



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-EIGHTH GENERAL ASSEMBLY

74TH LEGISLATIVE DAY

THURSDAY, NOVEMBER 7, 2013

10:17 O'CLOCK A.M.

SENATE
Daily Journal Index
74th Legislative Day

Action	Page(s)
Communication	4
EXECUTIVE SESSION	59
Introduction of Senate Bill No. 2627	123
Introduction of Senate Bills No'd. 2622-2626	5
Joint Action Motion(s) Filed	58
Message from the House	5, 10, 126
Message from the President	3
Motion in Writing	78
Presentation of Senate Resolution No. 691	4
Presentation of Senate Resolutions No'd. 692-694	122
Report from Assignments Committee	58
Report from Standing Committee(s)	4
Report(s) Received	3
Resolutions Consent Calendar	124
Vote Recorded	3

Bill Number	Legislative Action	Page(s)
SB 0045	Concur in House Amendment(s)	108
SB 0341	Third Reading	115
SB 0492	Concur in House Amendment(s)	109
SB 0497	Third Reading	118
SB 0578	Concur in House Amendment(s)	109
SB 0635	Concur in House Amendment(s)	119
SB 1219	Concur in House Amendment(s)	118
SB 1523	Concur in House Amendment(s)	119
SB 1595	Concur in House Amendment(s)	110
SB 1600	Concur in House Amendment(s)	110
SB 1845	Concur in House Amendment(s)	111
SB 2196	Concur in House Amendment(s)	112
SB0341	Recalled - Amendment(s)	113
SB0497	Recalled - Amendment(s)	116
SR 0661	Adopted	120
SR 0672	Adopted	120
HB 0209	Third Reading	101
HB 1002	Third Reading	102
HB 1604	Recedes from Senate Amendment No. 0001	112
HB 2327	Third Reading	102
HB 2977	Recalled – Amendment(s)	103
HB 2977	Third Reading	108
HJR 0004	Adopted	122
HJR 0035	Adopted	120
HJR 0044	Adopted	121
HJR 0047	Adopted	121

The Senate met pursuant to adjournment.
Senator Kimberly A. Lightford, Maywood, Illinois, presiding.
Prayer by Reverend Jesse L. Jackson Sr., President and Founder of National Rainbow Push Coalition, Chicago, Illinois.

Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, November 6, 2013, be postponed, pending arrival of the printed Journal.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Illinois Abortion Statistics 2012, submitted by the Department of Public Health.

Annual Report on Public University Revenues and Expenditures, Fiscal Year 2013, submitted by the Illinois Board of Higher Education.

November 1, 2013 Bi-Monthly Report as required by HB2275 (Public Act 98-0008), submitted by the Department on Aging.

TRS Certification of TRS board resolution on proposed FY 2015 funding amount & Exhibit A; TRA board resolution on actuarial standards and benefit changes; June 30, 2013 actuarial valuation report for the TRS, submitted by the Teachers' Retirement System.

Annual Report of the Illinois Health and Hazardous Substances Registry, July 2012 through June 2013, submitted the Department of Public Health.

Anti-Predatory Lending Database Semi-Annual Summary Report, November 1, 2013, submitted by the Department of Financial and Professional Regulation.

Office of the State Appellate Defender Annual Report, Fiscal Year 2013, submitted by the Office of the State Appellate Defender.

Personal Information Protection Act Report, submitted by Southern Illinois University Edwardsville.

Procurement Code Waivers and Exemptions Report of FY-13 Activity, submitted by the Chief Procurement Office.

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

MESSAGE 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

November 7, 2013

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House

[November 7, 2013]

Springfield, IL 62706

Dear Mr. Secretary:

On February 14, 2013, I was recorded as voting yes for Senate Bill 10. Please have the record reflect my intention to vote yes again on Senate Bill 10 on November 5, 2013.

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

COMMUNICATION

**ILLINOIS STATE SENATE
DON HARMON
PRESIDENT PRO TEMPORE
39TH DISTRICT**

DISCLOSURE TO THE SENATE

Date: 11/7/13

Legislative Measure(s): AM 281, 282, 283, 284, 311, 312, 313, 314, 330

Venue:

Committee on _____
 Full Senate

Due to a potential conflict of interest (or the potential appearance thereof), I abstained from voting (or voted "present") on the above legislative measure(s).

Notwithstanding a potential conflict of interest (or the potential appearance thereof), I voted in favor of or against the above legislative measure(s) because I believe doing so is in the best interests of the State.

s/Don Harmon
Senator Don Harmon

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 691

Offered by Senator Oberweis and all Senators:
Mourns the death of Jim Hansen, South Elgin Village President.

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

REPORT FROM STANDING COMMITTEE

Senator Harmon, Chairperson of the Committee on Executive, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 2 to Senate Bill 1523; Motion to Concur in House Amendment 3 to Senate Bill 1523; Motion to Concur in House Amendment 4 to Senate Bill 1523; Motion to Concur in House Amendment 1 to Senate Bill 1787; Motion to Concur in House Amendment 2 to Senate Bill 1787; Motion to Concur in House Amendment 2 to Senate Bill 2365

[November 7, 2013]

Under the rules, the foregoing motions are eligible for consideration by the Senate.

INTRODUCTION OF BILLS

SENATE BILL NO. 2622. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 2623. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 2624. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 2625. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 2626. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

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. 635

A bill for AN ACT concerning regulation.

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

House Amendment No. 2 to SENATE BILL NO. 635

Passed the House, as amended, November 7, 2013.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 635

AMENDMENT NO. 2. Amend Senate Bill 635 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 8-104 as follows:

(220 ILCS 5/8-104)

Sec. 8-104. Natural gas energy efficiency programs.

(a) It is the policy of the State that natural gas utilities and the Department of Commerce and Economic Opportunity are required to use cost-effective energy efficiency to reduce direct and indirect costs to consumers. It serves the public interest to allow natural gas utilities to recover costs for reasonably and prudently incurred expenses for cost-effective energy efficiency measures.

[November 7, 2013]

(b) For purposes of this Section, "energy efficiency" means measures that reduce the amount of energy required to achieve a given end use. "Energy efficiency" also includes measures that reduce the total Btus of electricity and natural gas needed to meet the end use or uses. "Cost-effective" means that the measures satisfy the total resource cost test which, for purposes of this Section, means a standard that is met if, for an investment in energy efficiency, the benefit-cost ratio is greater than one. The benefit-cost ratio is the ratio of the net present value of the total benefits of the measures to the net present value of the total costs as calculated over the lifetime of the measures. The total resource cost test compares the sum of avoided natural gas utility costs, representing the benefits that accrue to the system and the participant in the delivery of those efficiency measures, as well as other quantifiable societal benefits, including avoided electric utility costs, to the sum of all incremental costs of end use measures (including both utility and participant contributions), plus costs to administer, deliver, and evaluate each demand-side measure, to quantify the net savings obtained by substituting demand-side measures for supply resources. In calculating avoided costs, reasonable estimates shall be included for financial costs likely to be imposed by future regulation of emissions of greenhouse gases. The low-income programs described in item (4) of subsection (f) of this Section shall not be required to meet the total resource cost test.

(c) Natural gas utilities shall implement cost-effective energy efficiency measures to meet at least the following natural gas savings requirements, which shall be based upon the total amount of gas delivered to retail customers, other than the customers described in subsection (m) of this Section, during calendar year 2009 multiplied by the applicable percentage. Natural gas utilities may comply with this Section by meeting the annual incremental savings goal in the applicable year or by showing that total cumulative annual savings within a 3-year planning period associated with measures implemented after May 31, 2011 were equal to the sum of each annual incremental savings requirement from May 31, 2011 through the end of the applicable year:

- (1) 0.2% by May 31, 2012;
- (2) an additional 0.4% by May 31, 2013, increasing total savings to .6%;
- (3) an additional 0.6% by May 31, 2014, increasing total savings to 1.2%;
- (4) an additional 0.8% by May 31, 2015, increasing total savings to 2.0%;
- (5) an additional 1% by May 31, 2016, increasing total savings to 3.0%;
- (6) an additional 1.2% by May 31, 2017, increasing total savings to 4.2%;
- (7) an additional 1.4% by May 31, 2018, increasing total savings to 5.6%;
- (8) an additional 1.5% by May 31, 2019, increasing total savings to 7.1%; and
- (9) an additional 1.5% in each 12-month period thereafter.

(d) Notwithstanding the requirements of subsection (c) of this Section, a natural gas utility shall limit the amount of energy efficiency implemented in any 3-year reporting period established by subsection (f) of Section 8-104 of this Act, by an amount necessary to limit the estimated average increase in the amounts paid by retail customers in connection with natural gas service to no more than 2% in the applicable 3-year reporting period. The energy savings requirements in subsection (c) of this Section may be reduced by the Commission for the subject plan, if the utility demonstrates by substantial evidence that it is highly unlikely that the requirements could be achieved without exceeding the applicable spending limits in any 3-year reporting period. No later than September 1, 2013, the Commission shall review the limitation on the amount of energy efficiency measures implemented pursuant to this Section and report to the General Assembly, in the report required by subsection (k) of this Section, its findings as to whether that limitation unduly constrains the procurement of energy efficiency measures.

(e) Natural gas utilities shall be responsible for overseeing the design, development, and filing of their efficiency plans with the Commission. The utility shall utilize 75% of the available funding associated with energy efficiency programs approved by the Commission, and may outsource various aspects of program development and implementation. The remaining 25% of available funding shall be used by the Department of Commerce and Economic Opportunity to implement energy efficiency measures that achieve no less than 20% of the requirements of subsection (c) of this Section. Such measures shall be designed in conjunction with the utility and approved by the Commission. The Department may outsource development and implementation of energy efficiency measures. A minimum of 10% of the entire portfolio of cost-effective energy efficiency measures shall be procured from local government, municipal corporations, school districts, and community college districts. Five percent of the entire portfolio of cost-effective energy efficiency measures may be granted to local government and municipal corporations for market transformation initiatives. The Department shall coordinate the implementation of these measures and shall integrate delivery of natural gas efficiency measures with electric efficiency programs delivered pursuant to Section 8-103 of this Act, unless the Department can show that integration is not feasible.

The apportionment of the dollars to cover the costs to implement the Department's share of the portfolio of energy efficiency measures shall be made to the Department once the Department has executed rebate

agreements, grants, or contracts for energy efficiency measures and provided supporting documentation for those rebate agreements, grants, and contracts to the utility. The Department is authorized to adopt any rules necessary and prescribe procedures in order to ensure compliance by applicants in carrying out the purposes of rebate agreements for energy efficiency measures implemented by the Department made under this Section.

The details of the measures implemented by the Department shall be submitted by the Department to the Commission in connection with the utility's filing regarding the energy efficiency measures that the utility implements.

A utility providing approved energy efficiency measures in this State shall be permitted to recover costs of those measures through an automatic adjustment clause tariff filed with and approved by the Commission. The tariff shall be established outside the context of a general rate case and shall be applicable to the utility's customers other than the customers described in subsection (m) of this Section. Each year the Commission shall initiate a review to reconcile any amounts collected with the actual costs and to determine the required adjustment to the annual tariff factor to match annual expenditures.

Each utility shall include, in its recovery of costs, the costs estimated for both the utility's and the Department's implementation of energy efficiency measures. Costs collected by the utility for measures implemented by the Department shall be submitted to the Department pursuant to Section 605-323 of the Civil Administrative Code of Illinois, shall be deposited into the Energy Efficiency Portfolio Standards Fund, and shall be used by the Department solely for the purpose of implementing these measures. A utility shall not be required to advance any moneys to the Department but only to forward such funds as it has collected. The Department shall report to the Commission on an annual basis regarding the costs actually incurred by the Department in the implementation of the measures. Any changes to the costs of energy efficiency measures as a result of plan modifications shall be appropriately reflected in amounts recovered by the utility and turned over to the Department.

The portfolio of measures, administered by both the utilities and the Department, shall, in combination, be designed to achieve the annual energy savings requirements set forth in subsection (c) of this Section, as modified by subsection (d) of this Section.

The utility and the Department shall agree upon a reasonable portfolio of measures and determine the measurable corresponding percentage of the savings goals associated with measures implemented by the Department.

No utility shall be assessed a penalty under subsection (f) of this Section for failure to make a timely filing if that failure is the result of a lack of agreement with the Department with respect to the allocation of responsibilities or related costs or target assignments. In that case, the Department and the utility shall file their respective plans with the Commission and the Commission shall determine an appropriate division of measures and programs that meets the requirements of this Section.

If the Department is unable to meet performance requirements for the portion of the portfolio implemented by the Department, then the utility and the Department shall jointly submit a modified filing to the Commission explaining the performance shortfall and recommending an appropriate course going forward, including any program modifications that may be appropriate in light of the evaluations conducted under item (8) of subsection (f) of this Section. In this case, the utility obligation to collect the Department's costs and turn over those funds to the Department under this subsection (e) shall continue only if the Commission approves the modifications to the plan proposed by the Department.

(f) No later than October 1, 2010, each gas utility shall file an energy efficiency plan with the Commission to meet the energy efficiency standards through May 31, 2014. Every 3 years thereafter, each utility shall file, no later than October 1, an energy efficiency plan with the Commission. If a utility does not file such a plan by October 1 of the applicable year, then it shall face a penalty of \$100,000 per day until the plan is filed. Each utility's plan shall set forth the utility's proposals to meet the utility's portion of the energy efficiency standards identified in subsection (c) of this Section, as modified by subsection (d) of this Section, taking into account the unique circumstances of the utility's service territory. The Commission shall seek public comment on the utility's plan and shall issue an order approving or disapproving each plan. If the Commission disapproves a plan, the Commission shall, within 30 days, describe in detail the reasons for the disapproval and describe a path by which the utility may file a revised draft of the plan to address the Commission's concerns satisfactorily. If the utility does not refile with the Commission within 60 days after the disapproval, the utility shall be subject to penalties at a rate of \$100,000 per day until the plan is filed. This process shall continue, and penalties shall accrue, until the utility has successfully filed a portfolio of energy efficiency measures. Penalties shall be deposited into the Energy Efficiency Trust Fund and the cost of any such penalties may not be recovered from ratepayers. In submitting proposed energy efficiency plans and funding levels to meet the savings goals adopted by this Act the utility shall:

(1) Demonstrate that its proposed energy efficiency measures will achieve the requirements that are identified in subsection (c) of this Section, as modified by subsection (d) of this Section.

(2) Present specific proposals to implement new building and appliance standards that have been placed into effect.

(3) Present estimates of the total amount paid for gas service expressed on a per therm basis associated with the proposed portfolio of measures designed to meet the requirements that are identified in subsection (c) of this Section, as modified by subsection (d) of this Section.

(4) Coordinate with the Department to present a portfolio of energy efficiency measures proportionate to the share of total annual utility revenues in Illinois from households at or below 150% of the poverty level. Such programs shall be targeted to households with incomes at or below 80% of area median income.

(5) Demonstrate that its overall portfolio of energy efficiency measures, not including programs covered by item (4) of this subsection (f), are cost-effective using the total resource cost test and represent a diverse cross section of opportunities for customers of all rate classes to participate in the programs.

(6) Demonstrate that a gas utility affiliated with an electric utility that is required to comply with Section 8-103 of this Act has integrated gas and electric efficiency measures into a single program that reduces program or participant costs and appropriately allocates costs to gas and electric ratepayers. The Department shall integrate all gas and electric programs it delivers in any such utilities' service territories, unless the Department can show that integration is not feasible or appropriate.

(7) Include a proposed cost recovery tariff mechanism to fund the proposed energy efficiency measures and to ensure the recovery of the prudently and reasonably incurred costs of Commission-approved programs.

(8) Provide for quarterly status reports tracking implementation of and expenditures for the utility's portfolio of measures and the Department's portfolio of measures, an annual independent review, and a full independent evaluation of the 3-year results of the performance and the cost-effectiveness of the utility's and Department's portfolios of measures and broader net program impacts and, to the extent practical, for adjustment of the measures on a going forward basis as a result of the evaluations. The resources dedicated to evaluation shall not exceed 3% of portfolio resources in any given 3-year period.

(g) No more than 3% of expenditures on energy efficiency measures may be allocated for demonstration of breakthrough equipment and devices.

(h) Illinois natural gas utilities that are affiliated by virtue of a common parent company may, at the utilities' request, be considered a single natural gas utility for purposes of complying with this Section.

(i) If, after 3 years, a gas utility fails to meet the efficiency standard specified in subsection (c) of this Section as modified by subsection (d), then it shall make a contribution to the Low-Income Home Energy Assistance Program. The total liability for failure to meet the goal shall be assessed as follows:

(1) a large gas utility shall pay \$600,000;

(2) a medium gas utility shall pay \$400,000; and

(3) a small gas utility shall pay \$200,000.

For purposes of this Section, (i) a "large gas utility" is a gas utility that on December 31, 2008, served more than 1,500,000 gas customers in Illinois; (ii) a "medium gas utility" is a gas utility that on December 31, 2008, served fewer than 1,500,000, but more than 500,000 gas customers in Illinois; and (iii) a "small gas utility" is a gas utility that on December 31, 2008, served fewer than 500,000 and more than 100,000 gas customers in Illinois. The costs of this contribution may not be recovered from ratepayers.

If a gas utility fails to meet the efficiency standard specified in subsection (c) of this Section, as modified by subsection (d) of this Section, in any 2 consecutive 3-year planning periods, then the responsibility for implementing the utility's energy efficiency measures shall be transferred to an independent program administrator selected by the Commission. Reasonable and prudent costs incurred by the independent program administrator to meet the efficiency standard specified in subsection (c) of this Section, as modified by subsection (d) of this Section, may be recovered from the customers of the affected gas utilities, other than customers described in subsection (m) of this Section. The utility shall provide the independent program administrator with all information and assistance necessary to perform the program administrator's duties including but not limited to customer, account, and energy usage data, and shall allow the program administrator to include inserts in customer bills. The utility may recover reasonable costs associated with any such assistance.

(j) No utility shall be deemed to have failed to meet the energy efficiency standards to the extent any such failure is due to a failure of the Department.

(k) Not later than January 1, 2012, the Commission shall develop and solicit public comment on a plan to foster statewide coordination and consistency between statutorily mandated natural gas and electric energy efficiency programs to reduce program or participant costs or to improve program performance. Not later than September 1, 2013, the Commission shall issue a report to the General Assembly containing its findings and recommendations.

(l) This Section does not apply to a gas utility that on January 1, 2009, provided gas service to fewer than 100,000 customers in Illinois.

(m) Subsections (a) through (k) of this Section do not apply to customers of a natural gas utility that have a North American Industry Classification System code number that is 22111 or any such code number beginning with the digits 31, 32, or 33 and (i) annual usage in the aggregate of 4 million therms or more within the service territory of the affected gas utility or with aggregate usage of 8 million therms or more in this State and complying with the provisions of item (l) of this subsection (m); or (ii) using natural gas as feedstock and meeting the usage requirements described in item (i) of this subsection (m), to the extent such annual feedstock usage is greater than 60% of the customer's total annual usage of natural gas.

(1) Customers described in this subsection (m) of this Section shall apply, on a form approved on or before October 1, 2009 by the Department, to the Department to be designated as a self-directing customer ("SDC") or as an exempt customer using natural gas as a feedstock from which other products are made, including, but not limited to, feedstock for a hydrogen plant, on or before the 1st day of February, 2010. Thereafter, application may be made not less than 6 months before the filing date of the gas utility energy efficiency plan described in subsection (f) of this Section; however, a new customer that commences taking service from a natural gas utility after February 1, 2010 may apply to become a SDC or exempt customer up to 30 days after beginning service. Customers described in this subsection (m) that have not already been approved by the Department may apply to be designated a self-directing customer or exempt customer, on a form approved by the Department, between September 1, 2013 and September 30, 2013. Customer applications that are approved by the Department under this amendatory Act of the 98th General Assembly shall be considered to be a self-directing customer or exempt customer, as applicable, for the current 3-year planning period effective December 1, 2013. Such application shall contain the following:

(A) the customer's certification that, at the time of its application, it qualifies to be a SDC or exempt customer described in this subsection (m) of this Section;

(B) in the case of a SDC, the customer's certification that it has established or will establish by the beginning of the utility's 3-year planning period commencing subsequent to the application, and will maintain for accounting purposes, an energy efficiency reserve account and that the customer will accrue funds in said account to be held for the purpose of funding, in whole or in part, energy efficiency measures of the customer's choosing, which may include, but are not limited to, projects involving combined heat and power systems that use the same energy source both for the generation of electrical or mechanical power and the production of steam or another form of useful thermal energy or the use of combustible gas produced from biomass, or both;

(C) in the case of a SDC, the customer's certification that annual funding levels for the energy efficiency reserve account will be equal to 2% of the customer's cost of natural gas, composed of the customer's commodity cost and the delivery service charges paid to the gas utility, or \$150,000, whichever is less;

(D) in the case of a SDC, the customer's certification that the required reserve account balance will be capped at 3 years' worth of accruals and that the customer may, at its option, make further deposits to the account to the extent such deposit would increase the reserve account balance above the designated cap level;

(E) in the case of a SDC, the customer's certification that by October 1 of each year, beginning no sooner than October 1, 2012, the customer will report to the Department information, for the 12-month period ending May 31 of the same year, on all deposits and reductions, if any, to the reserve account during the reporting year, and to the extent deposits to the reserve account in any year are in an amount less than \$150,000, the basis for such reduced deposits; reserve account balances by month; a description of energy efficiency measures undertaken by the customer and paid for in whole or in part with funds from the reserve account; an estimate of the energy saved, or to be saved, by the measure; and that the report shall include a verification by an officer or plant manager of the customer or by a registered professional engineer or certified energy efficiency trade professional that the funds withdrawn from the reserve account were used for the energy efficiency measures;

(F) in the case of an exempt customer, the customer's certification of the level of

gas usage as feedstock in the customer's operation in a typical year and that it will provide information establishing this level, upon request of the Department;

(G) in the case of either an exempt customer or a SDC, the customer's certification that it has provided the gas utility or utilities serving the customer with a copy of the application as filed with the Department;

(H) in the case of either an exempt customer or a SDC, certification of the natural gas utility or utilities serving the customer in Illinois including the natural gas utility accounts that are the subject of the application; and

(I) in the case of either an exempt customer or a SDC, a verification signed by a plant manager or an authorized corporate officer attesting to the truthfulness and accuracy of the information contained in the application.

(2) The Department shall review the application to determine that it contains the information described in provisions (A) through (I) of item (1) of this subsection (m), as applicable. The review shall be completed within 30 days after the date the application is filed with the Department. Absent a determination by the Department within the 30-day period, the applicant shall be considered to be a SDC or exempt customer, as applicable, for all subsequent 3-year planning periods, as of the date of filing the application described in this subsection (m). If the Department determines that the application does not contain the applicable information described in provisions (A) through (I) of item (1) of this subsection (m), it shall notify the customer, in writing, of its determination that the application does not contain the required information and identify the information that is missing, and the customer shall provide the missing information within 15 working days after the date of receipt of the Department's notification.

(3) The Department shall have the right to audit the information provided in the customer's application and annual reports to ensure continued compliance with the requirements of this subsection. Based on the audit, if the Department determines the customer is no longer in compliance with the requirements of items (A) through (I) of item (1) of this subsection (m), as applicable, the Department shall notify the customer in writing of the noncompliance. The customer shall have 30 days to establish its compliance, and failing to do so, may have its status as a SDC or exempt customer revoked by the Department. The Department shall treat all information provided by any customer seeking SDC status or exemption from the provisions of this Section as strictly confidential.

(4) Upon request, or on its own motion, the Commission may open an investigation, no more than once every 3 years and not before October 1, 2014, to evaluate the effectiveness of the self-directing program described in this subsection (m).

Customers described in this subsection (m) that applied to the Department on January 3, 2013, were approved by the Department on February 13, 2013 to be a self-directing customer or exempt customer, and receive natural gas from a utility that provides gas service to at least 500,000 retail customers in Illinois and electric service to at least 1,000,000 retail customers in Illinois shall be considered to be a self-directing customer or exempt customer, as applicable, for the current 3-year planning period effective December 1, 2013.

(n) The applicability of this Section to customers described in subsection (m) of this Section is conditioned on the existence of the SDC program. In no event will any provision of this Section apply to such customers after January 1, 2020.

(Source: P.A. 97-813, eff. 7-13-12; 97-841, eff. 7-20-12; 98-90, eff. 7-15-13; 98-225, eff. 8-9-13; revised 9-9-13.)

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

Under the rules, the foregoing **Senate Bill No. 635**, with House Amendment No. 2, was referred to the Secretary's Desk.

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. 2335

A bill for AN ACT concerning regulation.

[November 7, 2013]

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

House Amendment No. 1 to SENATE BILL NO. 2335
 House Amendment No. 2 to SENATE BILL NO. 2335
 House Amendment No. 4 to SENATE BILL NO. 2335
 House Amendment No. 5 to SENATE BILL NO. 2335
 Passed the House, as amended, November 7, 2013.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2335

AMENDMENT NO. 1. Amend Senate Bill 2335 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 19-130 as follows:
 (220 ILCS 5/19-130)

Sec. 19-130. Commission study and report. ~~The~~ The Commission's Office of Retail Market Development shall prepare an annual report regarding the development of competitive retail natural gas markets in Illinois. The report shall be approved by the Commission and be filed by July 1 of each odd year with the Joint Committee on Legislative Support Services of the General Assembly and the Governor and shall be publicly available. The report shall include, at a minimum, the following information:

- (1) an analysis of the status and development of the retail natural gas market in the State of Illinois; and
- (2) a discussion of any identified barriers to the development of competitive retail natural gas markets in Illinois and proposed solutions to overcome identified barriers; and
- (3) any other information the Commission considers significant in assessing the development of gas markets in the State of Illinois.

To aid in preparation of its annual report, as well in its assessment of barriers to the development of competitive retail natural gas markets and proposed solutions to overcome those barriers, the Commission's Office of Retail Market Development shall gather input from all interested parties as well as from other bureaus within the Commission.

(Source: P.A. 97-223, eff. 1-1-12.)".

AMENDMENT NO. 2 TO SENATE BILL 2335

AMENDMENT NO. 2. Amend Senate Bill 2335, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Firearm Concealed Carry Act.

Section 5. Definitions. As used in this Act:

"Applicant" means a person who is applying for a license to carry a concealed firearm under this Act.

"Board" means the Concealed Carry Licensing Review Board.

"Concealed firearm" means a loaded or unloaded handgun carried on or about a person completely or mostly concealed from view of the public or on or about a person within a vehicle.

"Department" means the Department of State Police.

"Director" means the Director of State Police.

"Handgun" means any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand. "Handgun" does not include:

- (1) a stun gun or taser;
- (2) a machine gun as defined in item (i) of paragraph (7) of subsection (a) of Section 24-1 of the Criminal Code of 2012;
- (3) a short-barreled rifle or shotgun as defined in item (ii) of paragraph (7) of subsection (a) of Section 24-1 of the Criminal Code of 2012; or
- (4) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter, or which has a maximum muzzle velocity of less than 700 feet per second, or which expels breakable paint balls containing washable marking colors.

"Law enforcement agency" means any federal, State, or local law enforcement agency, including offices of State's Attorneys and the Office of the Attorney General.

[November 7, 2013]

"License" means a license issued by the Department of State Police to carry a concealed handgun.

"Licensee" means a person issued a license to carry a concealed handgun.

"Municipality" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution.

"Unit of local government" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution.

Section 10. Issuance of licenses to carry a concealed firearm.

(a) The Department shall issue a license to carry a concealed firearm under this Act to an applicant who:

- (1) meets the qualifications of Section 25 of this Act;
- (2) has provided the application and documentation required in Section 30 of this Act;
- (3) has submitted the requisite fees; and
- (4) does not pose a danger to himself, herself, or others, or a threat to public safety

as determined by the Concealed Carry Licensing Review Board in accordance with Section 20.

(b) The Department shall issue a renewal, corrected, or duplicate license as provided in this Act.

(c) A license shall be valid throughout the State for a period of 5 years from the date of issuance. A license shall permit the licensee to:

- (1) carry a loaded or unloaded concealed firearm, fully concealed or partially concealed, on or about his or her person; and
- (2) keep or carry a loaded or unloaded concealed firearm on or about his or her person within a vehicle.

(d) The Department shall make applications for a license available no later than 180 days after the effective date of this Act. The Department shall establish rules for the availability and submission of applications in accordance with this Act.

(e) An application for a license submitted to the Department that contains all the information and materials required by this Act, including the requisite fee, shall be deemed completed. Except as otherwise provided in this Act, no later than 90 days after receipt of a completed application, the Department shall issue or deny the applicant a license.

(f) The Department shall deny the applicant a license if the applicant fails to meet the requirements under this Act or the Department receives a determination from the Board that the applicant is ineligible for a license. The Department must notify the applicant stating the grounds for the denial. The notice of denial must inform the applicant of his or her right to an appeal through administrative and judicial review.

(g) A licensee shall possess a license at all times the licensee carries a concealed firearm except:

- (1) when the licensee is carrying or possessing a concealed firearm on his or her land or in his or her abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission;
- (2) when the person is authorized to carry a firearm under Section 24-2 of the Criminal Code of 2012, except subsection (a-5) of that Section; or
- (3) when the handgun is broken down in a non-functioning state, is not immediately accessible, or is unloaded and enclosed in a case.

(h) If an officer of a law enforcement agency initiates an investigative stop, including but not limited to a traffic stop, of a licensee who is carrying a concealed firearm, upon the request of the officer the licensee shall disclose to the officer that he or she is in possession of a concealed firearm under this Act, present the license upon the request of the officer, and identify the location of the concealed firearm.

(i) The Department shall maintain a database of license applicants and licensees. The database shall be available to all federal, State, and local law enforcement agencies, State's Attorneys, the Attorney General, and authorized court personnel. Within 180 days after the effective date of this Act, the database shall be searchable and provide all information included in the application, including the applicant's previous addresses within the 10 years prior to the license application and any information related to violations of this Act. No law enforcement agency, State's Attorney, Attorney General, or member or staff of the judiciary shall provide any information to a requester who is not entitled to it by law.

(j) No later than 10 days after receipt of a completed application, the Department shall enter the relevant information about the applicant into the database under subsection (i) of this Section which is accessible by law enforcement agencies.

Section 15. Objections by law enforcement agencies.

(a) Any law enforcement agency may submit an objection to a license applicant based upon a reasonable suspicion that the applicant is a danger to himself or herself or others, or a threat to public safety. The objection shall be made by the chief law enforcement officer of the law enforcement agency, or his or her designee, and must include any information relevant to the objection. If a law enforcement agency submits

an objection within 30 days after the entry of an applicant into the database, the Department shall submit the objection and all information related to the application to the Board within 10 days of completing all necessary background checks.

(b) If an applicant has 5 or more arrests for any reason, that have been entered into the Criminal History Records Information (CHRI) System, within the 7 years preceding the date of application for a license, or has 3 or more arrests within the 7 years preceding the date of application for a license for any combination of gang-related offenses, the Department shall object and submit the applicant's arrest record, the application materials, and any additional information submitted by a law enforcement agency to the Board. For purposes of this subsection, "gang-related offense" is an offense described in Section 12-6.4, Section 24-1.8, Section 25-5, Section 33-4, or Section 33G-4, or in paragraph (1) of subsection (a) of Section 12-6.2, paragraph (2) of subsection (b) of Section 16-30, paragraph (2) of subsection (b) of Section 31-4, or item (iii) of paragraph (1.5) of subsection (i) of Section 48-1 of the Criminal Code of 2012.

(c) The referral of an objection under this Section to the Board shall toll the 90-day period for the Department to issue or deny the applicant a license under subsection (e) of Section 10 of this Act, during the period of review and until the Board issues its decision.

(d) If no objection is made by a law enforcement agency or the Department under this Section, the Department shall process the application in accordance with this Act.

Section 20. Concealed Carry Licensing Review Board.

(a) There is hereby created a Concealed Carry Licensing Review Board to consider any objection to an applicant's eligibility to obtain a license under this Act submitted by a law enforcement agency or the Department under Section 15 of this Act. The Board shall consist of 7 commissioners to be appointed by the Governor, with the advice and consent of the Senate, with 3 commissioners residing within the First Judicial District and one commissioner residing within each of the 4 remaining Judicial Districts. No more than 4 commissioners shall be members of the same political party. The Governor shall designate one commissioner as the Chairperson. The Board shall consist of:

(1) one commissioner with at least 5 years of service as a federal judge;

(2) 2 commissioners with at least 5 years of experience serving as an attorney with the United States Department of Justice;

(3) 3 commissioners with at least 5 years of experience as a federal agent or employee with investigative experience or duties related to criminal justice under the United States Department of Justice, Drug Enforcement Administration, Department of Homeland Security, or Federal Bureau of Investigation; and

(4) one member with at least 5 years of experience as a licensed physician or clinical psychologist with expertise in the diagnosis and treatment of mental illness.

(b) The initial terms of the commissioners shall end on January 12, 2015. Thereafter, the commissioners shall hold office for 4 years, with terms expiring on the second Monday in January of the fourth year. Commissioners may be reappointed. Vacancies in the office of commissioner shall be filled in the same manner as the original appointment, for the remainder of the unexpired term. The Governor may remove a commissioner for incompetence, neglect of duty, malfeasance, or inability to serve. Commissioners shall receive compensation in an amount equal to the compensation of members of the Executive Ethics Commission and may be reimbursed for reasonable expenses actually incurred in the performance of their Board duties, from funds appropriated for that purpose.

(c) The Board shall meet at the call of the chairperson as often as necessary to consider objections to applications for a license under this Act. If necessary to ensure the participation of a commissioner, the Board shall allow a commissioner to participate in a Board meeting by electronic communication. Any commissioner participating electronically shall be deemed present for purposes of establishing a quorum and voting.

(d) The Board shall adopt rules for the conduct of hearings. The Board shall maintain a record of its decisions and all materials considered in making its decisions. All Board decisions and voting records shall be kept confidential and all materials considered by the Board shall be exempt from inspection except upon order of a court.

(e) In considering an objection of a law enforcement agency or the Department, the Board shall review the materials received with the objection from the law enforcement agency or the Department. By a vote of at least 4 commissioners, the Board may request additional information from the law enforcement agency, Department, or the applicant, or the testimony of the law enforcement agency, Department, or the applicant. The Board may only consider information submitted by the Department, a law enforcement agency, or the applicant. The Board shall review each objection and determine by a majority of commissioners whether an applicant is eligible for a license.

(f) The Board shall issue a decision within 30 days of receipt of the objection from the Department. However, the Board need not issue a decision within 30 days if:

(1) the Board requests information from the applicant in accordance with subsection (e) of this Section, in which case the Board shall make a decision within 30 days of receipt of the required information from the applicant;

(2) the applicant agrees, in writing, to allow the Board additional time to consider an objection; or

(3) the Board notifies the applicant and the Department that the Board needs an additional 30 days to issue a decision.

(g) If the Board determines by a preponderance of the evidence that the applicant poses a danger to himself or herself or others, or is a threat to public safety, then the Board shall affirm the objection of the law enforcement agency or the Department and shall notify the Department that the applicant is ineligible for a license. If the Board does not determine by a preponderance of the evidence that the applicant poses a danger to himself or herself or others, or is a threat to public safety, then the Board shall notify the Department that the applicant is eligible for a license.

(h) Meetings of the Board shall not be subject to the Open Meetings Act and records of the Board shall not be subject to the Freedom of Information Act.

(i) The Board shall report monthly to the Governor and the General Assembly on the number of objections received and provide details of the circumstances in which the Board has determined to deny licensure based on law enforcement or Department objections under Section 15 of this Act. The report shall not contain any identifying information about the applicants.

Section 25. Qualifications for a license.

The Department shall issue a license to an applicant completing an application in accordance with Section 30 of this Act if the person:

(1) is at least 21 years of age;

(2) has a currently valid Firearm Owner's Identification Card and at the time of application meets the requirements for the issuance of a Firearm Owner's Identification Card and is not prohibited under the Firearm Owners Identification Card Act or federal law from possessing or receiving a firearm;

(3) has not been convicted or found guilty in this State or in any other state of:

(A) a misdemeanor involving the use or threat of physical force or violence to any person within the 5 years preceding the date of the license application; or

(B) 2 or more violations related to driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, within the 5 years preceding the date of the license application; and

(4) is not the subject of a pending arrest warrant, prosecution, or proceeding for an offense or action that could lead to disqualification to own or possess a firearm;

(5) has not been in residential or court-ordered treatment for alcoholism, alcohol detoxification, or drug treatment within the 5 years immediately preceding the date of the license application; and

(6) has completed firearms training and any education component required under Section 75 of this Act.

Section 30. Contents of license application.

(a) The license application shall be in writing, under penalty of perjury, on a standard form adopted by the Department and shall be accompanied by the documentation required in this Section and the applicable fee. Each application form shall include the following statement printed in bold type: "Warning: Entering false information on this form is punishable as perjury under Section 32-2 of the Criminal Code of 2012."

(b) The application shall contain the following:

(1) the applicant's name, current address, date and year of birth, place of birth, height, weight, hair color, eye color, maiden name or any other name the applicant has used or identified with, and any address where the applicant resided for more than 30 days within the 10 years preceding the date of the license application;

(2) the applicant's valid driver's license number or valid state identification card number;

(3) a waiver of the applicant's privacy and confidentiality rights and privileges

under all federal and state laws, including those limiting access to juvenile court, criminal justice, psychological, or psychiatric records or records relating to any institutionalization of the applicant, and an affirmative request that a person having custody of any of these records provide it or information concerning it to the Department;

(4) an affirmation that the applicant possesses a currently valid Firearm Owner's Identification Card and card number if possessed or notice the applicant is applying for a Firearm Owner's Identification Card in conjunction with the license application;

(5) an affirmation that the applicant has not been convicted or found guilty of:

(A) a felony;

(B) a misdemeanor involving the use or threat of physical force or violence to any person within the 5 years preceding the date of the application; or

(C) 2 or more violations related to driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, within the 5 years preceding the date of the license application; and

(6) whether the applicant has failed a drug test for a drug for which the applicant did not have a prescription, within the previous year, and if so, the provider of the test, the specific substance involved, and the date of the test;

(7) written consent for the Department to review and use the applicant's Illinois digital driver's license or Illinois identification card photograph and signature;

(8) a full set of fingerprints submitted to the Department in electronic format, provided the Department may accept an application submitted without a set of fingerprints in which case the Department shall be granted 30 days in addition to the 90 days provided under subsection (e) of Section 10 of this Act to issue or deny a license;

(9) a head and shoulder color photograph in a size specified by the Department taken within the 30 days preceding the date of the license application; and

(10) a photocopy of any certificates or other evidence of compliance with the training requirements under this Act.

Section 35. Investigation of the applicant.

The Department shall conduct a background check of the applicant to ensure compliance with the requirements of this Act and all federal, State, and local laws. The background check shall include a search of the following:

(1) the National Instant Criminal Background Check System of the Federal Bureau of Investigation;

(2) all available state and local criminal history record information files, including records of juvenile adjudications;

(3) all available federal, state, and local records regarding wanted persons;

(4) all available federal, state, and local records of domestic violence restraining and protective orders;

(5) the files of the Department of Human Services relating to mental health and developmental disabilities; and

(6) all other available records of a federal, state, or local agency or other public entity in any jurisdiction likely to contain information relevant to whether the applicant is prohibited from purchasing, possessing, or carrying a firearm under federal, state, or local law.

(7) Fingerprints collected under Section 30 shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check.

Section 40. Non-resident license applications.

(a) For the purposes of this Section, "non-resident" means a person who has not resided within this State for more than 30 days and resides in another state or territory.

(b) The Department shall by rule allow for non-resident license applications from any state or territory of the United States with laws related to firearm ownership, possession, and carrying, that are substantially similar to the requirements to obtain a license under this Act.

(c) A resident of a state or territory approved by the Department under subsection (b) of this Section may apply for a non-resident license. The applicant shall apply to the Department and must meet all of the qualifications established in Section 25 of this Act, except for the Illinois residency requirement in item (xiv) of paragraph (2) of subsection (a) of Section 4 of the Firearm Owners Identification Card Act. The applicant shall submit:

- (1) the application and documentation required under Section 30 of this Act and the applicable fee;
- (2) a notarized document stating that the applicant:
 - (A) is eligible under federal law and the laws of his or her state or territory of residence to own or possess a firearm;
 - (B) if applicable, has a license or permit to carry a firearm or concealed firearm issued by his or her state or territory of residence and attach a copy of the license or permit to the application;
 - (C) understands Illinois laws pertaining to the possession and transport of firearms, and
 - (D) acknowledges that the applicant is subject to the jurisdiction of the Department and Illinois courts for any violation of this Act; and
- (3) a photocopy of any certificates or other evidence of compliance with the training requirements under Section 75 of this Act; and
- (4) a head and shoulder color photograph in a size specified by the Department taken within the 30 days preceding the date of the application.

(d) In lieu of an Illinois driver's license or Illinois identification card, a non-resident applicant shall provide similar documentation from his or her state or territory of residence. In lieu of a valid Firearm Owner's Identification Card, the applicant shall submit documentation and information required by the Department to obtain a Firearm Owner's Identification Card, including an affidavit that the non-resident meets the mental health standards to obtain a firearm under Illinois law, and the Department shall ensure that the applicant would meet the eligibility criteria to obtain a Firearm Owner's Identification card if he or she was a resident of this State.

(e) Nothing in this Act shall prohibit a non-resident from transporting a concealed firearm within his or her vehicle in Illinois, if the concealed firearm remains within his or her vehicle and the non-resident:

- (1) is not prohibited from owning or possessing a firearm under federal law;
- (2) is eligible to carry a firearm in public under the laws of his or her state or territory of residence; and
- (3) is not in possession of a license under this Act.

If the non-resident leaves his or her vehicle unattended, he or she shall store the firearm within a locked vehicle or locked container within the vehicle in accordance with subsection (b) of Section 65 of this Act.

Section 45. Civil immunity; Board, employees, and agents. The Board, Department, local law enforcement agency, or the employees and agents of the Board, Department, or local law enforcement agency participating in the licensing process under this Act shall not be held liable for damages in any civil action arising from alleged wrongful or improper granting, denying, renewing, revoking, suspending, or failing to grant, deny, renew, revoke, or suspend a license under this Act, except for willful or wanton misconduct.

Section 50. License renewal.

Applications for renewal of a license shall be made to the Department. A license shall be renewed for a period of 5 years upon receipt of a completed renewal application, completion of 3 hours of training required under Section 75 of this Section, payment of the applicable renewal fee, and completion of an investigation under Section 35 of this Act. The renewal application shall contain the information required in Section 30 of this Act, except that the applicant need not resubmit a full set of fingerprints.

Section 55. Change of address or name; lost, destroyed, or stolen licenses.

(a) A licensee shall notify the Department within 30 days of moving or changing residence or any change of name. The licensee shall submit:

- (1) a notarized statement that the licensee has changed his or her residence or his or her name, including the prior and current address or name and the date the applicant moved or changed his or her name; and
- (2) the requisite fee.

(b) A licensee shall notify the Department within 10 days of discovering that a license has been lost, destroyed, or stolen. A lost, destroyed, or stolen license is invalid. To request a replacement license, the licensee shall submit:

- (1) a notarized statement that the licensee no longer possesses the license, and that it was lost, destroyed, or stolen;
- (2) if applicable, a copy of a police report stating that the license was stolen; and
- (3) the requisite fee.

(c) A violation of this Section is a petty offense with a fine of \$150 which shall be deposited into the Mental Health Reporting Fund.

Section 60. Fees.

(a) All fees collected under this Act shall be deposited as provided in this Section. Application, renewal, and replacement fees shall be non-refundable.

(b) An applicant for a new license or a renewal shall submit \$150 with the application, of which \$120 shall be apportioned to the State Police Firearm Services Fund, \$20 shall be apportioned to the Mental Health Reporting Fund, and \$10 shall be apportioned to the State Crime Laboratory Fund.

(c) A non-resident applicant for a new license or renewal shall submit \$300 with the application, of which \$250 shall be apportioned to the State Police Firearm Services Fund, \$40 shall be apportioned to the Mental Health Reporting Fund, and \$10 shall be apportioned to the State Crime Laboratory Fund.

(d) A licensee requesting a new license in accordance with Section 55 shall submit \$75, of which \$60 shall be apportioned to the State Police Firearm Services Fund, \$5 shall be apportioned to the Mental Health Reporting Fund, and \$10 shall be apportioned to the State Crime Laboratory Fund.

Section 65. Prohibited areas.

(a) A licensee under this Act shall not knowingly carry a firearm on or into:

- (1) Any building, real property, and parking area under the control of a public or private elementary or secondary school.
- (2) Any building, real property, and parking area under the control of a pre-school or child care facility, including any room or portion of a building under the control of a pre-school or child care facility. Nothing in this paragraph shall prevent the operator of a child care facility in a family home from owning or possessing a firearm in the home or license under this Act, if no child under child care at the home is present in the home or the firearm in the home is stored in a locked container when a child under child care at the home is present in the home.
- (3) Any building, parking area, or portion of a building under the control of an officer of the executive or legislative branch of government, provided that nothing in this paragraph shall prohibit a licensee from carrying a concealed firearm onto the real property, bikeway, or trail in a park regulated by the Department of Natural Resources or any other designated public hunting area or building where firearm possession is permitted as established by the Department of Natural Resources under Section 1.8 of the Wildlife Code.
- (4) Any building designated for matters before a circuit court, appellate court, or the Supreme Court, or any building or portion of a building under the control of the Supreme Court.
- (5) Any building or portion of a building under the control of a unit of local government.
- (6) Any building, real property, and parking area under the control of an adult or juvenile detention or correctional institution, prison, or jail.
- (7) Any building, real property, and parking area under the control of a public or private hospital or hospital affiliate, mental health facility, or nursing home.
- (8) Any bus, train, or form of transportation paid for in whole or in part with public funds, and any building, real property, and parking area under the control of a public transportation facility paid for in whole or in part with public funds.
- (9) Any building, real property, and parking area under the control of an establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol. The owner of an establishment who knowingly fails to prohibit concealed firearms on its premises as provided in this paragraph or who knowingly makes a false statement or record to avoid the prohibition on concealed firearms under this paragraph is subject to the penalty under subsection (c-5) of Section 10-1 of the Liquor Control Act of 1934.
- (10) Any public gathering or special event conducted on property open to the public that

requires the issuance of a permit from the unit of local government, provided this prohibition shall not apply to a licensee who must walk through a public gathering in order to access his or her residence, place of business, or vehicle.

(11) Any building or real property that has been issued a Special Event Retailer's license as defined in Section 1-3.17.1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special Event Retailer's license, or a Special use permit license as defined in subsection (q) of Section 5-1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special use permit license.

(12) Any public playground.

(13) Any public park, athletic area, or athletic facility under the control of a municipality or park district, provided nothing in this Section shall prohibit a licensee from carrying a concealed firearm while on a trail or bikeway if only a portion of the trail or bikeway includes a public park.

(14) Any real property under the control of the Cook County Forest Preserve District.

(15) Any building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized university-related organization property, whether owned or leased, and any real property, including parking areas, sidewalks, and common areas under the control of a public or private community college, college, or university.

(16) Any building, real property, or parking area under the control of a gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975, including an inter-track wagering location licensee.

(17) Any stadium, arena, or the real property or parking area under the control of a stadium, arena, or any collegiate or professional sporting event.

(18) Any building, real property, or parking area under the control of a public library.

(19) Any building, real property, or parking area under the control of an airport.

(20) Any building, real property, or parking area under the control of an amusement park.

(21) Any building, real property, or parking area under the control of a zoo or museum.

(22) Any street, driveway, parking area, property, building, or facility, owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the Federal Nuclear Regulatory Commission. The licensee shall not under any circumstance store a firearm or ammunition in his or her vehicle or in a compartment or container within a vehicle located anywhere in or on the street, driveway, parking area, property, building, or facility described in this paragraph.

(23) Any area where firearms are prohibited under federal law.

(a-5) Nothing in this Act shall prohibit a public or private community college, college, or university from:

(1) prohibiting persons from carrying a firearm within a vehicle owned, leased, or controlled by the college or university;

(2) developing resolutions, regulations, or policies regarding student, employee, or visitor misconduct and discipline, including suspension and expulsion;

(3) developing resolutions, regulations, or policies regarding the storage or maintenance of firearms, which must include designated areas where persons can park vehicles that carry firearms; and

(4) permitting the carrying or use of firearms for the purpose of instruction and curriculum of officially recognized programs, including but not limited to military science and law enforcement training programs, or in any designated area used for hunting purposes or target shooting.

(a-10) The owner of private real property of any type may prohibit the carrying of concealed firearms on the property under his or her control. The owner must post a sign in accordance with subsection (d) of this Section indicating that firearms are prohibited on the property, unless the property is a private residence.

(b) Notwithstanding subsections (a), (a-5), and (a-10) of this Section except under paragraph (22) or (23) of subsection (a), any licensee prohibited from carrying a concealed firearm into the parking area of a prohibited location specified in subsection (a), (a-5), or (a-10) of this Section shall be permitted to carry a concealed firearm on or about his or her person within a vehicle into the parking area and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. A licensee may carry a concealed firearm in the immediate area surrounding his or her vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk, provided the licensee ensures the concealed firearm is unloaded prior to exiting the vehicle. For purposes of this subsection, "case" includes a glove compartment

or console that completely encloses the concealed firearm or ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box, or other container.

(c) A licensee shall not be in violation of this Section while he or she is traveling along a public right of way that touches or crosses any of the premises under subsection (a), (a-5), or (a-10) of this Section if the concealed firearm is carried on his or her person in accordance with the provisions of this Act or is being transported in a vehicle by the licensee in accordance with all other applicable provisions of law.

(d) Signs stating that the carrying of firearms is prohibited shall be clearly and conspicuously posted at the entrance of a building, premises, or real property specified in this Section as a prohibited area, unless the building or premises is a private residence. Signs shall be of a uniform design as established by the Department and shall be 4 inches by 6 inches in size. The Department shall adopt rules for standardized signs to be used under this subsection.

Section 70. Violations.

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

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

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

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

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

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

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

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

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

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

Section 75. Applicant firearm training.

(a) Within 60 days of the effective date of this Act, the Department shall begin approval of firearm training courses and shall make a list of approved courses available of the Department's website.

(b) An applicant for a new license shall provide proof of completion of a firearms training course or combination of courses approved by the Department of at least 16 hours, which includes range qualification time under subsection (c) of this Section, that covers the following:

- (1) firearm safety;
- (2) the basic principles of marksmanship;
- (3) care, cleaning, loading, and unloading of a concealable firearm;
- (4) all applicable State and federal laws relating to the ownership, storage, carry, and transportation of a firearm; and
- (5) instruction on the appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm.

(c) An applicant for a new license shall provide proof of certification by a certified instructor that the applicant passed a live fire exercise with a concealable firearm consisting of:

- (1) a minimum of 30 rounds; and
- (2) 10 rounds from a distance of 5 yards; 10 rounds from a distance of 7 yards; and 10 rounds from a distance of 10 yards at a B-27 silhouette target approved by the Department.

(d) An applicant for renewal of a license shall provide proof of completion of a firearms training course or combination of courses approved by the Department of at least 3 hours.

(e) A certificate of completion for an applicant firearm training course shall not be issued to a student who:

- (1) does not follow the orders of the certified firearms instructor;
- (2) in the judgment of the certified instructor, handles a firearm in a manner that poses a danger to the student or to others; or
- (3) during the range firing portion of testing fails to hit the target with 70% of the rounds fired.

(f) An instructor shall maintain a record of each student's performance for at least 5 years, and shall make all records available upon demand of authorized personnel of the Department.

(g) The Department and certified firearms instructor shall recognize up to 8 hours of training already completed toward the 16 hour training requirement under this Section if the training course is approved by the Department and recognized under the laws of another state. Any remaining hours that the applicant completes must at least cover the classroom subject matter of paragraph (4) of subsection (b) of this Section, and the range qualification in subsection (c) of this Section.

(h) A person who has qualified to carry a firearm as an active law enforcement officer, a person certified as a firearms instructor by this Act or by the Illinois Law Enforcement Training Standards Board, or a person who has completed the required training and has been issued a firearm control card by the Department of Financial and Professional Regulation shall be exempt from the requirements of this Section.

(i) The Department shall accept 8 hours of training as completed toward the 16 hour training requirement under this Section, if the applicant is an active, retired, or honorably discharged member of the United States Armed Forces.

Section 80. Firearms instructor training.

(a) Within 60 days of the effective date of this Act, the Department shall begin approval of certified firearms instructors and enter certified firearms instructors into an online registry on the Department's website.

(b) A person who is not a certified firearms instructor shall not teach applicant training courses or advertise or otherwise represent courses they teach as qualifying their students to meet the requirements to receive a license under this Act. Each violation of this subsection is a business offense with a fine of at least \$1,000 per violation.

(c) A person seeking to become a certified firearms instructor shall:

- (1) be at least 21 years of age;
- (2) be a legal resident of the United States; and
- (3) meet the requirements of Section 25 of this Act, and any additional uniformly

applied requirements established by the Department.

(d) A person seeking to become a certified firearms instructor trainer, in addition to the requirements of subsection (c) of this Section, shall:

- (1) possess a high school diploma or GED certificate; and
- (2) have at least one of the following valid firearms instructor certifications:
 - (A) certification from a law enforcement agency;
 - (B) certification from a firearm instructor course offered by a State or federal governmental agency;
 - (C) certification from a firearm instructor qualification course offered by the Illinois Law Enforcement Training Standards Board; or
 - (D) certification from an entity approved by the Department that offers firearm instructor education and training in the use and safety of firearms.

(e) A person may have his or her firearms instructor certification denied or revoked if he or she does not meet the requirements to obtain a license under this Act, provides false or misleading information to the Department, or has had a prior instructor certification revoked or denied by the Department.

Section 85. Background Checks for Sales.

A license to carry a concealed firearm issued by this State shall not exempt the licensee from the requirements of a background check, including a check of the National Instant Criminal Background Check System, upon purchase or transfer of a firearm.

Section 87. Administrative and judicial review.

(a) Whenever an application for a concealed carry license is denied, whenever the Department fails to act on an application within 90 days of its receipt, or whenever a license is revoked or suspended as provided in this Act, the aggrieved party may appeal to the Director for a hearing upon the denial, revocation, suspension, or failure to act on the application, unless the denial was made by the Concealed Carry Licensing Review Board, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon the denial.

(b) All final administrative decisions of the Department or the Concealed Carry Licensing Review Board under this Act shall be subject to judicial review under the provisions of the Administrative Review Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Section 90. Preemption.

The regulation, licensing, possession, registration, and transportation of handguns and ammunition for handguns by licensees are exclusive powers and functions of the State. Any ordinance or regulation, or portion thereof, enacted on or before the effective date of this Act that purports to impose regulations or restrictions on licensees or handguns and ammunition for handguns in a manner inconsistent with this Act shall be invalid in its application to licensees under this Act on the effective date of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 92. Consolidation of concealed carry license and Firearm Owner's Identification Card.

(a) The Director shall create a task force to develop a plan to incorporate and consolidate the concealed carry license under this Act and the Firearm Owner's Identification Card under the Firearm Owners Identification Card Act into a designation on the Illinois driver's license or Illinois identification card of a person with authority to possess a firearm under the Firearm Owners Identification Card Act, or authority to possess a firearm under the Firearm Owners Identification Card Act and authority to carry a concealed firearm under this Act. The plan must provide for an alternative card for:

(1) a non-resident or a resident without an Illinois driver's license or Illinois identification card, who has been granted authority under this Act to carry a concealed firearm in this State; and

(2) a resident without an Illinois driver's license or Illinois identification card, who has been granted authority to possess a firearm under the Firearm Owners Identification Card Act. The plan shall include statutory changes necessary to implement it.

(b) The task force shall consist of the following members:

- (1) one member appointed by the Speaker of the House of Representatives;
- (2) one member appointed by the House of Representatives Minority Leader;
- (3) one member appointed by the President of the Senate;
- (4) one member appointed by the Senate Minority Leader;

- (5) one member appointed by the Secretary of State;
- (6) one member appointed by the Director of State Police;
- (7) one member appointed by the Speaker of the House of Representatives representing the National Rifle Association;
- (8) one member appointed by the Governor from the Department of Natural Resources; and
- (9) one member appointed by the Governor representing the Chicago Police Department.

The task force shall elect a chairperson from its membership. Members shall serve without compensation.

(c) The task force shall file the plan supported by a majority of its members with the General Assembly and the Secretary of State on or before March 1, 2014.

(d) This Section is repealed on March 2, 2014.

Section 95. Procurement; rulemaking.

(a) The Department of State Police, in consultation with and subject to the approval of the Chief Procurement Officer, may procure a single contract or multiple contracts to implement the provisions of this Act. A contract or contracts under this paragraph are not subject to the provisions of the Illinois Procurement Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that Code, provided that the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50. This exemption shall be repealed one year from the effective date of this Act.

(b) The Department shall adopt rules to implement the provisions of this Act. The Department may adopt rules necessary to implement the provisions of this Act through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act for a period not to exceed 180 days after the effective date of this Act.

Section 100. Short title. Sections 100 through 110 may be cited as the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law.

Section 105. Duty of school administrator. It is the duty of the principal of a public elementary or secondary school, or his or her designee, and the chief administrative officer of a private elementary or secondary school or a public or private community college, college, or university, or his or her designee, to report to the Department of State Police when a student is determined to pose a clear and present danger to himself, herself, or to others, within 24 hours of the determination as provided in Section 6-103.3 of the Mental Health and Developmental Disabilities Code. "Clear and present danger" has the meaning as provided in paragraph (2) of the definition of "clear and present danger" in Section 1.1 of the Firearm Owners Identification Card Act.

Section 110. Immunity. A principal or chief administrative officer, or the designee of a principal or chief administrative officer, making the determination and reporting under Section 105 of this Law shall not be held criminally, civilly, or professionally liable, except for willful or wanton misconduct.

Section 115. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

Sec. 2. Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including

a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.

(8) Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under Brian's Law.

(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(27) Confidential information, when discussed by one or more members of an elder abuse fatality review team, designated under Section 15 of the Elder Abuse and Neglect Act, while participating in a review conducted by that team of the death of an elderly person in which abuse or neglect is suspected, alleged, or substantiated; provided that before the review team holds a closed meeting, or closes an open meeting, to discuss the confidential information, each participating review team member seeking to disclose the confidential information in the closed meeting or closed portion of the meeting must state on the record during an open meeting or the open portion of a meeting the nature of the information to be disclosed and the legal basis for otherwise holding that information confidential.

(28) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Public Aid Code.

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

(30) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-judicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10; 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff. 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff. 8-1-12.)

Section 120. The Freedom of Information Act is amended by changing Section 7.5 as follows:
(5 ILCS 140/7.5)

Sec. 7.5. Statutory Exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Accountability and Portability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under Brian's Law.

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11; 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13.)

Section 122. The Secretary of State Act is amended by adding Section 13.5 as follows:

(15 ILCS 305/13.5 new)

Sec. 13.5. Department of State Police access to driver's license and identification card photographs.

The Secretary of State shall allow the Department of State Police to access the driver's license or Illinois Identification card photograph, if available, of an applicant for a firearm concealed carry license under the Firearm Concealed Carry Act for the purpose of identifying the firearm concealed carry license applicant and issuing a license to the applicant.

Section 125. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-300 and by adding Section 2605-595 as follows:

(20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

Sec. 2605-300. Records; crime laboratories; personnel. To do the following:

- (1) Be a central repository and custodian of criminal statistics for the State.
- (2) Be a central repository for criminal history record information.
- (3) Procure and file for record information that is necessary and helpful to plan programs of crime prevention, law enforcement, and criminal justice.
- (4) Procure and file for record copies of fingerprints that may be required by law.
- (5) Establish general and field crime laboratories.
- (6) Register and file for record information that may be required by law for the issuance of firearm owner's identification cards under the Firearm Owners Identification Card Act and concealed carry licenses under the Firearm Concealed Carry Act.

(7) Employ polygraph operators, laboratory technicians, and other specially qualified persons to aid in the identification of criminal activity.

(8) Undertake other identification, information, laboratory, statistical, or registration activities that may be required by law.

(Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

(20 ILCS 2605/2605-595 new)

Sec. 2605-595. State Police Firearm Services Fund.

(a) There is created in the State treasury a special fund known as the State Police Firearm Services Fund. The Fund shall receive revenue under the Firearm Concealed Carry Act and Section 5 of the Firearm Owners Identification Card Act. The Fund may also receive revenue from grants, pass-through grants, donations, appropriations, and any other legal source.

(b) The Department of State Police may use moneys in the Fund to finance any of its lawful purposes, mandates, functions, and duties under the Firearm Owners Identification Card Act and the Firearm Concealed Carry Act, including the cost of sending notices of expiration of Firearm Owner's Identification Cards, concealed carry licenses, the prompt and efficient processing of applications under the Firearm Owners Identification Card Act and the Firearm Concealed Carry Act, the improved efficiency and reporting of the LEADS and federal NICS law enforcement data systems, and support for investigations required under these Acts and law. Any surplus funds beyond what is needed to comply with the aforementioned purposes shall be used by the Department to improve the Law Enforcement Agencies Data System (LEADS) and criminal history background check system.

(c) Investment income that is attributable to the investment of moneys in the Fund shall be retained in the Fund for the uses specified in this Section.

Section 130. The State Finance Act is amended by adding Sections 5.826, 5.827, and 6z-98 as follows:

(30 ILCS 105/5.826 new)

Sec. 5.826. The Mental Health Reporting Fund.

(30 ILCS 105/5.827 new)

Sec. 5.827. The State Police Firearm Services Fund.

(30 ILCS 105/6z-98 new)

Sec. 6z-98. The Mental Health Reporting Fund.

(a) There is created in the State treasury a special fund known as the Mental Health Reporting Fund. The Fund shall receive revenue under the Firearm Concealed Carry Act. The Fund may also receive revenue from grants, pass-through grants, donations, appropriations, and any other legal source.

(b) The Department of State Police and Department of Human Services shall coordinate to use moneys in the Fund to finance their respective duties of collecting and reporting data on mental health records and ensuring that mental health firearm possession prohibitors are enforced as set forth under the Firearm Concealed Carry Act and the Firearm Owners Identification Card Act. Any surplus in the Fund beyond what is necessary to ensure compliance with mental health reporting under these Acts shall be used by the Department of Human Services for mental health treatment programs.

(c) Investment income that is attributable to the investment of moneys in the Fund shall be retained in the Fund for the uses specified in this Section.

(30 ILCS 105/5.206 rep.)

Section 135. The State Finance Act is amended by repealing Section 5.206.

Section 140. The Illinois Explosives Act is amended by changing Section 2005 as follows:

[November 7, 2013]

(225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)
Sec. 2005. Qualifications for licensure.

(a) No person shall qualify to hold a license who:

- (1) is under 21 years of age;
- (2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (3) is under indictment for a crime punishable by imprisonment for a term exceeding one year;
- (4) is a fugitive from justice;
- (5) is an unlawful user of or addicted to any controlled substance as defined in Section 102 of the federal Controlled Substances Act (21 U.S.C. Sec. 802 et seq.);
- (6) has been adjudicated a mentally disabled person as defined in Section 1.1 of the Firearm Owners Identification Card Act ~~mental defective~~; or
- (7) is not a legal citizen of the United States.

(b) A person who has been granted a "relief from disabilities" regarding criminal convictions and indictments, pursuant to the federal Safe Explosives Act (18 U.S.C. Sec. 845) may receive a license provided all other qualifications under this Act are met.

(Source: P.A. 96-1194, eff. 1-1-11.)

Section 142. The Liquor Control Act of 1934 is amended by changing Section 10-1 as follows:
(235 ILCS 5/10-1) (from Ch. 43, par. 183)

Sec. 10-1. Violations; penalties. Whereas a substantial threat to the sound and careful control, regulation, and taxation of the manufacture, sale, and distribution of alcoholic liquors exists by virtue of individuals who manufacture, import, distribute, or sell alcoholic liquors within the State without having first obtained a valid license to do so, and whereas such threat is especially serious along the borders of this State, and whereas such threat requires immediate correction by this Act, by active investigation and prosecution by law enforcement officials and prosecutors, and by prompt and strict enforcement through the courts of this State to punish violators and to deter such conduct in the future:

(a) Any person who manufactures, imports for distribution or use, or distributes or sells alcoholic liquor at any place within the State without having first obtained a valid license to do so under the provisions of this Act shall be guilty of a business offense and fined not more than \$1,000 for the first such offense and shall be guilty of a Class 4 felony for each subsequent offense.

(b) (1) Any retailer, licensed in this State, who knowingly causes to furnish, give, sell, or otherwise being within the State, any alcoholic liquor destined to be used, distributed, consumed or sold in another state, unless such alcoholic liquor was received in this State by a duly licensed distributor, or importing distributors shall have his license suspended for 7 days for the first offense and for the second offense, shall have his license revoked by the Commission.

(2) In the event the Commission receives a certified copy of a final order from a foreign jurisdiction that an Illinois retail licensee has been found to have violated that foreign jurisdiction's laws, rules, or regulations concerning the importation of alcoholic liquor into that foreign jurisdiction, the violation may be grounds for the Commission to revoke, suspend, or refuse to issue or renew a license, to impose a fine, or to take any additional action provided by this Act with respect to the Illinois retail license or licensee. Any such action on the part of the Commission shall be in accordance with this Act and implementing rules.

For the purposes of paragraph (2): (i) "foreign jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and (ii) "final order" means an order or judgment of a court or administrative body that determines the rights of the parties respecting the subject matter of the proceeding, that remains in full force and effect, and from which no appeal can be taken.

(c) Any person who shall make any false statement or otherwise violates any of the provisions of this Act in obtaining any license hereunder, or who having obtained a license hereunder shall violate any of the provisions of this Act with respect to the manufacture, possession, distribution or sale of alcoholic liquor, or with respect to the maintenance of the licensed premises, or shall violate any other provision of this Act, shall for a first offense be guilty of a petty offense and fined not more than \$500, and for a second or subsequent offense shall be guilty of a Class B misdemeanor.

(c-5) Any owner of an establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol, who knowingly fails to prohibit concealed firearms on its premises or who knowingly makes a false statement or record to avoid

the prohibition of concealed firearms on its premises under the Firearm Concealed Carry Act shall be guilty of a business offense with a fine up to \$5,000.

(d) Each day any person engages in business as a manufacturer, foreign importer, importing distributor, distributor or retailer in violation of the provisions of this Act shall constitute a separate offense.

(e) Any person, under the age of 21 years who, for the purpose of buying, accepting or receiving alcoholic liquor from a licensee, represents that he is 21 years of age or over shall be guilty of a Class A misdemeanor.

(f) In addition to the penalties herein provided, any person licensed as a wine-maker in either class who manufactures more wine than authorized by his license shall be guilty of a business offense and shall be fined \$1 for each gallon so manufactured.

(g) A person shall be exempt from prosecution for a violation of this Act if he is a peace officer in the enforcement of the criminal laws and such activity is approved in writing by one of the following:

(1) In all counties, the respective State's Attorney;

(2) The Director of State Police under Section 2605-10, 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115, 2605-120, 2605-130, 2605-140, 2605-190, 2605-200, 2605-205, 2605-210, 2605-215, 2605-250, 2605-275, 2605-300, 2605-305, 2605-315, 2605-325, 2605-335, 2605-340, 2605-350, 2605-355, 2605-360, 2605-365, 2605-375, 2605-390, 2605-400, 2605-405, 2605-420, 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the Department of State Police Law (20 ILCS 2605/2605-10, 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105, 2605/2605-110, 2605/2605-115, 2605/2605-120, 2605/2605-130, 2605/2605-140, 2605/2605-190, 2605/2605-200, 2605/2605-205, 2605/2605-210, 2605/2605-215, 2605/2605-250, 2605/2605-275, 2605/2605-300, 2605/2605-305, 2605/2605-315, 2605/2605-325, 2605/2605-335, 2605/2605-340, 2605/2605-350, 2605/2605-355, 2605/2605-360, 2605/2605-365, 2605/2605-375, 2605/2605-390, 2605/2605-400, 2605/2605-405, 2605/2605-420, 2605/2605-430, 2605/2605-435, 2605/2605-500, 2605/2605-525, or 2605/2605-550); or

(3) In cities over 1,000,000, the Superintendent of Police.

(Source: P.A. 90-739, eff. 8-13-98; 91-239, eff. 1-1-00.)

Section 145. The Mental Health and Developmental Disabilities Code is amended by changing Section 6-103.1 and by adding Sections 6-103.2 and 6-103.3 as follows:

(405 ILCS 5/6-103.1)

Sec. 6-103.1. Adjudication as a mentally disabled person ~~mental defective~~.

When a person has been adjudicated as a mentally disabled person ~~mental defective~~ as defined in Section 1.1 of the Firearm Owners Identification Card Act, including, but not limited to, an adjudication as a disabled person as defined in Section 11a-2 of the Probate Act of 1975, the court shall direct the circuit court clerk to ~~immediately~~ notify the Department of State Police, Firearm Owner's Identification (FOID) Office, in a form and manner prescribed by the Department of State Police, and shall forward a copy of the court order to the Department no later than 7 days after the entry of the order. Upon receipt of the order, the Department of State Police shall provide notification to the National Instant Criminal Background Check System.

(Source: P.A. 97-1131, eff. 1-1-13.)

(405 ILCS 5/6-103.2 new)

Sec. 6-103.2. Developmental disability: notice.

For purposes of this Section, if a person is determined to be developmentally disabled as defined in Section 1.1 of the Firearm Owners Identification Card Act by a physician, clinical psychologist, or qualified examiner, whether practicing at a public or by a private mental health facility or developmental disability facility, the physician, clinical psychologist, or qualified examiner shall notify the Department of Human Services within 24 hours of making the determination that the person has a developmental disability. The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Department of State Police in a form and manner prescribed by the Department of State Police. Information disclosed under this Section shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 of the Firearm Owners Identification Card Act, nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond that which is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report.

The physician, clinical psychologist, or qualified examiner making the determination and his or her employer may not be held criminally, civilly, or professionally liable for making or not making the notification required under this Section, except for willful or wanton misconduct.

(405 ILCS 5/6-103.3 new)

Sec. 6-103.3. Clear and present danger; notice.

If a person is determined to pose a clear and present danger to himself, herself, or to others by a physician, clinical psychologist, or qualified examiner, whether employed by the State, by any public or private mental health facility or part thereof, or by a law enforcement official or a school administrator, then the physician, clinical psychologist, qualified examiner shall notify the Department of Human Services and a law enforcement official or school administrator shall notify the Department of State Police, within 24 hours of making the determination that the person poses a clear and present danger. The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Department of State Police in a form and manner prescribed by the Department of State Police. Information disclosed under this Section shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 of the Firearm Owners Identification Card Act, nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond that which is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report. The physician, clinical psychologist, qualified examiner, law enforcement official, or school administrator making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this Section, except for willful or wanton misconduct. This Section does not apply to a law enforcement official, if making the notification under this Section will interfere with an ongoing or pending criminal investigation.

For the purposes of this Section:

"Clear and present danger" has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

"School administrator" means the person required to report under the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law.

Section 150. The Firearm Owners Identification Card Act is amended by changing Sections 1.1, 3.1, 4, 5, 8, 8.1, 9, 10, 13.1, and 13.2 and by adding Sections 5.1 and 9.5 as follows:

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

(Text of Section before amendment by P.A. 97-1167)

Sec. 1.1. For purposes of this Act:

"Addicted to narcotics" means a person who has been:

(1) convicted of an offense involving the use or possession of cannabis, a controlled substance, or methamphetamine within the past year; or

(2) determined by the Department of State Police to be addicted to narcotics based upon federal law or federal guidelines.

"Addicted to narcotics" does not include possession or use of a prescribed controlled substance under the direction and authority of a physician or other person authorized to prescribe the controlled substance when the controlled substance is used in the prescribed manner.

"~~Adjudicated Has been adjudicated~~ as a ~~mentally disabled person mental defective~~" means the person is the subject of a determination by a court, board, commission or other lawful authority that ~~the a~~ person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:

(1) ~~presents a clear and present~~ is a danger to himself, herself, or to others;

(2) lacks the mental capacity to manage his or her own affairs ~~or is adjudicated a disabled person as defined in Section 11a-2 of the Probate Act of 1975;~~

(3) is not guilty in a criminal case by reason of insanity, mental disease or defect;

(3.5) is guilty but mentally ill, as provided in Section 5-2-6 of the Unified Code of Corrections;

(4) is incompetent to stand trial in a criminal case;

(5) is not guilty by reason of lack of mental responsibility ~~under pursuant~~ to Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b₂;

(6) is a sexually violent person under subsection (f) of Section 5 of the Sexually Violent Persons Commitment Act;

(7) has been found to be a sexually dangerous person under the Sexually Dangerous Persons Act;

(8) is unfit to stand trial under the Juvenile Court Act of 1987;

(9) is not guilty by reason of insanity under the Juvenile Court Act of 1987;

(10) is subject to involuntary admission as an inpatient as defined in Section 1-119 of the Mental Health and Development Disabilities Code;

(11) is subject to involuntary admission as an outpatient as defined in Section 1-119.1 of the Mental Health and Developmental Disabilities Code;

(12) is subject to judicial admission as set forth in Section 4-500 of the Mental Health and Developmental Disabilities Code; or

(13) is subject to the provisions of the Interstate Agreements on Sexually Dangerous Persons Act.

"Clear and present danger" means a person who:

(1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; or

(2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.

"Clinical psychologist" has the meaning provided in Section 1-103 of the Mental Health and Developmental Disabilities Code.

"Controlled substance" means a controlled substance or controlled substance analog as defined in the Illinois Controlled Substances Act.

"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

"Developmentally disabled" means a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by intellectually disabled persons. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap.

"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second;

(1.1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

(2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.

"Gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Intellectually disabled" means significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

"Involuntarily admitted" has the meaning as prescribed in Sections 1-119 and 1-119.1 of the Mental Health and Developmental Disabilities Code.

"Mental health facility" means any licensed private hospital or hospital affiliate, institution, or facility, or part thereof, and any facility, or part thereof, operated by the State or a political subdivision thereof which provide treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, mental health centers, colleges, universities, long-term care facilities, and nursing homes, or parts thereof, which provide treatment of persons with mental illness whether or not the primary purpose is to provide treatment of persons with mental illness.

"Patient" means:

(1) a person who voluntarily receives mental health treatment as an in-patient or resident of any public or private mental health facility, unless the treatment was solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness; or

(2) a person who voluntarily receives mental health treatment as an out-patient or is provided services by a public or private mental health facility, and who poses a clear and present danger to himself, herself, or to others.

"Physician" has the meaning as defined in Section 1-120 of the Mental Health and Developmental Disabilities Code.

"Qualified examiner" has the meaning provided in Section 1-122 of the Mental Health and Developmental Disabilities Code.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

"School administrator" means the person required to report under the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law.

"Stun gun or taser" has the meaning ascribed to it in Section 24-1 of the Criminal Code of 2012.

(Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13.)

(Text of Section after amendment by P.A. 97-1167)

Sec. 1.1. For purposes of this Act:

"Addicted to narcotics" means a person who has been:

(1) convicted of an offense involving the use or possession of cannabis, a controlled substance, or methamphetamine within the past year; or

(2) determined by the Department of State Police to be addicted to narcotics based upon federal law or federal guidelines.

"Addicted to narcotics" does not include possession or use of a prescribed controlled substance under the direction and authority of a physician or other person authorized to prescribe the controlled substance when the controlled substance is used in the prescribed manner.

"Adjudicated Has been adjudicated as a mentally disabled person ~~mental defective~~" means the person is the subject of a determination by a court, board, commission or other lawful authority that the a person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:

(1) presents a clear and present is a danger to himself, herself, or to others;

(2) lacks the mental capacity to manage his or her own affairs or is adjudicated a disabled person as defined in Section 11a-2 of the Probate Act of 1975;

(3) is not guilty in a criminal case by reason of insanity, mental disease or defect;

(3.5) is guilty but mentally ill, as provided in Section 5-2-6 of the Unified Code of Corrections;

(4) is incompetent to stand trial in a criminal case;

(5) is not guilty by reason of lack of mental responsibility under pursuant to Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b;

(6) is a sexually violent person under subsection (f) of Section 5 of the Sexually Violent Persons Commitment Act;

(7) is a sexually dangerous person under the Sexually Dangerous Persons Act;

(8) is unfit to stand trial under the Juvenile Court Act of 1987;

(9) is not guilty by reason of insanity under the Juvenile Court Act of 1987;

(10) is subject to involuntary admission as an inpatient as defined in Section 1-119 of the Mental Health and Development Disabilities Code;

(11) is subject to involuntary admission as an outpatient as defined in Section 1-119.1 of the Mental Health and Developmental Disabilities Code;

(12) is subject to judicial admission as set forth in Section 4-500 of the Mental Health and Developmental Disabilities Code; or

(13) is subject to the provisions of the Interstate Agreements on Sexually Dangerous Persons Act.

"Clear and present danger" means a person who:

(1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; or

(2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.

"Clinical psychologist" has the meaning provided in Section 1-103 of the Mental Health and Developmental Disabilities Code.

"Controlled substance" means a controlled substance or controlled substance analog as defined in the Illinois Controlled Substances Act.

"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

"Developmentally disabled" means a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by intellectually disabled persons. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap.

"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second;

(1.1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

(2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.

"Gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

[November 7, 2013]

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Intellectually disabled" means significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

"Involuntarily admitted" has the meaning as prescribed in Sections 1-119 and 1-119.1 of the Mental Health and Developmental Disabilities Code.

"Mental health facility institution" means any licensed private hospital or hospital affiliate, institution, or facility, or part thereof, and any facility, or part thereof, operated by the State or a political subdivision thereof which provide clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, mental health centers, colleges, universities, long-term care facilities, and nursing homes, or parts thereof, which provide treatment of persons with mental illness whether or not the primary purpose is to provide treatment of persons with mental illness.

"Patient" means:

(1) a person who voluntarily receives mental health treatment as an in-patient or resident of any public or private mental health facility, unless the treatment was solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness; or

(2) a person who voluntarily receives mental health treatment as an out-patient or is provided services by a public or private mental health facility, and who poses a clear and present danger to himself, herself, or to others.

"Physician" has the meaning as defined in Section 1-120 of the Mental Health and Developmental Disabilities Code.

"Qualified examiner" has the meaning provided in Section 1-122 of the Mental Health and Developmental Disabilities Code.

"Patient in a mental institution" means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment, unless the treatment was voluntary and solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

"School administrator" means the person required to report under the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law.

"Stun gun or taser" has the meaning ascribed to it in Section 24-1 of the Criminal Code of 2012.

(Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13; 97-1167, eff. 6-1-13.)

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

Sec. 3.1. Dial up system.

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm, stun gun, or taser under the provisions of this Act. The Department of State Police may utilize existing technology which allows the caller to be charged a fee not to exceed \$2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 2012 regarding the delivery of firearms, stun guns, and tasers notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm, stun gun, or taser. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 2012, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer; and

(2) provide the licensee, gun show promoter, or gun show vendor with the number.

(d) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

(e) (1) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(2) The Department of State Police and the Department of Human Services shall, in accordance with State and federal law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal Background Check System in the State. The Department of State Police shall report the name, date of birth, and physical description of any person prohibited from possessing a firearm pursuant to the Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and (n) to the National Instant Criminal Background Check System Index, Denied Persons Files.

(3) The Department of State Police shall provide notice of the disqualification of a person under subsection (b) of this Section or the revocation of a person's Firearm Owner's Identification Card under Section 8 of this Act, and the reason for the disqualification or revocation, to all law enforcement agencies with jurisdiction to assist with the seizure of the person's Firearm Owner's Identification Card.

(f) The Department of State Police shall ~~adopt~~ ~~promulgate~~ rules not inconsistent with this Section to implement this system.

(Source: P.A. 97-1150, eff. 1-25-13.)

(430 ILCS 65/4) (from Ch. 38, par. 83-4)

(Text of Section before amendment by P.A. 97-1167)

Sec. 4. (a) Each applicant for a Firearm Owner's Identification Card must:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and

(2) Submit evidence to the Department of State Police that:

(i) He or she is 21 years of age or over, or if he or she is under 21 years of age

that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;

(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;

(iii) He or she is not addicted to narcotics;

(iv) He or she has not been a patient in a mental ~~health facility institution~~ within the past 5 years ~~or, if he or she has been a patient in a mental health facility more than 5 years ago submit the certification required under subsection (u) of Section 8 of this Act and he or she has not been adjudicated as a mental defective;~~

(v) He or she is not intellectually disabled;

(vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;

(vii) He or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm;

(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(ix) He or she has not been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012 (the effective date of Public Act 97-158). If the applicant knowingly and intelligently waives the right to have an offense described in this clause (ix) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the Code of Criminal Procedure of 1963, an entry by the court of a judgment of conviction for that offense shall be grounds for denying the issuance of a Firearm Owner's Identification Card under this Section;

(x) (Blank);

(xi) He or she is not an alien who has been admitted to the United States under a

non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), or that he or she is an alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

- (1) admitted to the United States for lawful hunting or sporting purposes;
- (2) an official representative of a foreign government who is:
 - (A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or
 - (B) en route to or from another country to which that alien is accredited;
- (3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;
- (4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or
- (5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(xii) He or she is not a minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;

(xiii) He or she is not an adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony; and

(xiv) He or she is a resident of the State of Illinois; and

(xv) He or she has not been adjudicated as a mentally disabled person;

(xvi) He or she has not been involuntarily admitted into a mental health facility; and

(xvii) He or she is not developmentally disabled; and

(3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(a-5) Each applicant for a Firearm Owner's Identification Card who is over the age of 18 shall furnish to the Department of State Police either his or her Illinois driver's license number or Illinois Identification Card number, except as provided in subsection (a-10).

(a-10) Each applicant for a Firearm Owner's Identification Card, who is employed as a law enforcement officer, an armed security officer in Illinois, or by the United States Military permanently assigned in Illinois and who is not an Illinois resident, shall furnish to the Department of State Police his or her driver's license number or state identification card number from his or her state of residence. The Department of State Police may ~~adopt promulgate~~ rules to enforce the provisions of this subsection (a-10).

(a-15) If an applicant applying for a Firearm Owner's Identification Card moves from the residence address named in the application, he or she shall immediately notify in a form and manner prescribed by the Department of State Police of that change of address.

(a-20) Each applicant for a Firearm Owner's Identification Card shall furnish to the Department of State Police his or her photograph. An applicant who is 21 years of age or older seeking a religious exemption to the photograph requirement must furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. In lieu of a photograph, an applicant regardless of age seeking a religious exemption to the photograph requirement shall submit fingerprints on a form and manner prescribed by the Department with his or her application.

(b) Each application form shall include the following statement printed in bold type: "Warning: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act."

(c) Upon such written consent, pursuant to Section 4, paragraph (a)(2)(i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

(Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

(Text of Section after amendment by P.A. 97-1167)

[November 7, 2013]

Sec. 4. (a) Each applicant for a Firearm Owner's Identification Card must:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and

(2) Submit evidence to the Department of State Police that:

(i) He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;

(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;

(iii) He or she is not addicted to narcotics;

(iv) He or she has not been a patient in a mental ~~health facility institution~~ within the past 5 years or, if he or she has been a patient in a mental health facility more than 5 years ago submit the certification required under subsection (u) of Section 8 of this Act;

(v) He or she is not intellectually disabled;

(vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;

(vii) He or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm;

(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(ix) He or she has not been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012 (the effective date of Public Act 97-158). If the applicant knowingly and intelligently waives the right to have an offense described in this clause (ix) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the Code of Criminal Procedure of 1963, an entry by the court of a judgment of conviction for that offense shall be grounds for denying the issuance of a Firearm Owner's Identification Card under this Section;

(x) (Blank);

(xi) He or she is not an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), or that he or she is an alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(xii) He or she is not a minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;

(xiii) He or she is not an adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony;

(xiv) He or she is a resident of the State of Illinois; ~~and~~

(xv) He or she has not been adjudicated as a mentally disabled person ~~mental-defective; and~~

(xvi) He or she has not been involuntarily admitted into a mental health facility; and

(xvii) He or she is not developmentally disabled; and

(3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(a-5) Each applicant for a Firearm Owner's Identification Card who is over the age of 18 shall furnish to the Department of State Police either his or her Illinois driver's license number or Illinois Identification Card number, except as provided in subsection (a-10).

(a-10) Each applicant for a Firearm Owner's Identification Card, who is employed as a law enforcement officer, an armed security officer in Illinois, or by the United States Military permanently assigned in Illinois and who is not an Illinois resident, shall furnish to the Department of State Police his or her driver's license number or state identification card number from his or her state of residence. The Department of State Police may ~~adopt~~ promulgate rules to enforce the provisions of this subsection (a-10).

(a-15) If an applicant applying for a Firearm Owner's Identification Card moves from the residence address named in the application, he or she shall immediately notify in a form and manner prescribed by the Department of State Police of that change of address.

(a-20) Each applicant for a Firearm Owner's Identification Card shall furnish to the Department of State Police his or her photograph. An applicant who is 21 years of age or older seeking a religious exemption to the photograph requirement must furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. In lieu of a photograph, an applicant regardless of age seeking a religious exemption to the photograph requirement shall submit fingerprints on a form and manner prescribed by the Department with his or her application.

(b) Each application form shall include the following statement printed in bold type: "Warning: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act."

(c) Upon such written consent, pursuant to Section 4, paragraph (a)(2)(i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

(Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13.)

(430 ILCS 65/5) (from Ch. 38, par. 83-5)

Sec. 5. The Department of State Police shall either approve or deny all applications within 30 days from the date they are received, and every applicant found qualified ~~under~~ pursuant to Section 8 of this Act by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a \$10 fee. Any applicant who is an active duty member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of the Reserve Forces of the United States is exempt from the application fee. \$6 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Wildlife and Fish Fund in the State Treasury; \$1 of ~~the such~~ fee shall be deposited in the State Police Services Fund and \$3 of ~~the such~~ fee shall be deposited in the ~~State Police Firearm Services Fund. Firearm Owner's Notification Fund. Monies in the Firearm Owner's Notification Fund shall be used exclusively to pay for the cost of sending notices of expiration of Firearm Owner's Identification Cards under Section 13.2 of this Act. Excess monies in the Firearm Owner's Notification Fund shall be used to ensure the prompt and efficient processing of applications received under Section 4 of this Act.~~

(Source: P.A. 95-581, eff. 6-1-08; 96-91, eff. 7-27-09.)

(430 ILCS 65/5.1 new)

Sec. 5.1. State Police Firearm Services Fund. All moneys remaining in the Firearm Owner's Notification Fund on the effective date of this amendatory Act of the 98th General Assembly shall be transferred into the State Police Firearm Services Fund, a special fund created in the State treasury, to be expended by the Department of State Police, for the purposes specified in this Act and Section 2605-595 of the Department of State Police Law of the Civil Administrative Code of Illinois.

(430 ILCS 65/8) (from Ch. 38, par. 83-8)

(Text of Section before amendment by P.A. 97-1167)

Sec. 8. The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental ~~health facility institution~~ within the past 5 years ~~or a person who has been a patient in a mental health facility more than 5 years ago who has not received the certification required under subsection (u) of this Section. An active law enforcement officer employed by a unit of government who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under this subsection (e) may obtain relief as described in subsection (c-5) of Section 10 of this Act if the officer did not act in a manner threatening to the officer, another person, or the public as determined by the treating clinical psychologist or physician, and the officer seeks mental health treatment; or has been adjudicated as a mental defective;~~

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

~~For the purposes of this Section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior.~~

(g) A person who is intellectually disabled;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) (Blank);

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012 (the effective date of Public Act 97-158). If the applicant or person who has been previously issued a Firearm Owner's Identification Card under this Act knowingly and intelligently waives the right to have an offense described in this paragraph (l) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the Code of Criminal Procedure of 1963, an entry by the court of a judgment of conviction for that offense shall be grounds for denying an application for and for revoking and seizing a Firearm Owner's Identification Card previously issued to the person under this Act;

(m) (Blank);

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;

(o) A minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;

(p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony; or

(q) A person who is not a resident of the State of Illinois, except as provided in subsection (a-10) of Section 4; -

(r) A person who has been adjudicated as a mentally disabled person;

(s) A person who has been found to be developmentally disabled;

(t) A person involuntarily admitted into a mental health facility;

(u) A person who has had his or her Firearm Owner's Identification Card revoked or denied under subsection (e) of this Section or item (iv) of Section 4 of this Act because he or she was a patient in a mental health facility as provided in item (2) of subsection (e) of this Section, shall not be permitted to obtain a Firearm Owner's Identification Card, after the 5 year period has lapsed, unless he or she has received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as those terms are defined in the Mental Health and Developmental Disabilities Code, and has received a certification that he or she is not a clear and present danger to himself, herself, or others. The physician, clinical psychologist, or qualified examiner making the certification and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the certification required under this subsection, except for willful or wanton misconduct. This subsection does not apply to a person whose firearm possession rights have been restored through administrative or judicial action under Section 10 or 11 of this Act; or

(v) Upon revocation of a person's Firearm Owner's Identification Card, the Department of State Police shall provide notice to the person and the person shall comply with Section 9.5 of this Act.

(Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

(Text of Section after amendment by P.A. 97-1167)

Sec. 8. The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental health facility institution within the past 5 years or a person who has been a patient in a mental health facility more than 5 years ago who has not received the certification required under subsection (u) of this Section. An active law enforcement officer employed by a unit of government who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under this subsection (e) may obtain relief as described in subsection (c-5) of Section 10 of this Act if the officer did not act in a manner threatening to the officer, another person, or the public as determined by the treating clinical psychologist or physician, and the officer seeks mental health treatment;

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

~~For the purposes of this Section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior.~~

(g) A person who is intellectually disabled;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

- (2) an official representative of a foreign government who is:
 - (A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or
 - (B) en route to or from another country to which that alien is accredited;
- (3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;
- (4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or
- (5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) (Blank);

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012 (the effective date of Public Act 97-158). If the applicant or person who has been previously issued a Firearm Owner's Identification Card under this Act knowingly and intelligently waives the right to have an offense described in this paragraph (l) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the Code of Criminal Procedure of 1963, an entry by the court of a judgment of conviction for that offense shall be grounds for denying an application for and for revoking and seizing a Firearm Owner's Identification Card previously issued to the person under this Act;

(m) (Blank);

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;

(o) A minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;

(p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony;

(q) A person who is not a resident of the State of Illinois, except as provided in subsection (a-10) of Section 4; or

(r) A person who has been adjudicated as a mentally disabled person; ~~mental defective.~~

(s) A person who has been found to be developmentally disabled;

(t) A person involuntarily admitted into a mental health facility;

(u) A person who has had his or her Firearm Owner's Identification Card revoked or denied under subsection (e) of this Section or item (iv) of Section 4 of this Act because he or she was a patient in a mental health facility as provided in item (2) of subsection (e) of this Section, shall not be permitted to obtain a Firearm Owner's Identification Card, after the 5 year period has lapsed, unless he or she has received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as those terms are defined in the Mental Health and Developmental Disabilities Code, and has received a certification that he or she is not a clear and present danger to himself, herself, or others. The physician, clinical psychologist, or qualified examiner making the certification and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the certification required under this subsection, except for willful or wanton misconduct. This subsection does not apply to a person whose firearm possession rights have been restored through administrative or judicial action under Section 10 or 11 of this Act; or

(v) Upon revocation of a person's Firearm Owner's Identification Card, the Department of State Police shall provide notice to the person and the person shall comply with Section 9.5 of this Act.

(Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13.)

(430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

Sec. 8.1. Notifications to the Circuit Clerk to notify Department of State Police.

(a) The Circuit Clerk shall, in the form and manner required by the Supreme Court, notify the Department of State Police of all final dispositions of cases for which the Department has received information reported to it under Sections 2.1 and 2.2 of the Criminal Identification Act.

(b) Upon adjudication of any individual as a mentally disabled person ~~mental defective~~, as defined in Section 1.1 of this Act or a finding that a person has been involuntarily admitted ~~or as provided in paragraph (3.5) of subsection (e) of Section 104-26 of the Code of Criminal Procedure of 1963~~, the court shall direct the circuit court clerk to immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department.

(c) The Department of Human Services shall, in the form and manner prescribed by the Department of State Police, report all information collected under subsection (b) of Section 12 of the Mental Health and Developmental Disabilities Confidentiality Act for the purpose of determining whether a person who may be or may have been a patient in a mental health facility is disqualified under State or federal law from receiving or retaining a Firearm Owner's Identification Card, or purchasing a weapon.

(d) If a person is determined to pose a clear and present danger to himself, herself, or to others by a physician, clinical psychologist, qualified examiner, law enforcement official, or school administrator, or is determined to be developmentally disabled by a physician, clinical psychologist, or qualified examiner, whether employed by the State or by a private mental health facility, then the physician, clinical psychologist, or qualified examiner shall, within 24 hours of making the determination, notify the Department of Human Services that the person poses a clear and present danger. The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Department of State Police in a form and manner prescribed by the Department of State Police. The Department of State Police shall determine whether to revoke the person's Firearm Owner's Identification Card under Section 8 of this Act. Any information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 of this Act, nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond what is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report. The physician, clinical psychologist, qualified examiner, law enforcement official, or school administrator making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton misconduct.

(e) The Department of State Police shall adopt rules to implement this Section.
(Source: P.A. 97-1131, eff. 1-1-13.)

(430 ILCS 65/9) (from Ch. 38, par. 83-9)

Sec. 9. Every person whose application for a Firearm Owner's Identification Card is denied, and every holder of such a Card whose Card is revoked or seized, shall receive a written notice from the Department of State Police stating specifically the grounds upon which his application has been denied or upon which his Identification Card has been revoked. The written notice shall include the requirements of Section 9.5 of this Act and the persons's right to administrative or judicial review under Section 10 and 11 of this Act. A copy of the written notice shall be provided to the sheriff and law enforcement agency where the person resides.

(Source: P.A. 97-1131, eff. 1-1-13.)

(430 ILCS 65/9.5 new)

Sec. 9.5. Revocation of Firearm Owner's Identification Card.

(a) A person who receives a revocation notice under Section 9 of this Act shall, within 48 hours of receiving notice of the revocation:

(1) surrender his or her Firearm Owner's Identification Card to the local law enforcement agency where the person resides. The local law enforcement agency shall provide the person a receipt and transmit the Firearm Owner's Identification Card to the Department of State Police; and

(2) complete a Firearm Disposition Record on a form prescribed by the Department of State Police and place his or her firearms in the location or with the person reported in the Firearm Disposition Record. The form shall require the person to disclose:

(A) the make, model, and serial number of each firearm owned by or under the custody and control of the revoked person;

(B) the location where each firearm will be maintained during the prohibited term; and

(C) if any firearm will be transferred to the custody of another person, the name, address and Firearm Owner's Identification Card number of the transferee.

(b) The local law enforcement agency shall provide a copy of the Firearm Disposition Record to the person whose Firearm Owner's Identification Card has been revoked and to the Department of State Police.

(c) If the person whose Firearm Owner's Identification Card has been revoked fails to comply with the requirements of this Section, the sheriff or law enforcement agency where the person resides may petition

the circuit court to issue a warrant to search for and seize the Firearm Owner's Identification Card and firearms in the possession or under the custody or control of the person whose Firearm Owner's Identification Card has been revoked.

(d) A violation of subsection (a) of this Section is a Class A misdemeanor.

(e) The observation of a Firearm Owner's Identification Card in the possession of a person whose Firearm Owner's Identification Card has been revoked constitutes a sufficient basis for the arrest of that person for violation of this Section.

(f) Within 30 days after the effective date of this amendatory Act of the 98th General Assembly, the Department of State Police shall provide written notice of the requirements of this Section to persons whose Firearm Owner's Identification Cards have been revoked, suspended, or expired and who have failed to surrender their cards to the Department.

(g) A person whose Firearm Owner's Identification Card has been revoked and who received notice under subsection (f) shall comply with the requirements of this Section within 48 hours of receiving notice. (430 ILCS 65/10) (from Ch. 38, par. 83-10)

(Text of Section before amendment by P.A. 97-1167)

Sec. 10. Appeal to director; hearing; relief from firearm prohibitions.

(a) Whenever an application for a Firearm Owner's Identification Card is denied, whenever the Department fails to act on an application within 30 days of its receipt, or whenever such a Card is revoked or seized as provided for in Section 8 of this Act, the aggrieved party may appeal to the Director of State Police for a hearing upon such denial, revocation or seizure, unless the denial, revocation, or seizure was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, any felony violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, or any adjudication as a delinquent minor for the commission of an offense that if committed by an adult would be a felony, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon such denial, revocation, or seizure.

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the relevant State's Attorney with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing the court shall determine whether substantial justice has been done. Should the court determine that substantial justice has not been done, the court shall issue an order directing the Department of State Police to issue a Card. However, the court shall not issue the order if the petitioner is otherwise prohibited from obtaining, possessing, or using a firearm under federal law.

(c) Any person prohibited from possessing a firearm under Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or acquiring a Firearm Owner's Identification Card under Section 8 of this Act may apply to the Director of State Police or petition the circuit court in the county where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Director or court may grant such relief if it is established by the applicant to the court's or Director's satisfaction that:

(0.05) when in the circuit court, the State's Attorney has been served with a written copy of the petition at least 30 days before any such hearing in the circuit court and at the hearing the State's Attorney was afforded an opportunity to present evidence and object to the petition;

(1) the applicant has not been convicted of a forcible felony under the laws of this State or any other jurisdiction within 20 years of the applicant's application for a Firearm Owner's Identification Card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction;

(2) the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety;

(3) granting relief would not be contrary to the public interest; and

(4) granting relief would not be contrary to federal law.

(c-5) (1) An active law enforcement officer employed by a unit of government, who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under subsection (e) of Section 8 of this Act may apply to the Director of State Police requesting relief if the officer did not act in a manner threatening to the officer, another person, or the public as determined by the treating clinical psychologist or physician, and as a result of his or her work is referred by the employer for or voluntarily seeks mental health evaluation or treatment by a licensed clinical psychologist, psychiatrist, or qualified examiner, and:

(A) the officer has not received treatment involuntarily at a mental health facility, regardless of the length of admission; or has not been voluntarily admitted to a mental health facility for more than 30 days and not for more than one incident within the past 5 years; and

(B) the officer has not left the mental institution against medical advice.

(2) The Director of State Police shall grant expedited relief to active law enforcement officers described in paragraph (1) of this subsection (c-5) upon a determination by the Director that the officer's possession of a firearm does not present a threat to themselves, others, or public safety. The Director shall act on the request for relief within 30 business days of receipt of:

(A) a notarized statement from the officer in the form prescribed by the Director detailing the circumstances that led to the hospitalization;

(B) all documentation regarding the admission, evaluation, treatment and discharge from the treating licensed clinical psychologist or psychiatrist of the officer;

(C) a psychological fitness for duty evaluation of the person completed after the time of discharge; and

(D) written confirmation in the form prescribed by the Director from the treating licensed clinical psychologist or psychiatrist that the provisions set forth in paragraph (1) of this subsection (c-5) have been met, the person successfully completed treatment, and their professional opinion regarding the person's ability to possess firearms.

(3) Officers eligible for the expedited relief in paragraph (2) of this subsection (c-5) have the burden of proof on eligibility and must provide all information required. The Director may not consider granting expedited relief until the proof and information is received.

(4) "Clinical psychologist", "psychiatrist", and "qualified examiner" shall have the same meaning as provided in Chapter 1 of the Mental Health and Developmental Disabilities Code.

(d) When a minor is adjudicated delinquent for an offense which if committed by an adult would be a felony, the court shall notify the Department of State Police.

(e) The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an application for relief has been filed at least 10 years after the adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants relief, the court shall notify the Department of State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

(f) Any person who is subject to the disabilities of 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act of 1968 because of an adjudication or commitment that occurred under the laws of this State or who was determined to be subject to the provisions of subsections (e), (f), or (g) of Section 8 of this Act may apply to the Department of State Police requesting relief from that prohibition. The Director shall grant the relief if it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest. In making this determination, the Director shall receive evidence concerning (i) the circumstances regarding the firearms disabilities from which relief is sought; (ii) the petitioner's mental health and criminal history records, if any; (iii) the petitioner's reputation, developed at a minimum through character witness statements, testimony, or other character evidence; and (iv) changes in the petitioner's condition or circumstances since the disqualifying events relevant to the relief sought. If relief is granted under this subsection or by order of a court under this Section, the Director shall as soon as practicable but in no case later than 15 business days, update, correct, modify, or remove the person's record in any database that the Department of State Police makes available to the National Instant Criminal Background Check System and notify the United States Attorney General that the basis for the record being made available no longer applies. The Department of State Police shall adopt rules for the administration of this Section subsection (f).

(Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

(Text of Section after amendment by P.A. 97-1167)

Sec. 10. Appeal to director; hearing; relief from firearm prohibitions.

(a) Whenever an application for a Firearm Owner's Identification Card is denied, whenever the Department fails to act on an application within 30 days of its receipt, or whenever such a Card is revoked or seized as provided for in Section 8 of this Act, the aggrieved party may appeal to the Director of State Police for a hearing upon such denial, revocation or seizure, unless the denial, revocation, or seizure was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the

Cannabis Control Act that is classified as a Class 2 or greater felony, any felony violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, or any adjudication as a delinquent minor for the commission of an offense that if committed by an adult would be a felony, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon such denial, revocation, or seizure.

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the relevant State's Attorney with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing the court shall determine whether substantial justice has been done. Should the court determine that substantial justice has not been done, the court shall issue an order directing the Department of State Police to issue a Card. However, the court shall not issue the order if the petitioner is otherwise prohibited from obtaining, possessing, or using a firearm under federal law.

(c) Any person prohibited from possessing a firearm under Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or acquiring a Firearm Owner's Identification Card under Section 8 of this Act may apply to the Director of State Police or petition the circuit court in the county where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Director or court may grant such relief if it is established by the applicant to the court's or Director's satisfaction that:

(0.05) when in the circuit court, the State's Attorney has been served with a written copy of the petition at least 30 days before any such hearing in the circuit court and at the hearing the State's Attorney was afforded an opportunity to present evidence and object to the petition;

(1) the applicant has not been convicted of a forcible felony under the laws of this State or any other jurisdiction within 20 years of the applicant's application for a Firearm Owner's Identification Card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction;

(2) the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety;

(3) granting relief would not be contrary to the public interest; and

(4) granting relief would not be contrary to federal law.

(c-5) (1) An active law enforcement officer employed by a unit of government, who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under subsection (e) of Section 8 of this Act may apply to the Director of State Police requesting relief if the officer did not act in a manner threatening to the officer, another person, or the public as determined by the treating clinical psychologist or physician, and as a result of his or her work is referred by the employer for or voluntarily seeks mental health evaluation or treatment by a licensed clinical psychologist, psychiatrist, or qualified examiner, and:

(A) the officer has not received treatment involuntarily at a mental health facility institution, regardless of

the length of admission; or has not been voluntarily admitted to a mental health facility institution for more than 30 days and not for more than one incident within the past 5 years; and

(B) the officer has not left the mental institution against medical advice.

(2) The Director of State Police shall grant expedited relief to active law enforcement officers described in paragraph (1) of this subsection (c-5) upon a determination by the Director that the officer's possession of a firearm does not present a threat to themselves, others, or public safety. The Director shall act on the request for relief within 30 business days of receipt of:

(A) a notarized statement from the officer in the form prescribed by the Director detailing the circumstances that led to the hospitalization;

(B) all documentation regarding the admission, evaluation, treatment and discharge from the treating licensed clinical psychologist or psychiatrist of the officer;

(C) a psychological fitness for duty evaluation of the person completed after the time of discharge; and

(D) written confirmation in the form prescribed by the Director from the treating licensed clinical psychologist or psychiatrist that the provisions set forth in paragraph (1) of this subsection (c-5) have been met, the person successfully completed treatment, and their professional opinion regarding the person's ability to possess firearms.

(3) Officers eligible for the expedited relief in paragraph (2) of this subsection (c-5) have the burden of proof on eligibility and must provide all information required. The Director may not consider granting expedited relief until the proof and information is received.

(4) "Clinical psychologist", "psychiatrist", and "qualified examiner" shall have the

same meaning as provided in Chapter 1 of the Mental Health and Developmental Disabilities Code.

(d) When a minor is adjudicated delinquent for an offense which if committed by an adult would be a felony, the court shall notify the Department of State Police.

(e) The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an application for relief has been filed at least 10 years after the adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants relief, the court shall notify the Department of State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

(f) Any person who is subject to the disabilities of 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act of 1968 because of an adjudication or commitment that occurred under the laws of this State or who was determined to be subject to the provisions of subsections (e), (f), or (g) of Section 8 of this Act may apply to the Department of State Police requesting relief from that prohibition. The Director shall grant the relief if it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest. In making this determination, the Director shall receive evidence concerning (i) the circumstances regarding the firearms disabilities from which relief is sought; (ii) the petitioner's mental health and criminal history records, if any; (iii) the petitioner's reputation, developed at a minimum through character witness statements, testimony, or other character evidence; and (iv) changes in the petitioner's condition or circumstances since the disqualifying events relevant to the relief sought. If relief is granted under this subsection or by order of a court under this Section, the Director shall as soon as practicable but in no case later than 15 business days, update, correct, modify, or remove the person's record in any database that the Department of State Police makes available to the National Instant Criminal Background Check System and notify the United States Attorney General that the basis for the record being made available no longer applies. The Department of State Police shall adopt rules for the administration of this Section subsection (f).

(Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13; 97-1167, eff. 6-1-13.)
(430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

Sec. 13.1. Preemption.

(a) Except as otherwise provided in the Firearm Concealed Carry Act and subsections (b) and (c) of this Section, the provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act.

(b) Notwithstanding subsection (a) of this Section, the regulation, licensing, possession, and registration of handguns and ammunition for a handgun, and the transportation of any firearm and ammunition by a holder of a valid Firearm Owner's Identification Card issued by the Department of State Police under this Act are exclusive powers and functions of this State. Any ordinance or regulation, or portion of that ordinance or regulation, enacted on or before the effective date of this amendatory Act of the 98th General Assembly that purports to impose regulations or restrictions on a holder of a valid Firearm Owner's Identification Card issued by the Department of State Police under this Act in a manner that is inconsistent with this Act, on the effective date of this amendatory Act of the 98th General Assembly, shall be invalid in its application to a holder of valid Firearm Owner's Identification Card issued by the Department of State Police under this Act.

(c) Notwithstanding subsection (a) of this Section, the regulation of the possession or ownership of assault weapons are exclusive powers and functions of this State. Any ordinance or regulation, or portion of that ordinance or regulation, that purports to regulate the possession or ownership of assault weapons in a manner that is inconsistent with this Act, shall be invalid unless the ordinance or regulation is enacted on, before, or within 10 days after the effective date of this amendatory Act of the 98th General Assembly. Any ordinance or regulation described in this subsection (c) enacted more than 10 days after the effective date of this amendatory Act of the 98th General Assembly is invalid. An ordinance enacted on, before, or within 10 days after the effective date of this amendatory Act of the 98th General Assembly may be amended. The enactment or amendment of ordinances under this subsection (c) are subject to the submission requirements of Section 13.3. For the purposes of this subsection, "assault weapons" means firearms designated by either make or model or by a test or list of cosmetic features that cumulatively would place the firearm into a definition of "assault weapon" under the ordinance.

(d) For the purposes of this Section, "handgun" has the meaning ascribed to it in Section 5 of the Firearm Concealed Carry Act.

(e) This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 76-1939.)

(430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

Sec. 13.2. The Department of State Police shall, 60 days prior to the expiration of a Firearm Owner's Identification Card, forward by first class mail to each person whose card is to expire a notification of the expiration of the card and an application which may be used to apply for renewal of the card. It is the obligation of the holder of a Firearm Owner's Identification Card to notify the Department of State Police of any address change since the issuance of the Firearm Owner's Identification Card. Whenever any person moves from the residence address named on his or her card, the person shall within 21 calendar days thereafter notify in a form and manner prescribed by the Department of his or her old and new residence addresses and the card number held by him or her. Any person whose legal name has changed from the name on the card that he or she has been previously issued must apply for a corrected card within 30 calendar days after the change. The cost for a corrected card shall be \$5 which shall be deposited into the State Police Firearm Services Fund Firearm Owner's Notification Fund.

(Source: P.A. 97-1131, eff. 1-1-13.)

Section 155. The Criminal Code of 2012 is amended by changing Sections 24-1.6 and 24-2 as follows:
(720 ILCS 5/24-1.6)

Sec. 24-1.6. Aggravated unlawful use of a weapon.

(a) A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:

(1) Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm; or

(2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm; and

(3) One of the following factors is present:

(A) the firearm, other than a pistol, revolver, or handgun, possessed was uncased, loaded, and immediately accessible at the time
of the offense; or

(A-5) the pistol, revolver, or handgun possessed was uncased, loaded, and immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act; or

(B) the firearm, other than a pistol, revolver, or handgun, possessed was uncased, unloaded, and the ammunition for the weapon
was immediately accessible at the time of the offense; or

(B-5) the pistol, revolver, or handgun possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act;
or

(C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or

(D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or

(E) the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act, in a misdemeanor violation of the Illinois Controlled Substances Act, or in a misdemeanor violation of the Methamphetamine Control and Community Protection Act; or

(F) (blank); or

(G) the person possessing the weapon had a order of protection issued against him or her within the previous 2 years; or

(H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or

(I) the person possessing the weapon was under 21 years of age and in possession of

[November 7, 2013]

a handgun as defined in Section 24-3, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2(b)(1), (b)(3), or 24-2(f).

(a-5) "Handgun" as used in this Section has the meaning given to it in Section 5 of the Firearm Concealed Carry Act.

(b) "Stun gun or taser" as used in this Section has the same definition given to it in Section 24-1 of this Code.

(c) This Section does not apply to or affect the transportation or possession of weapons that:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or

other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(d) Sentence.

(1) Aggravated unlawful use of a weapon is a Class 4 felony; a second or subsequent offense is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.

(2) Except as otherwise provided in paragraphs (3) and (4) of this subsection (d), a first offense of aggravated unlawful use of a weapon committed with a firearm by a person 18 years of age or older where the factors listed in both items (A) and (C) or both items (A-5) and (C) of paragraph (3) of subsection (a) are present is a Class 4 felony, for which the person shall be sentenced to a term of imprisonment of not less than one year and not more than 3 years.

(3) Aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.

(4) Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearms Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act is a Class X felony.

(e) The possession of each firearm in violation of this Section constitutes a single and separate violation. (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09; 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

(720 ILCS 5/24-2)

Sec. 24-2. Exemptions.

(a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of the following:

(1) Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the Department of Financial and Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a private security contractor, private detective, or private alarm contractor, or employee of a licensed agency and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the private security contractor, private detective, or private alarm contractor, or employee of the licensed agency at all times when he or she is in possession of a concealable weapon.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least 5 persons registered with the Department of Financial and Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in subsections 24-1(a)(3) and 24-1(a)(4), while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for renewal of firearm control cards issued under the provisions of this Section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Such firearm control card shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this subsection, "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.

(9) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his duties.

(10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act.

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code.

(12.5) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed.

(13) Court Security Officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.

(13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(14) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions (1) through (13.5) of this subsection to possess those weapons.

(a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply to or affect any person carrying a concealed pistol, revolver, or handgun and the person has been issued a currently valid license under the Firearm Concealed Carry Act at the time of the commission of the offense.

(b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting

at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.

- (2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.
 - (3) Hunters, trappers or fishermen with a license or permit while engaged in hunting, trapping or fishing.
 - (4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.
 - (5) Carrying or possessing any pistol, revolver, stun gun or taser or other firearm on the land or in the legal dwelling of another person as an invitee with that person's permission.
- (c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

- (1) Peace officers while in performance of their official duties.
- (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.
- (3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.
- (4) Manufacture, transportation, or sale of machine guns to persons authorized under subdivisions (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or are not immediately accessible.

(5) Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this paragraph.

During transportation, such weapons shall be broken down in a non-functioning state or not immediately accessible.

(6) The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns, and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract.

The exemption granted under this subdivision (c)(6) shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract.

~~During transportation, any such weapon shall be broken down in a non-functioning state, or not immediately accessible.~~

(7) A person possessing a rifle with a barrel or barrels less than 16 inches in length if: (A) the person has been issued a Curios and Relics license from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B) the person is an active member of a bona fide, nationally recognized military re-enacting group and the modification is required and necessary to accurately portray the weapon for historical re-enactment purposes; the re-enactor is in possession of a valid and current re-enacting group membership credential; and the overall length of the weapon as modified is not less than 26 inches.

~~During transportation, any such weapon shall be broken down in a non-functioning state, or not immediately accessible.~~

(d) Subsection 24-1(a)(1) does not apply to the purchase, possession or carrying of a black-jack or slung-shot by a peace officer.

(e) Subsection 24-1(a)(8) does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.

(f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and Section 24-1.6 do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bonafide collectors of antique or surplus military ordinance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.

(4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subdivision (g)(1) of this Section, or like organizations and persons outside this State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(g-5) Subsection 24-1(a)(6) does not apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices, firearms, or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices, firearms, or ammunition. This exemption does not authorize the general private possession of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this subsection (g-5). During transportation, these devices shall be detached from any weapon or not immediately accessible.

(g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any parole agent or parole supervisor who meets the qualifications and conditions prescribed in Section 3-14-1.5 of the Unified Code of Corrections.

(g-7) Subsection 24-1(a)(6) does not apply to a peace officer while serving as a member of a tactical response team or special operations team. A peace officer may not personally own or apply for ownership of a device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm. These devices shall be owned and maintained by lawfully recognized units of government whose duties include the investigation of criminal acts.

(g-10) Subsections 24-1(a)(4), 24-1(a)(8), and 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an athlete's possession, transport on official Olympic and Paralympic transit systems established for athletes, or use of competition firearms sanctioned by the International Olympic Committee, the International Paralympic Committee, the International Shooting Sport Federation, or USA Shooting in connection with such athlete's training for and participation in shooting competitions at the 2016 Olympic and Paralympic Games and sanctioned test events leading up to the 2016 Olympic and Paralympic Games.

(h) An information or indictment based upon a violation of any subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

(i) Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the State of Illinois or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of this Article, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card.

(Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11; 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13; revised 8-23-12.)

Section 160. The Code of Criminal Procedure of 1963 is amended by changing Section 112A-14 as follows:

(725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

Sec. 112A-14. Order of protection; remedies.

(a) Issuance of order. If the court finds that petitioner has been abused by a family or household member, as defined in this Article, an order of protection prohibiting such abuse shall issue; provided that petitioner must also satisfy the requirements of one of the following Sections, as appropriate: Section 112A-17 on emergency orders, Section 112A-18 on interim orders, or Section 112A-19 on plenary orders. Petitioner shall not be denied an order of protection because petitioner or respondent is a minor. The court, when determining whether or not to issue an order of protection, shall not require physical manifestations of

abuse on the person of the victim. Modification and extension of prior orders of protection shall be in accordance with this Article.

(b) Remedies and standards. The remedies to be included in an order of protection shall be determined in accordance with this Section and one of the following Sections, as appropriate: Section 112A-17 on emergency orders, Section 112A-18 on interim orders, and Section 112A-19 on plenary orders. The remedies listed in this subsection shall be in addition to other civil or criminal remedies available to petitioner.

(1) Prohibition of abuse. Prohibit respondent's harassment, interference with personal liberty, intimidation of a dependent, physical abuse or willful deprivation, as defined in this Article, if such abuse has occurred or otherwise appears likely to occur if not prohibited.

(2) Grant of exclusive possession of residence. Prohibit respondent from entering or remaining in any residence, household, or premises of the petitioner, including one owned or leased by respondent, if petitioner has a right to occupancy thereof. The grant of exclusive possession of the residence, household, or premises shall not affect title to real property, nor shall the court be limited by the standard set forth in Section 701 of the Illinois Marriage and Dissolution of Marriage Act.

(A) Right to occupancy. A party has a right to occupancy of a residence or

household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other than the opposing party that authorizes that party's occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph (B) shall not preclude equitable relief.

(B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

The balance of hardships is presumed to favor possession by petitioner unless the presumption is rebutted by a preponderance of the evidence, showing that the hardships to respondent substantially outweigh the hardships to petitioner and any minor child or dependent adult in petitioner's care. The court, on the request of petitioner or on its own motion, may order respondent to provide suitable, accessible, alternate housing for petitioner instead of excluding respondent from a mutual residence or household.

(3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the order of protection, or prohibit respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.

If an order of protection grants petitioner exclusive possession of the residence, or prohibits respondent from entering the residence, or orders respondent to stay away from petitioner or other protected persons, then the court may allow respondent access to the residence to remove items of clothing and personal adornment used exclusively by respondent, medications, and other items as the court directs. The right to access shall be exercised on only one occasion as the court directs and in the presence of an agreed-upon adult third party or law enforcement officer.

(4) Counseling. Require or recommend the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, alcohol or substance abuse program, mental health center guidance counselor, agency providing services to elders, program designed for domestic violence abusers or any other guidance service the court deems appropriate. The court may order the respondent in any intimate partner relationship to report to an Illinois Department of Human Services protocol approved partner abuse intervention program for an assessment and to follow all recommended treatment.

(5) Physical care and possession of the minor child. In order to protect the minor child from abuse, neglect, or unwarranted separation from the person who has been the minor child's primary caretaker, or to otherwise protect the well-being of the minor child, the court may do either or both of the following: (i) grant petitioner physical care or possession of the minor child, or both, or (ii)

order respondent to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 112A-3) of a minor child, there shall be a rebuttable presumption that awarding physical care to respondent would not be in the minor child's best interest.

(6) Temporary legal custody. Award temporary legal custody to petitioner in accordance with this Section, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 1984, and this State's Uniform Child-Custody Jurisdiction and Enforcement Act.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 112A-3) of a minor child, there shall be a rebuttable presumption that awarding temporary legal custody to respondent would not be in the child's best interest.

(7) Visitation. Determine the visitation rights, if any, of respondent in any case in which the court awards physical care or temporary legal custody of a minor child to petitioner. The court shall restrict or deny respondent's visitation with a minor child if the court finds that respondent has done or is likely to do any of the following: (i) abuse or endanger the minor child during visitation; (ii) use the visitation as an opportunity to abuse or harass petitioner or petitioner's family or household members; (iii) improperly conceal or detain the minor child; or (iv) otherwise act in a manner that is not in the best interests of the minor child. The court shall not be limited by the standards set forth in Section 607.1 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants visitation, the order shall specify dates and times for the visitation to take place or other specific parameters or conditions that are appropriate. No order for visitation shall refer merely to the term "reasonable visitation".

Petitioner may deny respondent access to the minor child if, when respondent arrives for visitation, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner.

If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for visitation, and the parties shall submit to the court their recommendations for reasonable alternative arrangements for visitation. A person may be approved to supervise visitation only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

(8) Removal or concealment of minor child. Prohibit respondent from removing a minor child from the State or concealing the child within the State.

(9) Order to appear. Order the respondent to appear in court, alone or with a minor child, to prevent abuse, neglect, removal or concealment of the child, to return the child to the custody or care of the petitioner or to permit any court-ordered interview or examination of the child or the respondent.

(10) Possession of personal property. Grant petitioner exclusive possession of personal property and, if respondent has possession or control, direct respondent to promptly make it available to petitioner, if:

- (i) petitioner, but not respondent, owns the property; or
- (ii) the parties own the property jointly; sharing it would risk abuse of petitioner by respondent or is impracticable; and the balance of hardships favors temporary possession by petitioner.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may award petitioner temporary possession thereof under the standards of subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

No order under this provision shall affect title to property.

(11) Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:

- (i) petitioner, but not respondent, owns the property; or
- (ii) the parties own the property jointly, and the balance of hardships favors granting this remedy.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may grant petitioner relief under subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

The court may further prohibit respondent from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of respondent or of any other person.

(11.5) Protection of animals. Grant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

(12) Order for payment of support. Order respondent to pay temporary support for the petitioner or any child in the petitioner's care or custody, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care or custody of a child, or an order or agreement for physical care or custody, prior to entry of an order for legal custody. Such a support order shall expire upon entry of a valid order granting legal custody to another, unless otherwise provided in the custody order.

(13) Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.

(i) Losses affecting family needs. If a party is entitled to seek maintenance, child support or property distribution from the other party under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended, the court may order respondent to reimburse petitioner's actual losses, to the extent that such reimbursement would be "appropriate temporary relief", as authorized by subsection (a)(3) of Section 501 of that Act.

(ii) Recovery of expenses. In the case of an improper concealment or removal of a minor child, the court may order respondent to pay the reasonable expenses incurred or to be incurred in the search for and recovery of the minor child, including but not limited to legal fees, court costs, private investigator fees, and travel costs.

(14) Prohibition of entry. Prohibit the respondent from entering or remaining in the residence or household while the respondent is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of the petitioner or the petitioner's children.

(14.5) Prohibition of firearm possession.

(A) A person who is subject to an existing order of protection, interim order of protection, emergency order of protection, or plenary order of protection, issued under this Code may not lawfully possess weapons under Section 8.2 of the Firearm Owners Identification Card Act. (a) Prohibit a respondent against whom an order of protection was issued from possessing any firearms during the duration of the order if the order:

(1) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(2) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(3)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

(B) Any firearms in the possession of the respondent, except as provided in subparagraph (C) of this paragraph (14.5) subsection (b), shall be

ordered by the court to be turned over to a person with a valid Firearm Owner's Identification Card the local law enforcement agency for safekeeping. The court shall issue an order that the respondent's Firearm Owner's Identification Card be turned over to the local law enforcement agency, which in turn shall immediately mail the card to the Department of State Police Firearm Owner's Identification Card Office for safekeeping. The period of safekeeping shall be for the duration of the order of protection. The firearm or firearms and Firearm Owner's Identification Card, if unexpired, shall at the respondent's request be returned to the respondent at expiration of the order of protection.

(C) (b) If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 2012, the court shall order that any firearms used by the respondent in the performance of his or her duties as a peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the duration of the order of protection.

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

(15) Prohibition of access to records. If an order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted under subsection (b) of Section 112A-5, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.

(16) Order for payment of shelter services. Order respondent to reimburse a shelter providing temporary housing and counseling services to the petitioner for the cost of the services, as certified by the shelter and deemed reasonable by the court.

(17) Order for injunctive relief. Enter injunctive relief necessary or appropriate to prevent further abuse of a family or household member or to effectuate one of the granted remedies, if supported by the balance of hardships. If the harm to be prevented by the injunction is abuse or any other harm that one of the remedies listed in paragraphs (1) through (16) of this subsection is designed to prevent, no further evidence is necessary to establish that the harm is an irreparable injury.

(c) Relevant factors; findings.

(1) In determining whether to grant a specific remedy, other than payment of support, the court shall consider relevant factors, including but not limited to the following:

(i) the nature, frequency, severity, pattern and consequences of the respondent's past abuse of the petitioner or any family or household member, including the concealment of his or her location in order to evade service of process or notice, and the likelihood of danger of future abuse to petitioner or any member of petitioner's or respondent's family or household; and

(ii) the danger that any minor child will be abused or neglected or improperly removed from the jurisdiction, improperly concealed within the State or improperly separated from the child's primary caretaker.

(2) In comparing relative hardships resulting to the parties from loss of possession of the family home, the court shall consider relevant factors, including but not limited to the following:

(i) availability, accessibility, cost, safety, adequacy, location and other characteristics of alternate housing for each party and any minor child or dependent adult in the party's care;

(ii) the effect on the party's employment; and

(iii) the effect on the relationship of the party, and any minor child or dependent adult in the party's care, to family, school, church and community.

(3) Subject to the exceptions set forth in paragraph (4) of this subsection, the court shall make its findings in an official record or in writing, and shall at a minimum set forth the following:

(i) That the court has considered the applicable relevant factors described in paragraphs (1) and (2) of this subsection.

(ii) Whether the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse.

(iii) Whether it is necessary to grant the requested relief in order to protect petitioner or other alleged abused persons.

(4) For purposes of issuing an ex parte emergency order of protection, the court, as an alternative to or as a supplement to making the findings described in paragraphs (c)(3)(i) through (c)(3)(iii) of this subsection, may use the following procedure:

When a verified petition for an emergency order of protection in accordance with the requirements of Sections 112A-5 and 112A-17 is presented to the court, the court shall examine petitioner on oath or affirmation. An emergency order of protection shall be issued by the court if it appears from the contents of the petition and the examination of petitioner that the averments are sufficient to indicate abuse by respondent and to support the granting of relief under the issuance of the emergency order of protection.

(5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984. Absent such an adjudication, no putative father shall be granted

temporary custody of the minor child, visitation with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.

(d) Balance of hardships; findings. If the court finds that the balance of hardships does not support the granting of a remedy governed by paragraph (2), (3), (10), (11), or (16) of subsection (b) of this Section, which may require such balancing, the court's findings shall so indicate and shall include a finding as to whether granting the remedy will result in hardship to respondent that would substantially outweigh the hardship to petitioner from denial of the remedy. The findings shall be an official record or in writing.

(e) Denial of remedies. Denial of any remedy shall not be based, in whole or in part, on evidence that:

(1) Respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article 7 of the Criminal Code of 2012;

(2) Respondent was voluntarily intoxicated;

(3) Petitioner acted in self-defense or defense of another, provided that, if petitioner utilized force, such force was justifiable under Article 7 of the Criminal Code of 2012;

(4) Petitioner did not act in self-defense or defense of another;

(5) Petitioner left the residence or household to avoid further abuse by respondent;

(6) Petitioner did not leave the residence or household to avoid further abuse by respondent;

(7) Conduct by any family or household member excused the abuse by respondent, unless that same conduct would have excused such abuse if the parties had not been family or household members.

(Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11; 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

Section 165. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 12 as follows:

(740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

Sec. 12. (a) If the United States Secret Service or the Department of State Police requests information from a mental health or developmental disability facility, as defined in Section 1-107 and 1-114 of the Mental Health and Developmental Disabilities Code, relating to a specific recipient and the facility director determines that disclosure of such information may be necessary to protect the life of, or to prevent the infliction of great bodily harm to, a public official, or a person under the protection of the United States Secret Service, only the following information may be disclosed: the recipient's name, address, and age and the date of any admission to or discharge from a facility; and any information which would indicate whether or not the recipient has a history of violence or presents a danger of violence to the person under protection. Any information so disclosed shall be used for investigative purposes only and shall not be publicly disseminated. Any person participating in good faith in the disclosure of such information in accordance with this provision shall have immunity from any liability, civil, criminal or otherwise, if such information is disclosed relying upon the representation of an officer of the United States Secret Service or the Department of State Police that a person is under the protection of the United States Secret Service or is a public official.

For the purpose of this subsection (a), the term "public official" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Comptroller, State Treasurer, member of the General Assembly, member of the United States Congress, Judge of the United States as defined in 28 U.S.C. 451, Justice of the United States as defined in 28 U.S.C. 451, United States Magistrate Judge as defined in 28 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or Supreme, Appellate, Circuit, or Associate Judge of the State of Illinois. The term shall also include the spouse, child or children of a public official.

(b) The Department of Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities) and all public or private hospitals and mental health facilities are required, as hereafter described in this subsection, to furnish the Department of State Police only such information as may be required for the sole purpose of determining whether an individual who may be or may have been a patient is disqualified because of that status from receiving or retaining a Firearm Owner's Identification Card or falls within the federal prohibitors under subsection (e), (f), (g), (r), (s), or (t) of Section 8 of the Firearm Owners Identification Card Act, or falls within the federal prohibitors in under subsection (e) or (f) of Section 8 of the Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and (n). All physicians, clinical psychologists, or qualified examiners at public or private hospitals and mental health facilities or parts thereof as defined in this subsection shall, in the form and manner required by the Department, provide notice directly to the Department of Human Services, or to his or her employer who shall then report to the Department, within 24 hours after determining that a patient as described in clause (2) of the

definition of "patient" in Section 1.1 of the Firearm Owners Identification Card Act poses a clear and present danger to himself, herself, or others, or is determined to be developmentally disabled ~~such~~ information as shall be necessary for the Department to comply with the reporting requirements to the Department of State Police. This ~~Such~~ information shall be furnished within 24 hours after the physician, clinical psychologist, or qualified examiner has made a determination, or within 7 days after admission to a public or private hospital or mental health facility or the provision of services to a patient described in clause (1) of the definition of "patient" in Section 1.1 of the Firearm Owners Identification Card Act ~~clause (2) of this subsection (b)~~. Any such information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed, except as required by subsection (e) ~~clause (e)(2)~~ of Section 3.1 of the Firearm Owners Identification Card Act, nor utilized for any other purpose. The method of requiring the providing of such information shall guarantee that no information is released beyond what is necessary for this purpose. In addition, the information disclosed shall be provided by the Department within the time period established by Section 24-3 of the Criminal Code of 2012 regarding the delivery of firearms. The method used shall be sufficient to provide the necessary information within the prescribed time period, which may include periodically providing lists to the Department of Human Services or any public or private hospital or mental health facility of Firearm Owner's Identification Card applicants on which the Department or hospital shall indicate the identities of those individuals who are to its knowledge disqualified from having a Firearm Owner's Identification Card for reasons described herein. The Department may provide for a centralized source of information for the State on this subject under its jurisdiction. The identity of the person reporting under this subsection shall not be disclosed to the subject of the report. For the purposes of this subsection, the physician, clinical psychologist, or qualified examiner making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton misconduct.

Any person, institution, or agency, under this Act, participating in good faith in the reporting or disclosure of records and communications otherwise in accordance with this provision or with rules, regulations or guidelines issued by the Department shall have immunity from any liability, civil, criminal or otherwise, that might result by reason of the action. For the purpose of any proceeding, civil or criminal, arising out of a report or disclosure in accordance with this provision, the good faith of any person, institution, or agency so reporting or disclosing shall be presumed. The full extent of the immunity provided in this subsection (b) shall apply to any person, institution or agency that fails to make a report or disclosure in the good faith belief that the report or disclosure would violate federal regulations governing the confidentiality of alcohol and drug abuse patient records implementing 42 U.S.C. 290dd-3 and 290ee-3.

For purposes of this subsection (b) only, the following terms shall have the meaning prescribed:

(1) (Blank). "Hospital" means only that type of institution which is providing full-time residential facilities and treatment.

(1.3) "Clear and present danger" has the meaning as defined in Section 1.1 of the Firearm Owners Identification Card Act.

(1.5) "Developmentally disabled" has the meaning as defined in Section 1.1 of the Firearm Owners Identification Card Act.

(2) "Patient" has the meaning as defined in Section 1.1 of the Firearm Owners Identification Card Act shall include only: (i) a person who is an in-patient or resident of any public or private hospital or mental health facility or (ii) a person who is an out-patient or provided services by a public or private hospital or mental health facility whose mental condition is of such a nature that it is manifested by violent, suicidal, threatening, or assaultive behavior or reported behavior, for which there is a reasonable belief by a physician, clinical psychologist, or qualified examiner that the condition poses a clear and present or imminent danger to the patient, any other person or the community meaning the patient's condition poses a clear and present danger in accordance with subsection (f) of Section 8 of the Firearm Owners Identification Card Act. The terms physician, clinical psychologist, and qualified examiner are defined in Sections 1-120, 1-103, and 1-122 of the Mental Health and Developmental Disabilities Code.

(3) "Mental health facility" has the meaning as defined in Section 1.1 of the Firearm Owners Identification Card Act is defined by Section 1-114 of the Mental Health and Developmental Disabilities Code.

(c) Upon the request of a peace officer who takes a person into custody and transports such person to a mental health or developmental disability facility pursuant to Section 3-606 or 4-404 of the Mental Health and Developmental Disabilities Code or who transports a person from such facility, a facility director shall furnish said peace officer the name, address, age and name of the nearest relative of the person transported to or from the mental health or developmental disability facility. In no case shall the facility director

disclose to the peace officer any information relating to the diagnosis, treatment or evaluation of the person's mental or physical health.

For the purposes of this subsection (c), the terms "mental health or developmental disability facility", "peace officer" and "facility director" shall have the meanings ascribed to them in the Mental Health and Developmental Disabilities Code.

(d) Upon the request of a peace officer or prosecuting authority who is conducting a bona fide investigation of a criminal offense, or attempting to apprehend a fugitive from justice, a facility director may disclose whether a person is present at the facility. Upon request of a peace officer or prosecuting authority who has a valid forcible felony warrant issued, a facility director shall disclose: (1) whether the person who is the subject of the warrant is present at the facility and (2) the date of that person's discharge or future discharge from the facility. The requesting peace officer or prosecuting authority must furnish a case number and the purpose of the investigation or an outstanding arrest warrant at the time of the request. Any person, institution, or agency participating in good faith in disclosing such information in accordance with this subsection (d) is immune from any liability, civil, criminal or otherwise, that might result by reason of the action.

(Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)

Section 170. The Probate Act of 1975 is amended by adding Section 11a-24 as follows:
(755 ILCS 5/11a-24 new)

Sec. 11a-24. Notification; Department of State Police. When a court adjudges a respondent to be a disabled person under this Article, the court shall direct the circuit court clerk to notify the Department of State Police, Firearm Owner's Identification (FOID) Office, in a form and manner prescribed by the Department of State Police, and shall forward a copy of the court order to the Department no later than 7 days after the entry of the order. Upon receipt of the order, the Department of State Police shall provide notification to the National Instant Criminal Background Check System.

Section 195. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 999. Effective date. This Act takes effect upon becoming law.".

AMENDMENT NO. 4 TO SENATE BILL 2335

AMENDMENT NO. 4. Amend Senate Bill 2335, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 2-203 as follows:
(220 ILCS 5/2-203)

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

Sec. 2-203. Public Utility Fund base maintenance contribution. Each electric utility as defined in Section 16-102 of this Act providing service to more than 12,500 customers in this State on January 1, 1995 shall contribute annually a pro rata share of a total amount of \$5,500,000 based upon the number of kilowatt-hours delivered to retail customers within this State by each such electric utility in the 12 months preceding the year of contribution. On or before May 1 of each year, the Illinois Commerce Commission shall determine and notify the Illinois Department of Revenue of the pro rata share owed by each electric utility based upon information supplied annually to the Commission. On or before June 1 of each year, the Department of Revenue shall send written notification to each electric utility of the amount of pro rata share they owe. These contributions shall be remitted to the Department of Revenue no earlier than July 1 and no later than July 31 of each year the contribution is due on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. The Department of Revenue shall place the funds remitted under this Section in the Public Utility Fund in the State treasury. The funds received pursuant to this Section shall be subject to appropriation by the General Assembly. If an electric utility does not remit its pro rata share to the Department of Revenue, the Department of Revenue must inform the Illinois Commerce Commission of such failure. The Illinois Commerce Commission may then revoke the certification of that electric utility. This Section is repealed on ~~April 1, 2015~~ January 1, 2014.

(Source: P.A. 96-250, eff. 8-11-09; 97-813, eff. 7-13-12.)

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

AMENDMENT NO. 5 TO SENATE BILL 2335

AMENDMENT NO. 5. Amend Senate Bill 2335, AS AMENDED, by inserting immediately below the enacting clause the following:

"Section 2. The Wireless Emergency Telephone Safety Act is amended by changing Section 85 as follows:

(50 ILCS 751/85)

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

Sec. 85. 9-1-1 Services Advisory Board. There is hereby created the 9-1-1 Services Advisory Board. The Board shall work with the Commission to determine the 9-1-1 costs necessary for every 9-1-1 system to adequately function and shall submit, by ~~May~~ February 1, 2014, recommendations on whether there is a need to consolidate 9-1-1 functions to the General Assembly. The Board shall consist of 11 members appointed by the Governor as follows:

- (1) the Executive Director of the Illinois Commerce Commission, or his or her designee;
- (2) one member representing the Illinois chapter of the National Emergency Number Association;
- (3) one member representing the Illinois chapter of the Association of Public-Safety Communications Officials;
- (4) one member representing a county 9-1-1 system from a county with a population of 50,000 or less;
- (5) one member representing a county 9-1-1 system from a county with a population between 50,000 and 250,000;
- (6) one member representing a county 9-1-1 system from a county with a population of 250,000 or more;
- (7) one member representing an incumbent local exchange 9-1-1 system provider;
- (8) one member representing a non-incumbent local exchange 9-1-1 system provider;
- (9) one member representing a large wireless carrier;
- (10) one member representing a small wireless carrier; and
- (11) one member representing the Illinois Telecommunications Association.

The Board is abolished on July 1, 2014.

(Source: P.A. 98-45, eff. 6-28-13.)"

Under the rules, the foregoing **Senate Bill No. 2335**, with House Amendments numbered 1, 2, 4 and 5, was referred to the Secretary's Desk.

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 635

Motion to Concur in House Amendments 1, 2, 4 and 5 to Senate Bill 2335

At the hour of 10:35 o'clock a.m., Senator Silverstein, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

[November 7, 2013]

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 7, 2013 meeting, reported the following Appointment Messages have been assigned to the indicated Standing Committee of the Senate:

Executive Appointments: **Appointment Messages Numbered 360, 361 and 362.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 7, 2013 meeting, reported that the following Legislative Measures have been approved for consideration:

Senate Resolutions 661 and 672; House Joint Resolutions 35, 44, 47, 57 and 58.

The foregoing resolutions were placed on the Secretary's Desk.

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 7, 2013 meeting, reported that the following Legislative Measures have been approved for consideration:

Motion to Concur with House Amendment 2 to Senate Bill 635; Motion to Concur with House Amendments 1 and 2 to Senate Bill 2071; Motion to Concur in House Amendments 1, 2, 4 and 5 to Senate Bill 2335.

The foregoing concurrences were placed on the Secretary's Desk.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the appointment messages.

The motion prevailed.

EXECUTIVE SESSION

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 41, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0041

Title of Office: Superintendent

Agency or Other Body: Illinois School for the Visually Impaired

Start Date: February 8, 2013

End Date: June 30, 2015

Name: Serena Preston

Residence: 1710 Mt. Zion Rd., Jacksonville, IL 62650

Annual Compensation: Determined by the Governor

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Original Appointment

Superseded Appointment Message: Not Applicable

[November 7, 2013]

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 49; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Haine	Link	Rezin
Barickman	Harmon	Luechtefeld	Rose
Bertino-Tarrant	Hastings	Manar	Sandoval
Biss	Holmes	Martinez	Silverstein
Brady	Hunter	McCann	Stadelman
Bush	Hutchinson	McConaughay	Steans
Clayborne	Jacobs	McGuire	Sullivan
Collins	Jones, E.	Morrison	Trotter
Connelly	Koehler	Mulroe	Van Pelt
Cullerton, T.	Kotowski	Muñoz	Mr. President
Cunningham	LaHood	Murphy	
Forby	Landek	Radogno	
Frerichs	Lightford	Raoul	

The following voted present:

McCarter

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 123, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0123

Title of Office: Director

Agency or Other Body: Illinois Emergency Management Agency

Start Date: March 18, 2013

End Date: January 19, 2015

Name: Jonathon Monken

Residence: 1605 Sidener Hall, Chatham, IL 62629

Annual Compensation: \$128,920

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

[November 7, 2013]

YEAS 49; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rezin
Barickman	Harmon	Manar	Rose
Bertino-Tarrant	Harris	Martinez	Sandoval
Bivins	Hastings	McCann	Silverstein
Brady	Holmes	McConnaughay	Stadelman
Bush	Hutchinson	McGuire	Steans
Clayborne	Jones, E.	Morrison	Sullivan
Collins	Koehler	Mulroe	Trotter
Connelly	Kotowski	Muñoz	Van Pelt
Cullerton, T.	LaHood	Murphy	Mr. President
Cunningham	Landek	Noland	
Forby	Lightford	Radogno	
Frerichs	Link	Raoul	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 124, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0124

Title of Office: Assistant Director

Agency or Other Body: Illinois Emergency Management Agency

Start Date: March 18, 2013

End Date: January 19, 2015

Name: Joseph G. Klinger

Residence: 2524 Muirfield Rd., Springfield, IL 62711

Annual Compensation: \$115,613

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 46; NAYS None; Present 2.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Rezin
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[November 7, 2013]

Barickman	Frerichs	Manar	Righter
Bertino-Tarrant	Haine	Martinez	Rose
Biss	Harmon	McCann	Sandoval
Bivins	Hastings	McConaughay	Silverstein
Brady	Holmes	McGuire	Stadelman
Bush	Hunter	Mulroe	Steans
Clayborne	Jacobs	Muñoz	Sullivan
Collins	Koehler	Murphy	Trotter
Connelly	Kotowski	Noland	Mr. President
Cullerton, T.	Lightford	Radogno	
Cunningham	Link	Raoul	

The following voted present:

Duffy
McCarter

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 150, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0150

Title of Office: Chair

Agency or Other Body: Department of Employment Security Board of Review

Start Date: March 18, 2013

End Date: January 19, 2015

Name: William H. McClusky

Residence: 975 Butler Rd., Harrisburg, IL 62946

Annual Compensation: \$15,000

Per diem: Not Applicable

Nominee's Senator: Senator Gary Forby

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 48; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harmon	Manar	Sandoval

[November 7, 2013]

Biss	Harris	Martinez	Silverstein
Bivins	Holmes	McCann	Stadelman
Brady	Hunter	McConnaughay	Steans
Bush	Hutchinson	McGuire	Sullivan
Clayborne	Jacobs	Morrison	Trotter
Collins	Koehler	Mulroe	Van Pelt
Connelly	Kotowski	Muñoz	Mr. President
Cullerton, T.	LaHood	Murphy	
Cunningham	Landek	Noland	
Forby	Lightford	Radogno	
Frerichs	Link	Raoul	

The following voted present:

Duffy

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 152, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0152

Title of Office: Member

Agency or Other Body: Department of Employment Security Board of Review

Start Date: March 18, 2013

End Date: January 19, 2015

Name: Marilyn S. Orso

Residence: 859 Starlight Ct., Herrin, IL 62948

Annual Compensation: \$15,000

Per diem: Not Applicable

Nominee's Senator: Senator Gary Forby

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 52; NAYS None; Present 2.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rezin
Barickman	Harmon	Manar	Righter
Bertino-Tarrant	Harris	Martinez	Rose
Biss	Hastings	McCann	Sandoval

[November 7, 2013]

Bivins	Holmes	McConnaughay	Silverstein
Brady	Hunter	McGuire	Stadelman
Bush	Hutchinson	Morrison	Steans
Clayborne	Jacobs	Mulroe	Sullivan
Collins	Koehler	Muñoz	Trotter
Connelly	Kotowski	Murphy	Mr. President
Cullerton, T.	LaHood	Noland	
Cunningham	Landek	Oberweis	
Forby	Lightford	Radogno	
Frerichs	Link	Raoul	

The following voted present:

Duffy
McCarter

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 162, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0162

Title of Office: Member

Agency or Other Body: Prisoner Review Board

Start Date: March 18, 2013

End Date: January 21, 2019

Name: William Charles Norton

Residence: 11167 Norton Lane, Sparta, IL 62286

Annual Compensation: \$85,886

Per diem: Not Applicable

Nominee's Senator: Senator David S. Luechtefeld

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 50; NAYS None; Present 3.

The following voted in the affirmative:

Althoff	Frerichs	Link	Raoul
Barickman	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harmon	Manar	Righter
Biss	Harris	Martinez	Rose

[November 7, 2013]

Bivins	Hastings	McCann	Sandoval
Brady	Holmes	McConaughay	Silverstein
Bush	Hunter	McGuire	Stadelman
Clayborne	Hutchinson	Morrison	Steans
Collins	Koehler	Mulroe	Sullivan
Connelly	Kotowski	Muñoz	Trotter
Cullerton, T.	LaHood	Murphy	Mr. President
Cunningham	Landek	Noland	
Forby	Lightford	Radogno	

The following voted present:

Duffy
McCarter
Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 191, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0191

Title of Office: Director of Human Resources

Agency or Other Body: Office of the Comptroller

Start Date: April 1, 2013

End Date: Not Applicable

Name: Matthew Magalis

Residence: 3909 Kingsley Dr., Springfield, IL 62711

Annual Compensation: \$87,000

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Judy McAnarney

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 51; NAYS None; Present 3.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Radogno
Barickman	Haine	Link	Raoul
Bertino-Tarrant	Harmon	Luechtefeld	Rezin
Biss	Harris	Manar	Righter

[November 7, 2013]

Bivins	Hastings	Martinez	Rose
Brady	Holmes	McCann	Sandoval
Bush	Hunter	McConnaughay	Silverstein
Clayborne	Hutchinson	McGuire	Stadelman
Collins	Jacobs	Morrison	Steans
Connelly	Koehler	Mulroe	Sullivan
Cullerton, T.	Kotowski	Muñoz	Trotter
Cunningham	LaHood	Murphy	Mr. President
Forby	Landek	Noland	

The following voted present:

Duffy
McCarter
Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 204, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0204

Title of Office: Member

Agency or Other Body: Prisoner Review Board

Start Date: April 26, 2013

End Date: January 21, 2019

Name: Eric Eugene Gregg

Residence: 15 Gregg Lane, Harrisburg, IL 62946

Annual Compensation: \$85,886

Per diem: Not Applicable

Nominee's Senator: Senator Gary Forby

Most Recent Holder of Office: Mary Reynolds

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 38; NAYS 12; Present 3.

The following voted in the affirmative:

Bertino-Tarrant	Harris	Lightford	Raoul
Biss	Hastings	Link	Sandoval
Bush	Holmes	Manar	Silverstein
Clayborne	Hunter	Martinez	Stadelman

[November 7, 2013]

Collins	Hutchinson	McCann	Steans
Cullerton, T.	Jacobs	McGuire	Sullivan
Cunningham	Koehler	Morrison	Trotter
Frerichs	Kotowski	Mulroe	Mr. President
Haine	LaHood	Muñoz	
Harmon	Landek	Noland	

The following voted in the negative:

Barickman	Luechtefeld	Oberweis
Brady	McCarter	Radogno
Connolly	McConnaughay	Righter
Duffy	Murphy	Rose

The following voted present:

Althoff
Bivins
Rezin

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 245, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0245

Title of Office: Member

Agency or Other Body: State Police Merit Board

Start Date: June 7, 2013

End Date: March 18, 2019

Name: Earl Hernandez

Residence: 972 Stonegate Dr., Belvidere, IL 61008

Annual Compensation: \$23,700

Per diem: Not Applicable

Nominee's Senator: Senator Dave Syverson

Most Recent Holder of Office: Kenneth A. Schloemer

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 50; NAYS None; Present 3.

The following voted in the affirmative:

[November 7, 2013]

Althoff	Haine	Link	Raoul
Barickman	Harmon	Luechtefeld	Rezin
Bertino-Tarrant	Harris	Manar	Rose
Biss	Hastings	Martinez	Sandoval
Brady	Holmes	McCann	Silverstein
Bush	Hunter	McConnaughay	Stadelman
Clayborne	Hutchinson	McGuire	Steans
Collins	Jacobs	Morrison	Sullivan
Connelly	Koehler	Mulroe	Trotter
Cullerton, T.	Kotowski	Muñoz	Van Pelt
Cunningham	LaHood	Murphy	Mr. President
Forby	Landek	Noland	
Frerichs	Lightford	Radogno	

The following voted present:

Duffy
McCarter
Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 249, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0249

Title of Office: Executive Director

Agency or Other Body: Illinois Pollution Control Board

Start Date: June 3, 2013

End Date: Not Applicable

Name: Thomas E. Johnson

Residence: 405 Sunnycrest Ct. W., Urbana, IL 61801

Annual Compensation: Determined by the Board

Per diem: Not Applicable

Nominee's Senator: Senator Michael W. Frerichs

Most Recent Holder of Office: G. Tanner Girard

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 51; NAYS None; Present 2.

The following voted in the affirmative:

[November 7, 2013]

Althoff	Frerichs	Luechtefeld	Raoul
Barickman	Haine	Manar	Rezin
Bertino-Tarrant	Harmon	Martinez	Righter
Biss	Hastings	McCann	Rose
Bivins	Holmes	McConaughay	Sandoval
Brady	Hunter	McGuire	Silverstein
Bush	Hutchinson	Morrison	Stadelman
Clayborne	Jacobs	Mulroe	Steans
Collins	Koehler	Muñoz	Sullivan
Connelly	Kotowski	Murphy	Trotter
Cullerton, T.	Landek	Noland	Van Pelt
Cunningham	Lightford	Oberweis	Mr. President
Forby	Link	Radogno	

The following voted present:

Duffy
McCarter

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 270, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0270

Title of Office: Member

Agency or Other Body: Department of Employment Security Board of Review

Start Date: June 21, 2013

End Date: January 19, 2015

Name: Charles Richard Vernier

Residence: 440 N. 37th St., Belleville, IL 62226

Annual Compensation: \$15,000

Per diem: Not Applicable

Nominee's Senator: Senator James F. Clayborne, Jr.

Most Recent Holder of Office: William J. Nolan

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 51; NAYS None; Present 1.

The following voted in the affirmative:

Bertino-Tarrant	Haine	Link	Radogno
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[November 7, 2013]

Biss	Harmon	Luechtefeld	Raoul
Bivins	Harris	Manar	Righter
Brady	Hastings	Martinez	Rose
Bush	Holmes	McCann	Sandoval
Clayborne	Hunter	McCarter	Silverstein
Collins	Hutchinson	McConnaughay	Stadelman
Connelly	Jacobs	McGuire	Steans
Cullerton, T.	Koehler	Morrison	Sullivan
Cunningham	Kotowski	Mulroe	Trotter
Duffy	LaHood	Muñoz	Van Pelt
Forby	Landek	Murphy	Mr. President
Frerichs	Lightford	Noland	

The following voted present:

Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 271, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0271

Title of Office: Member

Agency or Other Body: Department of Employment Security Board of Review

Start Date: June 21, 2013

End Date: January 19, 2015

Name: Rosetta Shinn

Residence: 3310 W. Jefferson St., Springfield, IL 62707

Annual Compensation: \$15,000

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Tumia Romero

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 50; NAYS None; Present 3.

The following voted in the affirmative:

Althoff	Frerichs	Link	Raoul
Barickman	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harris	Manar	Rose

[November 7, 2013]

Biss	Hastings	Martinez	Sandoval
Bivins	Holmes	McCann	Silverstein
Brady	Hunter	McConnaughay	Stadelman
Bush	Hutchinson	McGuire	Steans
Clayborne	Jacobs	Morrison	Sullivan
Collins	Koehler	Mulroe	Trotter
Connelly	Kotowski	Muñoz	Van Pelt
Cullerton, T.	LaHood	Murphy	Mr. President
Cunningham	Landek	Noland	
Forby	Lightford	Radogno	

The following voted present:

Duffy
McCarter
Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 281, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0281

Title of Office: Member

Agency or Other Body: Illinois State Toll Highway Authority

Start Date: June 28, 2013

End Date: May 1, 2017

Name: James Banks

Residence: 1040 N. Lake Shore Dr., Apt. 20A, Chicago, IL 60611

Annual Compensation: \$31,426

Per diem: Not Applicable

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 51; NAYS None; Present 3.

The following voted in the affirmative:

Althoff	Frerichs	Link	Raoul
Barickman	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harris	Manar	Righter

[November 7, 2013]

Biss	Hastings	Martinez	Rose
Bivins	Holmes	McCann	Sandoval
Brady	Hunter	McConnaughay	Silverstein
Bush	Hutchinson	McGuire	Stadelman
Clayborne	Jacobs	Morrison	Steans
Collins	Koehler	Mulroe	Sullivan
Connelly	Kotowski	Muñoz	Trotter
Cullerton, T.	LaHood	Murphy	Van Pelt
Cunningham	Landek	Noland	Mr. President
Forby	Lightford	Radogno	

The following voted present:

Duffy
McCarter
Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 282, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0282

Title of Office: Member

Agency or Other Body: Illinois State Toll Highway Authority

Start Date: June 28, 2013

End Date: May 1, 2017

Name: Earl Dotson, Jr.

Residence: 4740 Oak Way, Roscoe, IL 61073

Annual Compensation: \$31,426

Per diem: Not Applicable

Nominee's Senator: Senator Dave Syverson

Most Recent Holder of Office: Carl O. Towns

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 51; NAYS None; Present 3.

The following voted in the affirmative:

Althoff	Frerichs	Link	Raoul
Barickman	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harris	Manar	Righter

[November 7, 2013]

Biss	Hastings	Martinez	Rose
Bivins	Holmes	McCann	Sandoval
Brady	Hunter	McConnaughay	Silverstein
Bush	Hutchinson	McGuire	Stadelman
Clayborne	Jacobs	Morrison	Steans
Collins	Koehler	Mulroe	Sullivan
Connelly	Kotowski	Muñoz	Trotter
Cullerton, T.	LaHood	Murphy	Van Pelt
Cunningham	Landek	Noland	Mr. President
Forby	Lightford	Radogno	

The following voted present:

Duffy
McCarter
Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 283, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0283

Title of Office: Member

Agency or Other Body: Illinois State Toll Highway Authority

Start Date: June 28, 2013

End Date: May 1, 2017

Name: James M. Sweeney

Residence: 5718 S. Newcastle Ave., Chicago, IL 60638

Annual Compensation: \$31,426

Per diem: Not Applicable

Nominee's Senator: Senator Martin A. Sandoval

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 49; NAYS 3.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rezin
Barickman	Haine	Luechtefeld	Rose
Bertino-Tarrant	Harris	Manar	Sandoval

[November 7, 2013]

Biss	Hastings	Martinez	Silverstein
Bivins	Holmes	McCann	Stadelman
Brady	Hunter	McConnaughay	Steans
Bush	Hutchinson	McGuire	Sullivan
Clayborne	Jacobs	Morrison	Trotter
Collins	Koehler	Mulroe	Van Pelt
Connelly	Kotowski	Muñoz	Mr. President
Cullerton, T.	LaHood	Noland	
Cunningham	Landek	Radogno	
Forby	Lightford	Raoul	

The following voted in the negative:

Duffy
McCarter
Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 284, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0284

Title of Office: Member/Chair

Agency or Other Body: Illinois State Toll Highway Authority

Start Date: June 28, 2013

End Date: May 1, 2017

Name: Paula Wolff

Residence: 4920 South Greenwood Ave., Chicago, IL 60615

Annual Compensation: \$36,077

Per diem: Not Applicable

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 50; NAYS None; Present 3.

The following voted in the affirmative:

Althoff	Frerichs	Link	Raoul
Barickman	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harris	Manar	Rose

[November 7, 2013]

Biss	Hastings	Martinez	Sandoval
Bivins	Holmes	McCann	Silverstein
Brady	Hunter	McConnaughay	Stadelman
Bush	Hutchinson	McGuire	Steans
Clayborne	Jacobs	Morrison	Sullivan
Collins	Koehler	Mulroe	Trotter
Connelly	Kotowski	Muñoz	Van Pelt
Cullerton, T.	LaHood	Murphy	Mr. President
Cunningham	Landek	Noland	
Forby	Lightford	Radogno	

The following voted present:

Duffy
McCarter
Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 319, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0319

Title of Office: Member

Agency or Other Body: Prisoner Review Board

Start Date: September 16, 2013

End Date: January 19, 2015

Name: Vonetta Rush

Residence: 2855 Bridle Lane, Swansea, IL 62226

Annual Compensation: \$85,886

Per diem: Not Applicable

Nominee's Senator: Senator James F. Clayborne, Jr.

Most Recent Holder of Office: Eric Althoff

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 49; NAYS None; Present 3.

The following voted in the affirmative:

Althoff	Haine	Link	Rezin
Barickman	Harmon	Luechtefeld	Rose
Bertino-Tarrant	Harris	Manar	Sandoval

[November 7, 2013]

Biss	Hastings	Martinez	Silverstein
Bivins	Holmes	McCann	Stadelman
Brady	Hunter	McConnaughay	Steans
Bush	Hutchinson	McGuire	Sullivan
Collins	Jacobs	Morrison	Trotter
Connelly	Koehler	Mulroe	Van Pelt
Cullerton, T.	Kotowski	Muñoz	Mr. President
Cunningham	LaHood	Murphy	
Forby	Landek	Noland	
Frerichs	Lightford	Radogno	

The following voted present:

Duffy
McCarter
Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 339, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0339

Title of Office: Member

Agency or Other Body: Civil Service Commission

Start Date: October 11, 2013

End Date: March 1, 2017

Name: Casey Urlacher

Residence: 27250 N. Saint Marys Rd., Libertyville, IL 60048

Annual Compensation: \$25,320

Per diem: Not Applicable

Nominee's Senator: Senator Dan Duffy

Most Recent Holder of Office: Velisha Haddox

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 51; NAYS None; Present 3.

The following voted in the affirmative:

Althoff	Frerichs	Landek	Noland
Barickman	Haine	Lightford	Radogno
Bertino-Tarrant	Harmon	Link	Raoul

[November 7, 2013]

Biss	Harris	Luechtefeld	Rezin
Bivins	Hastings	Manar	Rose
Brady	Holmes	Martinez	Sandoval
Bush	Hunter	McCann	Silverstein
Clayborne	Hutchinson	McConaughay	Stadelman
Collins	Jacobs	McGuire	Steans
Connelly	Jones, E.	Morrison	Sullivan
Cullerton, T.	Koehler	Mulroe	Trotter
Cunningham	Kotowski	Muñoz	Mr. President
Forby	LaHood	Murphy	

The following voted present:

Duffy
McCarter
Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 359, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0359

Title of Office: Superintendent

Agency or Other Body: Illinois School for the Deaf

Start Date: May 1, 2013

End Date: June 30, 2015

Name: Janice Smith Warshaw

Residence: 2 Westgate Circle, Jacksonville, IL 62650

Annual Compensation: Determined by the Governor

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Original Appointment

Superseded Appointment Message: Appointment Message 40 of the 98th General Assembly

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 52; NAYS None; Present 3.

The following voted in the affirmative:

Althoff	Haine	Link	Rezin
Barickman	Harmon	Luechtefeld	Rose
Bertino-Tarrant	Harris	Manar	Sandoval

[November 7, 2013]

Biss	Hastings	Martinez	Silverstein
Bivins	Holmes	McCann	Stadelman
Brady	Hunter	McConnaughay	Steans
Bush	Hutchinson	McGuire	Sullivan
Clayborne	Jacobs	Morrison	Trotter
Collins	Jones, E.	Mulroe	Van Pelt
Connelly	Koehler	Muñoz	Mr. President
Cullerton, T.	Kotowski	Murphy	
Cunningham	LaHood	Noland	
Forby	Landek	Radogno	
Frerichs	Lightford	Raoul	

The following voted present:

Duffy
McCarter
Oberweis

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

MOTION IN WRITING

Senator Muñoz submitted the following Motion in Writing:

Pursuant to Senate Rule 10-1(c), as the Chairman of the Executive Appointments Committee, I move to compile the following Appointment Messages to be acted on together by a single vote of the Senate:

AM 240, 241, 242 (Affordable Housing Advisory Commission).
 AM 221 (Board of the Illinois State Museum).
 AM 354 (Central Illinois Economic Development Authority).
 AM 316 (Board of Trustees of Chicago State University).
 AM 279, AM 280 (Children and Family Services Advisory Council).
 AM 265 (East St. Louis Financial Advisory Authority)
 AM 236, AM 237 (Financial Reporting Standards Board)
 AM 275 (Havana Regional Port District Board)
 AM 326, AM 327, AM 328 (Health Facilities and Services Review Board)
 AM 234, AM 235 (Historic Preservation Agency Board of Trustees)
 AM 246, AM 247, AM 248 (Illinois Health Information Exchange Authority)
 AM 311, AM 312, AM 313, AM 314 (Illinois Housing Development Authority)
 AM 330 (Illinois Student Assistance Commission)
 AM 272, AM 273, AM 274, AM 358 (Kaskaskia Regional Port District Board)
 AM 315 (Lottery Control Board)
 AM 244 (Medical Licensing Board)
 AM 278 (Public Guardian & Public Administrator for Bond County).
 AM 292 (Public Guardian & Public Administrator for Clay County).
 AM 293 (Public Guardian & Public Administrator for Edgar County).
 AM 261 (Public Guardian & Public Administrator for Ford County).
 AM 286 (Public Guardian & Public Administrator for Johnson County).
 AM 332 (Public Guardian & Public Administrator for Macon County).
 AM 277 (Public Guardian & Public Administrator for Macoupin County).
 AM 331 (Public Guardian & Public Administrator for Marshall County).
 AM 259 (Public Guardian & Public Administrator for Peoria County).
 AM 285 (Public Guardian & Public Administrator for Pope County).
 AM 258 (Public Guardian & Public Administrator for Rock Island County).
 AM 260 (Public Guardian & Public Administrator for Saline County).
 AM 262 (Public Guardian & Public Administrator for Shelby County).

[November 7, 2013]

AM 173 (Public Guardian & Public Administrator for Williamson County).
AM 276, AM 324 (Southwest Regional Port District Board).
AM 267, AM 329 (State Board of Health).
AM 189 (Tri-County River Valley Development Authority Board).
AM 325 (Western Illinois Economic Development Authority).

Date: **November 5, 2013**

ASSISTANT MAJORITY LEADER ANTONIO MUÑOZ
CHAIRMAN, EXECUTIVE APPOINTMENTS COMMITTEE

The motion prevailed.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Messages 173, 189, 221, 234, 235, 236, 237, 240, 241, 242, 244, 246, 247, 248, 258, 259, 260, 261, 262, 265, 267, 272, 273, 274, 275, 276, 277, 278, 279, 280, 285, 286, 292, 293, 311, 312, 313, 314, 315, 316, 324, 325, 326, 327, 328, 329, 330, 331, 332, 354 and 358, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

Appointment Message No. 0173

Title of Office: Public Guardian and Public Administrator

Agency or Other Body: Williamson County

Start Date: March 26, 2013

End Date: December 2, 2013

Name: John Paul Cooksey

Residence: 17962 Monroe Rd., Johnston City, IL 62951

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Gary Forby

Most Recent Holder of Office: Robert L. Connell

Superseded Appointment Message: Not Applicable

Appointment Message No. 0189

Title of Office: Member

Agency or Other Body: Tri-County River Valley Development Authority Board

Start Date: April 9, 2013

End Date: January 18, 2016

Name: Martin J. Helfers

Residence: 400 Wildberry Drive, Normal, IL 61761

[November 7, 2013]

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator William E. Brady

Most Recent Holder of Office: Original Appointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0221

Title of Office: Member

Agency or Other Body: Board of the Illinois State Museum

Start Date: May 3, 2013

End Date: January 15, 2015

Name: Leo Welch

Residence: 14 Treetop Lane, O'Fallon, IL 62269

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Kyle McCarter

Most Recent Holder of Office: Caren Trudeau

Superseded Appointment Message: Not Applicable

Appointment Message No. 0234

Title of Office: Member

Agency or Other Body: Historic Preservation Agency Board of Trustees

Start Date: June 13, 2013

End Date: January 19, 2015

Name: Gary Hammons

Residence: 3 Monica Court, Springfield, IL 62702

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator William E. Brady

Most Recent Holder of Office: Shirley J. Portwood

[November 7, 2013]

Superseded Appointment Message: Not Applicable

Appointment Message No. 0235

Title of Office: Member

Agency or Other Body: Historic Preservation Agency Board of Trustees

Start Date: June 13, 2013

End Date: January 19, 2015

Name: Theodore Flickinger

Residence: 2013 Maryknoll Place, Springfield, IL 62704

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Anthony J. Leone, Jr.

Superseded Appointment Message: Not Applicable

Appointment Message No. 0236

Title of Office: Member

Agency or Other Body: Financial Reporting Standards Board

Start Date: June 13, 2013

End Date: June 3, 2017

Name: Larry Lascody

Residence: 1101 Oakmont Drive, Springfield, IL 62704

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Original Appointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0237

Title of Office: Member

Agency or Other Body: Financial Reporting Standards Board

Start Date: June 3, 2013

End Date: June 3, 2016

Name: Sean Vinck

Residence: 4944 North Rockwell St., Unit 1, Chicago, IL 60625

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Heather A. Steans

Most Recent Holder of Office: Original Appointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0240

Title of Office: Member

Agency or Other Body: Affordable Housing Advisory Commission

Start Date: June 13, 2013

End Date: October 1, 2013

Name: Willie B. Nelson

Residence: 9010 De Bouppe Dr., East St. Louis, IL 62203

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator James F. Clayborne, Jr.

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0241

Title of Office: Member

Agency or Other Body: Affordable Housing Advisory Commission

Start Date: June 13, 2013

End Date: October 1, 2015

Name: Sheila T. Romano

Residence: 533 Menominee Lane, Naperville, IL 60563

Annual Compensation: Expenses

[November 7, 2013]

Per diem: Not Applicable

Nominee's Senator: Senator Michael Connelly

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0242

Title of Office: Member

Agency or Other Body: Affordable Housing Advisory Commission

Start Date: June 13, 2013

End Date: October 1, 2015

Name: Phyllis Mitzen

Residence: 200 E. Delaware Pl., Apt. 29A, Chicago, IL 60611

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0244

Title of Office: Member

Agency or Other Body: Medical Licensing Board

Start Date: June 7, 2013

End Date: January 1, 2014

Name: Philip Dray

Residence: 425 Cedar Lane, Wilmette, IL 60091

Annual Compensation: Expenses

Per diem: Determined by the Secretary of Financial and Professional Regulation

Nominee's Senator: Senator Daniel Biss

Most Recent Holder of Office: Ronald L. Johnson

Superseded Appointment Message: Not Applicable

[November 7, 2013]

Appointment Message No. 0246

Title of Office: Member

Agency or Other Body: Illinois Health Information Exchange Authority

Start Date: June 3, 2013

End Date: February 7, 2016

Name: William E. Kobler, M.D.

Residence: 6729 Millbrook Dr., Rockford, IL 61108

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Steve Stadelman

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0247

Title of Office: Member

Agency or Other Body: Illinois Health Information Exchange Authority

Start Date: June 3, 2013

End Date: February 7, 2016

Name: David G. Holland

Residence: 113 Jeremy Dr., Carterville, IL 62918

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Gary Forby

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0248

Title of Office: Member

Agency or Other Body: Illinois Health Information Exchange Authority

Start Date: June 3, 2013

[November 7, 2013]

End Date: February 7, 2016

Name: Nicholas E. Panomitros

Residence: 812 W. Van Buren St., Chicago, IL 60607

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Patricia Van Pelt

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0258

Title of Office: Public Administrator and Public Guardian

Agency or Other Body: Rock Island County

Start Date: June 20, 2013

End Date: December 2, 2013

Name: Michael Halpin

Residence: 2100 20 1/2 Ave., Rock Island, IL 61201

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Mike Jacobs

Most Recent Holder of Office: Linnea E. Thompson

Superseded Appointment Message: Not Applicable

Appointment Message No. 0259

Title of Office: Public Administrator and Public Guardian

Agency or Other Body: Peoria County

Start Date: June 25, 2013

End Date: December 2, 2013

Name: David Wentworth II

Residence: 1528 W. Moss Ave., Peoria, IL 61606

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator David Koehler

Most Recent Holder of Office: Timothy J. Newlin

Superseded Appointment Message: Not Applicable

Appointment Message No. 0260

Title of Office: Public Administrator and Public Guardian

Agency or Other Body: Saline County

Start Date: June 20, 2013

End Date: December 2, 2013

Name: Tammi Jackson

Residence: 1816 Barnett Rd., Harrisburg, IL 62946

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Gary Forby

Most Recent Holder of Office: Wilbur Fowler

Superseded Appointment Message: Not Applicable

Appointment Message No. 0261

Title of Office: Public Guardian and Public Administrator

Agency or Other Body: Ford County

Start Date: June 26, 2013

End Date: December 2, 2013

Name: Janet Brewer

Residence: 349 S. Taft St., Paxton, IL 60957

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Jason A. Barickman

Most Recent Holder of Office: E. Leslie Conkling

Superseded Appointment Message: Not Applicable

[November 7, 2013]

Appointment Message No. 0262

Title of Office: Public Guardian and Public Administrator

Agency or Other Body: Shelby County

Start Date: June 26, 2013

End Date: December 2, 2013

Name: Elizabeth Nohren

Residence: 208 N. Broadway St., Shelbyville, IL 62565

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Chapin Rose

Most Recent Holder of Office: Evelyn Lowe

Superseded Appointment Message: Not Applicable

Appointment Message No. 0265

Title of Office: Member

Agency or Other Body: East St. Louis Financial Advisory Authority

Start Date: June 20, 2013

End Date: August 30, 2014

Name: Eleanor E. Gregory

Residence: 47 Circle Dr., East St. Louis, IL 62203

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator James F. Clayborne, Jr.

Most Recent Holder of Office: Jacqueline R. Settles

Superseded Appointment Message: Not Applicable

Appointment Message No. 0267

Title of Office: Member

Agency or Other Body: State Board of Health

Start Date: June 20, 2013

[November 7, 2013]

End Date: November 1, 2015

Name: Victoria Persky

Residence: 518 W. Barry Ave., Chicago, IL 60657

Annual Compensation: Expenses

Per diem: \$150 (not to exceed \$10,000 per year)

Nominee's Senator: Senator John J. Cullerton

Most Recent Holder of Office: Jerry Kruse

Superseded Appointment Message: Not Applicable

Appointment Message No. 0272

Title of Office: Member

Agency or Other Body: Kaskaskia Regional Port District Board

Start Date: June 26, 2013

End Date: June 30, 2015

Name: George W. Obernagel

Residence: 4 Country Lakes Lane, Waterloo, IL 62298

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator David S. Luechtefeld

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0273

Title of Office: Member

Agency or Other Body: Kaskaskia Regional Port District Board

Start Date: June 26, 2013

End Date: June 30, 2015

Name: Rodney E. Linker

Residence: 6623 Deer Hill Rd., Waterloo, IL 62298

Annual Compensation: Expenses

[November 7, 2013]

Per diem: Not Applicable

Nominee's Senator: Senator David S. Luechtefeld

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0274

Title of Office: Member

Agency or Other Body: Kaskaskia Regional Port District Board

Start Date: June 26, 2013

End Date: June 30, 2015

Name: Brian O. Funk

Residence: 2607 Main Ave., Fayetteville, IL 62258

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator David S. Luechtefeld

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0275

Title of Office: Member

Agency or Other Body: Havana Regional Port District Board

Start Date: June 20, 2013

End Date: July 1, 2015

Name: Ronald Hills

Residence: 302 N. Schrader Ave., Apt. 2, Havana, IL 62644

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator John M. Sullivan

Most Recent Holder of Office: Scott Williams

Superseded Appointment Message: Not Applicable

Appointment Message No. 0276

Title of Office: Member

Agency or Other Body: Southwest Regional Port District Board

Start Date: July 1, 2013

End Date: June 30, 2016

Name: Scott Penny

Residence: 2949 N. 63rd St., Fairmont City, IL 62201

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator James F. Clayborne, Jr.

Most Recent Holder of Office: Scott Penny

Superseded Appointment Message: Not Applicable

Appointment Message No. 0277

Title of Office: Public Administrator and Public Guardian

Agency or Other Body: Macoupin County

Start Date: July 3, 2013

End Date: December 2, 2013

Name: Aaron Bellm

Residence: 322 College Ave., Carlinville, IL 62626

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Andy Manar

Most Recent Holder of Office: Richard R. Lane

Superseded Appointment Message: Not Applicable

Appointment Message No. 0278

Title of Office: Public Administrator and Public Guardian

Agency or Other Body: Bond County

Start Date: July 3, 2013

[November 7, 2013]

End Date: December 1, 2014

Name: Kevin Sybert

Residence: 898 RC Cardinal Lane, Greenville, IL 62246

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Kyle McCarter

Most Recent Holder of Office: Kathy Lynch

Superseded Appointment Message: Not Applicable

Appointment Message No. 0279

Title of Office: Member

Agency or Other Body: Children and Family Services Advisory Council

Start Date: June 20, 2013

End Date: January 19, 2015

Name: Cathy McCoy

Residence: 47W130 Primrose Ln., Hampshire, IL 60140

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Karen McConnaughay

Most Recent Holder of Office: Jean Norton

Superseded Appointment Message: Not Applicable

Appointment Message No. 0280

Title of Office: Member

Agency or Other Body: Children and Family Services Advisory Council

Start Date: June 20, 2013

End Date: January 18, 2016

Name: Hon. Patricia Martin

Residence: 2245 W. Ogden Ave., Chicago, IL 60612

Annual Compensation: Not Applicable

[November 7, 2013]

Per diem: Not Applicable

Nominee's Senator: Senator Patricia Van Pelt

Most Recent Holder of Office: Maripat Oliver

Superseded Appointment Message: Not Applicable

Appointment Message No. 0285

Title of Office: Public Administrator and Public Guardian

Agency or Other Body: Pope County

Start Date: July 12, 2013

End Date: December 2, 2013

Name: Janet Proctor

Residence: 157 State Highway 145 South, Grantsburg, IL 62943

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Gary Forby

Most Recent Holder of Office: Mary J. Boglino

Superseded Appointment Message: Not Applicable

Appointment Message No. 0286

Title of Office: Public Administrator and Public Guardian

Agency or Other Body: Johnson County

Start Date: July 12, 2013

End Date: December 7, 2015

Name: Louise Cook

Residence: 475 Robinson Lane, Ozark, IL 62972

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Gary Forby

Most Recent Holder of Office: William Elliott

Superseded Appointment Message: Not Applicable

[November 7, 2013]

Appointment Message No. 0292

Title of Office: Public Administrator and Public Guardian

Agency or Other Body: Clay County

Start Date: August 2, 2013

End Date: December 2, 2013

Name: Diane Frye

Residence: 320 Ova St., Box 128, Louisville, IL 62858

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Dale A. Righter

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0293

Title of Office: Public Administrator and Public Guardian

Agency or Other Body: Edgar County

Start Date: August 2, 2013

End Date: December 1, 2014

Name: Matthew Myrick

Residence: 500 N. State Road, Fairmount, IL 61841

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Chapin Rose

Most Recent Holder of Office: Amy Smith

Superseded Appointment Message: Not Applicable

Appointment Message No. 0311

Title of Office: Member

Agency or Other Body: Illinois Housing Development Authority

Start Date: August 16, 2013

[November 7, 2013]

End Date: January 9, 2017

Name: Melody Reynolds

Residence: 435 Gillman Ave., Washington, IL 61571

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator William E. Brady

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0312

Title of Office: Member

Agency or Other Body: Illinois Housing Development Authority

Start Date: August 16, 2013

End Date: January 9, 2017

Name: William J. Malleris

Residence: 977 W. Bauer Rd., Naperville, IL 60563

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Michael Connelly

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0313

Title of Office: Member

Agency or Other Body: Illinois Housing Development Authority

Start Date: August 16, 2013

End Date: January 9, 2017

Name: Karen A. Davis

Residence: 6825 Kensington Dr., Maryville, IL 62062

Annual Compensation: Expenses

[November 7, 2013]

Per diem: Not Applicable

Nominee's Senator: Senator Kyle McCarter

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0314

Title of Office: Member

Agency or Other Body: Illinois Housing Development Authority

Start Date: August 16, 2013

End Date: January 9, 2017

Name: Mary Kane

Residence: 5210 Old Carpenter Rd., Edwardsville, IL 62025

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Kyle McCarter

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0315

Title of Office: Member

Agency or Other Body: Lottery Control Board

Start Date: August 30, 2013

End Date: July 1, 2016

Name: Paul D. Schaefer

Residence: 7353 Providence Drive, Edwardsville, IL 62025

Annual Compensation: Expenses

Per diem: \$100 (up to \$1,200 per year)

Nominee's Senator: Senator Kyle McCarter

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0316

Title of Office: Member

Agency or Other Body: Board of Trustees of Chicago State University

Start Date: August 30, 2013

End Date: January 21, 2019

Name: Nikki Michele Zollar

Residence: 6901 S. Constance Ave., Chicago, IL 60649

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Gary Lydell Rozier

Superseded Appointment Message: Not Applicable

Appointment Message No. 0324

Title of Office: Member

Agency or Other Body: Southwest Regional Port District Board

Start Date: September 20, 2013

End Date: June 30, 2016

Name: Herbert Simmons

Residence: 1418 State St., East Carondelet, IL 62240

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator David S. Luechtefeld

Most Recent Holder of Office: Joseph McCaskill

Superseded Appointment Message: Not Applicable

Appointment Message No. 0325

Title of Office: Member

Agency or Other Body: Western Illinois Economic Development Authority

Start Date: September 20, 2013

[November 7, 2013]

End Date: January 16, 2017

Name: Earl Godt

Residence: 1719 W. Adams Rd., Macomb, IL 61455

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator John M. Sullivan

Most Recent Holder of Office: David Gross

Superseded Appointment Message: Not Applicable

Appointment Message No. 0326

Title of Office: Member

Agency or Other Body: Health Facilities and Services Review Board

Start Date: September 20, 2013

End Date: July 1, 2016

Name: Dale Galassie

Residence: 1871 W. Everett Road, Lake Forest, IL 60045

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Julie A. Morrison

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0327

Title of Office: Member

Agency or Other Body: Health Facilities and Services Review Board

Start Date: September 20, 2013

End Date: July 1, 2016

Name: Justice Alan Greiman

Residence: 1640 Maple Ave., Evanston, IL 60201

Annual Compensation: Expenses

[November 7, 2013]

Per diem: Not Applicable

Nominee's Senator: Senator Daniel Biss

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0328

Title of Office: Member

Agency or Other Body: Health Facilities and Services Review Board

Start Date: September 20, 2013

End Date: July 1, 2016

Name: John Hayes

Residence: 123 Acacia Circle, Apt. 507, Indian Head Park, IL 60525

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Jacqueline Y. Collins

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0329

Title of Office: Member

Agency or Other Body: State Board of Health

Start Date: September 20, 2013

End Date: November 1, 2015

Name: June Lee

Residence: 815 Livingston Ln., Inverness, IL 60010

Annual Compensation: Expenses

Per diem: \$150 (not to exceed \$10,000 per year)

Nominee's Senator: Senator Dan Duffy

Most Recent Holder of Office: Jane Jackman

Superseded Appointment Message: Not Applicable

[November 7, 2013]

Appointment Message No. 0330

Title of Office: Member

Agency or Other Body: Illinois Student Assistance Commission

Start Date: September 20, 2013

End Date: June 30, 2019

Name: Kim Savage

Residence: 7706 Brookhaven Ave., Darien, IL 60561

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Christine Radogno

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0331

Title of Office: Public Guardian and Public Administrator

Agency or Other Body: Marshall County

Start Date: September 20, 2013

End Date: December 2, 2013

Name: Jane Johnson

Residence: 513 N. Fulton St., Lacon, IL 61540

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Darin M. LaHood

Most Recent Holder of Office: Brian G. Meierkord

Superseded Appointment Message: Not Applicable

Appointment Message No. 0332

Title of Office: Public Guardian and Public Administrator

Agency or Other Body: Macon County

Start Date: September 20, 2013

[November 7, 2013]

End Date: December 2, 2013

Name: Suzanne Johnson

Residence: 535 S. Westlawn Ave., Decatur, IL 62522

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Andy Manar

Most Recent Holder of Office: Steve Michael Grimm

Superseded Appointment Message: Not Applicable

Appointment Message No. 0354

Title of Office: Member

Agency or Other Body: Central Illinois Economic Development Authority

Start Date: October 11, 2013

End Date: January 21, 2019

Name: Edward Heck

Residence: 812 Webster St., Nokomis, IL 62075

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Andy Manar

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0358

Title of Office: Member

Agency or Other Body: Kaskaskia Regional Port District Board

Start Date: October 11, 2013

End Date: June 30, 2014

Name: Clement Esker

Residence: 280 Charles Street, Red Bud, IL 62278

Annual Compensation: Expenses

[November 7, 2013]

Per diem: Not Applicable

Nominee's Senator: Senator David S. Luechtefeld

Most Recent Holder of Office: Richard L. Guebert

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Manar	Righter
Barickman	Haine	Martinez	Rose
Bertino-Tarrant	Harris	McCann	Sandoval
Biss	Hastings	McCarter	Silverstein
Bivins	Holmes	McConnaughay	Stadelman
Brady	Hunter	McGuire	Steans
Bush	Hutchinson	Morrison	Sullivan
Clayborne	Jones, E.	Mulroe	Syverson
Collins	Koehler	Muñoz	Trotter
Connelly	Kotowski	Murphy	Van Pelt
Cullerton, T.	LaHood	Noland	Mr. President
Cunningham	Landek	Oberweis	
Dillard	Lightford	Radogno	
Duffy	Link	Raoul	
Forby	Luechtefeld	Rezin	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

On motion of Senator Muñoz, the Executive Session arose and the Senate resumed consideration of business.

Senator Lightford, presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Kotowski, **House Bill No. 209** 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; NAY 1; Present 2.

The following voted in the affirmative:

Althoff	Frerichs	Link	Raoul
Barickman	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harmon	Manar	Righter
Biss	Harris	Martinez	Rose
Bivins	Hastings	McCann	Sandoval
Bush	Holmes	McCarter	Silverstein
Clayborne	Hunter	McConnaughay	Stadelman
Collins	Hutchinson	McGuire	Steans
Connelly	Jacobs	Morrison	Sullivan

[November 7, 2013]

Cullerton, T.	Jones, E.	Mulroe	Syverson
Cunningham	Koehler	Muñoz	Trotter
Dillard	Kotowski	Murphy	Mr. President
Duffy	LaHood	Noland	
Forby	Landek	Radogno	

The following voted in the negative:

Brady

The following voted present:

Lightford
Oberweis

This bill, having received the vote of three-fifths 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. 1002** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rezin
Barickman	Harmon	Manar	Righter
Bertino-Tarrant	Harris	Martinez	Rose
Biss	Hastings	McCann	Sandoval
Bivins	Holmes	McCarter	Silverstein
Brady	Hunter	McConnaughay	Stadelman
Bush	Hutchinson	McGuire	Steans
Clayborne	Jacobs	Morrison	Sullivan
Collins	Jones, E.	Mulroe	Syverson
Connelly	Koehler	Muñoz	Trotter
Cullerton, T.	Kotowski	Murphy	Van Pelt
Cunningham	LaHood	Noland	Mr. President
Dillard	Landek	Oberweis	
Forby	Lightford	Radogno	
Frerichs	Link	Raoul	

This bill, having received the vote of three-fifths 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Hutchinson, **House Bill No. 2327** 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 15.

The following voted in the affirmative:

[November 7, 2013]

Althoff	Haine	Landek	Raoul
Bertino-Tarrant	Harmon	Lightford	Sandoval
Biss	Hastings	Link	Silverstein
Bush	Holmes	Martinez	Stadelman
Clayborne	Hunter	McConnaughay	Steans
Collins	Hutchinson	McGuire	Sullivan
Cullerton, T.	Jacobs	Morrison	Trotter
Cunningham	Jones, E.	Mulroe	Van Pelt
Forby	Koehler	Muñoz	Mr. President
Frerichs	Kotowski	Noland	

The following voted in the negative:

Barickman	Duffy	Murphy	Righter
Bivins	LaHood	Oberweis	Rose
Brady	McCann	Radogno	Syverson
Connelly	McCarter	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.

HOUSE BILL RECALLED

On motion of Senator Harmon, **House Bill No. 2977** was recalled from the order of third reading to the order of second reading.

Senator J. Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 2977

AMENDMENT NO. 1. Amend House Bill 2977 by replacing everything after the enacting clause with the following:

"Section 5. The Service Use Tax Act is amended by changing Section 3-70 as follows:
(35 ILCS 110/3-70)

Sec. 3-70. Manufacturer's Purchase Credit. For purchases of machinery and equipment made on and after January 1, 1995 and through June 30, 2003, and on and after September 1, 2004 through August 30, 2014, a purchaser of manufacturing machinery and equipment that qualifies for the exemption provided by Section 2 of this Act earns a credit in an amount equal to a fixed percentage of the tax which would have been incurred under this Act on those purchases. For purchases of graphic arts machinery and equipment made on or after July 1, 1996 through June 30, 2003, and on and after September 1, 2004 through August 30, 2014, a purchase of graphic arts machinery and equipment that qualifies for the exemption provided by paragraph (5) of Section 3-5 of this Act earns a credit in an amount equal to a fixed percentage of the tax that would have been incurred under this Act on those purchases. The credit earned for the purchase of manufacturing machinery and equipment and graphic arts machinery and equipment shall be referred to as the Manufacturer's Purchase Credit. A graphic arts producer is a person engaged in graphic arts production as defined in Section 3-30 of the Service Occupation Tax Act. Beginning July 1, 1996, all references in this Section to manufacturers or manufacturing shall also refer to graphic arts producers or graphic arts production.

The amount of credit shall be a percentage of the tax that would have been incurred on the purchase of the manufacturing machinery and equipment or graphic arts machinery and equipment if the exemptions provided by Section 2 or paragraph (5) of Section 3-5 of this Act had not been applicable.

All purchases prior to October 1, 2003 and on and after September 1, 2004 through August 30, 2014 of manufacturing machinery and equipment and graphic arts machinery and equipment that qualify for the exemptions provided by paragraph (5) of Section 2 or paragraph (5) of Section 3-5 of this Act qualify for the credit without regard to whether the serviceman elected, or could have elected, under paragraph (7) of Section 2 of this Act to exclude the transaction from this Act. If the serviceman's billing to the service customer separately states a selling price for the exempt manufacturing machinery or equipment or the

[November 7, 2013]

exempt graphic arts machinery and equipment, the credit shall be calculated, as otherwise provided herein, based on that selling price. If the serviceman's billing does not separately state a selling price for the exempt manufacturing machinery and equipment or the exempt graphic arts machinery and equipment, the credit shall be calculated, as otherwise provided herein, based on 50% of the entire billing. If the serviceman contracts to design, develop, and produce special order manufacturing machinery and equipment or special order graphic arts machinery and equipment, and the billing does not separately state a selling price for such special order machinery and equipment, the credit shall be calculated, as otherwise provided herein, based on 50% of the entire billing. The provisions of this paragraph are effective for purchases made on or after January 1, 1995.

The percentage shall be as follows:

- (1) 15% for purchases made on or before June 30, 1995.
- (2) 25% for purchases made after June 30, 1995, and on or before June 30, 1996.
- (3) 40% for purchases made after June 30, 1996, and on or before June 30, 1997.
- (4) 50% for purchases made on or after July 1, 1997.

(a) Manufacturer's Purchase Credit earned prior to July 1, 2003. This subsection (a) applies to Manufacturer's Purchase Credit earned prior to July 1, 2003. A purchaser of production related tangible personal property desiring to use the Manufacturer's Purchase Credit shall certify to the seller prior to October 1, 2003 that the purchaser is satisfying all or part of the liability under the Use Tax Act or the Service Use Tax Act that is due on the purchase of the production related tangible personal property by use of a Manufacturer's Purchase Credit. The Manufacturer's Purchase Credit certification must be dated and shall include the name and address of the purchaser, the purchaser's registration number, if registered, the credit being applied, and a statement that the State Use Tax or Service Use Tax liability is being satisfied with the manufacturer's or graphic arts producer's accumulated purchase credit. Certification may be incorporated into the manufacturer's or graphic arts producer's purchase order. Manufacturer's Purchase Credit certification provided by the manufacturer or graphic arts producer prior to October 1, 2003 may be used to satisfy the retailer's or serviceman's liability under the Retailers' Occupation Tax Act or Service Occupation Tax Act for the credit claimed, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase, but only if the retailer or serviceman reports the Manufacturer's Purchase Credit claimed as required by the Department. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 shall be disallowed. The Manufacturer's Purchase Credit earned by purchase of exempt manufacturing machinery and equipment or graphic arts machinery and equipment is a non-transferable credit. A manufacturer or graphic arts producer that enters into a contract involving the installation of tangible personal property into real estate within a manufacturing or graphic arts production facility, prior to October 1, 2003, may authorize a construction contractor to utilize credit accumulated by the manufacturer or graphic arts producer to purchase the tangible personal property. A manufacturer or graphic arts producer intending to use accumulated credit to purchase such tangible personal property shall execute a written contract authorizing the contractor to utilize a specified dollar amount of credit. The contractor shall furnish, prior to October 1, 2003, the supplier with the manufacturer's or graphic arts producer's name, registration or resale number, and a statement that a specific amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being satisfied with the credit. The manufacturer or graphic arts producer shall remain liable to timely report all information required by the annual Report of Manufacturer's Purchase Credit Used for credit utilized by a construction contractor.

No Manufacturer's Purchase Credit earned prior to July 1, 2003 may be used after October 1, 2003. The Manufacturer's Purchase Credit may be used to satisfy liability under the Use Tax Act or the Service Use Tax Act due on the purchase of production related tangible personal property (including purchases by a manufacturer, by a graphic arts producer, or a lessor who rents or leases the use of the property to a manufacturer or graphic arts producer) that does not otherwise qualify for the manufacturing machinery and equipment exemption or the graphic arts machinery and equipment exemption. "Production related tangible personal property" means (i) all tangible personal property used or consumed by the purchaser in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a manufacturing facility and including, but not limited to, tangible personal property used or consumed in activities such as pre-production material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes; (ii) all tangible personal property used or consumed by the purchaser in a graphic arts facility in which graphic arts production as described in Section 2-30 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a graphic arts facility and including, but not limited to, all tangible personal property used or consumed in activities such as graphic arts preliminary

or pre-press production, pre-production material handling, receiving, quality control, inventory control, storage, staging, sorting, labeling, mailing, tying, wrapping, and packaging; and (iii) all tangible personal property used or consumed by the purchaser for research and development. "Production related tangible personal property" does not include (i) tangible personal property used, within or without a manufacturing or graphic arts facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping or (ii) tangible personal property required to be titled or registered with a department, agency, or unit of federal, state, or local government. The Manufacturer's Purchase Credit may be used, prior to October 1, 2003, to satisfy the tax arising either from the purchase of machinery and equipment on or after January 1, 1995 for which the manufacturing machinery and equipment exemption provided by Section 2 of this Act was erroneously claimed, or the purchase of machinery and equipment on or after July 1, 1996 for which the exemption provided by paragraph (5) of Section 3-5 of this Act was erroneously claimed, but not in satisfaction of penalty, if any, and interest for failure to pay the tax when due. A purchaser of production related tangible personal property who is required to pay Illinois Use Tax or Service Use Tax on the purchase directly to the Department may, prior to October 1, 2003, utilize the Manufacturer's Purchase Credit in satisfaction of the tax arising from that purchase, but not in satisfaction of penalty and interest. A purchaser who uses the Manufacturer's Purchase Credit to purchase property which is later determined not to be production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date of purchase but shall be entitled to use the disallowed Manufacturer's Purchase Credit, so long as it has not expired and is used prior to October 1, 2003, on qualifying purchases of production related tangible personal property not previously subject to credit usage. The Manufacturer's Purchase Credit earned by a manufacturer or graphic arts producer expires the last day of the second calendar year following the calendar year in which the credit arose. No Manufacturer's Purchase Credit may be used after September 30, 2003 regardless of when that credit was earned.

A purchaser earning Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is earned. A Report of Manufacturer's Purchase Credit Earned shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of all purchases of exempt manufacturing or graphic arts machinery on which the credit was earned; (ii) the total State Use Tax or Service Use Tax which would have been due on those items; (iii) the percentage used to calculate the amount of credit earned; (iv) the amount of credit earned; and (v) such other information as the Department may reasonably require. A purchaser earning Manufacturer's Purchase Credit shall maintain records which identify, as to each purchase of manufacturing or graphic arts machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit earned on each purchase.

A purchaser using Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Used for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is used. A Report of Manufacturer's Purchase Credit Used shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of production related tangible personal property purchased from Illinois suppliers; (ii) the total purchase price of production related tangible personal property purchased from out-of-state suppliers; (iii) the total amount of credit used during such month; and (iv) such other information as the Department may reasonably require. A purchaser using Manufacturer's Purchase Credit shall maintain records that identify, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit used on each purchase.

No annual report shall be filed before May 1, 1996 or after June 30, 2004. A purchaser that fails to file an annual Report of Manufacturer's Purchase Credit Earned or an annual Report of Manufacturer's Purchase Credit Used by the last day of the sixth month following the end of the calendar year shall forfeit all Manufacturer's Purchase Credit for that calendar year unless it establishes that its failure to file was due to reasonable cause. Manufacturer's Purchase Credit reports may be amended to report and claim credit on qualifying purchases not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a notice of tax liability as provided in Section 4 of the Retailers' Occupation Tax Act. If the time for assessment or refund has been extended, then amended reports for a calendar year may be filed at any time prior to the date to which the statute of limitations for the calendar year or portion thereof has been

extended. No Manufacturer's Purchase Credit report filed with the Department for periods prior to January 1, 1995 shall be approved. Manufacturer's Purchase Credit claimed on an amended report may be used, prior to October 1, 2003, to satisfy tax liability under the Use Tax Act or the Service Use Tax Act (i) on qualifying purchases of production related tangible personal property made after the date the amended report is filed or (ii) assessed by the Department on qualifying purchases of production related tangible personal property made in the case of manufacturers on or after January 1, 1995, or in the case of graphic arts producers on or after July 1, 1996.

If the purchaser is not the manufacturer or a graphic arts producer, but rents or leases the use of the property to a manufacturer or a graphic arts producer, the purchaser may earn, report, and use Manufacturer's Purchase Credit in the same manner as a manufacturer or graphic arts producer.

A purchaser shall not be entitled to any Manufacturer's Purchase Credit for a purchase that is required to be reported and is not timely reported as provided in this Section. A purchaser remains liable for (i) any tax that was satisfied by use of a Manufacturer's Purchase Credit, as of the date of purchase, if that use is not timely reported as required in this Section and (ii) for any applicable penalties and interest for failing to pay the tax when due. No Manufacturer's Purchase Credit may be used after September 30, 2003 to satisfy any tax liability imposed under this Act, including any audit liability.

(b) Manufacturer's Purchase Credit earned on and after September 1, 2004. This subsection (b) applies to Manufacturer's Purchase Credit earned on or after September 1, 2004. Manufacturer's Purchase Credit earned on or after September 1, 2004 may only be used to satisfy the Use Tax or Service Use Tax liability incurred on production related tangible personal property purchased on or after September 1, 2004. A purchaser of production related tangible personal property desiring to use the Manufacturer's Purchase Credit shall certify to the seller that the purchaser is satisfying all or part of the liability under the Use Tax Act or the Service Use Tax Act that is due on the purchase of the production related tangible personal property by use of a Manufacturer's Purchase Credit. The Manufacturer's Purchase Credit certification must be dated and shall include the name and address of the purchaser, the purchaser's registration number, if registered, the credit being applied, and a statement that the State Use Tax or Service Use Tax liability is being satisfied with the manufacturer's or graphic arts producer's accumulated purchase credit. Certification may be incorporated into the manufacturer's or graphic arts producer's purchase order. Manufacturer's Purchase Credit certification provided by the manufacturer or graphic arts producer may be used to satisfy the retailer's or serviceman's liability under the Retailers' Occupation Tax Act or Service Occupation Tax Act for the credit claimed, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase, but only if the retailer or serviceman reports the Manufacturer's Purchase Credit claimed as required by the Department. The Manufacturer's Purchase Credit earned by purchase of exempt manufacturing machinery and equipment or graphic arts machinery and equipment is a non-transferable credit. A manufacturer or graphic arts producer that enters into a contract involving the installation of tangible personal property into real estate within a manufacturing or graphic arts production facility may, on or after September 1, 2004, authorize a construction contractor to utilize credit accumulated by the manufacturer or graphic arts producer to purchase the tangible personal property. A manufacturer or graphic arts producer intending to use accumulated credit to purchase such tangible personal property shall execute a written contract authorizing the contractor to utilize a specified dollar amount of credit. The contractor shall furnish the supplier with the manufacturer's or graphic arts producer's name, registration or resale number, and a statement that a specific amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being satisfied with the credit. The manufacturer or graphic arts producer shall remain liable to timely report all information required by the annual Report of Manufacturer's Purchase Credit Used for credit utilized by a construction contractor.

The Manufacturer's Purchase Credit may be used to satisfy liability under the Use Tax Act or the Service Use Tax Act due on the purchase, made on or after September 1, 2004, of production related tangible personal property (including purchases by a manufacturer, by a graphic arts producer, or a lessor who rents or leases the use of the property to a manufacturer or graphic arts producer) that does not otherwise qualify for the manufacturing machinery and equipment exemption or the graphic arts machinery and equipment exemption. "Production related tangible personal property" means (i) all tangible personal property used or consumed by the purchaser in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a manufacturing facility and including, but not limited to, tangible personal property used or consumed in activities such as pre-production material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes; (ii) all tangible personal property used or consumed by the purchaser in a graphic arts facility in which graphic arts production as described in Section 2-30 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a

graphic arts facility and including, but not limited to, all tangible personal property used or consumed in activities such as graphic arts preliminary or pre-press production, pre-production material handling, receiving, quality control, inventory control, storage, staging, sorting, labeling, mailing, tying, wrapping, and packaging; and (iii) all tangible personal property used or consumed by the purchaser for research and development. "Production related tangible personal property" does not include (i) tangible personal property used, within or without a manufacturing or graphic arts facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping or (ii) tangible personal property required to be titled or registered with a department, agency, or unit of federal, state, or local government. The Manufacturer's Purchase Credit may be used to satisfy the tax arising either from the purchase of machinery and equipment on or after September 1, 2004 for which the manufacturing machinery and equipment exemption provided by Section 2 of this Act was erroneously claimed, or the purchase of machinery and equipment on or after September 1, 2004 for which the exemption provided by paragraph (5) of Section 3-5 of this Act was erroneously claimed, but not in satisfaction of penalty, if any, and interest for failure to pay the tax when due. A purchaser of production related tangible personal property that is purchased on or after September 1, 2004 who is required to pay Illinois Use Tax or Service Use Tax on the purchase directly to the Department may utilize the Manufacturer's Purchase Credit in satisfaction of the tax arising from that purchase, but not in satisfaction of penalty and interest. A purchaser who uses the Manufacturer's Purchase Credit to purchase property on and after September 1, 2004 which is later determined not to be production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date of purchase but shall be entitled to use the disallowed Manufacturer's Purchase Credit, so long as it has not expired, on qualifying purchases of production related tangible personal property not previously subject to credit usage. The Manufacturer's Purchase Credit earned by a manufacturer or graphic arts producer expires the last day of the second calendar year following the calendar year in which the credit arose.

A purchaser earning Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is earned. A Report of Manufacturer's Purchase Credit Earned shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of all purchases of exempt manufacturing or graphic arts machinery on which the credit was earned; (ii) the total State Use Tax or Service Use Tax which would have been due on those items; (iii) the percentage used to calculate the amount of credit earned; (iv) the amount of credit earned; and (v) such other information as the Department may reasonably require. A purchaser earning Manufacturer's Purchase Credit shall maintain records which identify, as to each purchase of manufacturing or graphic arts machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit earned on each purchase.

A purchaser using Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Used for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is used. A Report of Manufacturer's Purchase Credit Used shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of production related tangible personal property purchased from Illinois suppliers; (ii) the total purchase price of production related tangible personal property purchased from out-of-state suppliers; (iii) the total amount of credit used during such month; and (iv) such other information as the Department may reasonably require. A purchaser using Manufacturer's Purchase Credit shall maintain records that identify, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit used on each purchase.

A purchaser that fails to file an annual Report of Manufacturer's Purchase Credit Earned or an annual Report of Manufacturer's Purchase Credit Used by the last day of the sixth month following the end of the calendar year shall forfeit all Manufacturer's Purchase Credit for that calendar year unless it establishes that its failure to file was due to reasonable cause. Manufacturer's Purchase Credit reports may be amended to report and claim credit on qualifying purchases not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a notice of tax liability as provided in Section 4 of the Retailers' Occupation Tax Act. If the time for assessment or refund has been extended, then amended reports for a calendar year may be filed at any time prior to the date to which the statute of limitations for the calendar year or portion thereof has been extended. Manufacturer's Purchase Credit claimed on an amended report

may be used to satisfy tax liability under the Use Tax Act or the Service Use Tax Act (i) on qualifying purchases of production related tangible personal property made after the date the amended report is filed or (ii) assessed by the Department on qualifying production related tangible personal property purchased on or after September 1, 2004.

If the purchaser is not the manufacturer or a graphic arts producer, but rents or leases the use of the property to a manufacturer or a graphic arts producer, the purchaser may earn, report, and use Manufacturer's Purchase Credit in the same manner as a manufacturer or graphic arts producer. A purchaser shall not be entitled to any Manufacturer's Purchase Credit for a purchase that is required to be reported and is not timely reported as provided in this Section. A purchaser remains liable for (i) any tax that was satisfied by use of a Manufacturer's Purchase Credit, as of the date of purchase, if that use is not timely reported as required in this Section and (ii) for any applicable penalties and interest for failing to pay the tax when due.

(Source: P.A. 96-116, eff. 7-31-09.)

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 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. 2977** 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	Haine	Luechtefeld	Righter
Barickman	Harmon	Manar	Rose
Bertino-Tarrant	Harris	Martinez	Sandoval
Biss	Hastings	McCann	Silverstein
Bivins	Holmes	McCarter	Stadelman
Brady	Hunter	McConaughay	Steans
Bush	Hutchinson	McGuire	Sullivan
Clayborne	Jacobs	Mulroe	Syverson
Collins	Jones, E.	Muñoz	Trotter
Connelly	Koehler	Murphy	Van Pelt
Cullerton, T.	Kotowski	Noland	Mr. President
Cunningham	LaHood	Oberweis	
Duffy	Landek	Radogno	
Forby	Lightford	Raoul	
Frerichs	Link	Rezin	

This bill, having received the vote of three-fifths 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

Senator Morrison asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 2977**.

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

[November 7, 2013]

On motion of Senator Raoul, **Senate Bill No. 45**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 52; NAYS 4.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Righter
Barickman	Harmon	Manar	Rose
Bertino-Tarrant	Harris	Martinez	Silverstein
Biss	Hastings	McCann	Stadelman
Bush	Holmes	McConnaughay	Steans
Clayborne	Hunter	McGuire	Sullivan
Collins	Hutchinson	Morrison	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Dillard	Kotowski	Noland	
Duffy	Landek	Radogno	
Forby	Lightford	Raoul	
Frerichs	Link	Rezin	

The following voted in the negative:

Bivins	McCarter
LaHood	Oberweis

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 45**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **Senate Bill No. 492**, with House Amendments numbered 3 and 4 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rezin
Barickman	Harmon	Manar	Righter
Bertino-Tarrant	Harris	Martinez	Rose
Biss	Hastings	McCann	Sandoval
Brady	Holmes	McCarter	Silverstein
Bush	Hunter	McConnaughay	Stadelman
Clayborne	Hutchinson	McGuire	Steans
Collins	Jacobs	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Trotter
Cunningham	Kotowski	Murphy	Van Pelt
Dillard	LaHood	Noland	Mr. President
Duffy	Landek	Oberweis	

Forby	Lightford	Radogno
Frerichs	Link	Raoul

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 3 and 4 to **Senate Bill No. 492**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **Senate Bill No. 578**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Raoul
Barickman	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harmon	Manar	Righter
Biss	Harris	Martinez	Rose
Bivins	Hastings	McCann	Sandoval
Brady	Holmes	McCarter	Silverstein
Bush	Hunter	McConnaughay	Stadelman
Clayborne	Hutchinson	McGuire	Steans
Collins	Jacobs	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Trotter
Cunningham	Kotowski	Murphy	Mr. President
Dillard	LaHood	Noland	
Duffy	Landek	Oberweis	
Forby	Lightford	Radogno	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 578**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **Senate Bill No. 1595**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rezin
Barickman	Harmon	Manar	Righter
Bertino-Tarrant	Harris	Martinez	Rose
Biss	Hastings	McCann	Sandoval
Brady	Holmes	McCarter	Silverstein
Bush	Hunter	McConnaughay	Stadelman
Clayborne	Hutchinson	McGuire	Steans
Collins	Jacobs	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Trotter

Cunningham	Kotowski	Murphy	Van Pelt
Dillard	LaHood	Noland	Mr. President
Duffy	Landek	Oberweis	
Forby	Lightford	Radogno	
Frerichs	Link	Raoul	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1595**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **Senate Bill No. 1600**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rezin
Barickman	Harmon	Manar	Righter
Bertino-Tarrant	Harris	Martinez	Rose
Biss	Hastings	McCann	Sandoval
Brady	Holmes	McCarter	Silverstein
Bush	Hunter	McConnaughay	Stadelman
Clayborne	Hutchinson	McGuire	Steans
Collins	Jacobs	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Trotter
Cunningham	Kotowski	Murphy	Van Pelt
Dillard	LaHood	Noland	Mr. President
Duffy	Landek	Oberweis	
Forby	Lightford	Radogno	
Frerichs	Link	Raoul	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1600**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Biss, **Senate Bill No. 1845**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Raoul
Barickman	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harmon	Manar	Righter
Biss	Harris	Martinez	Rose
Bivins	Hastings	McCann	Sandoval
Brady	Holmes	McCarter	Silverstein
Bush	Hunter	McConnaughay	Stadelman

Clayborne	Hutchinson	McGuire	Steans
Collins	Jacobs	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Trotter
Cunningham	Kotowski	Murphy	Van Pelt
Dillard	LaHood	Noland	Mr. President
Duffy	Landek	Oberweis	
Forby	Lightford	Radogno	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1845**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Biss, **Senate Bill No. 2196**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 43; NAYS 12.

The following voted in the affirmative:

Althoff	Haine	Landek	Radogno
Bertino-Tarrant	Harmon	Lightford	Raoul
Biss	Harris	Link	Sandoval
Brady	Hastings	Luechtefeld	Silverstein
Bush	Holmes	Manar	Stadelman
Clayborne	Hunter	Martinez	Steans
Collins	Hutchinson	McGuire	Sullivan
Cullerton, T.	Jacobs	Morrison	Trotter
Cunningham	Jones, E.	Mulroe	Van Pelt
Forby	Koehler	Muñoz	Mr. President
Frerichs	Kotowski	Noland	

The following voted in the negative:

Barickman	Duffy	Murphy
Bivins	LaHood	Rezin
Connelly	McCann	Righter
Dillard	McCarter	Rose

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 2196**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **House Bill No. 1604**, with Senate Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate recede from its Amendment No. 1 to **House Bill No. 1604**.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Raoul
Barickman	Haine	Luechtefeld	Rezin

[November 7, 2013]

Bertino-Tarrant	Harmon	Manar	Rose
Biss	Harris	Martinez	Sandoval
Bivins	Hastings	McCann	Silverstein
Brady	Holmes	McCarter	Stadelman
Bush	Hunter	McConnaughay	Steans
Clayborne	Hutchinson	McGuire	Sullivan
Collins	Jacobs	Morrison	Syverson
Connelly	Jones, E.	Mulroe	Trotter
Cullerton, T.	Koehler	Muñoz	Van Pelt
Cunningham	Kotowski	Murphy	Mr. President
Dillard	LaHood	Noland	
Duffy	Landek	Oberweis	
Forby	Lightford	Radogno	

The motion prevailed.

And the Senate receded from their Amendment No. 1 to **House Bill No. 1604**.

Ordered that the Secretary inform the House of Representatives thereof.

SENATE BILL RECALLED

On motion of Senator Muñoz, **Senate Bill No. 341** was recalled from the order of third reading to the order of second reading.

Senator Muñoz offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 341

AMENDMENT NO. 1. Amend Senate Bill 341 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois State Property Revitalization Tax Credit Act.

Section 5. Definitions. As used in this Act, unless the context clearly indicates otherwise:

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

"Qualified expenditures" means all the costs and expenses associated with the rehabilitation of qualified structures as defined in this Act. Applicants may incur qualified expenditures, at their own risk, from the earlier of (i) the commencement of construction or (ii) one year prior to receipt of preliminary approval of an application pursuant to Section 30 of this Act.

"Qualified structures" means a facility or structure located in Illinois (i) that was owned by the State of Illinois at any time within the 2 years immediately preceding the effective date of this Act and (ii) at which more than 100 employees were employed within the 2 years immediately preceding the effective date of this Act.

"Qualified rehabilitation plan" means a proposed rehabilitation design that is approved by the Department.

"Qualified rehabilitation project" means a completed rehabilitation project that is approved by the Department.

"Qualified taxpayer" means any owner of the qualified structure. If the taxpayer is (i) a corporation having an election in effect under subchapter S of the federal Internal Revenue Code, (ii) a partnership, including a limited partnership or a limited liability partnership, or (iii) a limited liability company, the credit provided by this Act may be claimed by the shareholders of the corporation, the partners of the partnership, or the members of the limited liability company in the same manner as those shareholders, partners, or members account for their proportionate shares of the income or losses of the corporation, partnership, or limited liability company, or as provided in the bylaws or other executed agreement of the corporation, partnership, or limited liability company.

Credits granted to a partnership, including a limited partnership or a limited liability partnership, a limited liability company taxed as a partnership, or other multiple owners of property shall be passed through to the partners, members, or owners respectively on a pro rata basis or pursuant to an executed agreement among the partners, members, or owners documenting any alternate distribution method. Nothing in this Act is intended to prohibit a non-profit entity with a Section 501(c)(3) designation under

the federal Internal Revenue Code from serving as a shareholder, partner, member or other owner of a qualified taxpayer.

Section 10. Allowable credit. There shall be allowed a tax credit against (i) the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act and (ii) the taxes imposed under Sections 409, 413, 444, and 444.1 of the Illinois Insurance Code in an aggregate amount equal to 30% of the qualified expenditures incurred by a qualified taxpayer pursuant to a qualified rehabilitation plan on a qualified structure, provided that the total amount of such qualified expenditures exceeds the greater of \$5,000 for each qualified structure or the adjusted basis of the property.

While a tax credit may be earned before July 1, 2014, no tax credit shall be issued by the Department before that date. If the amount of any tax credit awarded under this Act exceeds the taxpayer's tax liability for the year in which the qualified rehabilitation project was placed in service, the excess amount may be carried forward for deduction from the taxpayer's tax liability in the next succeeding year or years or may be carried back for deduction from the taxpayer's tax liability for the immediately preceding year until the total amount of the credit has been used, except that a credit may not be carried forward for deduction after the fifth taxable year after the taxable year in which the qualified rehabilitation project was placed in service or carried back for deduction more than one year before the taxable year in which the qualified rehabilitation project was placed in service.

Section 15. Economic needs test. When the total credits requested with respect to a qualified rehabilitation plan will be \$1,000,000 or more, the Department shall evaluate whether, without public intervention, the economic development project would not otherwise benefit from private sector investment.

Section 20. Transfer of credits.

(a) Any qualified taxpayer may elect to transfer, in whole or in part, any unused credit amount granted under this Act as provided in subsection (b). An election to transfer any unused credit amount must be made no later than 5 years after the date the credit is awarded, after which period the credit expires and may not be used. The Department shall notify the Department of Revenue of the election and transfer.

(b) A qualified taxpayer is permitted a one-time transfer of unused credit amounts to no more than 4 transferees. Those transfers must occur in the same taxable year.

(c) The transferee is subject to the same rights and limitations as the accredited production company awarded the credit, except that the transferee may not sell or otherwise transfer the credit.

(d) The Department may adopt rules to administer this Section.

Section 25. Maximum limits. The credits awarded for each qualified rehabilitation project shall be limited to a maximum of \$10,000,000. The aggregate amount of the tax credits that may be claimed under this Act for investments in qualified rehabilitation projects shall be limited to \$40,000,000. A qualified rehabilitation project shall not receive credits pursuant to this Act if the qualified rehabilitation project has received credits pursuant to the River Edge Redevelopment Zone Act.

Section 30. Application process.

(a) To obtain the credits allowed under this Act, the applicant shall submit an application for tax credits to the Department. The application shall be in such form as the Department shall reasonably require, and the application shall include sufficient information to permit the Department to approve, approve with conditions, or reject the structure, rehabilitation plan, or rehabilitation project.

(b) The Department may charge a non-refundable application fee of up to 1% of the amount of credits requested, with a minimum fee of \$1,000 per application per project. All application fees shall be deposited into the Department's Administrative Fund.

(c) All applicants with applications receiving preliminary approval on or after the effective date of this Act shall commence rehabilitation within 3 years of the date of issue of the letter from the Department granting preliminary approval for credits. Commencement of rehabilitation means that, as of the date on which actual physical work has begun, the applicant has incurred no less than 10% of the estimated costs of rehabilitation provided in the application. The applicant may commence and incur qualified expenditures at its own risk before the property becomes a qualified structure. If the rehabilitation receives final approval under this Section, including the necessary verification of the total costs and expenses of rehabilitation, the applicant shall receive tax credits for all qualified expenditures incurred within the time periods allowed in this Act.

(d) For qualified rehabilitation projects, the applicant shall submit a cost certification, and if the credits requested with respect to a qualified rehabilitation project are \$250,000 or more, the Department shall require an independent audit of the cost certification at the applicant's expense. Those audits shall be conducted by a licensed Certified Public Accounting firm that participates in the peer review program of the American Institute of Certified Public Accountants.

(e) The Department shall determine the amount of qualified expenditures and the amount of credits to be issued to the applicant. The issuance of certificates of credits to applicants shall be performed by the Department. The Department shall coordinate with the Illinois Department of Revenue to determine if the applicant has any outstanding Illinois tax obligations that can be satisfied by the credits to be issued. The Department shall inform the applicant of final approval and of the final credit amount by letter. An issuance fee of up to 2% of the amount of the credits issued by the tax credit certificate may be collected from the applicant and remitted to the Department for the purpose of administering the Act. When the Department has received the issuance fee from the applicant and deposited it into the Department's Administrative Fund, the Department shall issue a tax credit certificate to the applicant. The taxpayer must attach the tax credit certificate to the tax return on which the credits are to be claimed.

Section 35. Biennial report; powers of the Department. The Department shall issue a report no later than the last day of the second fiscal year after the effective date of this Act on the overall economic impact to the State of the qualified rehabilitation projects. The Department is granted and has all the powers necessary or convenient to carry out the provisions of this Act. The Department has the power to promulgate rules for the administration of this Act, including the power to adopt emergency rules for a period of 12 months after the effective date of this Act for the purposes of establishing application forms and entering into agreements related to this Act.

Section 40. Appeals process. An applicant may appeal an adverse decision made by the Department, other than a decision related to the qualifications of the structure, rehabilitation plan, or rehabilitation project, by requesting a hearing under the terms of Article 10 of the Illinois Administrative Procedure Act. A petition for hearing must be postmarked no later than 30 days from the date of the adverse decision.

Section 70. The Illinois Income Tax Act is amended by adding Section 224 as follows:
(35 ILCS 5/224 new)

Sec. 224. Rehabilitation and revitalization credit. For tax years commencing on or after January 1, 2014, a taxpayer who qualifies for a credit under the Illinois Rehabilitation and Revitalization Tax Credit Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act. If the taxpayer is a partnership or Subchapter S corporation, the credit shall be allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code or the credit shall be allowed to the partners or shareholders pursuant to an executed agreement among the partners or shareholders documenting any alternate distribution method. This Section is exempt from the provisions of Section 250 of this Act.

Section 75. The Illinois Insurance Code is amended by adding Section 409.2 as follows:
(215 ILCS 5/409.2 new)

Sec. 409.2. Rehabilitation and revitalization credit. For taxes payable after January 1, 2014, credits may be granted against the taxes imposed under Section 409, 413, 444, and 444.1 of this Act as provided in the Illinois Rehabilitation and Revitalization Tax Credit Act.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Muñoz, **Senate Bill No. 341** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[November 7, 2013]

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	Haine	Luechtefeld	Rezin
Barickman	Harmon	Manar	Rose
Bertino-Tarrant	Harris	Martinez	Sandoval
Bivins	Hastings	McCann	Silverstein
Brady	Holmes	McCarter	Stadelman
Bush	Hunter	McConnaughay	Steans
Clayborne	Hutchinson	McGuire	Sullivan
Collins	Jacobs	Morrison	Syverson
Connelly	Jones, E.	Mulroe	Trotter
Cullerton, T.	Koehler	Muñoz	Van Pelt
Cunningham	Kotowski	Murphy	Mr. President
Dillard	LaHood	Noland	
Duffy	Landek	Oberweis	
Forby	Lightford	Radogno	
Frerichs	Link	Raoul	

This bill, having received the vote of three-fifths 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.

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 497** was recalled from the order of third reading to the order of second reading.

Senator Harmon and Senator Althoff offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 497

AMENDMENT NO. 1. Amend Senate Bill 497 by replacing everything after the enacting clause with the following:

"Section 5. The Township Code is amended by changing Sections 30-10, 30-50, and 30-205 as follows:
(60 ILCS 1/30-10)

Sec. 30-10. Notice of meeting; agenda.

(a) Notice of the time and place of holding the annual and any special township meetings shall be given by the township clerk (or, in the clerk's absence, the supervisor, assessor, or collector) by posting written or printed notices in 3 of the most public places in the township at least ~~15~~ 40 days before the meeting and, if there is an English language newspaper published in the township, by at least one publication in that newspaper before the meeting. The notice shall set forth the agenda for the meeting.

(b) Agenda. Not less than ~~15~~ 40 days before the annual meeting, the township board shall adopt an agenda for the annual meeting. Any 15 or more registered voters in the township may request an agenda item for consideration by the electors at the annual meeting by giving written notice of a specific request to the township clerk no later than March 1 prior to the annual meeting. The agenda published by the township board shall include any such request made by voters if the request is relevant to powers granted to electors under the Township Code.

(c) Additional agenda items. Any matter or proposal not set forth in the published agenda shall not be considered at the annual meeting other than advising that the matter may be considered at a special meeting of the electors at a later date.

(Source: P.A. 95-761, eff. 7-28-08.)

(60 ILCS 1/30-50)

Sec. 30-50. Purchase and use of property.

[November 7, 2013]

(a) The electors may make all orders for the purchase, sale, conveyance, regulation, or use of the township's corporate property (including the direct sale or lease of single township road district property) that may be deemed conducive to the interests of its inhabitants, including the lease, for up to 10 years, or for up to 25 years if the lease is for a wireless telecommunications tower, at fair market value, of corporate property for which no use or need during the lease period is anticipated at the time of leasing. The property may be leased to another governmental body, however, or to a not-for-profit corporation that has contracted to construct or fund the construction of a structure or improvement upon the real estate owned by the township and that has contracted with the township to allow the township to use at least a portion of the structure or improvement to be constructed upon the real estate leased and not otherwise used by the township, for any term not exceeding 50 years and for any consideration. In the case of a not-for-profit corporation, the township shall hold a public hearing on the proposed lease. The township clerk shall give notice of the hearing by publication in a newspaper published in the township, or in a newspaper published in the county and having general circulation in the township if no newspaper is published in the township, and by posting notices in at least 5 public places at least 15 40 days before the public hearing.

(b) If a new tax is to be levied or an existing tax rate is to be increased above the statutory limits for the purchase of the property, however, no action otherwise authorized in subsection (a) shall be taken unless a petition signed by at least 10% of the registered voters residing in the township is presented to the township clerk. If a petition is presented to the township clerk, the clerk shall order a referendum on the proposition. The referendum shall be held at the next annual or special township meeting or at an election in accordance with the general election law. If the referendum is ordered to be held at the township meeting, the township clerk shall give notice that at the next annual or special township meeting the proposition shall be voted upon. The notice shall set forth the proposition and shall be given by publication in a newspaper published in the township. If there is no newspaper published in the township, the notice shall be published in a newspaper published in the county and having general circulation in the township. Notice also shall be given by posting notices in at least 5 public places at least 15 40 days before the township meeting. If the referendum is ordered to be held at an election, the township clerk shall certify that proposition to the proper election officials, who shall submit the proposition at an election. The proposition shall be submitted in accordance with the general election law.

(c) If the leased property is utilized in part for private use and in part for public use, those portions of the improvements devoted to private use are fully taxable. The land is exempt from taxation to the extent that the uses on the land are public and taxable to the extent that the uses are private.

(d) Before the township makes a lease or sale of township or road district real property, the electors shall adopt a resolution stating the intent to lease or sell the real property, describing the property in full, and stating the terms and conditions the electors deem necessary and desirable for the lease or sale. A resolution stating the intent to sell real property shall also contain pertinent information concerning the size, use, and zoning of the property. The value of real property shall be determined by a State licensed real estate appraiser. The appraisal shall be available for public inspection. The resolution may direct the sale to be conducted by the staff of the township or by listing with local licensed real estate agencies (in which case the terms of the agent's compensation shall be included in the resolution).

Anytime during the year, the township or township road district may dispose of personal property by a vote of the township board or request of the township highway commissioner.

The clerk shall thereafter publish the resolution or personal property sale notice once in a newspaper published in the township or, if no newspaper is published in the township, in a newspaper generally circulated in the township. If no newspaper is generally circulated in the township, the clerk shall post the resolution or personal property sale notice in 5 of the most public places in the township. In addition to the foregoing publication requirements, the clerk shall post the resolution or personal property sale notice at the office of the township (if township property is involved) or at the office of the road district (if road district property is involved). The following information shall be published or posted with the resolution or personal property sale notice: (i) the date by which all bids must be received by the township or road district, which shall not be less than 30 days after the date of publication or posting, and (ii) the place, time, and date at which bids shall be opened, which shall be at a regular meeting of the township board.

All bids shall be opened by the clerk (or someone duly appointed to act for the clerk) at the regular meeting of the township board described in the notice. With respect to township personal property, except personal property valued for sale at \$2,500 or less, the township board may accept the high bid or any other bid determined to be in the best interests of the township by a majority vote of the board. With respect to township real property, the township board may accept the high bid or any other bid determined to be in the best interests of the township by a vote of three-fourths of the township board then holding office, but in no event at a price less than 80% of the appraised value. With respect to road district property, except personal property valued for sale at \$2,500 or less, the highway commissioner may accept the high

bid or any other bid determined to be in the best interests of the road district. In each case, the township board or commissioner may reject any and all bids. With respect to township or road district personal property valued for sale at \$2,500 or less, the clerk shall accept at least 2 bids and the township board or highway commissioner shall accept the highest bid. This notice and competitive bidding procedure shall not be followed when property is leased to another governmental body. The notice and competitive bidding procedure shall not be followed when property is declared surplus by the electors and sold to another governmental body.

(e) A trade-in of machinery or equipment on new or different machinery or equipment does not constitute the sale of township or road district property.

(Source: P.A. 97-337, eff. 8-12-11.)

(60 ILCS 1/30-205)

Sec. 30-205. Advisory referenda. Any group of registered voters may request an advisory question of public policy for consideration by the electors at the annual meeting by giving written notice of the specific advisory question to the township clerk in the same manner as required for an agenda item under subsection (b) of Section 30-10. The agenda published by the township board shall include any such advisory question if the request is timely filed. By a vote of the majority of electors present at a town meeting, the electors may authorize that an advisory question of public policy, for which notice has been given as required by this Section. be placed on the ballot at the next regularly scheduled election in the township. The township board shall certify the question to the proper election officials, who shall submit the question in accordance with the general election law.

(Source: P.A. 89-331, eff. 8-17-95.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 497** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harmon	Manar	Righter
Biss	Harris	Martinez	Rose
Bivins	Hastings	McCann	Sandoval
Brady	Holmes	McCarter	Silverstein
Bush	Hunter	McConaughay	Stadelman
Clayborne	Hutchinson	McGuire	Steans
Collins	Jacobs	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Trotter
Cunningham	Kotowski	Murphy	Van Pelt
Dillard	LaHood	Noland	Mr. President
Duffy	Landek	Oberweis	
Forby	Lightford	Radogno	
Frerichs	Link	Raoul	

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

[November 7, 2013]

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

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

On motion of Senator Bertino-Tarrant, **Senate Bill No. 1219**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harmon	Manar	Righter
Biss	Harris	Martinez	Rose
Bivins	Hastings	McCann	Sandoval
Brady	Holmes	McCarter	Silverstein
Bush	Hunter	McConnaughay	Stadelman
Clayborne	Hutchinson	McGuire	Steans
Collins	Jacobs	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Trotter
Cunningham	Kotowski	Murphy	Van Pelt
Dillard	Landek	Noland	Mr. President
Forby	Lightford	Radogno	
Frerichs	Link	Raoul	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1219**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Koehler, **Senate Bill No. 635**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Manar	Righter
Bertino-Tarrant	Harmon	Martinez	Rose
Biss	Harris	McCann	Sandoval
Bivins	Hastings	McCarter	Silverstein
Brady	Holmes	McConnaughay	Stadelman
Bush	Hunter	McGuire	Steans
Clayborne	Hutchinson	Morrison	Sullivan
Collins	Jones, E.	Mulroe	Syverson
Connelly	Koehler	Muñoz	Trotter
Cullerton, T.	Kotowski	Murphy	Van Pelt
Cunningham	LaHood	Noland	Mr. President
Dillard	Landek	Oberweis	

Duffy	Lightford	Radogno
Forby	Link	Raoul
Frerichs	Luechtefeld	Rezin

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 635**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator J. Cullerton, **Senate Bill No. 1523**, with House Amendments numbered 2, 3 and 4 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 46; NAYS 4; Present 4.

The following voted in the affirmative:

Althoff	Frerichs	Martinez	Rose
Barickman	Haine	McCarter	Sandoval
Bertino-Tarrant	Harmon	McConaughay	Silverstein
Biss	Harris	McGuire	Stadelman
Brady	Hastings	Morrison	Steans
Clayborne	Hunter	Mulroe	Sullivan
Collins	Jacobs	Muñoz	Syverson
Connelly	Jones, E.	Murphy	Trotter
Cullerton, T.	Kotowski	Oberweis	Van Pelt
Cunningham	Landek	Radogno	Mr. President
Duffy	Lightford	Raoul	
Forby	Link	Rezin	

The following voted in the negative:

Bivins	Manar
LaHood	McCann

The following voted present:

Bush	Koehler
Holmes	Noland

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 2, 3 and 4 to **Senate Bill No. 1523**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator LaHood asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 2627**.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Biss moved that **Senate Resolution No. 661**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Biss moved that Senate Resolution No. 661 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Althoff moved that **Senate Resolution No. 672**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Althoff moved that Senate Resolution No. 672 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Koehler moved that **House Joint Resolution No. 35**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Koehler moved that House Joint Resolution No. 35 be adopted.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rezin
Barickman	Haine	Luechtefeld	Righter
Bertino-Tarrant	Harmon	Manar	Rose
Biss	Harris	Martinez	Sandoval
Bivins	Hastings	McCarter	Silverstein
Brady	Holmes	McConnaughay	Stadelman
Bush	Hunter	McGuire	Steans
Clayborne	Hutchinson	Morrison	Sullivan
Collins	Jones, E.	Mulroe	Syverson
Connelly	Koehler	Muñoz	Trotter
Cullerton, T.	Kotowski	Murphy	Mr. President
Cunningham	LaHood	Noland	
Duffy	Landek	Radogno	
Forby	Lightford	Raoul	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Luechtefeld moved that **House Joint Resolution No. 44**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Luechtefeld moved that House Joint Resolution No. 44 be adopted.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Rezin
Barickman	Haine	Manar	Righter
Bertino-Tarrant	Harmon	Martinez	Rose
Biss	Harris	McCann	Sandoval
Bivins	Hastings	McCarter	Silverstein
Brady	Holmes	McConnaughay	Stadelman
Bush	Hunter	McGuire	Steans
Clayborne	Hutchinson	Morrison	Sullivan
Collins	Jones, E.	Mulroe	Syverson
Connelly	Koehler	Muñoz	Trotter
Cullerton, T.	Kotowski	Murphy	Mr. President
Cunningham	LaHood	Noland	
Dillard	Landek	Oberweis	

Duffy	Lightford	Radogno
Forby	Link	Raoul

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Barickman and Senator Rose moved that **House Joint Resolution No. 47**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Rose moved that House Joint Resolution No. 47 be adopted.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Rezin
Barickman	Haine	Manar	Righter
Bertino-Tarrant	Harmon	Martinez	Rose
Biss	Harris	McCann	Sandoval
Bivins	Hastings	McCarter	Silverstein
Brady	Holmes	McConnaughay	Stadelman
Bush	Hunter	McGuire	Steans
Clayborne	Hutchinson	Morrison	Sullivan
Collins	Jones, E.	Mulroe	Syverson
Connelly	Koehler	Muñoz	Trotter
Cullerton, T.	Kotowski	Murphy	Van Pelt
Cunningham	LaHood	Noland	Mr. President
Dillard	Landek	Oberweis	
Duffy	Lightford	Radogno	
Forby	Link	Raoul	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Haine moved that **House Joint Resolution No. 4**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Haine moved that House Joint Resolution No. 4 be adopted.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Raoul
Barickman	Haine	Link	Rezin
Bertino-Tarrant	Harmon	Manar	Rose
Biss	Harris	Martinez	Sandoval
Brady	Hastings	McConnaughay	Silverstein
Bush	Holmes	McGuire	Stadelman
Clayborne	Hunter	Morrison	Steans
Collins	Hutchinson	Mulroe	Sullivan
Connelly	Jones, E.	Muñoz	Trotter
Cullerton, T.	Koehler	Murphy	Van Pelt
Cunningham	Kotowski	Noland	Mr. President
Dillard	LaHood	Oberweis	

Forby

Landek

Radogno

The motion prevailed.
 And the resolution was adopted.
 Ordered that the Secretary inform the House of Representatives thereof.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 692

Offered by Senator Collins and all Senators:
 Mourns the death of Cecil Bradley Hockett, Sr.

SENATE RESOLUTION NO. 694

Offered by Senator Noland and all Senators:
 Mourns the death of Jim Hansen, South Elgin Village President.

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

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

SENATE RESOLUTION NO. 693

WHEREAS, The members of the Illinois Senate wish to express their support for the principle that the State of Illinois should continue to purchase, whenever possible and to the extent allowable by law, products made in the United States and the State of Illinois; and

WHEREAS, The State of Illinois and its people are continuing their recovery from the Great Recession; those same Illinoisans are the taxpayers that provide the revenue needed to operate essential government services throughout the State; and

WHEREAS, The members of this body continue to work towards spurring job creation and growing our State's economy for all Illinoisans who wish to work; and

WHEREAS, The Illinois Jobs Now! program continues to provide jobs to Illinoisans and bring much needed improvement to our State's capital infrastructure, including our roads, bridges, and schools; and

WHEREAS, The State's Enterprise Zone program keeps Illinois competitive by incentivizing job-creation and job-retention through tax credits and taxpayer dollars; and

WHEREAS, Illinois taxpayer dollars should be spent to continue our State's recovery and strengthen the economic well-being of our communities; and

WHEREAS, The total budget for the State of Illinois is about \$70 billion; and

WHEREAS, Any State spending should, to the extent possible, include a commitment from the State and its departments and agencies to buy materials, goods, and services that are produced within the United States and the State of Illinois; and

WHEREAS, A commitment to purchase materials, goods, and services that are produced within the United States and Illinois, to the extent possible, would bolster and assist those Illinoisans who pay taxes to the State by creating greater economic opportunity and growth throughout our State; such a commitment would also likely increase the benefit to our local communities and businesses through local revenue growth and job-creation; therefore, be it

[November 7, 2013]

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge all those who make purchases on behalf of the State of Illinois to buy materials, goods, and services that are made in the United States and the State of Illinois, whenever and wherever possible, for the continued growth and betterment of the State.

INTRODUCTION OF BILL

SENATE BILL NO. 2627. Introduced by Senator Lightford, a bill for AN ACT concerning education.

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

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 658

Offered by Althoff and all Senators.

Mourns the death of Mary Alice (nee Galvin) Budreck of McHenry.

SENATE RESOLUTION NO. 659

Offered by Senator Althoff and all Senators.

Mourns the death of Annette Louise Brogan of McHenry.

SENATE RESOLUTION NO. 660

Offered by Senator Duffy and all Senators.

Mourns the death of Raymond S. True.

SENATE RESOLUTION NO. 663

Offered by Senator Althoff and all Senators.

Mourns the death of Darrell H. Everett of Ringwood.

SENATE RESOLUTION NO. 664

Offered by Senator Holmes and all Senators.

Mourns the death of Scott Allen Morrasy of DeKalb.

SENATE RESOLUTION NO. 665

Offered by Senator Haine and all Senators.

Mourns the death of J. Raymond "Ray" Leonard of Godfrey.

SENATE RESOLUTION NO. 666

Offered by Senator Dillard and all Senators.

Mourns the death of Hugh Hill.

SENATE RESOLUTION NO. 667

Offered by Senator Haine and all Senators.

Mourns the death of Norman Gene Schuette of Edwardsville.

SENATE RESOLUTION NO. 668

Offered by Senator Haine and all Senators.

Mourns the death of Virginia "Ginny" Gangloff Baahlmann.

SENATE RESOLUTION NO. 669

Offered by Senator Rose and all Senators.

Mourns the death of Merritt Roger Busby.

SENATE RESOLUTION NO. 670

Offered by Senator Frerichs and all Senators.

Mourns the death of Clarence Todd Taylor of Champaign.

[November 7, 2013]

SENATE RESOLUTION NO. 671

Offered by Senator Haine and all Senators.
Mourns the death of Elder Willie Gates of Alton.

SENATE RESOLUTION NO. 673

Offered by Senator Haine and all Senators.
Mourns the death of Samuel Carl Nasello.

SENATE RESOLUTION NO. 674

Offered by Senators Radogno-Brady and all Senators.
Mourns the death of Lawrence T. Frank.

SENATE RESOLUTION NO. 675

Offered by Senator James F. Clayborne Jr. and all Senators.
Mourns the death of Charles James Shanklin of Springfield.

SENATE RESOLUTION NO. 676

Offered by Senator Harris and all Senators.
Mourns the death of Cora Lee Jordan of Chicago.

SENATE RESOLUTION NO. 677

Offered by Senator Althoff and all Senators.
Mourns the death of John L. Orso of Crystal Lake.

SENATE RESOLUTION NO. 678

Offered by Senator Althoff and all Senators.
Mourns the death of Ralph E. Johnston of Johnsburg.

SENATE RESOLUTION NO. 679

Offered by Senator Althoff and all Senators.
Mourns the death of Kenneth W. Oleson of Marengo.

SENATE RESOLUTION NO. 680

Offered by Senator Althoff and all Senators.
Mourns the death of Edward J. Hughes of Crystal Lake.

SENATE RESOLUTION NO. 681

Offered by Senator Althoff and all Senators.
Mourns the death of Gloria Hope Scholz of McHenry.

SENATE RESOLUTION NO. 682

Offered by Senator Bivins and all Senators.
Mourns the death of Dolores M. "Grandma Doe" McMillian of Williamsville.

SENATE RESOLUTION NO. 683

Offered by Senator Hunter and all Senators.
Mourns the death of Tabria Sharae Pareese Jarmon of Chicago.

SENATE RESOLUTION NO. 685

Offered by Senator Brady and all Senators.
Mourns the death of Frank Wesley Foehr of Bloomington.

SENATE RESOLUTION NO. 686

Offered by Senator Brady and all Senators.
Mourns the death of Neil Scott Noland of Blue Mound.

SENATE RESOLUTION NO. 687

Offered by Senator Brady and all Senators.

Mourns the death of Francis Terry Busch of Hudson.

SENATE RESOLUTION NO. 688

Offered by Senator Stadelman and all Senators.
Mourns the death of Eric Nefstead of Winnebago.

SENATE RESOLUTION NO. 689

Offered by Senator Frerichs and all Senators.
Mourns the death of John P. Meyer of Danville.

SENATE RESOLUTION NO. 690

Offered by Senator Althoff and all Senators.
Mourns the death of Lou “Sonny” Svadlenka of Crystal Lake.

SENATE RESOLUTION NO. 691

Offered by Senator Oberweis and all Senators:
Mourns the death of Jim Hansen, South Elgin Village President.

SENATE RESOLUTION NO. 692

Offered by Senator Collins and all Senators:
Mourns the death of Cecil Bradley Hockett, Sr.

SENATE RESOLUTION NO. 694

Offered by Senator Noland and all Senators:
Mourns the death of Jim Hansen, South Elgin Village President.

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

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. 633

A bill for AN ACT concerning regulation.
Passed the House, November 7, 2013.

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 a bill of the following title, to-wit:

SENATE BILL NO. 853

A bill for AN ACT concerning safety.
Passed the House, November 7, 2013.

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 adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 2618

A bill for AN ACT concerning regulation.
Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 2618

[November 7, 2013]

Senate Amendment No. 3 to HOUSE BILL NO. 2618
Concurred in by the House, November 7, 2013.

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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 64

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Thursday, November 07, 2013, the House of Representatives stands adjourned until the call of the Speaker; and the Senate stands adjourned until the call of the President.

Adopted by the House, November 7, 2013.

TIMOTHY D. MAPES, Clerk of the House

By unanimous consent, on motion of Senator Link, the foregoing message reporting House Joint Resolution No. 64 was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 12:45 o'clock p.m., pursuant to **House Joint Resolution No. 64**, the Chair announced the Senate stand adjourned until the call of the President.