



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

122ND LEGISLATIVE DAY

FRIDAY, MAY 25, 2012

9:35 O'CLOCK A.M.

SENATE
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122nd Legislative Day

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The Senate met pursuant to adjournment.
 Senator John M. Sullivan, Rushville, Illinois, presiding.
 Prayer by Pastor Paul Olson, St. John's Lutheran Church, Springfield, Illinois.
 Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, May 24, 2012, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

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 Assignments:

Senate Floor Amendment No. 3 to Senate Bill 351

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

Senate Floor Amendment No. 1 to House Bill 2083
 Senate Floor Amendment No. 2 to House Bill 2083
 Senate Floor Amendment No. 5 to House Bill 3779
 Senate Floor Amendment No. 3 to House Bill 3801
 Senate Floor Amendment No. 4 to House Bill 3801
 Senate Floor Amendment No. 3 to House Bill 4148
 Senate Floor Amendment No. 2 to House Bill 4666
 Senate Floor Amendment No. 4 to House Bill 5078

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendment 2 to Senate Bill 278
 Motion to Concur in House Amendment 1 to Senate Bill 758
 Motion to Concur in House Amendment 1 to Senate Bill 3201
 Motion to Concur in House Amendment 1 to Senate Bill 3202
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 3349

INTRODUCTION OF BILL

SENATE BILL NO. 3922. Introduced by Senator Martinez, a bill for AN ACT concerning regulation.

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

MESSAGE FROM THE HOUSE

A message from the House by
 Mr. Mapes, 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. 4866

[May 25, 2012]

A bill for AN ACT concerning business.
Passed the House, May 24, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bill No. 4866** was taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4320, sponsored by Senator Muñoz, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4866, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Althoff moved that **Senate Resolution No. 745**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Althoff moved that Senate Resolution No. 745 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Haine moved that **Senate Resolution No. 764**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Haine moved that Senate Resolution No. 764 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator McCarter moved that **Senate Resolution No. 791**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator McCarter moved that Senate Resolution No. 791 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Link moved that **Senate Resolution No. 774**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Link moved that Senate Resolution No. 774 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Steans moved that **Senate Joint Resolution No. 71**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Steans moved that Senate Joint Resolution No. 71 be adopted.

The motion prevailed.

And the resolution was adopted.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

[May 25, 2012]

On motion of Senator Hutchinson, **House Bill No. 4022** 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 53; NAYS None.

The following voted in the affirmative:

Althoff	Holmes	Link	Raoul
Bivins	Hunter	Maloney	Rezin
Brady	Hutchinson	Martinez	Sandack
Clayborne	Jacobs	McCann	Sandoval
Collins, J.	Johnson, C.	McCarter	Schmidt
Crotty	Johnson, T.	McGuire	Schoenberg
Cultra	Jones, E.	Meeks	Steans
Delgado	Jones, J.	Millner	Sullivan
Dillard	Koehler	Mulroe	Syverson
Duffy	Kotowski	Muñoz	Trotter
Frerichs	LaHood	Murphy	Mr. President
Garrett	Landek	Noland	
Haine	Lauzen	Pankau	
Harmon	Lightford	Radogno	

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.

On motion of Senator Kotowski, **House Bill No. 4036** 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 43; NAYS 10; Present 1.

The following voted in the affirmative:

Althoff	Haine	Lightford	Radogno
Bivins	Harmon	Link	Sandack
Brady	Holmes	Maloney	Sandoval
Clayborne	Hunter	McGuire	Schmidt
Collins, A.	Hutchinson	Meeks	Schoenberg
Collins, J.	Jacobs	Millner	Steans
Crotty	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Frerichs	Kotowski	Noland	Mr. President
Garrett	Landek	Pankau	

The following voted in the negative:

Cultra	Johnson, T.	Luechtefeld	Rezin
Duffy	LaHood	McCann	
Johnson, C.	Lauzen	McCarter	

The following voted present:

[May 25, 2012]

Raoul

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.

HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 4096** was recalled from the order of third reading to the order of second reading.

Senator Martinez moved that Senate Floor Amendment No. 3 be ordered to lie on the table.

The motion to table prevailed.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 4096

AMENDMENT NO. 2. Amend House Bill 4096, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 424 as follows:

(215 ILCS 5/424) (from Ch. 73, par. 1031)

Sec. 424. Unfair methods of competition and unfair or deceptive acts or practices defined. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

(1) The commission by any person of any one or more of the acts defined or prohibited by Sections 134, 143.24c, 147, 148, 149, 151, 155.22, 155.22a, 155.42, 236, 237, 364, and 469 of this Code.

(2) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(3) Making or permitting, in the case of insurance of the types enumerated in Classes 1, 2, and 3 of Section 4, any unfair discrimination between individuals or risks of the same class or of essentially the same hazard and expense element because of the race, color, religion, or national origin of such insurance risks or applicants. The application of this Article to the types of insurance enumerated in Class 1 of Section 4 shall in no way limit, reduce, or impair the protections and remedies already provided for by Sections 236 and 364 of this Code or any other provision of this Code.

(4) Engaging in any of the acts or practices defined in or prohibited by Sections 154.5 through 154.8 of this Code.

(5) Making or charging any rate for insurance against losses arising from the use or ownership of a motor vehicle which requires a higher premium of any person by reason of his physical handicap, race, color, religion, or national origin.

(6) Advertising or otherwise promoting the sale or solicitation of a policy of automobile insurance that includes a statement that a valid driver's license is not required in order to obtain automobile insurance, followed by the denial of coverage based on the lack of a valid driver's license when a claim is made on such policy of automobile insurance.

(Source: P.A. 97-527, eff. 8-23-11.)

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.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Martinez, **House Bill No. 4096** 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:

[May 25, 2012]

YEAS 45; NAYS 9.

The following voted in the affirmative:

Althoff	Holmes	Luechtefeld	Sandack
Brady	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Jacobs	McGuire	Schoenberg
Collins, J.	Johnson, C.	Meeks	Steans
Crotty	Johnson, T.	Millner	Sullivan
Cultra	Jones, E.	Mulroe	Syverson
Delgado	Koehler	Muñoz	Trotter
Frerichs	Kotowski	Noland	Mr. President
Garrett	Landek	Pankau	
Haine	Lightford	Radogno	
Harmon	Link	Raoul	

The following voted in the negative:

Bomke	LaHood	McCarter
Dillard	Lauzen	Murphy
Duffy	McCann	Rezin

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 in the Senate Amendments adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Jacobs, **House Bill No. 4110** was recalled from the order of third reading to the order of second reading.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 4110

AMENDMENT NO. 2. Amend House Bill 4110, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 20, by replacing "another entity" with "a fixed base operator".

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Jacobs, **House Bill No. 4110** 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 44; NAYS 10.

The following voted in the affirmative:

Bivins	Holmes	Maloney	Sandack
Brady	Hunter	Martinez	Sandoval
Clayborne	Hutchinson	McGuire	Schoenberg
Collins, J.	Jacobs	Meeks	Steans

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Crotty	Johnson, T.	Millner	Sullivan
Cultra	Jones, E.	Mulroe	Syverson
Delgado	Jones, J.	Muñoz	Trotter
Dillard	Koehler	Murphy	Mr. President
Frerichs	Kotowski	Noland	
Garrett	Landek	Pankau	
Haine	Lightford	Radogno	
Harmon	Link	Raoul	

The following voted in the negative:

Althoff	Johnson, C.	Luechtefeld	Schmidt
Bomke	LaHood	McCann	
Duffy	Lauzen	McCarter	

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 in the Senate Amendments adopted thereto.

On motion of Senator Holmes, **House Bill No. 4570** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Raoul
Bivins	Holmes	Luechtefeld	Rezin
Bomke	Hunter	Maloney	Sandack
Brady	Hutchinson	Martinez	Sandoval
Clayborne	Jacobs	McCann	Schmidt
Collins, A.	Johnson, C.	McCarter	Schoenberg
Collins, J.	Johnson, T.	McGuire	Steans
Crotty	Jones, E.	Meeks	Sullivan
Cultra	Jones, J.	Millner	Syverson
Delgado	Koehler	Mulroe	Trotter
Dillard	Kotowski	Muñoz	Mr. President
Duffy	LaHood	Murphy	
Frerichs	Landek	Noland	
Garrett	Lauzen	Pankau	
Haine	Lightford	Radogno	

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.

On motion of Senator Martinez, **House Bill No. 4615** 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 32; NAYS 20.

The following voted in the affirmative:

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Clayborne	Holmes	Link	Sandoval
Collins, A.	Hunter	Maloney	Schoenberg
Collins, J.	Hutchinson	Martinez	Steans
Crotty	Jacobs	McGuire	Trotter
Delgado	Jones, E.	Meeks	Mr. President
Frerichs	Koehler	Mulroe	
Garrett	Kotowski	Muñoz	
Haine	Landek	Noland	
Harmon	Lightford	Raoul	

The following voted in the negative:

Althoff	Duffy	McCann	Sandack
Bivins	Johnson, C.	Millner	Syverson
Bomke	Johnson, T.	Murphy	
Brady	Jones, J.	Pankau	
Cultra	LaHood	Radogno	
Dillard	Luechtefeld	Rezin	

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.

On motion of Senator Clayborne, **House Bill No. 4559** 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 43; NAYS 12.

The following voted in the affirmative:

Althoff	Harmon	Lightford	Noland
Bomke	Holmes	Link	Radogno
Clayborne	Hunter	Luechtefeld	Raoul
Collins, A.	Hutchinson	Maloney	Sandoval
Collins, J.	Jacobs	Martinez	Schmidt
Crotty	Johnson, T.	McCann	Schoenberg
Delgado	Jones, E.	McGuire	Steans
Dillard	Jones, J.	Meeks	Sullivan
Frerichs	Koehler	Millner	Trotter
Garrett	Kotowski	Mulroe	Mr. President
Haine	Landek	Muñoz	

The following voted in the negative:

Brady	LaHood	Pankau
Cultra	Lauzen	Rezin
Duffy	McCarter	Sandack
Johnson, C.	Murphy	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 in the Senate Amendment adopted thereto.

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On motion of Senator LaHood, **House Bill No. 4862** 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 55; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lauzen	Noland
Bivins	Harmon	Lightford	Pankau
Bomke	Holmes	Link	Raoul
Brady	Hunter	Luechtefeld	Rezin
Clayborne	Hutchinson	Maloney	Sandack
Collins, A.	Jacobs	Martinez	Sandoval
Collins, J.	Johnson, C.	McCann	Schmidt
Crotty	Johnson, T.	McCarter	Schoenberg
Cultra	Jones, E.	McGuire	Steans
Delgado	Jones, J.	Meeks	Sullivan
Dillard	Koehler	Millner	Syverson
Duffy	Kotowski	Mulroe	Trotter
Frerichs	LaHood	Muñoz	Mr. President
Garrett	Landek	Murphy	

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.

On motion of Senator Dillard, **House Bill No. 5016** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Raoul
Bivins	Holmes	Luechtefeld	Rezin
Bomke	Hunter	Maloney	Sandack
Brady	Hutchinson	Martinez	Sandoval
Clayborne	Jacobs	McCann	Schmidt
Collins, A.	Johnson, C.	McCarter	Schoenberg
Collins, J.	Johnson, T.	McGuire	Steans
Crotty	Jones, E.	Meeks	Sullivan
Cultra	Jones, J.	Millner	Syverson
Delgado	Koehler	Mulroe	Trotter
Dillard	Kotowski	Muñoz	Mr. President
Duffy	LaHood	Murphy	
Frerichs	Landek	Noland	
Garrett	Lauzen	Pankau	
Haine	Lightford	Radogno	

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 in the Senate Amendments adopted thereto.

[May 25, 2012]

On motion of Senator LaHood, **House Bill No. 5050** 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 55; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Lightford	Pankau
Bivins	Holmes	Link	Radogno
Bomke	Hunter	Luechtefeld	Raoul
Brady	Hutchinson	Maloney	Rezin
Clayborne	Jacobs	Martinez	Sandack
Collins, A.	Johnson, C.	McCann	Sandoval
Collins, J.	Johnson, T.	McCarter	Schmidt
Crotty	Jones, E.	McGuire	Schoenberg
Cultra	Jones, J.	Meeks	Steans
Delgado	Koehler	Millner	Sullivan
Dillard	Kotowski	Mulroe	Syverson
Duffy	LaHood	Muñoz	Trotter
Frerichs	Landek	Murphy	Mr. President
Haine	Lauzen	Noland	

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.

On motion of Senator LaHood, **House Bill No. 5134** 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 54; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lauzen	Radogno
Bivins	Harmon	Lightford	Raoul
Bomke	Holmes	Link	Rezin
Brady	Hunter	Luechtefeld	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Jacobs	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	McGuire	Steans
Cultra	Jones, E.	Meeks	Sullivan
Delgado	Jones, J.	Millner	Syverson
Dillard	Koehler	Mulroe	Trotter
Duffy	Kotowski	Muñoz	Mr. President
Frerichs	LaHood	Murphy	
Garrett	Landek	Pankau	

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.

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On motion of Senator Dillard, **House Bill No. 5203** 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 54; NAYS 2.

The following voted in the affirmative:

Althoff	Harmon	Link	Radogno
Bivins	Holmes	Luechtefeld	Raoul
Bomke	Hunter	Maloney	Rezin
Brady	Hutchinson	Martinez	Sandack
Clayborne	Jacobs	McCann	Sandoval
Collins, J.	Johnson, C.	McCarter	Schmidt
Crotty	Johnson, T.	McGuire	Schoenberg
Cultra	Jones, E.	Meeks	Steans
Delgado	Jones, J.	Millner	Sullivan
Dillard	Koehler	Mulroe	Syverson
Duffy	Kotowski	Muñoz	Trotter
Frerichs	LaHood	Murphy	Mr. President
Garrett	Lauzen	Noland	
Haine	Lightford	Pankau	

The following voted in the negative:

Collins, A.
Landek

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.

On motion of Senator Lightford, **House Bill No. 5248** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Raoul
Bivins	Holmes	Luechtefeld	Rezin
Bomke	Hunter	Maloney	Sandack
Brady	Hutchinson	Martinez	Sandoval
Clayborne	Jacobs	McCann	Schmidt
Collins, A.	Johnson, C.	McCarter	Schoenberg
Collins, J.	Johnson, T.	McGuire	Steans
Crotty	Jones, E.	Meeks	Sullivan
Cultra	Jones, J.	Millner	Syverson
Delgado	Koehler	Mulroe	Trotter
Dillard	Kotowski	Muñoz	Mr. President
Duffy	LaHood	Murphy	
Frerichs	Landek	Noland	
Garrett	Lauzen	Pankau	
Haine	Lightford	Radogno	

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 in the Senate Amendment adopted thereto.

On motion of Senator Schoenberg, **House Bill No. 5289** 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 33; NAYS 23.

The following voted in the affirmative:

Clayborne	Holmes	Martinez	Sandoval
Collins, A.	Hunter	McGuire	Schoenberg
Collins, J.	Hutchinson	Meeks	Steans
Crotty	Jones, E.	Millner	Sullivan
Delgado	Koehler	Mulroe	Trotter
Frerichs	Kotowski	Muñoz	Mr. President
Garrett	Lightford	Noland	
Haine	Link	Radogno	
Harmon	Maloney	Raoul	

The following voted in the negative:

Althoff	Duffy	Landek	Pankau
Bivins	Jacobs	Lauzen	Rezin
Bomke	Johnson, C.	Luechtefeld	Sandack
Brady	Johnson, T.	McCann	Schmidt
Cultra	Jones, J.	McCarter	Syverson
Dillard	LaHood	Murphy	

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 in the Senate Amendments adopted thereto.

SENATE BILL RECALLED

On motion of Senator Mulroe, **Senate Bill No. 2534** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 3 was withdrawn by the sponsor.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 2534

AMENDMENT NO. 4. Amend Senate Bill 2534, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 21-3 as follows:
(720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

Sec. 21-3. Criminal trespass to real property.

(a) Except as provided in subsection (a-5), whoever:

- (1) knowingly and without lawful authority enters or remains within or on a building; or
- (2) enters upon the land of another, after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden; or

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(3) remains upon the land of another, after receiving notice from the owner or occupant to depart; or

(3.5) presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land; or

(4) intentionally removes a notice posted on residential real estate as required by subsection (l) of Section 15-1505.8 of Article XV of the Code of Civil Procedure before the date and time set forth in the notice;

commits a Class B misdemeanor.

For purposes of item (1) of this subsection, this Section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this Section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(a-5) Except as otherwise provided in this subsection, whoever enters upon any of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle) after receiving, prior to that entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart commits a Class A misdemeanor:

(1) A field that is used for growing crops or that is capable of being used for growing crops.

(2) An enclosed area containing livestock.

(3) An orchard.

(4) A barn or other agricultural building containing livestock.

(b) A person has received notice from the owner or occupant within the meaning of Subsection (a) if he has been notified personally, either orally or in writing including a valid court order as defined by subsection (7) of Section 112A-3 of the Code of Criminal Procedure of 1963 granting remedy (2) of subsection (b) of Section 112A-14 of that Code, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(b-5) Subject to the provisions of subsection (b-10), as an alternative to the posting of real property as set forth in subsection (b), the owner or lessee of any real property may post the property by placing identifying purple marks on trees or posts around the area to be posted. Each purple mark shall be:

(1) A vertical line of at least 8 inches in length and the bottom of the mark shall be

no less than 3 feet nor more than 5 feet high. Such marks shall be placed no more than 100 feet apart and shall be readily visible to any person approaching the property; or

(2) A post capped or otherwise marked on at least its top 2 inches. The bottom of the cap or mark shall be not less than 3 feet but not more than 5 feet 6 inches high. Posts so marked shall be placed not more than 36 feet apart and shall be readily visible to any person approaching the property. Prior to applying a cap or mark which is visible from both sides of a fence shared by different property owners or lessees, all such owners or lessees shall concur in the decision to post their own property.

Nothing in this subsection (b-5) shall be construed to authorize the owner or lessee of any real property to place any purple marks on any tree or post or to install any post or fence if doing so would violate any applicable law, rule, ordinance, order, covenant, bylaw, declaration, regulation, restriction, contract, or instrument.

(b-10) Any owner or lessee who marks his or her real property using the method described in subsection (b-5) must also provide notice as described in subsection (b) of this Section. The public of this State shall be informed of the provisions of subsection (b-5) of this Section by the Illinois Department of Agriculture and the Illinois Department of Natural Resources. These Departments shall conduct an information campaign for the general public concerning the interpretation and implementation of subsection (b-5). The information shall inform the public about the marking requirements and the applicability of subsection (b-5) including information regarding the size requirements of the markings as well as the manner in which the markings shall be displayed. The Departments shall also include information regarding the requirement that, until the date this subsection becomes inoperative, any owner or lessee who chooses to mark his or her property using paint, must also comply with one of the notice requirements listed in subsection (b). The Departments may prepare a brochure or may disseminate the information through agency websites. Non-governmental organizations including, but not limited to, the Illinois Forestry Association, Illinois Tree Farm and the Walnut Council may help to disseminate the information regarding the requirements and applicability of subsection (b-5)

based on materials provided by the Departments. This subsection (b-10) is inoperative on and after January 1, 2013.

(b-15) Subsections (b-5) and (b-10) do not apply to real property located in a municipality of over 2,000,000 inhabitants.

(c) This Section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on such land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his agent, nor to anyone invited by such migrant worker or other person so living on such land to visit him at the place he is so living upon the land.

(d) A person shall be exempt from prosecution under this Section if he beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the purpose of this subsection, "unoccupied and abandoned residential and industrial property" means any real estate (1) in which the taxes have not been paid for a period of at least 2 years; and (2) which has been left unoccupied and abandoned for a period of at least one year; and "beautifies" means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(e) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to subsection (d) of this Section.

(e-5) (i) A mortgagee or agent of the mortgagee shall be exempt from prosecution for criminal trespass for entering, securing, or maintaining an abandoned residential property.

(ii) No mortgagee or agent of the mortgagee shall be liable to the mortgagor or other owner of an abandoned residential property in any civil action for negligence or civil trespass in connection with entering, securing, or maintaining the abandoned residential property.

(iii) For the purpose of this subsection (e-5) only, "abandoned residential property" means mortgaged real estate that the mortgagee or agent of the mortgagee determines in good faith meets the definition of abandoned residential property set forth in Section 15-1200.5 of Article XV of the Code of Civil Procedure.

(f) This Section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this subsection (f), "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(g) Paragraph (3.5) of subsection (a) does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.

(h) A person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor vehicle as prohibited under subsection (a-5) of this Section. A person may also be liable to the owner for court costs and reasonable attorney's fees. The measure of damages shall be: (i) the actual damages, but not less than \$250, if the vehicle is operated in a nature preserve or registered area as defined in Sections 3.11 and 3.14 of the Illinois Natural Areas Preservation Act; (ii) twice the actual damages if the owner has previously notified the person to cease trespassing; or (iii) in any other case, the actual damages, but not less than \$50. If the person operating the vehicle is under the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable. For the purposes of this subsection (h):

"Land" includes, but is not limited to, land used for crop land, fallow land, orchard, pasture, feed lot, timber land, prairie land, mine spoil nature preserves and registered areas. "Land" does not include driveways or private roadways upon which the owner allows the public to drive.

"Owner" means the person who has the right to possession of the land, including the owner, operator or tenant.

"Vehicle" has the same meaning as provided under Section 1-217 of the Illinois Vehicle Code.

(i) This Section does not apply to the following persons while serving process:

(1) a person authorized to serve process under Section 2-202 of the Code of Civil Procedure; or

(2) a special process server appointed by the circuit court.

(Source: P.A. 97-184, eff. 7-22-11; 97-477, eff. 8-22-11; revised 9-14-11.)

Section 10. The Code of Civil Procedure is amended by changing Sections 15-1219, 15-1504, and 15-1508, changing and renumbering Section 15-1507.1, and by adding Sections 15-1200.5, 15-1200.7, and

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15-1505.8 as follows:

(735 ILCS 5/15-1200.5 new)

Sec. 15-1200.5. Abandoned residential property. "Abandoned residential property" means residential real estate that:

(a) either:

(1) is not occupied by any mortgagor or lawful occupant as a principal residence; or

(2) contains an incomplete structure if the real estate is zoned for residential development, where the structure is empty or otherwise uninhabited and is in need of maintenance, repair, or securing; and

(b) with respect to which either:

(1) two or more of the following conditions are shown to exist:

(A) construction was initiated on the property and was discontinued prior to completion, leaving a building unsuitable for occupancy, and no construction has taken place for at least 6 months;

(B) multiple windows on the property are boarded up or closed off or are smashed through, broken off, or unhinged, or multiple window panes are broken and unrepaired;

(C) doors on the property are smashed through, broken off, unhinged, or continuously unlocked;

(D) the property has been stripped of copper or other materials, or interior fixtures to the property have been removed;

(E) gas, electrical, or water services to the entire property have been terminated;

(F) there exist one or more written statements of the mortgagor or the mortgagor's personal representative or assigns, including documents of conveyance, which indicate a clear intent to abandon the property;

(G) law enforcement officials have received at least one report of trespassing or vandalism or other illegal acts being committed at the property in the last 6 months;

(H) the property has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal or county authority or a court of competent jurisdiction;

(I) the local police, fire, or code enforcement authority has requested the owner or other interested or authorized party to secure or winterize the property due to the local authority declaring the property to be an imminent danger to the health, safety, and welfare of the public;

(J) the property is open and unprotected and in reasonable danger of significant damage due to exposure to the elements, vandalism, or freezing; or

(K) there exists other evidence indicating a clear intent to abandon the property; or

(2) the real estate is zoned for residential development and is a vacant lot that is in need of maintenance, repair, or securing.

(735 ILCS 5/15-1200.7 new)

Sec. 15-1200.7. Abandoned residential property; exceptions. A property shall not be considered abandoned residential property if: (i) there is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in substantial compliance with all applicable ordinances, codes, regulations, and laws; (ii) there is a building occupied on a seasonal basis, but otherwise secure; (iii) there is a secure building on which there are bona fide rental or sale signs; (iv) there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute; or (v) there is a building that is otherwise secure and in substantial compliance with all applicable ordinances, codes, regulations and laws.

(735 ILCS 5/15-1219) (from Ch. 110, par. 15-1219)

Sec. 15-1219. Residential Real Estate. "Residential real estate" means any real estate, except a single tract of agricultural real estate consisting of more than 40 acres, which is improved with a single family residence or residential condominium units or a multiple dwelling structure containing single family dwelling units for six or fewer families living independently of each other, which residence, or at least one of which condominium or dwelling units, is occupied as a principal residence either (i) if a mortgagor is an individual, by that mortgagor, that mortgagor's spouse or that mortgagor's descendants, or (ii) if a mortgagor is a trustee of a trust or an executor or administrator of an estate, by a beneficiary of that trust or estate or by such beneficiary's spouse or descendants or (iii) if a mortgagor is a corporation, by persons owning collectively at least 50 percent of the shares of voting stock of such corporation or by a spouse or descendants of such persons. The use of a portion of residential real estate for non-residential purposes shall not affect the characterization of such real estate as residential real estate. For purposes of the definition of the term "abandoned residential property" in Section 15-1200.5 of this Article, "abandoned residential property" shall not include the requirement that the real estate be occupied, or if zoned for residential development, improved with a dwelling structure.

(Source: P.A. 85-907.)

(735 ILCS 5/15-1504) (from Ch. 110, par. 15-1504)
Sec. 15-1504. Pleadings and service.

(a) Form of Complaint. A foreclosure complaint may be in substantially the following form:

(1) Plaintiff files this complaint to foreclose the mortgage (or other conveyance in the nature of a mortgage) (hereinafter called "mortgage") hereinafter described and joins the following person as defendants: (here insert names of all defendants).

(2) Attached as Exhibit "A" is a copy of the mortgage and as Exhibit "B" is a copy of the note secured thereby.

(3) Information concerning mortgage:

(A) Nature of instrument: (here insert whether a mortgage, trust deed or other instrument in the nature of a mortgage, etc.)

(B) Date of mortgage:

(C) Name of mortgagor:

(D) Name of mortgagee:

(E) Date and place of recording:

(F) Identification of recording: (here insert book and page number or document number)

(G) Interest subject to the mortgage: (here insert whether fee simple, estate for years, undivided interest, etc.)

(H) Amount of original indebtedness, including subsequent advances made under the mortgage:

(I) Both the legal description of the mortgaged real estate and the common address or other information sufficient to identify it with reasonable certainty:

(J) Statement as to defaults, including, but not necessarily limited to, date of default, current unpaid principal balance, per diem interest accruing, and any further information concerning the default:

(K) Name of present owner of the real estate:

(L) Names of other persons who are joined as defendants and whose interest in or lien on the mortgaged real estate is sought to be terminated:

(M) Names of defendants claimed to be personally liable for deficiency, if any:

(N) Capacity in which plaintiff brings this foreclosure (here indicate whether plaintiff is the legal holder of the indebtedness, a pledgee, an agent, the trustee under a trust deed or otherwise, as appropriate):

(O) Facts in support of redemption period shorter than the longer of (i) 7 months from the date the mortgagor or, if more than one, all the mortgagors (I) have been served with summons or by publication or (II) have otherwise submitted to the jurisdiction of the court, or (ii) 3 months from the entry of the judgment of foreclosure, if sought (here indicate whether based upon the real estate not being residential, ~~abandonment~~, or real estate value less than 90% of amount owed, etc.):

(P) Statement that the right of redemption has been waived by all owners of redemption, if applicable:

(Q) Facts in support of request for attorneys' fees and of costs and expenses, if applicable:

(R) Facts in support of a request for appointment of mortgagee in possession or for appointment of receiver, and identity of such receiver, if sought:

(S) Offer to mortgagor in accordance with Section 15-1402 to accept title to the real estate in satisfaction of all indebtedness and obligations secured by the mortgage without judicial sale, if sought:

(T) Name or names of defendants whose right to possess the mortgaged real estate, after the confirmation of a foreclosure sale, is sought to be terminated and, if not elsewhere stated, the facts in support thereof:

REQUEST FOR RELIEF

Plaintiff requests:

- (i) A judgment of foreclosure and sale.
- (ii) An order granting a shortened redemption period, if sought.
- (iii) A personal judgment for a deficiency, if sought.
- (iv) An order granting possession, if sought.

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(v) An order placing the mortgagee in possession or appointing a receiver, if sought.

(vi) A judgment for attorneys' fees, costs and expenses, if sought.

(b) Required Information. A foreclosure complaint need contain only such statements and requests called for by the form set forth in subsection (a) of Section 15-1504 as may be appropriate for the relief sought. Such complaint may be filed as a counterclaim, may be joined with other counts or may include in the same count additional matters or a request for any additional relief permitted by Article II of the Code of Civil Procedure.

(c) Allegations. The statements contained in a complaint in the form set forth in subsection (a) of Section 15-1504 are deemed and construed to include allegations as follows:

(1) on the date indicated the obligor of the indebtedness or other obligations secured by the mortgage was justly indebted in the amount of the indicated original indebtedness to the original mortgagee or payee of the mortgage note;

(2) that the exhibits attached are true and correct copies of the mortgage and note and are incorporated and made a part of the complaint by express reference;

(3) that the mortgagor was at the date indicated an owner of the interest in the real estate described in the complaint and that as of that date made, executed and delivered the mortgage as security for the note or other obligations;

(4) that the mortgage was recorded in the county in which the mortgaged real estate is located, on the date indicated, in the book and page or as the document number indicated;

(5) that defaults occurred as indicated;

(6) that at the time of the filing of the complaint the persons named as present owners are the owners of the indicated interests in and to the real estate described;

(7) that the mortgage constitutes a valid, prior and paramount lien upon the indicated interest in the mortgaged real estate, which lien is prior and superior to the right, title, interest, claim or lien of all parties and nonrecord claimants whose interests in the mortgaged real estate are sought to be terminated;

(8) that by reason of the defaults alleged, if the indebtedness has not matured by its terms, the same has become due by the exercise, by the plaintiff or other persons having such power, of a right or power to declare immediately due and payable the whole of all indebtedness secured by the mortgage;

(9) that any and all notices of default or election to declare the indebtedness due and payable or other notices required to be given have been duly and properly given;

(10) that any and all periods of grace or other period of time allowed for the performance of the covenants or conditions claimed to be breached or for the curing of any breaches have expired;

(11) that the amounts indicated in the statement in the complaint are correctly stated and if such statement indicates any advances made or to be made by the plaintiff or owner of the mortgage indebtedness, that such advances were, in fact, made or will be required to be made, and under and by virtue of the mortgage the same constitute additional indebtedness secured by the mortgage; and

(12) that, upon confirmation of the sale, the holder of the certificate of sale or deed issued pursuant to that certificate or, if no certificate or deed was issued, the purchaser at the sale will be entitled to full possession of the mortgaged real estate against the parties named in clause (T) of paragraph (3) of subsection (a) of Section 15-1504 or elsewhere to the same effect; the omission of any party indicates that plaintiff will not seek a possessory order in the order confirming sale unless the request is subsequently made under subsection (h) of Section 15-1701 or by separate action under Article 9 of this Code.

(d) Request for Fees and Costs. A statement in the complaint that plaintiff seeks the inclusion of attorneys' fees and of costs and expenses shall be deemed and construed to include allegations that:

(1) plaintiff has been compelled to employ and retain attorneys to prepare and file the complaint and to represent and advise the plaintiff in the foreclosure of the mortgage and the plaintiff will thereby become liable for the usual, reasonable and customary fees of the attorneys in that behalf;

(2) that the plaintiff has been compelled to advance or will be compelled to advance, various sums of money in payment of costs, fees, expenses and disbursements incurred in connection with the foreclosure, including, without limiting the generality of the foregoing, filing fees, stenographer's fees, witness fees, costs of publication, costs of procuring and preparing documentary evidence and costs of procuring abstracts of title, Torrens certificates, foreclosure minutes and a title insurance policy;

(3) that under the terms of the mortgage, all such advances, costs, attorneys' fees and

other fees, expenses and disbursements are made a lien upon the mortgaged real estate and the plaintiff is entitled to recover all such advances, costs, attorneys' fees, expenses and disbursements, together with interest on all advances at the rate provided in the mortgage, or, if no rate is provided therein, at the statutory judgment rate, from the date on which such advances are made;

(4) that in order to protect the lien of the mortgage, it may become necessary for plaintiff to pay taxes and assessments which have been or may be levied upon the mortgaged real estate;

(5) that in order to protect and preserve the mortgaged real estate, it may also become necessary for the plaintiff to pay liability (protecting mortgagor and mortgagee), fire and other hazard insurance premiums on the mortgaged real estate, make such repairs to the mortgaged real estate as may reasonably be deemed necessary for the proper preservation thereof, advance for costs to inspect the mortgaged real estate or to appraise it, or both, and advance for premiums for pre-existing private or governmental mortgage insurance to the extent required after a foreclosure is commenced in order to keep such insurance in force; and

(6) that under the terms of the mortgage, any money so paid or expended will become an additional indebtedness secured by the mortgage and will bear interest from the date such monies are advanced at the rate provided in the mortgage, or, if no rate is provided, at the statutory judgment rate.

(e) Request for Foreclosure. The request for foreclosure is deemed and construed to mean that the plaintiff requests that:

(1) an accounting may be taken under the direction of the court of the amounts due and owing to the plaintiff;

(2) that the defendants be ordered to pay to the plaintiff before expiration of any redemption period (or, if no redemption period, before a short date fixed by the court) whatever sums may appear to be due upon the taking of such account, together with attorneys' fees and costs of the proceedings (to the extent provided in the mortgage or by law);

(3) that in default of such payment in accordance with the judgment, the mortgaged real estate be sold as directed by the court, to satisfy the amount due to the plaintiff as set forth in the judgment, together with the interest thereon at the statutory judgment rate from the date of the judgment;

(4) that in the event the plaintiff is a purchaser of the mortgaged real estate at such sale, the plaintiff may offset against the purchase price of such real estate the amounts due under the judgment of foreclosure and order confirming the sale;

(5) that in the event of such sale and the failure of any person entitled thereto to redeem prior to such sale pursuant to this Article, the defendants made parties to the foreclosure in accordance with this Article, and all nonrecord claimants given notice of the foreclosure in accordance with this Article, and all persons claiming by, through or under them, and each and any and all of them, may be forever barred and foreclosed of any right, title, interest, claim, lien, or right to redeem in and to the mortgaged real estate; and

(6) that if no redemption is made prior to such sale, a deed may be issued to the purchaser thereat according to law and such purchaser be let into possession of the mortgaged real estate in accordance with Part 17 of this Article.

(f) Request for Deficiency Judgment. A request for a personal judgment for a deficiency in a foreclosure complaint if the sale of the mortgaged real estate fails to produce a sufficient amount to pay the amount found due, the plaintiff may have a personal judgment against any party in the foreclosure indicated as being personally liable therefor and the enforcement thereof be had as provided by law.

(g) Request for Possession or Receiver. A request for possession or appointment of a receiver has the meaning as stated in subsection (b) of Section 15-1706.

(h) Answers by Parties. Any party may assert its interest by counterclaim and such counterclaim may at the option of that party stand in lieu of answer to the complaint for foreclosure and all counter complaints previously or thereafter filed in the foreclosure. Any such counterclaim shall be deemed to constitute a statement that the counter claimant does not have sufficient knowledge to form a belief as to the truth or falsity of the allegations of the complaint and all other counterclaims, except to the extent that the counterclaim admits or specifically denies such allegations.

(Source: P.A. 91-357, eff. 7-29-99.)

(735 ILCS 5/15-1504.3)

(Section scheduled to be repealed on March 2, 2016)

Sec. ~~15-1504.3~~ ~~15-1507.4~~. Filing Judicial sale fee for Abandoned Residential Property Municipality Relief Fund.

(a) With respect to residential real estate, at the time of the filing of a foreclosure complaint, the

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~~plaintiff shall pay to the clerk of the court in which the foreclosure complaint is filed a fee of \$250. Upon and at the sale of residential real estate under Section 15-1507, the purchaser shall pay to the person conducting the sale pursuant to Section 15-1507 a fee for deposit into the Abandoned Residential Property Municipality Relief Fund, a special fund created in the State treasury. The fee shall be calculated at the rate of \$1 for each \$1,000 or fraction thereof of the amount paid by the purchaser to the person conducting the sale, as reflected in the receipt of sale issued to the purchaser, provided that in no event shall the fee exceed \$300. No fee shall be paid by the mortgagee acquiring the residential real estate pursuant to its credit bid at the sale or by any mortgagee, judgment creditor, or other lienor acquiring the residential real estate whose rights in and to the residential real estate arose prior to the sale. Upon confirmation of the sale under Section 15-1508, the person conducting the sale shall remit the fee to the clerk of the court in which the foreclosure case is pending. The clerk shall remit the fee to the State Treasurer as provided in this Section, to be expended for the purposes set forth in Section 7.31 of the Illinois Housing Development Act.~~

(b) All fees paid by ~~plaintiffs to the clerk of the court~~ ~~purchasers~~ as provided in this Section shall be disbursed within 60 days after receipt by the clerk of the court as follows: (i) 98% to the State Treasurer for deposit into the Abandoned Residential Property Municipality Relief Fund, and (ii) 2% to the clerk of the court for administrative expenses related to implementation of this Section.

(c) Not later than March 1 of each year, the clerk of the court shall submit to the Illinois Housing Development Authority a report of the funds collected and remitted pursuant to this Section during the preceding year ~~pursuant to this Section~~.

(d) Subsections (a) and (b) of this Section shall become inoperative on January 1, 2016. This Section is repealed on March 2, 2016.

(Source: P.A. 96-1419, eff. 10-1-10.)

(735 ILCS 5/15-1505.8 new)

Sec. 15-1505.8. Expedited judgment and sale procedure for abandoned residential property.

(a) Upon motion and notice, the mortgagee may elect to utilize the expedited judgment and sale procedure for abandoned residential property stated in this Section to obtain a judgment of foreclosure pursuant to Section 15-1506. The motion to expedite the judgment and sale may be combined with or made part of the motion requesting a judgment of foreclosure. The notice of the motion to expedite the judgment and sale shall be sent by first-class mail to the last known address of the mortgagor, and the notice required by paragraph (1) of subsection (l) of this Section shall be posted at the property address.

(b) The motion requesting an expedited judgment of foreclosure and sale may be filed by the mortgagee at the time the foreclosure complaint is filed or any time thereafter, and shall set forth the facts demonstrating that the mortgaged real estate is abandoned residential real estate under Section 15-1200.5 and shall be supported by affidavit.

(c) If a motion for an expedited judgment and sale is filed at the time the foreclosure complaint is filed or before the period to answer the foreclosure complaint has expired, the motion shall be heard by the court no earlier than before the period to answer the foreclosure complaint has expired and no later than 15 days after the period to answer the foreclosure complaint has expired.

(d) If a motion for an expedited judgment and sale is filed after the period to answer the foreclosure complaint has expired, the motion shall be heard no later than 15 days after the motion is filed.

(e) The hearing shall be given priority by the court and shall be scheduled to be heard within the applicable time period set forth in subsection (c) or (d) of this Section.

(f) Subject to subsection (g), at the hearing on the motion requesting an expedited judgment and sale, if the court finds that the mortgaged real estate is abandoned residential property, the court shall grant the motion and immediately proceed to a trial of the foreclosure. A judgment of foreclosure under this Section shall include the matters identified in Section 15-1506.

(g) The court may not grant the motion requesting an expedited judgment and sale if: (i) the mortgagor appears in the action in any manner before or at the hearing and objects to a finding of abandonment; (ii) a person other than the mortgagor appears at the hearing and presents evidence establishing to the satisfaction of the court that the mortgagor is working with, or making an attempt to work with, the mortgagee to modify the mortgage; or (iii) a person other than the mortgagor appears at the hearing and presents evidence establishing to the satisfaction of the court that the mortgagor or a lawful occupant has not abandoned the mortgaged real estate.

(h) The court shall vacate an order issued pursuant to subsection (f) of this Section if the mortgagor or a lawful occupant appears in the action at any time prior to the court issuing an order confirming the sale pursuant to subsection (b-3) of Section 15-1508 and presents evidence establishing to the satisfaction of the court that the mortgagor or lawful occupant has not abandoned the mortgaged real estate.

(i) The reinstatement period and redemption period for the abandoned residential property shall end in

accordance with paragraph (4) of subsection (b) of Section 15-1603, and the abandoned residential property shall be sold at the earliest practicable time at a sale as provided in this Article.

(j) The mortgagee or its agent may enter, secure, and maintain abandoned residential property subject to subsection (e-5) of Section 21-3 of the Criminal Code of 1961.

(k) Personal property.

(1) Upon confirmation of the sale held pursuant to Section 15-1507, any personal property remaining in or upon the abandoned residential property shall be deemed to have been abandoned by the owner of such personal property and may be disposed of or donated by the holder of the certificate of sale (or, if none, by the purchaser at the sale). In the event of donation of any such personal property, the holder of the certificate of sale (or, if none, the purchaser at the sale) may transfer such donated property with a bill of sale. No mortgagee or its successors or assigns, holder of a certificate of sale, or purchaser at the sale shall be liable for any such disposal or donation of personal property.

(2) Notwithstanding paragraph (1) of this subsection (k), in the event a lawful occupant is in possession of the mortgaged real estate who has not been made a party to the foreclosure and had his or her interests terminated therein, any personal property of the lawful occupant shall not be deemed to have been abandoned, nor shall the rights of the lawful occupant to any personal property be affected.

(l) Notices to be posted at property address.

(1) The notice set out in this paragraph (l) of this subsection (l) shall be conspicuously posted at the property address at least 14 days before the hearing on the motion requesting an expedited judgment and sale and shall be in boldface, in at least 12 font type, and in substantially the following form:

"NOTICE TO ANY TENANT OR OTHER LAWFUL
OCCUPANT OF THIS PROPERTY

A lawsuit has been filed to foreclose on this property, and the party asking to foreclose on this property has asked a judge to find that THIS PROPERTY IS ABANDONED.

The judge will be holding a hearing to decide whether this property is ABANDONED.

IF YOU LAWFULLY OCCUPY ANY PART OF THIS PROPERTY, YOU MAY CHOOSE TO GO TO THIS HEARING and explain to the judge how you are a lawful occupant of this property.

You also can ask any other person to go to this hearing for you, and this person does not have to be attorney. If you do have another person who is not an attorney go to this hearing for you, that person will not be authorized to represent you but could help explain to the judge how you are a lawful occupant of this property.

If the judge is satisfied that you are a LAWFUL OCCUPANT of this property, the court will find that this property is NOT ABANDONED.

This hearing will be held in the courthouse at the following address, date, and time:

Court name:.....

Court address:.....

Court room number where hearing will be held:.....

(There should be a person in this room called a CLERK who can help you. Make sure you know THIS PROPERTY'S ADDRESS.)

Date of hearing:.....

Time of hearing:.....

MORE INFORMATION

Name of lawsuit.....

Number of lawsuit.....

Address of this property.....

IMPORTANT

This is NOT a notice to vacate the premises. You may wish to contact a lawyer or your local legal aid or housing counseling agency to discuss any rights that you may have.

WARNING

INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME STATED IN THIS NOTICE IS A CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a).

NO TRESPASSING

KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a)."

(2) The notice set out in this paragraph (2) of this subsection (1) shall be conspicuously posted at the property address at least 14 days before the hearing to confirm the sale of the abandoned residential property and shall be in boldface, in at least 12 font type, and in substantially the following form:

"NOTICE TO ANY TENANT OR OTHER LAWFUL OCCUPANT OF THIS PROPERTY

A lawsuit has been filed to foreclose on this property, and the judge has found that THIS PROPERTY IS ABANDONED. As a result, THIS PROPERTY HAS BEEN OR WILL BE SOLD.

HOWEVER, there still must be a hearing for the judge to approve the sale. The judge will NOT APPROVE this sale if the judge finds that any person lawfully occupies any part of this property.

IF YOU LAWFULLY OCCUPY ANY PART OF THIS PROPERTY, YOU MAY CHOOSE TO GO TO THIS HEARING and explain to the judge how you are a lawful occupant of this property. You also may appear BEFORE this hearing and explain to the judge how you are a lawful occupant of this property.

If the judge is satisfied that you are a LAWFUL OCCUPANT of this property, the court will find that this property is NOT ABANDONED, and there will be no sale of the property at this time.

This hearing will be held in the courthouse at the following address, date, and time:

Court name:.....

Court address:.....

Court room number where hearing will be held:.....

(There should be a person in this room called a CLERK who can help you. Make sure you know THIS PROPERTY'S ADDRESS.)

Date of hearing:.....

Time of hearing:.....

MORE INFORMATION

Name of lawsuit.....

Number of lawsuit.....

Address of this property.....

IMPORTANT

This is NOT a notice to vacate the premises. You may wish to contact a lawyer or your local legal aid or housing counseling agency to discuss any rights that you may have.

WARNING

INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME STATED IN THIS NOTICE IS A CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a).

NO TRESPASSING

KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a)."

(735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

Sec. 15-1508. Report of Sale and Confirmation of Sale.

(a) Report. The person conducting the sale shall promptly make a report to the court, which report

shall include a copy of all receipts and, if any, certificate of sale.

(b) Hearing. Upon motion and notice in accordance with court rules applicable to motions generally, which motion shall not be made prior to sale, the court shall conduct a hearing to confirm the sale. Unless the court finds that (i) a notice required in accordance with subsection (c) of Section 15-1507 was not given, (ii) the terms of sale were unconscionable, (iii) the sale was conducted fraudulently, or (iv) justice was otherwise not done, the court shall then enter an order confirming the sale. The confirmation order shall include a name, address, and telephone number of the holder of the certificate of sale or deed issued pursuant to that certificate or, if no certificate or deed was issued, the purchaser, whom a municipality or county may contact with concerns about the real estate. The confirmation order may also:

(1) approve the mortgagee's fees and costs arising between the entry of the judgment of foreclosure and the confirmation hearing, those costs and fees to be allowable to the same extent as provided in the note and mortgage and in Section 15-1504;

(2) provide for a personal judgment against any party for a deficiency; and

(3) determine the priority of the judgments of parties who deferred proving the priority pursuant to subsection (h) of Section 15-1506, but the court shall not defer confirming the sale pending the determination of such priority.

(b-3) Hearing to confirm sale of abandoned residential property. Upon motion and notice by first-class mail to the last known address of the mortgagor, which motion shall be made prior to the sale and heard by the court at the earliest practicable time after conclusion of the sale, and upon the posting at the property address of the notice required by paragraph (2) of subsection (l) of Section 15-1505.8, the court shall enter an order confirming the sale of the abandoned residential property, unless the court finds that a reason set forth in items (i) through (iv) of subsection (b) of this Section exists for not approving the sale, or an order is entered pursuant to subsection (h) of Section 15-1505.8. The confirmation order also may address the matters identified in items (1) through (3) of subsection (b) of this Section. The notice required under subsection (b-5) of this Section shall not be required.

(b-5) Notice with respect to residential real estate. With respect to residential real estate, the notice required under subsection (b) of this Section shall be sent to the mortgagor even if the mortgagor has previously been held in default. In the event the mortgagor has filed an appearance, the notice shall be sent to the address indicated on the appearance. In all other cases, the notice shall be sent to the mortgagor at the common address of the foreclosed property. The notice shall be sent by first class mail. Unless the right to possession has been previously terminated by the court, the notice shall include the following language in 12-point boldface capitalized type:

IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO REMAIN IN
POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF POSSESSION, IN
ACCORDANCE WITH SECTION 15-1701(c) OF THE ILLINOIS MORTGAGE FORECLOSURE
LAW.

(b-10) Notice of confirmation order sent to municipality or county. A copy of the confirmation order required under subsection (b) shall be sent to the municipality in which the foreclosed property is located, or to the county within the boundary of which the foreclosed property is located if the foreclosed property is located in an unincorporated territory. A municipality or county must clearly publish on its website a single address to which such notice shall be sent. If a municipality or county does not maintain a website, then the municipality or county must publicly post in its main office a single address to which such notice shall be sent. In the event that a municipality or county has not complied with the publication requirement in this subsection (b-10), then such notice to the municipality or county shall be provided pursuant to Section 2-211 of the Code of Civil Procedure.

(c) Failure to Give Notice. If any sale is held without compliance with subsection (c) of Section 15-1507 of this Article, any party entitled to the notice provided for in paragraph (3) of that subsection (c) who was not so notified may, by motion supported by affidavit made prior to confirmation of such sale, ask the court which entered the judgment to set aside the sale. Any such party shall guarantee or secure by bond a bid equal to the successful bid at the prior sale, unless the party seeking to set aside the sale is the mortgagor, the real estate sold at the sale is residential real estate, and the mortgagor occupies the residential real estate at the time the motion is filed. In that event, no guarantee or bond shall be required of the mortgagor. Any subsequent sale is subject to the same notice requirement as the original sale.

(d) Validity of Sale. Except as provided in subsection (c) of Section 15-1508, no sale under this Article shall be held invalid or be set aside because of any defect in the notice thereof or in the publication of the same, or in the proceedings of the officer conducting the sale, except upon good cause shown in a hearing pursuant to subsection (b) of Section 15-1508. At any time after a sale has occurred, any party entitled to notice under paragraph (3) of subsection (c) of Section 15-1507 may recover from

the mortgagee any damages caused by the mortgagee's failure to comply with such paragraph (3). Any party who recovers damages in a judicial proceeding brought under this subsection may also recover from the mortgagee the reasonable expenses of litigation, including reasonable attorney's fees.

(d-5) Making Home Affordable Program. The court that entered the judgment shall set aside a sale held pursuant to Section 15-1507, upon motion of the mortgagor at any time prior to the confirmation of the sale, if the mortgagor proves by a preponderance of the evidence that (i) the mortgagor has applied for assistance under the Making Home Affordable Program established by the United States Department of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008, as amended by the American Recovery and Reinvestment Act of 2009, and (ii) the mortgaged real estate was sold in material violation of the program's requirements for proceeding to a judicial sale. The provisions of this subsection (d-5), except for this sentence, shall become inoperative on January 1, 2013 for all actions filed under this Article after December 31, 2012, in which the mortgagor did not apply for assistance under the Making Home Affordable Program on or before December 31, 2012.

(e) Deficiency Judgment. In any order confirming a sale pursuant to the judgment of foreclosure, the court shall also enter a personal judgment for deficiency against any party (i) if otherwise authorized and (ii) to the extent requested in the complaint and proven upon presentation of the report of sale in accordance with Section 15-1508. Except as otherwise provided in this Article, a judgment may be entered for any balance of money that may be found due to the plaintiff, over and above the proceeds of the sale or sales, and enforcement may be had for the collection of such balance, the same as when the judgment is solely for the payment of money. Such judgment may be entered, or enforcement had, only in cases where personal service has been had upon the persons personally liable for the mortgage indebtedness, unless they have entered their appearance in the foreclosure action.

(f) Satisfaction. Upon confirmation of the sale, the judgment stands satisfied to the extent of the sale price less expenses and costs. If the order confirming the sale includes a deficiency judgment, the judgment shall become a lien in the manner of any other judgment for the payment of money.

(g) The order confirming the sale shall include, notwithstanding any previous orders awarding possession during the pendency of the foreclosure, an award to the purchaser of possession of the mortgaged real estate, as of the date 30 days after the entry of the order, against the parties to the foreclosure whose interests have been terminated.

An order of possession authorizing the removal of a person from possession of the mortgaged real estate shall be entered and enforced only against those persons personally named as individuals in the complaint or the petition under subsection (h) of Section 15-1701 and in the order of possession and shall not be entered and enforced against any person who is only generically described as an unknown owner or nonrecord claimant or by another generic designation in the complaint.

Notwithstanding the preceding paragraph, the failure to personally name, include, or seek an award of possession of the mortgaged real estate against a person in the confirmation order shall not abrogate any right that the purchaser may have to possession of the mortgaged real estate and to maintain a proceeding against that person for possession under Article 9 of this Code or subsection (h) of Section 15-1701; and possession against a person who (1) has not been personally named as a party to the foreclosure and (2) has not been provided an opportunity to be heard in the foreclosure proceeding may be sought only by maintaining a proceeding under Article 9 of this Code or subsection (h) of Section 15-1701.

(h) With respect to mortgaged real estate containing 5 or more dwelling units, the order confirming the sale shall also provide that (i) the mortgagor shall transfer to the purchaser the security deposits, if any, that the mortgagor received to secure payment of rent or to compensate for damage to the mortgaged real estate from any current occupant of a dwelling unit of the mortgaged real estate, as well as any statutory interest that has not been paid to the occupant, and (ii) the mortgagor shall provide an accounting of the security deposits that are transferred, including the name and address of each occupant for whom the mortgagor holds the deposit and the amount of the deposit and any statutory interest.

(Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10; 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff. 8-26-11.)

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. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

[May 25, 2012]

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Mulroe, **Senate Bill No. 2534** 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 38; NAYS 3; Present 13.

The following voted in the affirmative:

Althoff	Holmes	Link	Radogno
Bivins	Jacobs	Luechtefeld	Rezin
Bomke	Johnson, C.	Maloney	Sandack
Crotty	Johnson, T.	McCann	Schmidt
Cultra	Jones, J.	McCarter	Schoenberg
Dillard	Koehler	McGuire	Sullivan
Duffy	Kotowski	Millner	Syverson
Frerichs	LaHood	Mulroe	Mr. President
Haine	Landek	Muñoz	
Harmon	Lauzen	Murphy	

The following voted in the negative:

Collins, A.
Martinez
Sandoval

The following voted present:

Brady	Garrett	Meeks	Trotter
Clayborne	Hunter	Noland	
Collins, J.	Jones, E.	Pankau	
Delgado	Lightford	Steans	

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.

ANNOUNCEMENT

The Chair announced that the Senate sessions scheduled for Saturday, May 26 and Sunday, May 27, 2012, have been cancelled, and the Senate will reconvene on Monday, May 28, 2012, at 2:00 o'clock p.m.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Muñoz, **House Bill No. 5109** 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 55; NAYS None.

The following voted in the affirmative:

[May 25, 2012]

Althoff	Haine	Lightford	Pankau
Bivins	Harmon	Link	Radogno
Bomke	Holmes	Luechtefeld	Raoul
Brady	Hunter	Maloney	Rezin
Clayborne	Hutchinson	Martinez	Sandack
Collins, A.	Jacobs	McCann	Sandoval
Collins, J.	Johnson, C.	McCarter	Schmidt
Crotty	Johnson, T.	McGuire	Schoenberg
Cultra	Jones, E.	Meeks	Steans
Delgado	Jones, J.	Millner	Sullivan
Dillard	Koehler	Mulroe	Syverson
Duffy	Kotowski	Muñoz	Trotter
Frerichs	LaHood	Murphy	Mr. President
Garrett	Landek	Noland	

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.

On motion of Senator Bivins, **House Bill No. 5337** 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 55; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Pankau
Bivins	Harmon	Link	Radogno
Bomke	Holmes	Luechtefeld	Raoul
Brady	Hunter	Maloney	Rezin
Clayborne	Hutchinson	Martinez	Sandack
Collins, A.	Jacobs	McCann	Sandoval
Collins, J.	Johnson, C.	McCarter	Schmidt
Crotty	Johnson, T.	McGuire	Schoenberg
Cultra	Jones, E.	Meeks	Steans
Delgado	Jones, J.	Millner	Sullivan
Dillard	Koehler	Mulroe	Syverson
Duffy	LaHood	Muñoz	Trotter
Frerichs	Landek	Murphy	Mr. President
Garrett	Laufen	Noland	

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.

Senator Kotowski asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **House Bill No. 5337**.

On motion of Senator Steans, **House Bill No. 5444** 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 34; NAYS 19.

The following voted in the affirmative:

Bomke	Holmes	Link	Sandack
Clayborne	Hunter	Maloney	Sandoval
Collins, A.	Hutchinson	Martinez	Schoenberg
Collins, J.	Jacobs	McGuire	Steans
Crotty	Jones, E.	Meeks	Sullivan
Delgado	Koehler	Mulroe	Trotter
Frerichs	Kotowski	Muñoz	Mr. President
Garrett	Landek	Noland	
Haine	Lightford	Raoul	

The following voted in the negative:

Althoff	Duffy	Lauzen	Pankau
Bivins	Johnson, C.	Luechtefeld	Radogno
Brady	Johnson, T.	McCann	Rezin
Cultra	Jones, J.	McCarter	Syverson
Dillard	LaHood	Murphy	

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.

On motion of Senator Lightford, **House Bill No. 5587** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Raoul
Bivins	Holmes	Luechtefeld	Rezin
Bomke	Hunter	Maloney	Sandack
Brady	Hutchinson	Martinez	Sandoval
Clayborne	Jacobs	McCann	Schmidt
Collins, A.	Johnson, C.	McCarter	Schoenberg
Collins, J.	Johnson, T.	McGuire	Steans
Crotty	Jones, E.	Meeks	Sullivan
Cultra	Jones, J.	Millner	Syverson
Delgado	Koehler	Mulroe	Trotter
Dillard	Kotowski	Muñoz	Mr. President
Duffy	LaHood	Murphy	
Frerichs	Landek	Noland	
Garrett	Lauzen	Pankau	
Haine	Lightford	Radogno	

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.

On motion of Senator Millner, **House Bill No. 5602** 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:

[May 25, 2012]

YEAS 52; NAYS 2.

The following voted in the affirmative:

Althoff	Harmon	Link	Rezin
Bivins	Holmes	Luechtefeld	Sandack
Bomke	Hunter	Maloney	Sandoval
Brady	Hutchinson	Martinez	Schmidt
Clayborne	Jacobs	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Steans
Crotty	Johnson, T.	McGuire	Sullivan
Cultra	Jones, E.	Meeks	Syverson
Delgado	Jones, J.	Millner	Trotter
Dillard	Koehler	Mulroe	Mr. President
Duffy	Kotowski	Murphy	
Frerichs	LaHood	Noland	
Garrett	Lauzen	Pankau	
Haine	Lightford	Radogno	

The following voted in the negative:

Collins, A.
Raoul

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 in the Senate Amendments adopted thereto.

On motion of Senator Mulroe, **House Bill No. 5823**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call, on motion of Senator Mulroe, further consideration of **House Bill No. 5823** was postponed.

HOUSE BILL RECALLED

On motion of Senator Schoenberg, **House Bill No. 5866** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and Senator Schoenberg moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 5866

AMENDMENT NO. 3. Amend House Bill 5866, immediately below the enacting clause, by inserting the following:

"Section 3. The Illinois Lottery Law is amended by adding Section 21.9 as follows:
(20 ILCS 1605/21.9 new)

Sec. 21.9. Special drawings to benefit Illinois Lottery scratch-off game beneficiary funds.

(a) The Department may, from time to time, designate specific lottery game drawings to benefit the various scratch-off game funds identified in Sections 21.5 through 21.8 of this Act. Each special drawing designation shall be publicly announced by the Department in advance of the drawing date, along with the name of the fund that will benefit from the drawing and any special criteria for the transfer of moneys to the beneficiary fund, such as minimum sales or a net proceeds threshold.

(b) Proceeds from specially designated drawings shall be deposited into the designated beneficiary fund for appropriation by the General Assembly for the same purposes and in accordance with the same requirements as outlined in Sections 21.5 through 21.8 of this Act."

The motion prevailed.

[May 25, 2012]

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Schoenberg, **House Bill No. 5866** 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 34; NAYS 19.

The following voted in the affirmative:

Clayborne	Hunter	Maloney	Raoul
Collins, A.	Hutchinson	Martinez	Sandoval
Crotty	Jacobs	McGuire	Schoenberg
Delgado	Jones, E.	Meeks	Steans
Frerichs	Koehler	Mulroe	Sullivan
Garrett	Kotowski	Muñoz	Trotter
Haine	Landek	Murphy	Mr. President
Harmon	Lightford	Noland	
Holmes	Link	Radogno	

The following voted in the negative:

Bivins	Duffy	Lauzen	Rezin
Bomke	Johnson, C.	Luechtefeld	Sandack
Brady	Johnson, T.	McCann	Schmidt
Cultra	Jones, J.	McCarter	Syverson
Dillard	LaHood	Pankau	

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 in the Senate Amendment adopted thereto.

On motion of Senator Cullerton, **House Bill No. 5877** 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 55; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Pankau
Bivins	Harmon	Link	Radogno
Bomke	Holmes	Luechtefeld	Raoul
Brady	Hunter	Maloney	Rezin
Clayborne	Hutchinson	Martinez	Sandack
Collins, A.	Jacobs	McCann	Sandoval
Collins, J.	Johnson, C.	McCarter	Schmidt
Crotty	Johnson, T.	McGuire	Schoenberg
Cultra	Jones, E.	Meeks	Steans
Delgado	Jones, J.	Millner	Sullivan

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Dillard	Koehler	Mulroe	Syverson
Duffy	Kotowski	Muñoz	Trotter
Frerichs	LaHood	Murphy	Mr. President
Garrett	Landek	Noland	

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.

SENATE BILL RECALLED

On motion of Senator Crotty, **Senate Bill No. 2915** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was tabled in the Committee on Licensed Activities.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2915

AMENDMENT NO. 2. Amend Senate Bill 2915 by replacing everything after the enacting clause with the following:

"Section 5. The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act is amended by changing Sections 1, 5, 10, and 50 and by adding Sections 6, 62, and 73 as follows:

(225 ILCS 130/1)

(Section scheduled to be repealed on January 1, 2014)

Sec. 1. Short title. This Act may be cited as the Registered Surgical Assistant and ~~Registered Surgical Technologist Title Protection~~ Act.

(Source: P.A. 93-280, eff. 7-1-04)

(225 ILCS 130/5)

(Section scheduled to be repealed on January 1, 2014)

Sec. 5. Legislative purpose. The purpose of this Act is to protect and benefit the public by setting standards of qualifications, education, training, and experience for those who seek to hold the title of registered surgical assistant ~~and registered surgical technologist~~. The practice of surgical technology in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of surgical technology, as defined in this Act, merit and receive the confidence of the public and that only qualified persons be authorized to practice surgical technology in the State of Illinois. This Act shall be liberally construed to best carry out these subjects and purposes.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/6 new)

Sec. 6. Registration as a surgical technologist. No person shall practice or attempt to practice surgical technology, as defined in this Act, without a valid registration as a surgical technologist issued by the Department.

(225 ILCS 130/10)

(Section scheduled to be repealed on January 1, 2014)

Sec. 10. Definitions. As used in this Act:

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

"Direct supervision" means supervision by an operating physician or other physician licensed to practice medicine in all its branches, licensed podiatrist, or licensed dentist who is physically present and who personally directs delegated acts and remains available to personally respond to an emergency until the patient is released from the operating room. A registered professional nurse may also provide direct supervision within the scope of his or her license. A registered surgical assistant or registered surgical technologist shall perform duties as assigned.

"Director" means the Director of Professional Regulation.

"Physician" or "operating physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

"Registered surgical assistant" means a person who (i) is not licensed to practice medicine in all of its branches, (ii) is certified by the National Surgical Assistant Association on the Certification of Surgical Assistants, the Liaison Council on Certification for the Surgical Technologist as a certified first assistant,

[May 25, 2012]

or the American Board of Surgical Assisting, (iii) performs duties under direct supervision, (iv) provides services only in a licensed hospital, ambulatory treatment center, or office of a physician licensed to practice medicine in all its branches, and (v) is registered under this Act.

"Registered surgical technologist" means a person who ~~meets the requirements of Section 50 of this Act, performs duties under direct supervision, (i) is not a physician licensed to practice medicine in all of its branches, (ii) is certified by the Liaison Council on Certification for the Surgical Technologist, (iii) performs duties under direct supervision, (iv) provides services only in a licensed hospital, ambulatory treatment center, or office of a physician licensed to practice medicine in all its branches, and (v) is registered under this Act.~~

"Surgical technology" means intraoperative surgical patient care that may include the following: preparing the operating room for surgical procedures; preparing sterile supplies, instruments, and equipment using sterile technique; and performing, as directed, tasks at the sterile field to assist in the surgical procedure.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/50)

(Section scheduled to be repealed on January 1, 2014)

Sec. 50. Registration requirements; surgical technologist. A person shall qualify for registration as a surgical technologist if he or she has applied in writing on the prescribed form, has paid the required fees, and meets all of the following requirements:

(1) Is at least 18 years of age.

(2) Has not violated a provision of Section 95 of this Act. In addition the Department may take into consideration any felony conviction of the applicant, but a conviction shall not operate as an absolute bar to registration.

(3) Has completed a nationally accredited surgical technology technologist program approved by the Department or a surgical technology program provided by the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or the commissioned corps of the United States Public Health Service.

(4) Provides proof of certification as a certified surgical technologist or other surgical technology certification issued by a nationally accredited credentialing organization as approved by the Department. Individuals practicing surgical technology prior to July 1, 2014 shall be considered to have met the requirements of this paragraph. Has successfully completed the surgical technologist national certification examination provided by the Liaison Council on Certification for the Surgical Technologist or its successor agency.

(5) (Blank).

(6) (Blank). Is currently certified by the Liaison Council on Certification for the Surgical Technologist or its successor agency and has met the requirements set forth for certification.

(Source: P.A. 93-280, eff. 7-1-04; revised 11-18-11.)

(225 ILCS 130/62 new)

Sec. 62. Continuing education. The Department may adopt rules for continuing education for persons registered under this Act that require a completion of 30 hours of approved continuing education per registration renewal period. The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by the registrant, by requiring the filing of continuing education certificates with the Department, or by other means established by the Department.

(225 ILCS 130/73 new)

Sec. 73. Unregistered practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice surgical technology without being registered under this Act or any individual or entity that causes or attempts to cause a registered surgical technologist or any other person under that individual's or entity's control to violate this Act or any other State or federal law or rule related to the practice of surgical technology shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a registrant.

(b) The Department has the authority and power to investigate any and all unregistered activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Section 99. Effective date. This Act takes effect July 1, 2014."

[May 25, 2012]

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Crotty, **Senate Bill No. 2915** 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 51; NAYS 2.

The following voted in the affirmative:

Althoff	Holmes	Link	Pankau
Bivins	Hunter	Luechtefeld	Radogno
Brady	Hutchinson	Maloney	Raoul
Clayborne	Jacobs	Martinez	Sandack
Collins, J.	Johnson, C.	McCann	Sandoval
Crotty	Johnson, T.	McCarter	Schmidt
Cultra	Jones, E.	McGuire	Schoenberg
Delgado	Jones, J.	Meeks	Steans
Dillard	Koehler	Millner	Sullivan
Frerichs	Kotowski	Mulroe	Syverson
Garrett	LaHood	Muñoz	Trotter
Haine	Landek	Murphy	Mr. President
Harmon	Lightford	Noland	

The following voted in the negative:

Duffy
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 and ask their concurrence therein.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Muñoz, **House Bill No. 196** 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 30; NAYS 23; Present 1.

The following voted in the affirmative:

Clayborne	Hunter	Link	Raoul
Collins, A.	Hutchinson	Maloney	Sandoval
Collins, J.	Jacobs	McGuire	Schoenberg
Crotty	Jones, E.	Meeks	Steans

[May 25, 2012]

Dillard	Koehler	Millner	Trotter
Garrett	Kotowski	Mulroe	Mr. President
Harmon	Landek	Muñoz	
Holmes	Lightford	Noland	

The following voted in the negative:

Althoff	Frerichs	Luechtefeld	Rezin
Bivins	Johnson, C.	McCann	Sandack
Bomke	Johnson, T.	McCarter	Schmidt
Brady	Jones, J.	Murphy	Sullivan
Cultra	LaHood	Pankau	Syverson
Duffy	Lauzen	Radogno	

The following voted present:

Haine

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 in the Senate Amendment adopted thereto.

Senator Martinez asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 196**.

HOUSE BILL RECALLED

On motion of Senator Harmon, **House Bill No. 1605** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 3 was held in the Committee on Pensions and Investments.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO HOUSE BILL 1605

AMENDMENT NO. 4. Amend House Bill 1605 AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 3-124.1 and 4-117 and by adding Sections 3-124.3 and 4-117.2 as follows:

(40 ILCS 5/3-124.1) (from Ch. 108 1/2, par. 3-124.1)

Sec. 3-124.1. Re-entry into active service.

(a) If a police officer who is receiving pension payments other than as provided in Section 3-109.3 or Section 3-124.3 re-enters active service, pension payment shall be suspended while he or she is in service. When he or she again retires, pension payments shall be resumed. If the police officer remains in service after re-entry for a period of less than 5 years, the pension shall be the same as upon first retirement. If the officer's service after re-entry is at least 5 years and the officer makes the required contributions during the period of re-entry, his or her pension shall be recomputed by taking into account the additional period of service and salary.

(Source: P.A. 91-939, eff. 2-1-01.)

(40 ILCS 5/3-124.3 new)

Sec. 3-124.3. Pension payments during contractual return to active service.

(a) Notwithstanding any other provisions of this Code, if a police officer receiving pension payments accepts on a contractual basis a position to provide services to a municipality from which he or she has retired, then that police officer shall continue to receive the pension payments earned during active service, provided:

(1) he or she is at least age 55 and has at least 30 years of service;

(2) his or her annual salary during the period of contractual service is not more than 35% of his or her salary from the last 12 months preceding retirement;

(3) his or her salary did not increase by more than 10% per year during the 2 years preceding

[May 25, 2012]

retirement; and

(4) the contractual employment is for a period not exceeding the lesser of (i) 75 working days or (ii) 600 hours in any calendar year. Any part of a day on contractual employment is considered a full day of employment.

(b) The municipality shall pay to the pension fund an amount equal to 14% of the annual salary of the police officer during each calendar year, or portion thereof, that he or she is performing contractual service as described in subsection (a).

(c) Except as set forth in subsection (b) of this Section, no employer contribution shall be required from a municipality for any police officer providing contractual service as described in subsection (a) of this Section. No contribution shall be required pursuant to Section 3-125.1 from any police officer performing contractual service as described in subsection (a) of this Section.

(d) The period of contractual service described in subsection (a) of this Section shall not provide a basis for the recomputation of the police officer's pension.

(40 ILCS 5/4-117) (from Ch. 108 1/2, par. 4-117)

Sec. 4-117. Reentry into active service.

(a) Except as set forth in Section 4-117.2, if a firefighter receiving pension payments reenters active service, pension payments shall be suspended while he or she is in service. If the firefighter again retires or is discharged, his or her monthly pension shall be resumed in the same amount as was paid upon first retirement or discharge unless he or she remained in active service 3 or more years after re-entry in which case the monthly pension shall be based on the salary attached to the firefighter's rank at the date of last retirement.

(b) If a deferred pensioner re-enters active service, and again retires or is discharged from the fire service, his or her pension shall be based on the salary attached to the rank held in the fire service at the date of earlier retirement, unless the firefighter remains in active service for 3 or more years after re-entry, in which case the monthly pension shall be based on the salary attached to the firefighter's rank at the date of last retirement.

(c) If a pensioner or deferred pensioner re-enters or is recalled to active service and is thereafter injured, and the injury is not related to an injury for which he or she was previously receiving a disability pension, the 3 year service requirement shall not apply in order for the firefighter to qualify for the increased pension based on the rate of pay at the time of the new injury.

(Source: P.A. 83-1440.)

(40 ILCS 5/4-117.2 new)

Sec. 4-117.2. Pension payments during contractual return to active service.

(a) Notwithstanding any other provisions of this Code, if a firefighter receiving pension payments accepts on a contractual basis a position to provide services to a municipality from which he or she has retired, then that firefighter shall continue to receive the pension payments earned during active service, provided:

(1) he or she is at least age 55 and has at least 30 years of service;

(2) his or her annual salary during the period of contractual service is not more than 35% of his or her salary from the last 12 months preceding retirement;

(3) his or her salary did not increase by more than 10% per year during the 2 years preceding retirement; and

(4) the contractual employment is for a period not exceeding the lesser of (i) 75 working days or (ii) 600 hours in any calendar year. Any part of a day on contractual employment is considered a full day of employment.

(b) The municipality shall pay to the pension fund an amount equal to 14% of the annual salary of the firefighter during each calendar year, or portion thereof, that he or she is performing contractual service as described in subsection (a).

(c) Except as set forth in subsection (b) of this Section, no employer contribution shall be required from a municipality for any firefighter providing contractual service as described in subsection (a) of this Section. No contribution shall be required pursuant to Section 4-118.1 from any firefighter performing contractual service as described in subsection (a) of this Section.

(d) The period of contractual service described in subsection (a) of this Section shall not provide a basis for the recomputation of the firefighter's pension."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

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READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 1605** 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 39; NAYS 11.

The following voted in the affirmative:

Bivins	Harmon	Lightford	Raoul
Bomke	Holmes	Link	Sandack
Clayborne	Hunter	Luechtefeld	Sandoval
Collins, A.	Hutchinson	Maloney	Schoenberg
Collins, J.	Jones, E.	Martinez	Steans
Crotty	Jones, J.	McGuire	Sullivan
Dillard	Koehler	Meeks	Syverson
Frerichs	Kotowski	Millner	Trotter
Garrett	LaHood	Mulroe	Mr. President
Haine	Landek	Noland	

The following voted in the negative:

Brady	Johnson, C.	McCann	Pankau
Cultra	Johnson, T.	McCarter	Rezin
Duffy	Lauzen	Murphy	

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 in the Senate Amendments adopted thereto.

On motion of Senator Muñoz, **House Bill No. 1907** 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 46; NAY 1; Present 6.

The following voted in the affirmative:

Althoff	Holmes	Maloney	Radogno
Bivins	Hutchinson	Martinez	Rezin
Bomke	Johnson, C.	McCann	Sandack
Brady	Jones, E.	McCarter	Sandoval
Clayborne	Jones, J.	McGuire	Schmidt
Crotty	Koehler	Meeks	Schoenberg
Cultra	Kotowski	Millner	Steans
Dillard	LaHood	Mulroe	Sullivan
Duffy	Landek	Muñoz	Syverson
Frerichs	Lauzen	Murphy	Mr. President
Garrett	Link	Noland	
Haine	Luechtefeld	Pankau	

The following voted in the negative:

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Collins, A.

The following voted present:

Collins, J.	Hunter	Raoul
Harmon	Lightford	Trotter

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 in the Senate Amendment adopted thereto.

Senator T. Johnson asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **House Bill No. 1907**.

On motion of Senator Haine, **House Bill No. 3499** 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 50; NAYS None.

The following voted in the affirmative:

Althoff	Holmes	Luechtefeld	Raoul
Bomke	Hunter	Maloney	Rezin
Brady	Hutchinson	Martinez	Sandack
Clayborne	Johnson, C.	McCann	Sandoval
Collins, J.	Johnson, T.	McCarter	Schmidt
Crotty	Jones, E.	McGuire	Schoenberg
Cultra	Jones, J.	Meeks	Steans
Dillard	Koehler	Millner	Sullivan
Duffy	Kotowski	Mulroe	Syverson
Frerichs	LaHood	Murphy	Trotter
Garrett	Lauzen	Noland	Mr. President
Haine	Lightford	Pankau	
Harmon	Link	Radogno	

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 in the Senate Amendment adopted thereto.

On motion of Senator Raoul, **House Bill No. 3859** 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 49; NAYS None.

The following voted in the affirmative:

Althoff	Holmes	Maloney	Rezin
Bivins	Hunter	Martinez	Sandack
Bomke	Hutchinson	McCann	Sandoval
Clayborne	Johnson, C.	McCarter	Schmidt
Collins, A.	Johnson, T.	McGuire	Schoenberg
Collins, J.	Jones, J.	Meeks	Steans

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Crotty	Koehler	Millner	Sullivan
Cultra	Kotowski	Mulroe	Syverson
Dillard	LaHood	Muñoz	Trotter
Duffy	Landek	Murphy	Mr. President
Garrett	Lightford	Noland	
Haine	Link	Pankau	
Harmon	Luechtefeld	Raoul	

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.

On motion of Senator Muñoz, **House Bill No. 3875** 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 36; NAYS 15.

The following voted in the affirmative:

Althoff	Holmes	Maloney	Sandoval
Clayborne	Hunter	Martinez	Schoenberg
Collins, A.	Hutchinson	McGuire	Steans
Collins, J.	Johnson, T.	Meeks	Sullivan
Crotty	Jones, E.	Millner	Trotter
Dillard	Koehler	Mulroe	Mr. President
Frerichs	Kotowski	Noland	
Garrett	Landek	Radogno	
Haine	Lightford	Raoul	
Harmon	Link	Sandack	

The following voted in the negative:

Bivins	Duffy	Lauzen	Pankau
Bomke	Johnson, C.	McCann	Rezin
Brady	Jones, J.	McCarter	Syverson
Cultra	LaHood	Murphy	

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.

On motion of Senator Garrett, **House Bill No. 3934** 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 54; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Radogno
Bivins	Holmes	Luechtefeld	Raoul
Bomke	Hunter	Maloney	Rezin
Brady	Hutchinson	Martinez	Sandack
Clayborne	Johnson, C.	McCann	Sandoval

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Collins, A.	Johnson, T.	McCarter	Schmidt
Collins, J.	Jones, E.	McGuire	Schoenberg
Crotty	Jones, J.	Meeks	Steans
Cultra	Koehler	Millner	Sullivan
Dillard	Kotowski	Mulroe	Syverson
Duffy	LaHood	Muñoz	Trotter
Frerichs	Landek	Murphy	Mr. President
Garrett	Lauzen	Noland	
Haine	Lightford	Pankau	

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.

On motion of Senator Murphy, **House Bill No. 3969** 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 54; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Radogno
Bivins	Holmes	Luechtefeld	Raoul
Bomke	Hunter	Maloney	Rezin
Brady	Hutchinson	Martinez	Sandack
Clayborne	Johnson, C.	McCann	Sandoval
Collins, A.	Johnson, T.	McCarter	Schmidt
Collins, J.	Jones, E.	McGuire	Schoenberg
Crotty	Jones, J.	Meeks	Steans
Cultra	Koehler	Millner	Sullivan
Dillard	Kotowski	Mulroe	Syverson
Duffy	LaHood	Muñoz	Trotter
Frerichs	Landek	Murphy	Mr. President
Garrett	Lauzen	Noland	
Haine	Lightford	Pankau	

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 in the Senate Amendments adopted thereto.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Lightford, **Senate Bill No. 3362** having been printed, was taken up, read by title a second time.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3362

AMENDMENT NO. 1. Amend Senate Bill 3362 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 34-3.5 as follows:
(105 ILCS 5/34-3.5)

Sec. 34-3.5. Partnership agreement on advancing student achievement; No Child Left Behind Act of 2001.

[May 25, 2012]

(a) The General Assembly finds that the Chicago Teachers Union, the Chicago Board of Education, and the district's chief executive officer have a common responsibility beyond their statutory collective bargaining relationship to institute purposeful education reforms in the Chicago Public Schools that maximize the number of students in the Chicago Public Schools who reach or exceed proficiency with regard to State academic standards and assessments. The General Assembly further finds that education reform in the Chicago Public Schools must be premised on a commitment by all stakeholders to redefine relationships, develop, implement, and evaluate programs, seek new and additional resources, improve the value of educational programs to students, accelerate the quality of teacher training, improve instructional excellence, and develop and implement strategies to comply with the federal No Child Left Behind Act of 2001 (Public Law 107-110).

The Chicago Board of Education and the district's chief executive officer shall enter into a partnership agreement with the Chicago Teachers Union to allow the parties to work together to advance the Chicago Public Schools to the next level of education reform. This agreement must be entered into and take effect within 90 days after the effective date of this amendatory Act of the 93rd General Assembly. As part of this agreement, the Chicago Teachers Union, the Chicago Board of Education, and the district's chief executive officer shall jointly file a report with the General Assembly at the end of each school year with respect to the nature of the reforms that the parties have instituted, the effect of these reforms on student achievement, and any other matters that the parties deem relevant to evaluating the effectiveness of the agreement.

(a-5) A pilot, grade 6 through 8, class-size-reduction grant program is created. This program shall be implemented and administered, subject to appropriation, by the Board. The program shall comply with the following requirements:

(1) Schools, to be known as "pilot schools", are eligible to participate in the program provided they satisfy the following requirements:

(A) The school has students enrolled in grades 6 through 8.

(B) The school has been determined to be underutilized according to Board's space-utilization policy standards.

(C) The school has average class sizes in grades 6 through 8 in excess of 28 students for core-content subjects during the 2011-2012 school year.

(2) A maximum of 18 schools shall participate in the program.

(3) Subject to appropriation, the program shall begin at the start of the 2012-2013 school year and shall terminate at the end of the 2014-2015 school year.

(4) Pilot school teachers assigned to grades 6 through 8 for core-content subjects shall have a maximum of 22 students assigned to their classes during the term of the program.

(5) The Chicago Teachers Union and the district's chief executive officer or his or her designee shall negotiate a method for selecting schools that will participate in the program from schools eligible to participate in the program pursuant to subdivision (1) of this subsection (a-5).

(6) The Chicago Teachers Union and the district's chief executive officer or his or her designee shall negotiate a method for measuring student learning and achievement for students in grades 6 through 8 at pilot schools.

(7) The parties shall report the aggregate student learning and achievement measures for students in grades 6 through 8 at pilot schools to the General Assembly no later than December 1, 2015.

The General Assembly recognizes that the program involves subjects of bargaining that are covered by Section 4.5 of the Illinois Educational Labor Relations Act. No provision in this subsection (a-5) is intended nor should it be interpreted to alter the parties' rights and obligations under Section 4.5 of the Illinois Educational Labor Relations Act. Notwithstanding these rights and obligations, the General Assembly has legislatively decided that a program be implemented and that the class size in pilot schools be 22 students in grades 6 through 8 without prejudice to the Board's right to decide these matters unilaterally pursuant to Section 4.5 of the Illinois Educational Labor Relations Act. Consistent with Section 4.5 of the Illinois Educational Labor Relations Act, the parties are obligated to engage in impact bargaining over these legislative mandates, and any disputes or impasses arising out of these negotiations must be resolved as set forth exclusively in subsection (b) of Section 4.5 of the Illinois Educational Labor Relations Act and subsection (b) of Section 12 of the Illinois Educational Labor Relations Act.

(b) Decisions concerning matters of inherent managerial policy necessary to comply with the federal No Child Left Behind Act of 2001 (Public Law 107-110), including such areas of discretion or policy as the functions of the employer, the standards and delivery of educational services and programs, the district's overall budget, the district's organizational structure, student assignment, school choice, and the selection of new employees and direction of employees, and the impact of these decisions on individual

employees or the bargaining unit shall be permissive subjects of bargaining between the educational employer and the exclusive bargaining representative and are within the sole discretion of the educational employer to decide to bargain. This subsection (b) is exclusive of the parties' obligations and responsibilities under Section 4.5 of the Illinois Educational Labor Relations Act (provided that any dispute or impasse that may arise under this subsection (b) shall be resolved exclusively as set forth in subsection (b) of Section 12 of the Illinois Educational Labor Relations Act in lieu of a strike under Section 13 of the Illinois Educational Labor Relations Act).
(Source: P.A. 93-3, eff. 4-16-03.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3362

AMENDMENT NO. 2. Amend Senate Bill 3362, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing line 25 with the following: "administered by the Chicago Board of Education, subject to State appropriation and full receipt of the State-appropriated funds. The".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

COMMUNICATION FROM THE MINORITY LEADER

CHRISTINE RADOGNO

SENATE REPUBLICAN LEADER · 41st DISTRICT

May 25, 2012

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

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator John O. Jones to temporarily replace Senator Dale Righter as a member of the Senate Committee on Assignments. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,
s/Christine Radogno
Christine Radogno
Senate Republican Leader

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

At the hour of 1:47 o'clock p.m., Senator Schoenberg, presiding, and the Chair announced that the Senate stand at ease.

AT EASE

[May 25, 2012]

At the hour of 1:57 o'clock p.m., the Senate resumed consideration of business.
 Senator Schoenberg, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 25, 2012 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

- Criminal Law: **Motion to Concur in House Amendment 1 to Senate Bill 2944**
 Motion to Concur in House Amendments 2 and 3 to Senate Bill 3258
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 3349
- Education: **Motion to Concur in House Amendment 1 to Senate Bill 3374**
- Energy: **Motion to Concur in House Amendment 1 to Senate Bill 2526**
 Motion to Concur in House Amendment 1 to Senate Bill 3170
- Environment: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 2867**
 Motion to Concur in House Amendment 1 to Senate Bill 2882
 Motion to Concur in House Amendment 1 to Senate Bill 2950
- Executive: **Motion to Concur in House Amendment 1 to Senate Bill 758**
 Motion to Concur in House Amendments 2 and 3 to Senate Bill 1849
 Motion to Concur in House Amendment 1 to Senate Bill 3201
 Motion to Concur in House Amendment 1 to Senate Bill 3399
- Financial Institutions: **Motion to Concur in House Amendments 2 and 4 to Senate Bill 1692**
- Higher Education: **Motion to Concur in House Amendment 1 to Senate Bill 2929**
 Motion to Concur in House Amendment 1 to Senate Bill 2949
- Human Services: **Motion to Concur in House Amendment 2 to Senate Bill 278**
- Insurance: **Motion to Concur in House Amendment 1 to Senate Bill 3240**
- Judiciary: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 1691**
 Motion to Concur in House Amendment 2 to Senate Bill 2545
 Motion to Concur in House Amendment 1 to Senate Bill 3249
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 3287
- Licensed Activities: **Motion to Concur in House Amendment 1 to Senate Bill 3202**
 Motion to Concur in House Amendment 1 to Senate Bill 3279
- Local Government: **Motion to Concur in House Amendment 1 to Senate Bill 548**
 Motion to Concur in House Amendment 1 to Senate Bill 3184
 Motion to Concur in House Amendment 1 to Senate Bill 3373
 Motion to Concur in House Amendment 1 to Senate Bill 3406
- Revenue: **Motion to Concur in House Amendment 3 to Senate Bill 409**
 Motion to Concur in House Amendments 1 and 7 to Senate Bill 1286
 Motion to Concur in House Amendment 1 to Senate Bill 3314
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 3386
- State Government and Veterans Affairs:
 Motion to Concur in House Amendment 1 to Senate Bill 2524

[May 25, 2012]

Transportation: **Motion to Concur in House Amendment 1 to Senate Bill 2937**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 25, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to House Bill 2083; Senate Floor Amendment No. 2 to House Bill 2083; Senate Committee Amendment No. 5 to Senate Bill 3773; Senate Committee Amendment No. 6 to Senate Bill 3773; Senate Floor Amendment No. 5 to House Bill 3779.**

Local Government: **Senate Floor Amendment No. 2 to House Bill 3372.**

State Government and Veterans Affairs: **Senate Floor Amendment No. 3 to Senate Bill 351.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 25, 2012 meeting, reported that the Committee recommends that **House Joint Resolution No. 79** be re-referred from the Committee on Education to the Committee on Executive.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 25, 2012 meeting, reported that the Committee recommends that **Senate Resolution No. 752** be re-referred from the Committee on State Government and Veterans Affairs to the Committee on Executive.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 25, 2012 meeting, reported that the Committee recommends that **Senate Resolution No. 773** be re-referred from the Committee on State Government and Veterans Affairs to the Committee on Executive.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 25, 2012 meeting, reported that the following Legislative Measures have been approved for consideration:

Senate Floor Amendment No. 3 to House Bill 3801
Senate Floor Amendment No. 4 to House Bill 5078

The foregoing floor amendments were placed on the Secretary's Desk.

COMMITTEE MEETING ANNOUNCEMENTS FOR MAY 28, 2012

The Chair announced the following committee to meet at 3:00 o'clock p.m.:

Agriculture and Conservation in Room 409

The Chair announced the following committees to meet at 3:30 o'clock p.m.:

Human Services in Room 212
 Judiciary in Room 400
 Higher Education in Room 409

The Chair announced the following committees to meet at 4:00 o'clock p.m.:

Transportation in Room 400
 Education in Room 409

The Chair announced the following committee to meet at 4:15 o'clock p.m.:

Labor in Room 212

[May 25, 2012]

HOUSE BILL RECALLED

On motion of Senator Raoul, **House Bill No. 3801** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 3801

AMENDMENT NO. 2. Amend House Bill 3801 by replacing everything after the enacting clause with the following:

"Section 5. The Tobacco Accessories and Smoking Herbs Control Act is amended by changing Sections 4 and 5 as follows:

(720 ILCS 685/4) (from Ch. 23, par. 2358-4)

Sec. 4. Offenses.

(a) Sale to minors. No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered, or given away tobacco accessories or smoking herbs to any person under 18 years of age.

(a-5) Sale of bidi cigarettes. No person shall knowingly sell, barter, exchange, deliver, or give away a bidi cigarette to another person, nor shall a person cause or permit or procure a bidi cigarette to be sold, bartered, exchanged, delivered, or given away to another person.

(b) Sale of cigarette paper. No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit, or procure cigarette paper to be sold, offered, bartered, exchanged, delivered, or given away except from premises or an establishment where other tobacco products are sold. For purposes of this Section, "tobacco products" means cigarettes, cigars, smokeless tobacco, or tobacco in any of its forms.

(b-5) Sale of flavored wrapping paper and wrapping leaf. A person shall not knowingly sell, give away, barter, exchange, or otherwise furnish to any person any wrapping paper or wrapping leaf, however characterized, including, without limitation, cigarette papers, blunt wraps, cigar wraps, or tubes of paper or leaf, or any similar device, for the purpose of making a roll of tobacco or herbs for smoking, that is or is held out to be, impregnated, scented, or imbibed with, or aged or dipped in, a characterizing flavor including, without limitation, alcoholic or liquor flavor, or both, chocolate, fruit flavoring, vanilla, peanut butter, jelly, or any combination of those flavors or similar child attractive scent or flavor.

(c) Sale of cigarette paper from vending machines. No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit, or procure cigarette paper to be sold, offered, bartered, exchanged, delivered, or given away by use of a vending or coin-operated machine or device. For purposes of this Section, "cigarette paper" shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act or the Cigarette Use Tax Act.

(d) Use of identification cards. No person in the furtherance or facilitation of obtaining smoking accessories and smoking herbs shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(e) Warning to minors. Any person, firm, partnership, company or corporation operating a place of business where tobacco accessories and smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign upon which there shall be imprinted the following statement, "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be printed on a white card in red letters at least one-half inch in height.

(Source: P.A. 91-734, eff. 1-1-01.)

(720 ILCS 685/5) (from Ch. 23, par. 2358-5)

Sec. 5. Penalty.

(a) Any person who shall knowingly violate, or shall knowingly cause the violation of any provision of this Act other than subsection (a-5) or (b-5) of Section 4 shall be guilty of a Class C misdemeanor.

(b) Any person who knowingly violates or knowingly causes the violation of subsection (a-5) of Section 4 is guilty of a petty offense for which the offender may be fined an amount as follows:

(1) For a first offense, not less than \$100 and not more than \$500.

(2) For a second offense within a 2-year period, not less than \$250 and not more than \$500.

[May 25, 2012]

- (3) For a third or subsequent offense within a 2-year period, not less than \$500 and not more than \$1,000.

(c) Any person who knowingly violates or knowingly causes the violation of subsection (b-5) of Section 4 is guilty of a petty offense for which the offender shall be fined an amount of not less than \$100 and not more than \$1,000.

(Source: P.A. 91-734, eff. 1-1-01.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:
(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) (Blank).

(b) (Blank).

(c) (1) (Blank).

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision ~~(e)(1)~~, (c)(1.5); or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing ~~heroin~~, cocaine, fentanyl, or an analog thereof.

(D-5) A violation of subdivision (c)(1) of Section 401 of the Illinois Controlled Substances Act which relates to 3 or more grams of a substance containing heroin or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony, including any state or federal conviction for an offense that contained, at the time it was committed, the same elements as an offense now (the date of the offense committed after the prior Class 2 or greater felony) classified as a Class 2 or greater felony, within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 or 12-6.5 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.

(R) A violation of Section 24-3A of the Criminal Code of 1961.

(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(U) A second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(V) A violation of paragraph (4) of subsection (c) of Section 11-20.1B or paragraph (4) of subsection (c) of Section 11-20.3 of the Criminal Code of 1961.

(W) A violation of Section 24-3.5 of the Criminal Code of 1961.

(X) A violation of subsection (a) of Section 31-1a of the Criminal Code of 1961.

(Y) A conviction for unlawful possession of a firearm by a street gang member when the firearm was loaded or contained firearm ammunition.

(Z) A Class 1 felony committed while he or she was serving a term of probation or conditional discharge for a felony.

(AA) Theft of property exceeding \$500,000 and not exceeding \$1,000,000 in value.

(BB) Laundering of criminally derived property of a value exceeding \$500,000.

(CC) Knowingly selling, offering for sale, holding for sale, or using 2,000 or more counterfeit items or counterfeit items having a retail value in the aggregate of \$500,000 or more.

(DD) A conviction for aggravated assault under paragraph (6) of subsection (c) of Section 12-2 of the Criminal Code of 1961 if the firearm is aimed toward the person against whom the firearm is being used.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraphs (4.3) and (4.8) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraphs (4.5), (4.6), and (4.9) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) Except as provided in paragraph (4.10) of this subsection (c), a minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.7) A minimum term of imprisonment of not less than 30 consecutive days, or 300 hours of community service, shall be imposed for a violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (b-5) of that Section.

(4.8) A mandatory prison sentence shall be imposed for a second violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (c-5) of that Section. The person's driving privileges shall be revoked for a period of not less than 5 years from the date of his or her release from prison.

(4.9) A mandatory prison sentence of not less than 4 and not more than 15 years shall be imposed for a third violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-2.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(4.10) A mandatory prison sentence for a Class 1 felony shall be imposed, and the person shall be eligible for an extended term sentence, for a fourth or subsequent violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-3.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(5) The court may sentence a corporation or unincorporated association convicted of any offense to:

- (A) a period of conditional discharge;
- (B) a fine;
- (C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any other penalties imposed, and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any other penalties imposed, and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any other penalties imposed, a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of \$100.

(5.5) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of \$100.

(6) (Blank).

(7) (Blank).

(8) (Blank).

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of \$1,000 for a first offense and \$2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(13) A person convicted of or placed on court supervision for an assault or aggravated assault when the victim and the offender are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 or convicted of domestic battery or aggravated domestic battery may be required to attend a Partner Abuse Intervention Program under protocols set forth by the Illinois Department of Human Services under such terms and conditions imposed by the court. The costs of such classes shall be paid by the offender.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the

defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 11-1.60 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the

extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 11-0.1 of the Criminal Code of 1961.

(f) (Blank).

(g) Whenever a defendant is convicted of an offense under Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14, 11-14.3, 11-14.4 except for an offense that involves keeping a place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has

been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9, 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who willfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a willful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) (Blank).

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's

Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

- (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
- (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

- (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
- (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds \$300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a, of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.

(Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11; 97-159, eff. 7-21-11; revised 9-14-11.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Raoul offered the following amendment and moved its adoption:

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Sec. 4. Offenses.

(a) Sale to minors. No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered, or given away tobacco accessories or smoking herbs to any person under 18 years of age.

(a-5) Sale of bidi cigarettes. No person shall knowingly sell, barter, exchange, deliver, or give away a

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bidi cigarette to another person, nor shall a person cause or permit or procure a bidi cigarette to be sold, bartered, exchanged, delivered, or given away to another person.

(b) Sale of cigarette paper. No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit, or procure cigarette paper to be sold, offered, bartered, exchanged, delivered, or given away except from premises or an establishment where other tobacco products are sold. For purposes of this Section, "tobacco products" means cigarettes, cigars, smokeless tobacco, or tobacco in any of its forms.

(b-5) Sale of flavored wrapping paper and wrapping leaf. A person shall not knowingly sell, give away, barter, exchange, or otherwise furnish to any person any wrapping paper or wrapping leaf, however characterized, including, without limitation, cigarette papers, blunt wraps, cigar wraps, or tubes of paper or leaf, or any similar device, for the purpose of making a roll of tobacco or herbs for smoking, that is or is held out to be, impregnated, scented, or imbibed with, or aged or dipped in, a characterizing flavor, other than tobacco or menthol, including, without limitation, alcoholic or liquor flavor, or both, chocolate, fruit flavoring, vanilla, peanut butter, jelly, or any combination of those flavors or similar child attractive scent or flavor.

(c) Sale of cigarette paper from vending machines. No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit, or procure cigarette paper to be sold, offered, bartered, exchanged, delivered, or given away by use of a vending or coin-operated machine or device. For purposes of this Section, "cigarette paper" shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act or the Cigarette Use Tax Act.

(d) Use of identification cards. No person in the furtherance or facilitation of obtaining smoking accessories and smoking herbs shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(e) Warning to minors. Any person, firm, partnership, company or corporation operating a place of business where tobacco accessories and smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign upon which there shall be imprinted the following statement, "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be printed on a white card in red letters at least one-half inch in height.

(Source: P.A. 91-734, eff. 1-1-01.)

(720 ILCS 685/5) (from Ch. 23, par. 2358-5)

Sec. 5. Penalty.

(a) Any person who shall knowingly violate, or shall knowingly cause the violation of any provision of this Act other than subsection (a-5) or (b-5) of Section 4 shall be guilty of a Class C misdemeanor.

(b) Any person who knowingly violates or knowingly causes the violation of subsection (a-5) of Section 4 is guilty of a petty offense for which the offender may be fined an amount as follows:

(1) For a first offense, not less than \$100 and not more than \$500.

(2) For a second offense within a 2-year period, not less than \$250 and not more than \$500.

(3) For a third or subsequent offense within a 2-year period, not less than \$500 and not more than \$1,000.

(c) Any person who knowingly violates or knowingly causes the violation of subsection (b-5) of Section 4 is guilty of a petty offense for which the offender shall be fined an amount of not less than \$100 and not more than \$1,000.

(Source: P.A. 91-734, eff. 1-1-01.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) (Blank).

(b) (Blank).

(c) (1) (Blank).

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision ~~(c)(1)~~, (c)(1.5); or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing ~~heroin~~, cocaine, fentanyl, or an analog thereof.

(D-5) A violation of subdivision (c)(1) of Section 401 of the Illinois Controlled Substances Act which relates to 3 or more grams of a substance containing heroin or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony, including any state or federal conviction for an offense that contained, at the time it was committed, the same elements as an offense now (the date of the offense committed after the prior Class 2 or greater felony) classified as a Class 2 or greater felony, within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 or 12-6.5 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.

(R) A violation of Section 24-3A of the Criminal Code of 1961.

(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(U) A second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(V) A violation of paragraph (4) of subsection (c) of Section 11-20.1B or paragraph (4) of subsection (c) of Section 11-20.3 of the Criminal Code of 1961.

(W) A violation of Section 24-3.5 of the Criminal Code of 1961.

(X) A violation of subsection (a) of Section 31-1a of the Criminal Code of 1961.

(Y) A conviction for unlawful possession of a firearm by a street gang member when the firearm was loaded or contained firearm ammunition.

(Z) A Class 1 felony committed while he or she was serving a term of probation or conditional discharge for a felony.

(AA) Theft of property exceeding \$500,000 and not exceeding \$1,000,000 in value.

(BB) Laundering of criminally derived property of a value exceeding \$500,000.

(CC) Knowingly selling, offering for sale, holding for sale, or using 2,000 or more counterfeit items or counterfeit items having a retail value in the aggregate of \$500,000 or more.

(DD) A conviction for aggravated assault under paragraph (6) of subsection (c) of Section 12-2 of the Criminal Code of 1961 if the firearm is aimed toward the person against whom the firearm is being used.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraphs (4.3) and (4.8) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraphs (4.5), (4.6), and (4.9) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) Except as provided in paragraph (4.10) of this subsection (c), a minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.7) A minimum term of imprisonment of not less than 30 consecutive days, or 300 hours of community service, shall be imposed for a violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (b-5) of that Section.

(4.8) A mandatory prison sentence shall be imposed for a second violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (c-5) of that Section. The person's driving privileges shall be revoked for a period of not less than 5 years from the date of his or her release from prison.

(4.9) A mandatory prison sentence of not less than 4 and not more than 15 years shall be imposed for a third violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-2.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(4.10) A mandatory prison sentence for a Class 1 felony shall be imposed, and the person shall be eligible for an extended term sentence, for a fourth or subsequent violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-3.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(5) The court may sentence a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any other penalties imposed, and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any other penalties imposed, and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any other penalties imposed, a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges

suspended for 3 months and until he or she has paid a reinstatement fee of \$100.

(5.5) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of \$100.

(6) (Blank).

(7) (Blank).

(8) (Blank).

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of \$1,000 for a first offense and \$2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(13) A person convicted of or placed on court supervision for an assault or aggravated assault when the victim and the offender are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 or convicted of domestic battery or aggravated domestic battery may be required to attend a Partner Abuse Intervention Program under protocols set forth by the Illinois Department of Human Services under such terms and conditions imposed by the court. The costs of such classes shall be paid by the offender.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 11-1.60 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the

offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 11-0.1 of the Criminal Code of 1961.

(f) (Blank).

(g) Whenever a defendant is convicted of an offense under Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14, 11-14.3, 11-14.4 except for an offense that involves keeping a place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by

the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9, 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) (Blank).

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

- (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
- (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

- (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
- (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of

paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds \$300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a, of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.

(Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11; 97-159, eff. 7-21-11; revised 9-14-11.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 4 was referred to the Committee on Assignments earlier today.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Raoul, **House Bill No. 3801** 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 46; NAY 1.

The following voted in the affirmative:

Althoff	Hutchinson	Martinez	Raoul
Bivins	Johnson, C.	McCann	Rezin
Bomke	Jones, E.	McCarter	Sandoval
Brady	Koehler	McGuire	Schmidt
Clayborne	Kotowski	Meeks	Schoenberg
Collins, J.	LaHood	Millner	Steans
Crotty	Landek	Mulroe	Sullivan
Cultra	Laufen	Muñoz	Syverson
Dillard	Lightford	Murphy	Trotter
Garrett	Link	Noland	Mr. President
Haine	Luechtefeld	Pankau	
Holmes	Maloney	Radogno	

The following voted in the negative:

Collins, A.

[May 25, 2012]

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 in the Senate Amendments adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Harmon, **House Bill No. 5078** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 5078

AMENDMENT NO. 3. Amend House Bill 5078, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Public Officer Prohibited Activities Act is amended by changing Section 1 and by adding Section 1.4 as follows:

(50 ILCS 105/1) (from Ch. 102, par. 1)

Sec. 1. County board. No member of a county board, during the term of office for which he or she is elected, may be appointed to, accept, or hold any office by appointment of the county board chairman, with the advice and consent of the county board, or by election of the county board of which he or she is a member other than: (i) chairman of the county board, (ii) or member of the regional planning commission by appointment or election of the board of which he or she is a member, (ii) alderman of a city or member of the board of trustees of a village or incorporated town if the city, village, or incorporated town has fewer than 1,000 inhabitants and is located in a county having fewer than 50,000 inhabitants, or (iii) trustee of a forest preserve district created under Section 18.5 of the Conservation District Act, unless he or she first resigns from the office of county board member or unless the holding of another office is authorized by law. Any such prohibited appointment or election is void. This Section shall not preclude a member of the county board from being selected or from serving as a member of a County Extension Board as provided in Section 7 of the County Cooperative Extension Law, as a member of an Emergency Telephone System Board as provided in Section 15.4 of the Emergency Telephone System Act, or as appointed members of the board of review as provided in Section 6-30 of the Property Tax Code. ~~Nothing in this Act shall be construed to prohibit an elected county official from holding elected office in another unit of local government so long as there is no contractual relationship between the county and the other unit of local government. This amendatory Act of 1995 is declarative of existing law and is not a new enactment.~~

(Source: P.A. 94-617, eff. 8-18-05.)

(50 ILCS 105/1.4 new)

Sec. 1.4. Elected officials; other offices.

An elected county board member may serve as: (i) an elected mayor of a city or an elected president of the board of trustees of a village or incorporated town or (ii) an elected alderman of a city or an elected member of the board of trustees of a village or incorporated town, provided that the elected county board member and elected municipal officer must abstain from acting, voting, sponsoring, discussing, or participating in any way in the consideration of any specific contract or agreement between the county and the city, village, or incorporated town or in any other matter in which the interests of the county and the city, village, or incorporated town may conflict. County board members and municipal officers are not disqualified from acting on, voting on, sponsoring, discussing, or participating in the adoption of the county's or municipality's annual appropriations ordinance.

On or after the effective date of this amendatory Act of the 97th General Assembly, any individual who holds elected office in a unit of local government may not first enter into an additional elected office in another unit of local government if he or she is: (i) earning service credit under the Illinois Pension Code as a result of holding the first elected office and (ii) will earn service credit under the Illinois Pension Code as a result of simultaneously holding the second elected office.

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

The motion prevailed.

[May 25, 2012]

And the amendment was adopted and ordered printed.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO HOUSE BILL 5078

AMENDMENT NO. 4. Amend House Bill 5078, AS AMENDED, immediately above Section 5, by inserting the following:

"Section 1. Retroactive repeal. This amendatory Act of the 97th General Assembly hereby repeals and declares void ab initio Section 8-226.7 of the Illinois Pension Code as contained in Section 5 of Public Act 95-504 as that Section furnishes no vested rights because it violates multiple provisions of the 1970 Illinois Constitution, including, but not limited to, Article VIII, Section 1 and Article IV, Section 13. Upon receipt of an application within 6 months after the effective date of this amendatory Act of the 97th General Assembly, the System shall immediately refund any contributions made by or on behalf of a person to receive service credit pursuant to the text set forth in said Section 8-226.7, as well as any amount determined by the Board to be equal to the investment earned by the System on those contributions since their receipt.

Section 2. The Illinois Pension Code is amended by changing Section 7-139 as follows:

(40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

Sec. 7-139. Credits and creditable service to employees.

(a) Each participating employee shall be granted credits and creditable service, for purposes of determining the amount of any annuity or benefit to which he or a beneficiary is entitled, as follows:

1. For prior service: Each participating employee who is an employee of a participating municipality or participating instrumentality on the effective date shall be granted creditable service, but no credits under paragraph 2 of this subsection (a), for periods of prior service for which credit has not been received under any other pension fund or retirement system established under this Code, as follows:

If the effective date of participation for the participating municipality or participating instrumentality is on or before January 1, 1998, creditable service shall be granted for the entire period of prior service with that employer without any employee contribution.

If the effective date of participation for the participating municipality or participating instrumentality is after January 1, 1998, creditable service shall be granted for the last 20% of the period of prior service with that employer, but no more than 5 years, without any employee contribution. A participating employee may establish creditable service for the remainder of the period of prior service with that employer by making an application in writing, accompanied by payment of an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service may be made at any time while the employee is still in service.

A municipality that (i) has at least 35 employees; (ii) is located in a county with at least 2,000,000 inhabitants; and (iii) maintains an independent defined benefit pension plan for the benefit of its eligible employees may restrict creditable service in whole or in part for periods of prior service with the employer if the governing body of the municipality adopts an irrevocable resolution to restrict that creditable service and files the resolution with the board before the municipality's effective date of participation.

Any person who has withdrawn from the service of a participating municipality or participating instrumentality prior to the effective date, who reenters the service of the same municipality or participating instrumentality after the effective date and becomes a participating employee is entitled to creditable service for prior service as otherwise provided in this subdivision (a)(1) only if he or she renders 2 years of service as a participating employee after the effective date. Application for such service must be made while in a participating status. The salary rate to be used in the calculation of the required employee contribution, if any, shall be the employee's salary rate at the time of first reentering service with the employer after the employer's effective date of participation.

2. For current service, each participating employee shall be credited with:

a. Additional credits of amounts equal to each payment of additional contributions received from him under Section 7-173, as of the date the corresponding payment of earnings is payable to him.

b. Normal credits of amounts equal to each payment of normal contributions received

[May 25, 2012]

from him, as of the date the corresponding payment of earnings is payable to him, and normal contributions made for the purpose of establishing out-of-state service credits as permitted under the conditions set forth in paragraph 6 of this subsection (a).

c. Municipality credits in an amount equal to 1.4 times the normal credits, except those established by out-of-state service credits, as of the date of computation of any benefit if these credits would increase the benefit.

d. Survivor credits equal to each payment of survivor contributions received from the participating employee as of the date the corresponding payment of earnings is payable, and survivor contributions made for the purpose of establishing out-of-state service credits.

3. For periods of temporary and total and permanent disability benefits, each employee receiving disability benefits shall be granted creditable service for the period during which disability benefits are payable. Normal and survivor credits, based upon the rate of earnings applied for disability benefits, shall also be granted if such credits would result in a higher benefit to any such employee or his beneficiary.

4. For authorized leave of absence without pay: A participating employee shall be granted credits and creditable service for periods of authorized leave of absence without pay under the following conditions:

a. An application for credits and creditable service is submitted to the board while the employee is in a status of active employment.

b. Not more than 12 complete months of creditable service for authorized leave of absence without pay shall be counted for purposes of determining any benefits payable under this Article.

c. Credits and creditable service shall be granted for leave of absence only if such leave is approved by the governing body of the municipality, including approval of the estimated cost thereof to the municipality as determined by the fund, and employee contributions, plus interest at the effective rate applicable for each year from the end of the period of leave to date of payment, have been paid to the fund in accordance with Section 7-173. The contributions shall be computed upon the assumption earnings continued during the period of leave at the rate in effect when the leave began.

d. Benefits under the provisions of Sections 7-141, 7-146, 7-150 and 7-163 shall become payable to employees on authorized leave of absence, or their designated beneficiary, only if such leave of absence is creditable hereunder, and if the employee has at least one year of creditable service other than the service granted for leave of absence. Any employee contributions due may be deducted from any benefits payable.

e. No credits or creditable service shall be allowed for leave of absence without pay during any period of prior service.

5. For military service: The governing body of a municipality or participating instrumentality may elect to allow creditable service to participating employees who leave their employment to serve in the armed forces of the United States for all periods of such service, provided that the person returns to active employment within 90 days after completion of full time active duty, but no creditable service shall be allowed such person for any period that can be used in the computation of a pension or any other pay or benefit, other than pay for active duty, for service in any branch of the armed forces of the United States. If necessary to the computation of any benefit, the board shall establish municipality credits for participating employees under this paragraph on the assumption that the employee received earnings at the rate received at the time he left the employment to enter the armed forces. A participating employee in the armed forces shall not be considered an employee during such period of service and no additional death and no disability benefits are payable for death or disability during such period.

Any participating employee who left his employment with a municipality or participating instrumentality to serve in the armed forces of the United States and who again became a participating employee within 90 days after completion of full time active duty by entering the service of a different municipality or participating instrumentality, which has elected to allow creditable service for periods of military service under the preceding paragraph, shall also be allowed creditable service for his period of military service on the same terms that would apply if he had been employed, before entering military service, by the municipality or instrumentality which employed him after he left the military service and the employer costs arising in relation to such grant of creditable service shall be charged to and paid by that municipality or instrumentality.

Notwithstanding the foregoing, any participating employee shall be entitled to creditable service as required by any federal law relating to re-employment rights of persons who

served in the United States Armed Services. Such creditable service shall be granted upon payment by the member of an amount equal to the employee contributions which would have been required had the employee continued in service at the same rate of earnings during the military leave period, plus interest at the effective rate.

5.1. In addition to any creditable service established under paragraph 5 of this subsection (a), creditable service may be granted for up to 48 months of service in the armed forces of the United States.

In order to receive creditable service for military service under this paragraph 5.1, a participating employee must (1) apply to the Fund in writing and provide evidence of the military service that is satisfactory to the Board; (2) obtain the written approval of the current employer; and (3) make contributions to the Fund equal to (i) the employee contributions that would have been required had the service been rendered as a member, plus (ii) an amount determined by the board to be equal to the employer's normal cost of the benefits accrued for that military service, plus (iii) interest on items (i) and (ii) from the date of first membership in the Fund to the date of payment. The required interest shall be calculated at the regular interest rate.

The changes made to this paragraph 5.1 by Public Acts 95-483 and 95-486 apply only to participating employees in service on or after August 28, 2007 (the effective date of those Public Acts).

6. For out-of-state service: Creditable service shall be granted for service rendered to an out-of-state local governmental body under the following conditions: The employee had participated and has irrevocably forfeited all rights to benefits in the out-of-state public employees pension system; the governing body of his participating municipality or instrumentality authorizes the employee to establish such service; the employee has 2 years current service with this municipality or participating instrumentality; the employee makes a payment of contributions, which shall be computed at 8% (normal) plus 2% (survivor) times length of service purchased times the average rate of earnings for the first 2 years of service with the municipality or participating instrumentality whose governing body authorizes the service established plus interest at the effective rate on the date such credits are established, payable from the date the employee completes the required 2 years of current service to date of payment. In no case shall more than 120 months of creditable service be granted under this provision.

7. For retroactive service: Any employee who could have but did not elect to become a participating employee, or who should have been a participant in the Municipal Public Utilities Annuity and Benefit Fund before that fund was superseded, may receive creditable service for the period of service not to exceed 50 months; however, a current or former elected or appointed official of a participating municipality may establish credit under this paragraph 7 for more than 50 months of service as an official of that municipality, if the excess over 50 months is approved by resolution of the governing body of the affected municipality filed with the Fund before January 1, 2002.

Any employee who is a participating employee on or after September 24, 1981 and who was excluded from participation by the age restrictions removed by Public Act 82-596 may receive creditable service for the period, on or after January 1, 1979, excluded by the age restriction and, in addition, if the governing body of the participating municipality or participating instrumentality elects to allow creditable service for all employees excluded by the age restriction prior to January 1, 1979, for service during the period prior to that date excluded by the age restriction. Any employee who was excluded from participation by the age restriction removed by Public Act 82-596 and who is not a participating employee on or after September 24, 1981 may receive creditable service for service after January 1, 1979. Creditable service under this paragraph shall be granted upon payment of the employee contributions which would have been required had he participated, with interest at the effective rate for each year from the end of the period of service established to date of payment.

8. For accumulated unused sick leave: A participating employee who is applying for a retirement annuity shall be entitled to creditable service for that portion of the employee's accumulated unused sick leave for which payment is not received, as follows:

a. Sick leave days shall be limited to those accumulated under a sick leave plan established by a participating municipality or participating instrumentality which is available to all employees or a class of employees.

b. Except as provided in item b-1, only sick leave days accumulated with a participating municipality or participating instrumentality with which the employee was in service within 60 days of the effective date of his retirement annuity shall be credited; If the employee was in service with more than one employer during this period only the sick leave days with the employer with which the employee has the greatest number of unpaid sick leave days shall be

considered.

b-1. If the employee was in the service of more than one employer as defined in item (2) of paragraph (a) of subsection (A) of Section 7-132, then the sick leave days from all such employers shall be credited, as long as the creditable service attributed to those sick leave days does not exceed the limitation in item f of this paragraph 8. In calculating the creditable service under this item b-1, the sick leave days from the last employer shall be considered first, then the remaining sick leave days shall be considered until there are no more days or the maximum creditable sick leave threshold under item f of this paragraph 8 has been reached.

c. The creditable service granted shall be considered solely for the purpose of computing the amount of the retirement annuity and shall not be used to establish any minimum service period required by any provision of the Illinois Pension Code, the effective date of the retirement annuity, or the final rate of earnings.

d. The creditable service shall be at the rate of 1/20 of a month for each full sick day, provided that no more than 12 months may be credited under this subdivision 8.

e. Employee contributions shall not be required for creditable service under this subdivision 8.

f. Each participating municipality and participating instrumentality with which an employee has service within 60 days of the effective date of his retirement annuity shall certify to the board the number of accumulated unpaid sick leave days credited to the employee at the time of termination of service.

9. For service transferred from another system: Credits and creditable service shall be granted for service under Article 3, 4, 5, ~~8~~, 14, or 16 of this Act, to any active member of this Fund, and to any inactive member who has been a county sheriff, upon transfer of such credits pursuant to Section 3-110.3, 4-108.3, 5-235, ~~8-226.7~~, 14-105.6, or 16-131.4, and payment by the member of the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund as a sheriff's law enforcement employee during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund. Such transferred service shall be deemed to be service as a sheriff's law enforcement employee for the purposes of Section 7-142.1.

10. For service transferred from an Article 3 system under Section 3-110.8: Credits and creditable service shall be granted for service under Article 3 of this Act as provided in Section 3-110.8, to any active member of this Fund upon transfer of such credits pursuant to Section 3-110.8. If the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund, then the amount of creditable service established under this paragraph 10 shall be reduced by a corresponding amount in accordance with the rules and procedures established under this paragraph 10.

The board shall establish by rule the manner of making the calculation required under this paragraph 10, taking into account the appropriate actuarial assumptions; the member's service, age, and salary history; the level of funding of the employer; and any other factors that the board determines to be relevant.

Until January 1, 2010, members who transferred service from an Article 3 system under the provisions of Public Act 94-356 may establish additional credit in this Fund, but only up to the amount of the service credit reduction in that transfer, as calculated under the actuarial assumptions. This credit may be established upon payment by the member of an amount to be determined by the board, equal to (1) the amount that would have been contributed as employee and employer contributions had all the service been as an employee under this Article, plus interest thereon compounded annually from the date of service to the date of transfer, less (2) the total amount transferred from the Article 3 system, plus (3) interest on the difference at the effective rate for each year, compounded annually, from the date of the transfer to the date of payment. The additional service credit is allowed under this amendatory Act of the 95th General Assembly notwithstanding the provisions of Article 3 terminating all transferred credits on the date of transfer.

(b) Creditable service - amount:

1. One month of creditable service shall be allowed for each month for which a participating employee made contributions as required under Section 7-173, or for which creditable service is otherwise granted hereunder. Not more than 1 month of service shall be credited and

counted for 1 calendar month, and not more than 1 year of service shall be credited and counted for any calendar year. A calendar month means a nominal month beginning on the first day thereof, and a calendar year means a year beginning January 1 and ending December 31.

2. A seasonal employee shall be given 12 months of creditable service if he renders the number of months of service normally required by the position in a 12-month period and he remains in service for the entire 12-month period. Otherwise a fractional year of service in the number of months of service rendered shall be credited.

3. An intermittent employee shall be given creditable service for only those months in which a contribution is made under Section 7-173.

(c) No application for correction of credits or creditable service shall be considered unless the board receives an application for correction while (1) the applicant is a participating employee and in active employment with a participating municipality or instrumentality, or (2) while the applicant is actively participating in a pension fund or retirement system which is a participating system under the Retirement Systems Reciprocal Act. A participating employee or other applicant shall not be entitled to credits or creditable service unless the required employee contributions are made in a lump sum or in installments made in accordance with board rule.

(d) Upon the granting of a retirement, surviving spouse or child annuity, a death benefit or a separation benefit, on account of any employee, all individual accumulated credits shall thereupon terminate. Upon the withdrawal of additional contributions, the credits applicable thereto shall thereupon terminate. Terminated credits shall not be applied to increase the benefits any remaining employee would otherwise receive under this Article.

(Source: P.A. 96-299, eff. 8-11-09; 97-415, eff. 8-16-11.)

(40 ILCS 5/8-226.7 rep.)

Section 3. The Illinois Pension Code is amended by repealing Section 8-226.7."; and

immediately above Section 99, by inserting the following:

"Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 5078** 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 31; NAYS 18.

The following voted in the affirmative:

Clayborne	Harmon	Luechtefeld	Raoul
Collins, A.	Hunter	Maloney	Sandoval
Collins, J.	Hutchinson	Martinez	Schoenberg
Crotty	Jones, E.	McGuire	Steans
Dillard	Koehler	Meeks	Sullivan
Frerichs	Landek	Mulroe	Trotter
Garrett	Lightford	Muñoz	Mr. President
Haine	Link	Noland	

The following voted in the negative:

Allthoff	Johnson, C.	McCarter	Rezin
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Bivins	Jones, J.	Millner	Schmidt
Bomke	LaHood	Murphy	Syverson
Cultra	Lauzen	Pankau	
Holmes	McCann	Radogno	

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 in the Senate Amendments adopted thereto.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 780

Offered by Senator Haine and all Senators:
Mourns the death of Matthew D. Melucci of Collinsville.

SENATE RESOLUTION NO. 781

Offered by Senator Mulroe and all Senators:
Mourns the death of Ross O. Morreale.

SENATE RESOLUTION NO. 782

Offered by Senator J. Collins and all Senators:
Mourns the death of Lillie Mae Lane.

SENATE RESOLUTION NO. 783

Offered by Senator Lauzen and all Senators:
Mourns the death of Ivan Seppell of Montgomery, formerly of Aurora.

SENATE RESOLUTION NO. 784

Offered by Senator Lauzen and all Senators:
Mourns the death of Abbot Emeritus Gerald Benkert, O.S.B., of Marmion Abbey in Aurora.

SENATE RESOLUTION NO. 785

Offered by Senator Brady and all Senators:
Mourns the death of Louis Jerome Wannemacher of Bloomington.

SENATE RESOLUTION NO. 786

Offered by Senator Brady and all Senators:
Mourns the death of Dr. Robert S. Eckley of Bloomington.

SENATE RESOLUTION NO. 787

Offered by Senator J. Collins and all Senators:
Mourns the death of Paul W. Davis.

SENATE RESOLUTION NO. 789

Offered by Senator Hunter and all Senators:
Mourns the death of Sammie Mae Criss of Chicago.

SENATE RESOLUTION NO. 790

Offered by Senator Radogno and all Senators:
Mourns the death of Deborah Lynn Millner of Carol Stream.

SENATE RESOLUTION NO. 793

Offered by Senator McCann and all Senators:
Mourns the death of Randy Starkey of Hettick.

SENATE RESOLUTION NO. 794

Offered by Senator Dillard and all Senators:

[May 25, 2012]

Mourns the death of Jane Shugg Elkins of Hinsdale.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

May 25, 2012

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

Dear Mr. Secretary:

Please be advised that the Senate's regular scheduled sessions for Saturday, May 26th and Sunday May 28th, 2012 have been cancelled.

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

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

May 25, 2012

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

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2012 as the Committee deadline and 3rd Reading deadline for the following House Bills:

1263 and 4642.

In addition, I hereby establish May 31, 2012 as the 3rd Reading deadline for the following House Bills:

506, 1084, 1157, 1237, 1299, 1447, 1466, 1489, 1882, 1981, 2083, 2557, 2842, 2891, 2896, 3076, 3372, 3450, 3611, 3779, 3804, 3865, 3985, 4050, 4136, 4139, 4148, 4513, 4521, 4568, 4666, 4674, 4682,

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4819, 4966, 4982, 4991, 4996, 5071, 5101, 5201, 5210, 5288, 5315, 5342, 5440, 5495, 5549, 5632, 5730, 5791, 5823, 5877 and 5914.

Finally, I hereby establish May 31, 2012 as the 3rd Reading deadline for the following Senate Bills:

171, 181, 182, 183, 184, 282, 350, 351, 842, 952, 1132, 1135, 1565, 2781, 3110, 3111, 3112, 3113, 3114, 3362, 3394, 3595 and 3478.

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

cc: Senate Republican Leader Christine Radogno

COMMUNICATION

BILL BRADY
STATE SENATOR
44TH LEGISLATIVE DISTRICT

May 24, 2012

Mr. Tim Anderson
Secretary of the Senate
401 State Capitol
Springfield, IL 62706

Dear Mr. Secretary:

Please let the record on May 23, 2012 reflect my vote on SB2621 as no.

Thank you.

Sincerely,
s/Bill Brady
WILLIAM E. BRADY
State Senator - 44th District

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mapes, 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. 2706
A bill for AN ACT concerning education.
Passed the House, May 25, 2012.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by
Mr. Mapes, 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. 2945
A bill for AN ACT concerning health.

[May 25, 2012]

SENATE BILL NO. 3252

A bill for AN ACT concerning education.

Passed the House, May 25, 2012.

TIMOTHY D. MAPES, Clerk of the House

At the hour of 2:31 o'clock p.m., the Chair announced the Senate stand adjourned until Monday, May 28, 2012, at 2:00 o'clock p.m.