committee Amendment No. 1 to House Bill 3477; Senate Committee Amendment No. 1 to House Bill 4203; Senate Committee Amendment No. 1 to House Bill 4206; Senate Committee Amendment No. 1 to House Bill 5082.**

Labor: **Senate Floor Amendment No. 1 to House Bill 4583; Senate Committee Amendment No. 1 to HJR 78.**

[May 13, 2008]

Public Health: **Senate Committee Amendment No. 1 to House Bill 1534; Senate Floor Amendment No. 4 to Senate Bill 2865.**

Revenue: **Senate Committee Amendment No. 2 to House Bill 1040.**

The Chair announced that all committees will meet as scheduled.

**MESSAGES FROM THE PRESIDENT**

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

May 13, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2008 as the Third Reading deadline for Senate Bills 970 and 1029.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

May 13, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Jeffrey Schoenberg to resume his position on the Senate Revenue Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

[May 13, 2008]

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

Mary 13, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator James Meeks to resume his position on the Senate Human Services Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

Mary 13, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Kimberly Lightford to resume her position on the Senate Revenue Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

Mary 13, 2008

[May 13, 2008]



Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Michael Noland to replace Senator Ira Silverstein as a member of the Senate Judiciary-Criminal Law Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

May 13, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Michael Bond to replace Senator Ira Silverstein as a member of the Senate Judiciary-Civil Law Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

At the hour of 1:04 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

**AFTER RECESS**

At the hour of 4:48 o'clock p.m., the Senate resumed consideration of business.  
Senator Martinez, presiding.

**LEGISLATIVE MEASURES FILED**

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

Senate Committee Amendment No. 2 to House Bill 1235  
Senate Committee Amendment No. 1 to House Bill 5086

[May 13, 2008]

Senate Committee Amendment No. 1 to House Bill 5614

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to House Bill 4683

Senate Floor Amendment No. 2 to House Bill 5494

**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 passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 628

A bill for AN ACT concerning appropriations.

HOUSE BILL NO. 4747

A bill for AN ACT concerning State government.

HOUSE BILL NO. 4768

A bill for AN ACT concerning local government.

HOUSE BILL NO. 4769

A bill for AN ACT concerning revenue.

Passed the House, May 13, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 628, 4747, 4768 and 4769** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2518

A bill for AN ACT concerning local government.

HOUSE BILL NO. 4249

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 4673

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 4762

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 4777

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 5901

A bill for AN ACT concerning criminal law.

Passed the House, May 13, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 2518, 4249, 4673, 4762, 4777 and 5901** were taken up, ordered printed and placed on first reading.

A message from the House by

[May 13, 2008]

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 5338

A bill for AN ACT concerning education.

HOUSE BILL NO. 5370

A bill for AN ACT concerning persons killed in the line of duty.

HOUSE BILL NO. 5621

A bill for AN ACT concerning education.

HOUSE BILL NO. 5946

A bill for AN ACT concerning economic development.

HOUSE BILL NO. 5956

A bill for AN ACT making appropriations.

HOUSE BILL NO. 6339

A bill for AN ACT concerning appropriations.

Passed the House, May 13, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 5338, 5370, 5621, 5946, 5956 and 6339** were taken up, ordered printed and placed on first reading.

#### **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME**

**House Bill No. 2518**, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4249**, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4417**, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4673**, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4768**, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5338**, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5370**, sponsored by Senator Kotowski, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5536**, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 6339**, sponsored by Senator Risinger, was taken up, read by title a first time and referred to the Committee on Rules.

#### **REPORTS FROM STANDING COMMITTEES**

Senator Cullerton and Senator Demuzio, Co-Chairpersons of the Committee on Judiciary Civil Law, to which was referred **House Bill No. 4450**, reported the same back with the recommendation that the bill do pass.

[May 13, 2008]

Under the rules, the bill was ordered to a second reading.

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary Civil Law, to which was referred **House Bill No. 4196**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Crotty, Chairperson of the Committee on Local Government, to which was referred **House Bills Numbered 2671, 4132, 4182, 4646, 4675, 4766, 4956, 5195 and 5505**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Wilhelmi, Chairperson of the Committee on Judiciary Criminal Law, to which was referred **House Bills Numbered 1639, 2757, 2862, 3416, 4207, 4402, 4556, 4879, 5101, 5230, 5243 and 5909**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Wilhelmi, Chairperson of the Committee on Judiciary Criminal Law, to which was referred **House Bills Numbered 2859, 3477, 4203, 4206 and 5082**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Wilhelmi, Chairperson of the Committee on Judiciary Criminal Law, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2305

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

Senator Jacobs, Chairperson of the Committee on Housing and Community Affairs, to which was referred **House Bill No. 4683**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Munoz, Chairperson of the Committee on Transportation, to which was referred **House Bills Numbered 4251, 4648, 4736 and 5108**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Martinez, Vice-Chairperson of the Committee on Pensions and Investments, to which was referred **House Bills Numbered 4603 and 5699**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

## **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

On motion of Senator Forby, **House Bill No. 896** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

### **AMENDMENT NO. 1 TO HOUSE BILL 896**

AMENDMENT NO. 1. Amend House Bill 896 by replacing everything after the enacting clause with the following:

[May 13, 2008]

"Section 5. The Illinois Vehicle Code is amended by changing Sections 1-105 and 12-215 as follows:  
(625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)

Sec. 1-105. Authorized emergency vehicle. Emergency vehicles of municipal departments or public service corporations as are designated or authorized by proper local authorities; police vehicles; vehicles of the fire department; vehicles of a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code; ambulances; vehicles of the Illinois Emergency Management Agency; mine rescue emergency response vehicles of the Department of Natural Resources; and vehicles of the Illinois Department of Public Health.

(Source: P.A. 93-829, eff. 7-28-04; 94-334, eff. 1-1-06.)

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;
2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;
  - 2.1. A vehicle operated by a fire chief who has completed an emergency vehicle operation training course approved by the Office of the State Fire Marshal and designated or authorized by local authorities, in writing, as a fire department, fire protection district, or township fire department vehicle; however, the designation or authorization must be carried in the vehicle, and the lights may be visible or activated only when responding to a bona fide emergency;
3. Vehicles of local fire departments and State or federal firefighting vehicles;
4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;
5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;
6. Vehicles of the Illinois Emergency Management Agency, vehicles of the Illinois Department of Public Health, and vehicles of the Department of Nuclear Safety;
7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act;
8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code; and
9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;
2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;
3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;
4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

(6.1) The front and rear of motorized equipment or vehicles that (i) are not owned by the State of Illinois or any political subdivision of the State, (ii) are designed and used for removal of snow and ice from highways and parking lots, and (iii) are equipped with a snow plow that is 12 feet in width; these lights may not be lighted except when the motorized equipment or vehicle is actually being used for those purposes on behalf of a unit of government;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or operated by a:

voluntary firefighter;

paid firefighter;

part-paid firefighter;

call firefighter;

member of the board of trustees of a fire protection district;

paid or unpaid member of a rescue squad;

paid or unpaid member of a voluntary ambulance unit; or

paid or unpaid members of a local or county emergency management services agency as

defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.

However, such lights are not to be lighted except when responding to a bona fide emergency.

Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying the bona fide member of a fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency that owns or operates that vehicle. The card or letter must include:

(A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(C) the member's term of service; and

(D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

7. Vehicles of the Illinois Emergency Management Agency, vehicles of the Illinois Department of Public Health, and vehicles of the Department of Nuclear Safety, when used in combination with red oscillating, rotating, or flashing lights.

8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

9. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue emergency response, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives may be so equipped; furthermore, such lights shall not be lighted on vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 2 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 93-181, eff. 1-1-04; 93-725, eff. 1-1-05; 93-794, eff. 7-22-04; 93-829, eff. 7-28-04; 94-143, eff. 1-1-06; 94-270, eff. 1-1-06; 94-331, eff. 1-1-06; 94-730, eff. 4-17-06.)

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Watson, **House Bill No. 946** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 946**

AMENDMENT NO. 1. Amend House Bill 946 on page 7, by replacing line 17 with "NASCAR

[May 13, 2008]

logo or a".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 1449** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 1449**

AMENDMENT NO. 1. Amend House Bill 1449 on page 2, line 8, by replacing "2007" with "2008".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1496** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 1915** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 3399** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 3508** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Human Services, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 3508**

AMENDMENT NO. 1. Amend House Bill 3508 on page 6, line 1, after "facilities", by inserting "assisted living or shared housing establishments, and supportive living facilities"; and

on page 6, line 5, after "facility", by inserting "assisted living or shared housing establishment, and supportive living facility"; and

on page 6, lines 24 and 25, after "facility" each time it appears, by inserting "or establishment"; and

on page 10, after line 12, by inserting the following:

"Section 8. The Assisted Living and Shared Housing Act is amended by changing Section 110 and by adding Section 117 as follows:

(210 ILCS 9/110)

Sec. 110. Powers and duties of the Department.

(a) The Department shall conduct an annual unannounced on-site visit at each assisted living and shared housing establishment to determine compliance with applicable licensure requirements and standards. Submission of an establishment's current Consumer Choice Information Report required by Section 117 shall be verified at time of inspection. Additional visits may be conducted without prior notice to the assisted living or shared housing establishment.

(b) Upon receipt of information that may indicate the failure of the assisted living or shared housing establishment or a service provider to comply with a provision of this Act, the Department shall investigate the matter or make appropriate referrals to other government agencies and entities having jurisdiction over the subject matter of the possible violation. The Department may also make referrals to any public or private agency that the Department considers available for appropriate assistance to those involved. The Department may oversee and coordinate the enforcement of State consumer protection policies affecting residents residing in an establishment licensed under this Act.

(c) The Department shall establish by rule complaint receipt, investigation, resolution, and involuntary residency termination procedures. Resolution procedures shall provide for on-site review and evaluation of an assisted living or shared housing establishment found to be in violation of this Act within a

[May 13, 2008]



specified period of time based on the gravity and severity of the violation and any pervasive pattern of occurrences of the same or similar violations.

(d) The Governor shall establish an Assisted Living and Shared Housing Standards and Quality of Life Advisory Board.

(e) The Department shall by rule establish penalties and sanctions, which shall include, but need not be limited to, the creation of a schedule of graduated penalties and sanctions to include closure.

(f) The Department shall by rule establish procedures for disclosure of information to the public, which shall include, but not be limited to, ownership, licensure status, frequency of complaints, disposition of substantiated complaints, and disciplinary actions.

(g) (Blank).

(h) Beginning January 1, 2000, the Department shall begin drafting rules necessary for the administration of this Act.

(Source: P.A. 93-1003, eff. 8-23-04.)

(210 ILCS 9/117 new)

Sec. 117. Consumer Choice Information Reports.

(a) Every establishment shall complete a Consumer Choice Information Report and shall file it with the Office of State Long Term Care Ombudsman electronically as prescribed by the Office. The Report shall be filed annually and upon request of the Office of State Long Term Care Ombudsman. The first Consumer Choice Information Report is due to the Office of State Long Term Care Ombudsman on July 1, 2009. The Consumer Choice Information Report must be completed by the establishment in full.

(b) A violation of any of the provisions of this Section constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this Section.

(c) The Department of Public Health shall include verification of the submission of an establishment's current Consumer Choice Information Report when conducting an annual on-site visit under Section 110.;" and

on page 10, line 22, after the period, by inserting "The first Consumer Choice Information Report is due to the Office of State Long Term Care Ombudsman on July 1, 2009."; and

on page 11, line 25, by replacing "and" with "and"; and

on page 12, line 2, by replacing "." with "; and -"; and

on page 16, after line 20, by inserting the following:

"Section 12. The Illinois Public Aid Code is amended by changing Section 5-5.01a as follows:

(305 ILCS 5/5-5.01a)

Sec. 5-5.01a. Supportive living facilities program; Consumer Choice Information Reports.

(a) The Department shall establish and provide oversight for a program of supportive living facilities that seek to promote resident independence, dignity, respect, and well-being in the most cost-effective manner.

A supportive living facility is either a free-standing facility or a distinct physical and operational entity within a nursing facility. A supportive living facility integrates housing with health, personal care, and supportive services and is a designated setting that offers residents their own separate, private, and distinct living units.

Sites for the operation of the program shall be selected by the Department based upon criteria that may include the need for services in a geographic area, the availability of funding, and the site's ability to meet the standards.

The Department may adopt rules to implement this Section. Rules that establish or modify the services, standards, and conditions for participation in the program shall be adopted by the Department in consultation with the Department on Aging, the Department of Rehabilitation Services, and the Department of Mental Health and Developmental Disabilities (or their successor agencies).

Facilities or distinct parts of facilities which are selected as supportive living facilities and are in good standing with the Department's rules are exempt from the provisions of the Nursing Home Care Act and the Illinois Health Facilities Planning Act.

(b) Consumer Choice Information Reports.

(1) Every supportive living facility shall complete a Consumer Choice Information Report and shall

file it with the Office of State Long Term Care Ombudsman electronically as prescribed by the Office. The Report shall be filed annually and upon request of the Office of State Long Term Care Ombudsman. The first Consumer Choice Information Report is due to the Office of State Long Term Care Ombudsman on July 1, 2009. The Consumer Choice Information Report must be completed by the facility in full.

(2) A violation of any of the provisions of this subsection constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this subsection.

(3) The Department of Healthcare and Family Services shall include verification of the submission of a facility's current Consumer Choice Information Report when conducting an inspection.

(Source: P.A. 94-342, eff. 7-26-05.); and

on page 16, line 24, after "facility", by inserting "assisted living or shared housing establishment, supportive living facility"; and

on page 17, line 2, after "Act", by inserting "an assisted living or shared housing establishment that fails to comply with Section 117 of the Assisted Living and Shared Housing Act, or a supportive living facility that fails to comply with subsection (b) of Section 5-5.01a of the Illinois Public Aid Code".

Senator Maloney moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Forby, **House Bill No. 3569** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 3571** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4129** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 4189** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 4195** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bond, **House Bill No. 4216** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **House Bill No. 4221** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 4221**

AMENDMENT NO. 1. Amend House Bill 4221 on page 2, by replacing lines 7 and 8 with the following:

"(c-1) A rental car company that rents a motor vehicle shall ensure that the renter is".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Steans, **House Bill No. 4297** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 4369** was taken up, read by title a second time and ordered to a third reading.

[May 13, 2008]

On motion of Senator Steans, **House Bill No. 4407** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, **House Bill No. 4506** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 4588** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 4611** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 4674** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 4687** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 4700** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4725** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 4811** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **House Bill No. 4839** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **House Bill No. 4931** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Pankau, **House Bill No. 4936** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 4992** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 5017** was taken up, read by title a second time. Senate Committee Amendment No. 1 and Senate Floor Amendment No. 2 were held in the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5022** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 5074** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 5076** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 5088** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, **House Bill No. 5285** was taken up, read by title a second time and ordered to a third reading.

[May 13, 2008]

At the hour of 5:15 o'clock p.m., Senator Link presiding.

On motion of Senator Haine, **House Bill No. 5607** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **House Bill No. 5655** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 5904** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 5907** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 5983** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 3677** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4178** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Housing and Community Affairs, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 4178**

AMENDMENT NO. 1. Amend House Bill 4178 on page 2, by replacing line 9 with the following:

"web site.

(d) This Section does not apply to any entity that merely provides the host platform on the web site to the Internet gaming service provider."; and

on page 2, line 10, by replacing "(d)" with "(e)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Trotter, **House Bill No. 5242** was taken up, read by title a second time and ordered to a third reading.

**READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Lightford, **House Bill No. 4705**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 47; Nays 5.

The following voted in the affirmative:

Althoff	Forby	Link	Righter
Bivins	Frerichs	Maloney	Risinger
Bomke	Garrett	Martinez	Rutherford

[May 13, 2008]

Bond	Haine	Meeks	Schoenberg
Clayborne	Halvorson	Millner	Steans
Collins	Harmon	Munoz	Sullivan
Crotty	Hendon	Murphy	Trotter
Cullerton	Holmes	Noland	Viverito
Dahl	Hunter	Pankau	Watson
DeLeo	Koehler	Peterson	Wilhelmi
Delgado	Kotowski	Radogno	Mr. President
Demuzio	Lightford	Raoul	

The following voted in the negative:

Brady	Jones, J.	Luechtefeld
Burzynski	Lauzen	

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.

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Lightford, **House Bill No. 1639** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 2671** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2757** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **House Bill No. 3477** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary Criminal Law, adopted and ordered printed:

#### AMENDMENT NO. 1 TO HOUSE BILL 3477

AMENDMENT NO. 1. Amend House Bill 3477 on page 3, after line 21, by inserting the following:

"(c) Telecommunications carriers and information service providers are not liable under this Section, except for willful and wanton misconduct, for providing encryption services used by others in violation of this Section."; and

on page 3, line 22, by replacing "(c)" with "(d)"; and

on page 4, line 3, by replacing "(d)" with "(e)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 4182** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4203** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary Criminal Law, adopted and ordered printed:

#### AMENDMENT NO. 1 TO HOUSE BILL 4203

AMENDMENT NO. 1. Amend House Bill 4203 on page 3, by replacing lines 3 through 9 with

[May 13, 2008]

the following:

"Section 11-501 of this Code. Imposition of the penalties authorized"; and

by replacing lines 24 through 26 on page 3 and line 1 on page 4 with the following:

"(g) If a violation of subsection (c) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years."; and

on page 4, by inserting immediately below line 10 the following:

"Section 10. The Criminal Code of 1961 is amended by changing Section 9-3 as follows:

(720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

(Text of Section after amendment by P.A. 95-467, 95-551, and 95-587)

Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

(a) A person who unintentionally kills an individual without lawful justification commits involuntary manslaughter if his acts whether lawful or unlawful which cause the death are such as are likely to cause death or great bodily harm to some individual, and he performs them recklessly, except in cases in which the cause of the death consists of the driving of a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft, in which case the person commits reckless homicide. A person commits reckless homicide if he or she unintentionally kills an individual while driving a vehicle and using an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne.

(b) (Blank).

(c) (Blank).

(d) Sentence.

(1) Involuntary manslaughter is a Class 3 felony.

(2) Reckless homicide is a Class 3 felony.

(e) (Blank).

(e-2) Except as provided in subsection (e-3), in cases involving reckless homicide in which the offense is committed upon a public thoroughfare where children pass going to and from school when a school crossing guard is performing official duties, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-3) In cases involving reckless homicide in which (i) the offense is committed upon a public thoroughfare where children pass going to and from school when a school crossing guard is performing official duties and (ii) the defendant causes the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years.

(e-5) (Blank).

(e-7) Except as otherwise provided in subsection (e-8), in cases involving reckless homicide in which the defendant: (1) was driving in a construction or maintenance zone, as defined in Section 11-605.1 of the Illinois Vehicle Code, or (2) was operating a vehicle while failing or refusing to comply with any lawful order or direction of any authorized police officer or traffic control aide engaged in traffic control, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-8) In cases involving reckless homicide in which the defendant caused the deaths of 2 or more persons as part of a single course of conduct and: (1) was driving in a construction or maintenance zone, as defined in Section 11-605.1 of the Illinois Vehicle Code, or (2) was operating a vehicle while failing or refusing to comply with any lawful order or direction of any authorized police officer or traffic control aide engaged in traffic control, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years.

(e-9) In cases involving reckless homicide in which the defendant drove a vehicle and used an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony.

(e-10) In cases involving involuntary manslaughter or reckless homicide resulting in the death of a peace officer killed in the performance of his or her duties as a peace officer, the penalty is a Class 2 felony.

(e-11) ~~(e-10)~~ In cases involving reckless homicide in which the defendant unintentionally kills an individual while driving in a posted school zone, as defined in Section 11-605 of the Illinois Vehicle Code, while children are present or in a construction or maintenance zone, as defined in Section

[May 13, 2008]

11-605.1 of the Illinois Vehicle Code, when construction or maintenance workers are present the trier of fact may infer that the defendant's actions were performed recklessly where he or she was also either driving at a speed of more than 20 miles per hour in excess of the posted speed limit or violating Section 11-501 of the Illinois Vehicle Code.

(e-12) In cases involving reckless homicide in which the defendant unintentionally kills an individual, the trier of fact may infer that the defendant's actions were performed recklessly where he or she was also violating subsection (c) of Section 11-907 of the Illinois Vehicle Code. The penalty for a reckless homicide in which the driver also violated subsection (c) of Section 11-907 of the Illinois Vehicle Code is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(f) In cases involving involuntary manslaughter in which the victim was a family or household member as defined in paragraph (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, the penalty shall be a Class 2 felony, for which a person if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587, eff. 6-1-08; 95-591, eff. 9-10-07; revised 10-30-07.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 4206** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary Criminal Law, adopted and ordered printed:

#### **AMENDMENT NO. 1 TO HOUSE BILL 4206**

AMENDMENT NO. 1. Amend House Bill 4206 by replacing line 26 on page 5 and lines 1 through 4 on page 6 with the following:

"(13) Carries or possesses on or about his or her person while in a building occupied by a unit of government, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon. For the purposes of this Section, "billy".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4603** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 4646** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 4648** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 4675** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 4683** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 4766** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 4956** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **House Bill No. 5108** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelm, **House Bill No. 5230** was taken up, read by title a second time and ordered to a third reading.

[May 13, 2008]

On motion of Senator Bivins, **House Bill No. 5243** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 5505** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **House Bill No. 5699** was taken up, read by title a second time and ordered to a third reading.

At the hour of 5:47 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, May 14, 2008, at 12:00 o'clock noon.