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YEAR 2017/2018 LEGISLATIVE ANALYSIS

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ANALYSIS OF ENACTED LEGISLATION

YEAR 2017/2018

By
Don Hays

A. NEW CRIMINAL OFFENSES

A-1. NEW CRIMINAL OFFENSES

HB-3718. Short Description: CRIM LAW-PROTECTIVE ORDERS

Public Act 100-0199. Effective: January 1, 2018.

Statutes Amended:

720 ILCS 5/12-3.8 new & 12-3.9 new

(4) Provides that no investigator of an officer-involved criminal sexual assault may be employed by the law enforcement agency that employs the officer involved in the criminal sexual assault, unless the investigator is employed by the Department of State Police or a municipality with a population over 1,000,000 and is not assigned to the same division or unit as the officer involved in the criminal sexual assault.

(5) Provides that the investigators conducting the investigation shall, in an expeditious manner, provide a complete report to the State's Attorney of the county in which the officer-involved criminal sexual assault.

(6) Provides that the Act does not prohibit a law enforcement agency from conducting an internal investigation into the officer-involved criminal sexual assault if the internal investigation does not interfere with the investigation.

(7) Provides that compensation for participation in an investigation of an officer-involved criminal sexual assault under the Act may be determined in an intergovernmental or interagency agreement.

(8) Provides that upon receipt of an allegation or complaint of an officer-involved criminal sexual assault, a municipality with a population over 1,000,000 shall promptly notify an independent agency, created by ordinance of the municipality, tasked with investigating incidents of police misconduct.

(9) Defines terms.

B-2. HB-0303.

Short Description: SEIZURE AND FORFEITURE REPORTING ACT.

Public Act 100-0512.

Effective: July 1, 2018.

Statutes Amended:

New Act

5 ILCS 140/7.5

410 ILCS 620/3.23

415 ILCS 5/44.1

510 ILCS 68/105-55

515 ILCS 5/1-215

720 ILCS 5/1.25, 17-10.6, 28-5, 29B-1, 33G-6, 36-1, 36-1.1 new, 36-1.2 new, 36-1.3 new, 36-1.4 new, 36-1.5, 36-2, 36-2.1 new, 36-2.2 new, 36-2.5 new, 36-2.7 new, 36-3, 36-3.1 new, 36-6 new, 36-7 new, 36-9 new, 47-15, 36-1a rep., 36-5 rep.

720 ILCS 550/12

720 ILCS 570/505

720 ILCS 646/85

725 ILCS 5/124B-195 new, 124B-710, 124B-715, 124B-1030 rep.

725 ILCS 150/3.1 new, 3.2 new, 3.3 new, 3.5, 4, 5, 5.1 new, 6, 7, 8, 9, 9.1 new, 9.5 new, 11, 14, 15 new, 17 new, 20 new.

725 ILCS 175/6.5 new

740 ILCS 147/40

815 ILCS 5/11

815 ILCS 505/2L

Synopsis as Amended: Creates the Seizure and Forfeiture Reporting Act.

1. Provides that various forfeiture statutes are subject to reporting by law enforcement agencies concerning the name of the law enforcement agency that seized the property, the date of the seizure, the type of property seized, including a building, vehicle, boat, cash, negotiable security, or firearm, except reporting is not required for seizures of contraband including alcohol, gambling devices, drug paraphernalia, and controlled substances, a description of the property seized and the estimated value of the property and if the property is a conveyance, the description shall include the make, model, year, and vehicle identification number or serial number, and the location where the seizure occurred.

- 5. Provides that the Supreme Court may establish a risk-assessment tool to be used in proceedings to assist the court in establishing bail for a defendant by assessing the defendant's likelihood of appearing at future court proceedings or determining if the defendant poses a real and present threat to the physical safety of any person or persons.
- 6. Provides that a person with bail set on a Category B offense shall have \$30 deducted from his or her monetary bail every day the person is incarcerated.
- 7. Defines "Category A offense" and "Category B offense." Adds Class 1 felony to the definition of "Category A offense".
- 8. Makes other changes.

C. CRIMINAL LAW

C-1. CRININAL LAW

HB-2390.

Short Description: CRIM CD&CD CORR-HATE CRIME

Public Act 100-0260.

Effective: January 1, 2018.

Statutes Amended:

720 ILCS 5/12-7.1
730 ILCS 5/3-3-7 & 5-6-3

Synopsis as Amended: Amends the Criminal Code of 2012.

Adds new language in hate crime statute, "or upon the exterior or grounds of" a building or structure used for a religious purpose.

C-2. CRININAL LAW

HB-3084.

Short Description: AGG DUI-DEATH-LIMITATION

Public Act 100-0149.

Effective: January 1, 2018.

Statutes Amended:

720 ILCS 5/3-5

Synopsis as Introduced: Amends the Criminal Code of 2012.

Provides that a prosecution for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of the death of another person may be commenced at any time.

C-3. CRININAL LAW

HB-3251.

Short Description: CRIM CD-ILLEGAL ELECTRONIC MON

Public Act 100-0166.

Effective: January 1, 2018.

Statutes Amended: 720 ILCS 5/12-7.5

Synopsis as Amended: Amends the Criminal Code of 2012.

1. Provides that person also commits cyberstalking when he or she knowingly, surreptitiously, and without lawful justification, installs or otherwise places electronic monitoring software or spyware on an electronic communication device as a means to harass another person and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.
2. Provides exemptions.
3. Defines "electronic communication device" and "electronic monitoring software or spyware".

C-4. CRININAL LAW

HB-3711.

Short Description: CRIM CD-HATE CRIME-CIVIL PNLTY

Public Act 100-0197.

Effective: January 1, 2018.

Statutes Amended: 720 ILCS 5/12-7.1

Synopsis as Amended: Amends the Criminal Code of 2012.

1. Provides that a person also commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she commits intimidation (limits a hate crime committed by intimidation to: (A) intimidation committed by the infliction of physical harm on the person threatened or any other person or on property; (B) subjecting any person to physical confinement or restraint; or (C) committing a felony or Class A misdemeanor.), stalking, cyberstalking, or transmission of obscene messages.
2. Provides that independent of any criminal prosecution or the result of a criminal prosecution, any person suffering intimidation, stalking, cyberstalking, disorderly conduct, transmission of obscene messages, harassment by telephone, or harassment through electronic communications may bring a civil action for damages, injunction or other appropriate relief.
3. Provides that after consulting with the local State's Attorney, the Attorney General may bring a civil action in the name of the People of the State for an injunction or other equitable relief for a hate crime; and provides that the Attorney General may request and the court may impose a civil penalty up to \$25,000 for each violation of the hate crime statute.

C-5. CRININAL LAW

HB-3803.

Short Description: CRIM CD-PARTIC GANG ACTIVITY

Public Act 100-0279.

Effective: January 1, 2018.

Statutes Amended: 720 ILCS 5/25-5.

Synopsis as Introduced: Amends the Criminal Code of 2012.

1. Changes the offense of unlawful contact with street-gang members to unlawful participation in street-gang related activity.

of that controlled substance.

Provides that the bill may be referred to as the Evan Rushing Law.

C-9. CRININAL LAW

SB-1321.

Short Description: GROOMING&TRAVELING MEET CHILD

Public Act 100-0428.

Effective: January 1, 2018.

Statutes Amended:

720 ILCS 5/11-9.3, 11-25 & 11-26.

Synopsis as Introduced: Amends the Criminal Code of 2012.

1. In the statute concerning grooming, defines "child" as a person under 17 years of age.
2. Changes the statute concerning traveling to meet a minor.
3. Changes the offense to traveling to meet a child.
4. Defines "child" as a person under 17 years of age.

C-10. CRININAL LAW

SB-1422.

Short Description: CRIM PRO-SOL-BURDEN OF PROOF

Public Act 100-0434.

Effective: January 1, 2018.

Statutes Amended:

720 ILCS 5/3-6 & 3-7.

Synopsis as Introduced: Amends the Criminal Code of 2012.

1. Provides that the prosecution shall not be required to prove at trial facts which extend the general limitations or establish periods excluded from the general limitations, when the facts supporting extension of or the exclusion from the period of general limitations are properly pled in the charging document.
2. Provides that any challenge relating to the extension of or exclusion from the general limitations period shall be exclusively conducted under the dismissal of charges provisions of the Code of Criminal Procedure of 1963.

C-11. CRININAL LAW

SB-1722.

Short Description: VARIOUS OFFENSES-PENALTIES

Public Act 100-0003.

Effective: January 1, 2018.

Statutes Amended

720 ILCS 5/19-1.

Synopsis as Amended: Amends the Criminal Code of 2012.

Makes changes to the penalties for burglary.

C-12. CRININAL LAW

SB-1761. **Short Description:** CRIM CD-SEXUAL ORIENTATION

Public Act 100-0460. Effective: January 1, 2018.

Statutes Amended: 720 ILCS 5/9-1 & 9-2.

Synopsis as Amended: Amends the Criminal Code of 2012.

1. Provides that that an action that does not otherwise mitigate first degree murder cannot qualify as a mitigating factor for first degree murder because of the discovery, knowledge, or disclosure of the victim's sexual orientation.
2. Provides that the same conduct does not constitute serious provocation for second degree murder.

C-13. CRININAL LAW

SB-1842. **Short Description:** CRIM CD-SOL INVOLUNTARY SERVITUDE

Public Act 100-0318. Effective: August 24, 2017.

Statutes Amended: 720 ILCS 5/3-6

Synopsis as Amended: Amends the Criminal Code of 2012.

1. Provides that when the victim is under 18 years of age at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses may be commenced within 25 years (rather than one year) of the victim attaining the age of 18 years.
2. Deletes provision that however, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

C-14. CRININAL LAW

SB-2034. **Short Description:** RICO/THREATENING PUBLIC OFFICIAL

Public Act 100-0001. Effective: June 9, 2017; Some provisions. January 1, 2018; Some provisions.

Statutes Amended: 720 ILCS 5/12-9 & 33G-9.

Synopsis as Amended: Amends the Criminal Code of 2012.

1. Provides that the Illinois Street Gang and Racketeer Influenced and Corrupt Organizations Law is repealed on June 11, 2022 (rather than June 11, 2017). (Effective: June 9, 2017.)
2. Provides that for the purposes of the offense of threatening a public official or human service provider, "public official"

includes a social worker, caseworker, attorney, or investigator employed by the Department of Healthcare and Family Services, the Department of Human Services, the Department of Children and Family Services, or the Guardianship and Advocacy Commission; or an assistant public guardian, attorney, social worker, case manager, or investigator employed by a duly appointed public guardian.

D. CRIMINAL PROCEDURE

D-1. CRININAL PROCEDURE

HB-0649.

Short Description: CRIM PRO-DHS PLACEMENT-DEFENDANT

Public Act 100-0027.

Effective: January 1, 2018.

Statutes Amended:

725 ILCS 5/104-17, 104-18 & 104-20
730 ILCS 5/5-2-4

Synopsis as Amended: Amends the Code of Criminal Procedure of 1963 and the Unified Code of Corrections concerning defendants found unfit to stand trial and found not guilty by reason of insanity.

1. Provides that if the court orders the defendant placed in the custody of the Department of Human Services, the Department shall evaluate the defendant to determine to which secure facility the defendant shall be transported and, within 7 days of the entry of the placement order, notify the sheriff of the designated facility.
2. Upon receipt of that notice, the sheriff shall promptly transport the defendant to the designated facility.
3. Provides that: (1) if, within 20 days of the transmittal by the clerk of the circuit court of the placement order, the Department of Human Services fails to notify the sheriff of the identity of the facility to which the defendant shall be transported, the sheriff shall contact a designated person within the Department to inquire about when a placement will become available at the designated facility and bed availability at other facilities; (2) if, within 20 days of the transmittal by the clerk of the circuit court of the placement order, the Department fails to notify the sheriff of the identity of the facility to which the defendant shall be transported, the sheriff shall notify the Department of its intent to transfer the defendant to the nearest secure mental health facility operated by the Department and inquire as to the status of the evaluation and availability for placement in such facility operated by the Department by contacting a designated person within the Department.
4. The Department shall respond to the sheriff within 2 business days of the notice and inquiry by the sheriff seeking the transfer and the Department shall provide the sheriff with the status of the evaluation, information on bed and placement availability, and an estimated date of admission for the defendant and any changes to that estimated date of admission; (3) if the Department notifies the sheriff during the 2 business day period of a facility operated by the Department with placement availability, the sheriff shall promptly transport the defendant to that facility; and (4) whenever the court receives a report from the supervisor of the defendant's treatment that the defendant is fit, the court shall immediately enter an order directing the sheriff to return the defendant to the county jail and set the matter for trial; at any time the issue of the defendant's fitness can be raised again under the Code.

D-2. CRININAL PROCEDURE

HB-3718.

Short Description: CRIM PRO-PROTECTIVE ORDERS

Public Act 100-0199.

Effective: January 1, 2018.

Statutes Amended:

725 ILCS 5/Art. 112A heading, 112A-1.5 new, 112A-2.5 new, 112A-3, 112A-4, 112A-4.5 new, 112A-5, 112A-5.5 new, 112A-11.5 new, 112A-12, 112A-14, 112A-14.5 new, 112A-14.7 new, 112A-15, 112A-20, 112A-21, 112A-21.5 new, 112A-21.7 new, 112A-22, 112A-22.3 new, 112A-23, 112A-24, 112A-25, 112A-26, 112A-28, 112A-30, 112A-1 rep., 112A-2 rep., 112A-6 rep., 112A-7 rep., 112A-10 rep., 112A-11 rep., 112A-13 rep., 112A-17 rep., 112A-18 rep., 112A-19 rep., 112A-22.5 rep., 112A-22.10 rep.

725 ILCS 120/4.5

740 ILCS 21/20 & 105

740 ILCS 22/202 & 216

750 ILCS 60/202 & 220

Synopsis as Amended: Amends the Code of Criminal Procedure of 1963.

1. Revises and consolidates provisions regarding obtaining and issuing orders of protection, protective orders, and no contact orders.
2. Repeals various provisions in the domestic violence order of protection provisions as part of the revision and consolidation.
3. Repeals a Section concerning the applicability of the rules of civil procedure in a proceeding to obtain, modify, reopen, or appeal an order of protection.
4. Provides that a civil no contact order or stalking no contact order issued by a state, tribal, or territorial court shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe or territory.
5. Provides that a defendant who directed the actions of a third party to violate a civil no contact order or stalking no contact order under the principles of accountability under the Criminal Code of 2012 as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.
6. Provides that a petitioner or the State's Attorney on the petitioner's behalf may file a motion to vacate or modify a permanent stalking no contact order 2 years or more after the expiration of the defendant's sentence.
7. Deletes language providing that the petitioner shall not be denied a stalking no contact order because the petitioner is a minor.
8. Makes other technical changes. Makes conforming changes.

D-3. CRININAL PROCEDURE

SB-0889.

Short Description: JURIES-UNLAWFUL DISCRIMINATION

Public Act 100-0228.

Effective: January 1, 2018.

Statutes Amended: 705 ILCS 305/2.

Synopsis as Amended: Amends the Jury Act.

1. Provides that, except as otherwise specifically provided by statute, no person who is qualified and able to serve as a juror may be excluded from jury service in any court of this State on the basis of race, color, religion, sex, national origin, or economic status.
2. Provides that "religion", "sex", and "national origin" have the meanings provided in the Illinois Human Rights Act.

D-4. CRININAL PROCEDURE

SB-1276.

Short Description: CRIM PRO&CORR-UNFIT DEFENDANT

Public Act 100-0424.

Effective: January 1, 2018.

Statutes Amended:

725 ILCS 5/104-15

730 ILCS 5/5-2-4

Synopsis as Introduced: Amends the Code of Criminal Procedure of 1963 concerning unfit defendants.

1. Provides that if the report to the court, the State, and the defense indicates that the defendant is not fit to stand trial or to plead because of a disability, the report shall include an opinion as to the likelihood of the defendant attaining fitness within a period of time from the date of the finding of unfitness (rather than one year) if provided with a course of treatment.
2. Provides that for a defendant charged with a felony, the period of time shall be one year.
3. Provides that for a defendant charged with a misdemeanor, the period of time shall be no longer than the maximum term of imprisonment for the most serious offense.
4. Provides that not more than 30 days after admission and every 90 (rather than 60) days thereafter so long as the initial order remains in effect, the facility director shall file a treatment plan report in writing with the court and forward a copy of the treatment plan report to the clerk of the court, the State's Attorney, and the defendant's attorney, if the defendant is represented by counsel, or to a person authorized by the defendant under the Mental Health and Developmental Disabilities Confidentiality Act to be sent a copy of the report.

D-5. CRININAL PROCEDURE

SB-1422.

Short Description: CRIM PRO-SOL-BURDEN OF PROOF

Public Act 100-0434.

Effective: January 1, 2018.

Statutes Amended: 725 ILCS 5/114-1

Synopsis as Introduced: Amends the Code of Criminal Procedure of 1963.

Provides that when a defendant seeks dismissal of the charge upon the grounds that it is barred by the statute of limitations, the prosecution shall have the burden of proving, by a preponderance of the evidence, that the prosecution of the offense is not barred by the statute of limitations.

D-6. CRININAL PROCEDURE

SB-2034.

Short Description: BAIL REFORM ACT

Public Act 100-0001.

Effective: June 9, 2017; Some provisions. January 1, 2018; Some provisions.

Statutes Amended:

725 ILCS 5/102-7.1 new, 102-7.2 new, 109-1, 110-5, 110-6, 110-6.4 new & 110-14.

Synopsis as Amended: Amends the Code of Criminal Procedure of 1963.

1. Provides that a person charged with an offense shall be allowed counsel at the hearing at which bail is determined under the Code.
2. Provides that if the defendant desires counsel for his or her initial appearance but is unable to obtain counsel, the court shall appoint a public defender or licensed attorney at law of this State to represent him or her for purposes of that hearing.
3. Provides that there shall be a presumption that any conditions of release imposed shall be non-monetary in nature and the court shall impose the least restrictive conditions or combination of conditions necessary to reasonably assure the appearance of the defendant for further court proceedings and protect the integrity of the judicial proceedings from a specific threat to a witness or participant.
4. Provides that the Supreme Court may establish a risk-assessment tool to be used in proceedings to assist the court in establishing bail for a defendant by assessing the defendant's likelihood of appearing at future court proceedings or determining if the defendant poses a real and present threat to the physical safety of any person or persons.
5. Provides that a person with bail set on a Category B offense shall have \$30 deducted from his or her monetary bail every day the person is incarcerated.
6. Defines "Category A offense" and "Category B offense." Adds Class 1 felony to the definition of "Category A offense".
7. Makes other changes.

E. CORRECTIONS

E-1. CORRECTIONS

HB-2390.

Short Description: CD CORR-HATE CRIME

Public Act 100-0260.

Effective: January 1, 2018.

Statutes Amended: 730 ILCS 5/3-3-7 & 5-6-3

Synopsis as Amended: Amends the Unified Code of Corrections changing Sections 3-3-7 and 5-6-3 as follows:

1. Removes cap on restitution.
2. Provides that as a condition of probation or conditional discharge for hate crime, the court shall require the offender to perform public or community service of no less than 200 hours and to enroll in an educational program discouraging hate crimes involving the protected class identified in the statute that gave rise to the offense committed.
3. The educational program must be attended in-person.
4. Expands organizations that can provide the educational program.
5. Clarifies that any hate crime victim who files a civil action shall be entitled to recover attorney's fees and costs.
6. Provides that the parents or legal guardians, other than guardians appointed under the Juvenile Court Act, of an unemancipated minor shall be liable for the amount of any judgment for a hate crime for all (rather than actual) damages rendered against the minor in any amount not exceeding the amount provided under the Parental Responsibility Law.
7. Makes technical changes in the hate crime statute.

E-2. CORRECTIONS

HB-2738.

Short Description: CD CORR-VISITATION

Public Act 100-0030.

Effective: January 1, 2018.

Statutes Amended: 730 ILCS 5/3-7-2

Synopsis as Amended: Amends the Unified Code of Corrections.

1. Provides that all of the institutions and facilities of the Department of Corrections shall permit every committed person to receive in-person visitors and video contact.
2. Provides that the Department shall seek the lowest possible cost to provide video calling and shall charge to the extent of recovering any demonstrated costs of providing video calling.
3. Provides that the Departments shall not make a commission or profit from video calling services. Provides that a committed person is permitted video contact, if available.

E-3. CORRECTIONS

HB-2989.

Short Description: CD CORR-VIDEO CONFERENCING

Public Act 100-0142.

Effective: January 1, 2018.

Statutes Amended: 730 ILCS 5/3-7-2

Synopsis as Amended: Amends the Unified Code of Corrections.

1. Provides that the Department of Corrections may not restrict or limit in-person visits to committed persons due to the availability of interactive video conferences.
2. Provides that the Department shall issue a standard written policy for each institution and facility of the Department that provides for: (1) the number of in-person visits each committed person is entitled to per week and per month; (2) the hours of in-person visits; (3) the type of identification required for visitors at least 18 years of age; and (4) the type of identification, if any, required for visitors under 18 years of age. Provides that this policy shall be posted on the Department website and at each facility.
3. Provides that the Department shall post on its website daily any restrictions or denials of visitation for that day and the succeeding 5 calendar days, including those based on a lockdown of the facility, to inform family members and other visitors.

E-4. CORRECTIONS

SB-1238.

Short Description: VET COURT TREATMENT-COUNTIES

Public Act 100-0088.

Effective: January 1, 2018.

Statutes Amended: 730 ILCS 167/15.

Synopsis as Introduced: Amends the Veterans and Servicemembers Court Treatment Act.

Provides that at the discretion of the Chief Judge, the Veterans and Servicemembers Court program may be operated in

one or more counties in the Circuit, and allow veteran and servicemember defendants from all counties within the Circuit to participate.

E-5. CORRECTIONS

SB-1312.

Short Description: VETERANS CT-POST-ADJUDICATION

Public Act 100-0426.

Effective: January 1, 2018.

Statutes Amended:

730 ILCS 167/20

730 ILCS 168/20

Synopsis as Amended: (A) Amends the Veterans and Servicemembers Court Treatment Act.

1. Provides that a defendant may be admitted into a Veterans and Servicemembers Court program post-adjudication only with the approval of the court.
2. Deletes provision that a defendant must have the agreement of the prosecutor to be admitted into a Veterans and Servicemembers Court program pre-adjudication.
3. Provides that a "crime of violence" includes rather than means first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping and kidnapping, aggravated battery resulting in great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm or where occurred serious bodily injury or death to any person.
4. Deletes provision that excludes a defendant from the program if the defendant was within the past 10 years convicted of an offense where occurred serious bodily injury or death to any person.

(B) Amends the Mental Health Court Treatment Act.

1. Deletes provision that a defendant must have the agreement of the prosecutor to be admitted into a mental health court program.
2. Includes in the definition of "crime of violence", aggravated battery resulting in great bodily harm or permanent disability.

E-6. CORRECTIONS

SB-1722.

Short Description: SENTENCING-VARIOUS

Public Act 100-0003.

Effective: January 1, 2018.

Statutes Amended

730 ILCS 5/3-3-8, 3-6-3, 5-4.5-95, 5-4.5-110 new, 5-6-3.3, 5-6-3.4, 5-6-3.6 new & 5-8-8.

Synopsis as Amended: Amends the Unified Code of Corrections.

1. Provides that the sentencing guidelines for unlawful use of weapons and aggravated unlawful use of a weapon apply only to offenses committed within 5 years after the effective date of the amendatory Act. Provides that for an offense

committed on or after the effective date of this amendatory Act of the 100th General Assembly and before January 1, 2023, whenever any person who has not previously been convicted of, or placed on probation or conditional discharge for, any felony offense under the laws of this State, the laws of any other state, or the laws of the United States, or prior successful completion of the First Time Weapon Offender Program, and pleads guilty to an unlawful use of weapons offense or aggravated unlawful use of a weapon offense, which is punishable as a Class 4 felony or lower, the court, with the consent of the defendant and the State's Attorney, may, without entering a judgment, sentence the defendant to complete the First Time Weapon Offender Program.

2. Provides that when a defendant is placed the Program, the court shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of the Program.
3. Provides that upon violation of a term or condition of the Program the court may enter a judgment on its original finding of guilt and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions the Program, the court shall discharge the person and dismiss the proceedings against the person. Establishes conditions of the Program.
4. Provides that there may be only one discharge and dismissal under this Section. If a person is convicted of any offense which occurred within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation.
5. Sunsets the Program 5 years after its effective date.

F. ALCOHOL, DRUGS, FIREARMS & TOBACCO

F-1. A.T.F

HB-2534.

Short Description: CS-SYNTHETIC DRUGS AND ANALOGS

Public Act 100-0368. Effective: January 1, 2018.

Statutes Amended: 720 ILCS 570/204, 206, 208, 401 & 402.

Synopsis as Amended: Amends the Illinois Controlled Substances Act.

1. Eliminates duplications from the list of Schedule I controlled substances.
2. Adds various synthetic drugs and cannabinoids to the list of Schedule I controlled substances.
3. Adds 6-Monoacetylmorphine and Thiafentanyl to the Schedule II list of controlled substances.
4. Lists all hydrocodone derivatives as Schedule II controlled substances.
5. Lists Methorphan optical isomers as a single drug.
6. Deletes references to dihydrocodeinone from the statute concerning the unlawful manufacture or delivery, 7
7. Defines "controlled substance analog" for the purpose of the provisions of the unlawful manufacture or delivery, or possession with intent to manufacture or deliver a controlled substance and for the provisions concerning the unlawful possession of a controlled substance, as a substance which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with State or federal law.

F-2. A.T.F

HB-3084.

Short Description: AGG DUI-DEATH-LIMITATION

Public Act 100-0149. Effective: January 1, 2018.

Statutes Amended:

625 ILCS 5/6-303
720 ILCS 5/3-5

Synopsis as Introduced: Amends the Illinois Vehicle Code.

Provides that the penalties for driving or being in actual physical control of a motor vehicle on any highway of this State at a time when the person's driver's license, permit or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended because of a violation of the reckless homicide statute also applies to aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of the death of another person.

F-3. A.T.F

HB-3910. **Short Description:** CONTROLLED SUB-EMS PERSONNEL

Public Act 100-0280. Effective: January 1, 2018.

Statutes Amended: 720 ILCS 570/102 & 312.

Synopsis as Introduced: Amends the Illinois Controlled Substances Act.

1. Provides that emergency medical services personnel may administer Schedule II, III, IV, or V controlled substances to a person in the scope of their employment without a written, electronic, or oral prescription of a prescriber.
2. Defines emergency medical services personnel. Includes "emergency medical services personnel" in the definition of "practitioner" under the Act.

F-4. A.T.F

SB-0607. **Short Description:** CRIM CD-SWITCHBLADES

Public Act 100-0082. Effective: August 11, 2017.

Statutes Amended: 720 ILCS 5/24-1.

Synopsis as Introduced: Amends the Criminal Code of 2012.

Provides an exemption from the prohibition on sale, manufacture, purchase, possession, or carrying of a switchblade knife to a person who possesses a currently valid Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police or to a person or an entity engaged in the business of selling or manufacturing switchblade knives.

F-5. A.T.F

SB-1722. **Short Description:** SENTENCING-WEAPONS-VARIOUS

Public Act 100-0003. Effective: January 1, 2018.

Statutes Amended

720 ILCS 5/24-1.1 & 24-1.6.

720 ILCS 550/5.2 & 10

720 ILCS 570/407 & 410

720 ILCS 646/15, 55 & 70

730 ILCS 5/3-3-8, 3-6-3, 5-4.5-95, 5-4.5-110 new, 5-6-3.3, 5-6-3.4, 5-6-3.6 new & 5-8-8.

Synopsis as Amended: (A) Amends the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act.

1. Eliminates the enhanced penalties for illegal drug deliveries in public housing facilities or on the grounds of those facilities. Reduces from within 1,000 feet to within 500 feet, the enhanced penalties for delivering illegal drugs in protected places.

2. Provides that the enhanced penalties for delivering illegal drugs in schools only apply if the violation occurs at the time of the violation persons under the age of 18 are present, the offense is committed during school hours, or the offense is committed at times when persons under the age of 18 are reasonably expected to be present in the school, in the conveyance, or on the real property, such as when after-school activities are occurring.

(B) Amends the Unified Code of Corrections.

1. Creates the First Time Weapon Offender Program.

2. Provides that the sentencing guidelines for unlawful use of weapons and aggravated unlawful use of a weapon apply only to offenses committed within 5 years after the effective date of the amendatory Act.

3. Provides that for an offense committed on or after the effective date of this amendatory Act of the 100th General Assembly and before January 1, 2023, whenever any person who has not previously been convicted of, or placed on probation or conditional discharge for, any felony offense under the laws of this State, the laws of any other state, or the laws of the United States, or prior successful completion of the First Time Weapon Offender Program, and pleads guilty to an unlawful use of weapons offense or aggravated unlawful use of a weapon offense, which is punishable as a Class 4 felony or lower, the court, with the consent of the defendant and the State's Attorney, may, without entering a judgment, sentence the defendant to complete the First Time Weapon Offender Program.

4. Provides that when a defendant is placed in the Program, the court shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of the Program.

5. Provides that upon violation of a term or condition of the Program the court may enter a judgment on its original finding of guilt and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions the Program, the court shall discharge the person and dismiss the proceedings against the person. Establishes conditions of the Program.

6. Provides that there may be only one discharge and dismissal under this Section. If a person is convicted of any offense which occurred within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation.

7. Provides that when a person is convicted of unlawful use or possession of a weapon by a felon, when the weapon is a firearm, and that person has been previously convicted of a qualifying predicate offense, the person shall be sentenced to a term of imprisonment within the sentencing range of not less than 7 years and not more than 14 years, unless the court finds that a departure from the sentencing guidelines is warranted.

8. Provides that when a person is convicted of aggravated unlawful use of a weapon, when the weapon is a firearm, and that person has been previously convicted of a qualifying predicate offense, the person shall be sentenced to a term of imprisonment within the sentencing range of not less than 6 years and not more than 7 years, unless the court finds that a

assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or criminal sexual abuse may be commenced at any time regardless as to whether corroborating physical evidence is available or an individual who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act fails to do so.

2. Makes conforming changes.

H. JUVENILE LAW AND LAWS RELATING TO CHILDREN

H-1. JUVENILE LAW

HB-2589.

Short Description: CD CORR-DCFS-AFTERCARE-REV

Public Act 100-0522. Effective: September 22, 2017.

Statutes Amended: 20 ILCS 505/5

Synopsis as Amended: Amends the Children and Family Services Act.

Requires the Department of Children and Family Services to assign a caseworker to attend any hearing involving a youth in the care and custody of the Department who is placed on aftercare release, including hearings involving sanctions for violation of aftercare release conditions and aftercare release revocation hearings.

H-2. JUVENILE LAW

HB-3394.

Short Description: ABUSED KIDS-SCHOOL EMPLOYEE

Public Act 100-0176. Effective: January 1, 2018.

Statutes Amended: 325 ILCS 5/7.4

Synopsis as Amended: Amends the Abused and Neglected Child Reporting Act.

1. Provides that the Department of Children and Family Services may recommend that a school district remove a school employee who is the subject of an investigation from his or her employment position pending the outcome of the investigation; however, all employment decisions regarding school personnel shall be the sole responsibility of the school district or employer.

2. Provides that the Department may not require a school district to remove a school employee from his or her employment position or limit the school employee's duties pending the outcome of an investigation.

H-3. JUVENILE LAW

HB-3817.

Short Description: COURTS- JUVENILE LAW

Public Act 100-0285. Effective: January 1, 2018.

Statutes Amended: 705 ILCS 405/1-7, 1-8, 5-915 & 5-622 rep.

Synopsis as Amended: Amends the Juvenile Court Act of 1987.

1. Provides that all juvenile records which have not been expunged are sealed and may never be disclosed to the general public or otherwise made widely available.

2. Provides that sealed records may be obtained only when their use is needed for good cause and with an order from the juvenile court, as required by those not authorized to retain them.
3. Provides that a juvenile adjudication shall never be considered a conviction nor shall an adjudicated individual be considered a criminal.
4. Provides that, unless expressly allowed by law, a juvenile adjudication shall not operate to impose upon the individual any of the civil disabilities ordinarily imposed by or resulting from conviction.
5. Provides that adjudications shall not prejudice or disqualify the individual in any civil service application or appointment, from holding public office, or from receiving any license granted by public authority.
6. Provides that the confidentiality provisions of the Act apply to law enforcement and municipal ordinance violations.
7. Provides that willful violation of the confidentiality provisions of the Act is a Class B misdemeanor and each violation is subject to a fine of \$1,000.
8. Provides for various circumstances when juvenile records shall be expunged automatically without a petition brought by the individual and repeals provisions pertaining to those court procedures.
9. Eliminates the requirement that a person be 21 years of age be eligible for expungement by petition.
10. Provides that a person whose delinquency adjudications are not eligible for automatic expungement may petition the court to expunge all law enforcement records relating to any incidents occurring before his or her 18th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications (except those based upon first degree murder) if 2 years have elapsed since all juvenile court proceedings relating to him or her have been terminated and his or her commitment to the Department of Juvenile Justice under this Act has been terminated.
11. Provides that applications for employment within the State must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest.
12. Provides that local law enforcement agencies shall send written notice to the minor of the expungement of any records within 60 days of automatic expungement or the date of service of an expungement order. Defines "dissemination" and "juvenile court record".
13. Clarifies that unless otherwise allowed by law, juvenile adjudications shall not prejudice or disqualify the individual in any civil service application or appointment, from holding public office, or from receiving any license granted by public authority.
14. Provides that nothing in the expungement of juvenile law enforcement and court records provisions shall require the physical destruction of the internal office records, files, or databases maintained by the Office of the Secretary of State.
15. Changes automatic expungement of records from being executed within 5 business days to 60 business days.
16. Excludes a specific list of forcible felony type offenses from the automatic expungement provisions.
16. Restores current law that an expungement of records on an offense for which the person was adjudicated delinquent which is sought upon termination of juvenile court proceedings is limited to a Class B misdemeanor, Class C misdemeanor, petty offense, or business offense.
17. Provides records of an offense under the sex offense Article of the Criminal Code is precluded from expungement if the person is required to register under the Sex Offender Registration Act.
18. Adds the offenses of dismembering a human body, inducement to commit suicide, reckless discharge of a firearm,

gunrunning, firearms trafficking, possession of a stolen firearm, and aggravated possession of a stolen firearm to the list of forcible felony type offenses excluded from the automatic expungement provisions.

19. Makes other changes.

H-4. JUVENILE LAW

SB-1399.

Short Description: JUV DRUG CT-ELEC MONITORING

Public Act 100-0431.

Effective: August 25, 2017.

Statutes Amended:

705 ILCS 410/40 new

705 ILCS 405/5-710, Art. V Pt. 7A heading, 5-7A-101, 5-7A-110, 5-7A-115, 5-7A-120, 5-7A-125.

720 ILCS 5/11-9.2

730 ILCS 5/5-1-10, 5-4.5-20, 5-4.5-25, 5-4.5-30, 5-4.5-35, 5-4.5-40, 5-4.5-45, 5-4.5-55, 5-4.5-60, 5-4.5-65, 5-8-1, 5-8A-3, 5-8A-4.1, 5-8A-5, 5-8A-6.

Synopsis as Amended: (A) Amends the Juvenile Drug Treatment Act.

1. Provides that a drug court program may, subject to the approval of the Chief Judge of the Circuit, establish a program for electronic monitoring of juveniles subject to the jurisdiction of the juvenile drug court program as a less restrictive alternative to detention, consistent with any available evidence-based risk assessment or substance abuse treatment eligibility screening.

(B) Amends the Juvenile Court Act of 1987.

1. Changes the short title of the Juvenile Electronic Home Detention Law to the Juvenile Electronic Monitoring and Home Detention Law.

2. Makes certain terminology consistent with the terminology of the Electronic Monitoring and Home Detention Article of the Unified Code of Corrections.

3. Amends the Electronic Monitoring and Home Detention Article of the Unified Code of Corrections and the Criminal Code of 2012 by making references to electronic monitoring and home detention consistent.

4. Makes corrections regarding omitted and misused words.

I. DOMESTIC VIOLENCE

I-1. DOMESTIC VIOLENCE

HB-3718.

Short Description: CRIM PRO-PROTECTIVE ORDERS

Public Act 100-0199.

Effective: January 1, 2018.

Statutes Amended:

720 ILCS 5/12-3.8 new & 12-3.9 new

725 ILCS 5/Art. 112A heading, 112A-1.5 new, 112A-2.5 new, 112A-3, 112A-4, 112A-4.5 new, 112A-5, 112A-5.5 new, 112A-11.5 new, 112A-12, 112A-14, 112A-14.5 new, 112A-14.7 new, 112A-15, 112A-20, 112A-21, 112A-21.5 new, 112A-21.7 new, 112A-22, 112A-22.3 new, 112A-23, 112A-24, 112A-25, 112A-26, 112A-28, 112A-30, 112A-1 rep.,

112A-2 rep., 112A-6 rep., 112A-7 rep., 112A-10 rep., 112A-11 rep., 112A-13 rep., 112A-17 rep., 112A-18 rep., 112A-19 rep., 112A-22.5 rep., 112A-22.10 rep.
725 ILCS 120/4.5
740 ILCS 21/20 & 105
740 ILCS 22/202 & 216
750 ILCS 60/202 & 220

Synopsis as Amended: Amends the Code of Criminal Procedure of 1963 and the Criminal Code of 2012.

1. Revises and consolidates provisions regarding obtaining and issuing orders of protection, protective orders, and no contact orders.
2. Repeals various provisions in the domestic violence order of protection provisions as part of the revision and consolidation.
3. Creates a criminal offense for violation of a civil no contact order and for violation of a stalking no contact order. Makes a first violation a Class A misdemeanor and a second or subsequent a Class 4 felony.
4. Repeals a Section concerning the applicability of the rules of civil procedure in a proceeding to obtain, modify, reopen, or appeal an order of protection.
5. Provides that a civil no contact order or stalking no contact order issued by a state, tribal, or territorial court shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe or territory.
6. Provides that a defendant who directed the actions of a third party to violate a civil no contact order or stalking no contact order under the principles of accountability under the Criminal Code of 2012 as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.
7. Provides that a petitioner or the State's Attorney on the petitioner's behalf may file a motion to vacate or modify a permanent stalking no contact order 2 years or more after the expiration of the defendant's sentence.
8. Deletes language providing that the petitioner shall not be denied a stalking no contact order because the petitioner is a minor. Makes other technical changes.
9. Makes conforming changes.

I-2. DOMESTIC VIOLENCE

SB-0057.

Short Description: PROTECTION ORDER-PHONE SERVICE

Public Act 100-0388.

Effective: January 1, 2018.

Statutes Amended:

725 ILCS 5/112A-14
750 ILCS 60/214

Synopsis as Amended: Amends the Illinois Domestic Violence Act of 1986 and the Code of Criminal Procedure of 1963.

1. Provides that, with exceptions, the court may, upon request by a petitioner for an order of protection, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers.

2. Provides that the petitioner may request transfer of each telephone number that the petitioner, or a minor child in his or her custody, uses.
3. Provides that the order shall contain specified terms. Provides that a wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.
4. Provides that a wireless telephone service provider is immune from civil liability for its actions taken in compliance with a court order issued under the new provisions.
5. Provides the immunity extended to wireless telephone service providers does not apply to willful or wanton misconduct.
6. Provides that the clerk of the court shall serve the order on the wireless telephone service provider's agent for service of process listed with the Secretary of State.
7. Provides that "wireless telephone service provider" has the meaning ascribed to the term "provider of commercial mobile service" as defined in 47 U.S.C. 332.
8. Provides that notice of orders shall be served upon the wireless service provider's agent for service of process as listed with the Illinois Commerce Commission rather than the Secretary of State.
9. Requires service providers to furnish the name and address of an agent for service of orders to the Illinois Commerce Commission.

J. LAW ENFORCEMENT

J-1. LAW ENFORCEMENT

HB-0270.

Short Description: INVESTIGATIONS OF POLICE

Public Act 100-0515. Effective: January 1, 2018.

Statutes Amended

New Act.
50 ILCS 705/7.7 new.

Synopsis as Amended:

Creates the Law Enforcement Criminal Sexual Assault Investigation Act.

- (1) Provides that each law enforcement agency shall have a written policy regarding the investigation of officer-involved criminal sexual assault that involves a law enforcement officer employed by that law enforcement agency.
- (2) Provides that each officer-involved criminal sexual assault investigation shall be conducted by at least 2 investigators or an entity comprised of at least 2 investigators, one of whom shall be the lead investigator.
- (3) Provides that the investigators shall have completed a specialized assault and sexual abuse investigation training program approved by the Illinois Law Enforcement Training Standards Board or similar training approved by the Department of State Police.
- (4) Provides that no investigator of an officer-involved criminal sexual assault may be employed by the law enforcement agency that employs the officer involved in the criminal sexual assault, unless the investigator is employed by the

Department of State Police or a municipality with a population over 1,000,000 and is not assigned to the same division or unit as the officer involved in the criminal sexual assault.

(5) Provides that the investigators conducting the investigation shall, in an expeditious manner, provide a complete report to the State's Attorney of the county in which the officer-involved criminal sexual assault.

(6) Provides that the Act does not prohibit a law enforcement agency from conducting an internal investigation into the officer-involved criminal sexual assault if the internal investigation does not interfere with the investigation.

(7) Provides that compensation for participation in an investigation of an officer-involved criminal sexual assault under the Act may be determined in an intergovernmental or interagency agreement.

(8) Provides that upon receipt of an allegation or complaint of an officer-involved criminal sexual assault, a municipality with a population over 1,000,000 shall promptly notify an independent agency, created by ordinance of the municipality, tasked with investigating incidents of police misconduct.

(9) Defines terms.

J-2. LAW ENFORCEMENT

HB-0305.

Short Description: MUNI-PD COLLEGE REQUIREMENTS

Public Act 100-0467.

Effective: September 8, 2017.

Statutes Amended

65 ILCS 5/10-2.1-6

Synopsis as Amended:

Amends the Illinois Municipal Code.

Provides that the requirement that a police applicant possess an associate's degree may also be waived if the applicant has successfully received credit for a minimum of 60 credit hours toward a bachelor's degree from an accredited college or university (currently, this requirement may be waived only if the applicant has served for 24 months of active duty or 180 days combat duty in the United States Armed Forces). In provisions waiving the requirement that a police applicant possess an associate's degree under certain circumstances, restores language requiring that an applicant's active duty be honorable active duty.

J-3. LAW ENFORCEMENT

HB-0375.

Short Description: POLICE TRAINING-MENTAL HEALTH

Public Act 100-0247.

Effective: January 1, 2018.

Statutes Amended: 50 ILCS 705/7 & 10.17

Synopsis as Amended: Amends the Illinois Police Training Act.

1. Provides that the curriculum for probationary officers and in-service training requirements shall include mental health awareness and response.

J-7. LAW ENFORCEMENT

SB-0031.

Short Description: LAW ENFORCEMENT-IMMIGRATION

Public Act 100-0463.

Effective: August 28, 2017.

Statutes Amended: New Act.

Synopsis as Amended: Creates the Illinois TRUST Act.

1. Prohibits law enforcement agencies and officials from detaining or continuing to detain an individual solely on the basis of an immigration detainer or non-judicial immigration warrant or from otherwise complying with an immigration detainer or non-judicial immigration warrant.
2. Provides for law enforcement training on compliance with the Illinois TRUST Act.
3. Defines terms.

J-8. LAW ENFORCEMENT

SB-0058.

Short Description: POLICE SHOOTING-DRUG TEST

Public Act 100-0389.

Effective: August 25, 2017.

Statutes Amended: 50 ILCS 727/1-25 new.

Synopsis as Amended: Amends the Police and Community Relations Improvement Act.

1. Provides that each law enforcement agency shall adopt a written policy regarding drug and alcohol testing following an officer-involved shooting.
2. Provides that the written policy adopted by the law enforcement agency must include the following requirements: (1) each law enforcement officer who is involved in an officer-involved shooting must submit to drug and alcohol testing; and (2) the drug and alcohol testing must be completed as soon as practicable after the officer-involved shooting but no later than the end of the involved officer's shift or tour of duty.
3. Defines "officer-involved shooting" as any instance when a law enforcement officer discharges his or her firearm, causing injury or death to a person or persons, during the performance of his or her official duties or in the line of duty.

J-9. LAW ENFORCEMENT

SB-1843.

Short Description: POLICE PROFESSIONALISM COMMISSION

Public Act 100-0319.

Effective: August 24, 2017.

Statutes Amended:

50 ILCS 725/7.5 new
725 ILCS 210/4.01

Synopsis as Amended: Amends the Uniform Peace Officers' Disciplinary Act.

1. Creates the Commission on Police Professionalism.
2. Provides that the Commission shall meet regularly to review the current training and certification process for law enforcement officers, review the duties of the various types of law enforcement officers, including auxiliary officers, review the standards for the issuance of badges, shields, and other police and agency identification, review officer-involved shooting investigation policies, review policies and practices concerning the use of force and misconduct by law enforcement officers, and examine whether law enforcement officers should be licensed.
3. Provides that the Commission shall submit a report of its findings and legislative recommendations to the General Assembly and Governor on or before September 30, 2018.
4. Provides for the repeal of the Section on December 31, 2018.
5. Makes other changes.

K. CRIMINAL IDENTIFICATION

K-1. CRIMINAL IDENTIFICATION

HB-0514.

Short Description: CRIM ID-IMMEDIATE SEALING

Public Act 100-0282.

Effective: January 1, 2018.

Statutes Amended: 20 ILCS 2630/5.2.

Synopsis as Amended: Amends the Criminal Identification Act.

- (1) Provides that records of charges that result in an acquittal or dismissal with prejudice, except for minor traffic offenses, may be immediately sealed after the final disposition of the case.
- (2) Provides that upon entry of judgment, the defendant shall be informed of this right and the proper procedures to follow to have records that are eligible be immediately sealed. Provides that the petition may be filed on behalf of the defendant by his or her attorney at the final disposition hearing, or by the defendant at any time.
- (3) Provides that the fee imposed by the circuit court clerk and Department of State Police shall comply with current law.
- (4) Provides that the State's Attorney may not object to an immediate sealing petition and the presiding trial judge shall enter an order granting or denying the petition during the hearing in which the petition is filed.
- (5) Provides the petitioner, State's Attorney, or the Department of State Police may file a motion to vacate, modify, or reconsider the order denying the petition to immediately seal within 60 days of service of the order.
- (6) Makes other changes.

K-2. CRIMINAL IDENTIFICATION

HB-2373.

Short Description: CRIM ID-SEALING ELIGIBILITY

Public Act 100-0284.

Effective: August 24, 2017.

Statutes Amended: 20 ILCS 2630/5.2

Synopsis as Amended: Amends the Criminal Identification Act.

11. Provides that applications for employment within the State must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest.
12. Provides that local law enforcement agencies shall send written notice to the minor of the expungement of any records within 60 days of automatic expungement or the date of service of an expungement order. Defines "dissemination" and "juvenile court record".
13. Clarifies that unless otherwise allowed by law, juvenile adjudications shall not prejudice or disqualify the individual in any civil service application or appointment, from holding public office, or from receiving any license granted by public authority.
14. Provides that nothing in the expungement of juvenile law enforcement and court records provisions shall require the physical destruction of the internal office records, files, or databases maintained by the Office of the Secretary of State.
15. Changes automatic expungement of records from being executed within 5 business days to 60 business days.
16. Excludes a specific list of forcible felony type offenses from the automatic expungement provisions.
16. Restores current law that an expungement of records on an offense for which the person was adjudicated delinquent which is sought upon termination of juvenile court proceedings is limited to a Class B misdemeanor, Class C misdemeanor, petty offense, or business offense.
17. Provides records of an offense under the sex offense Article of the Criminal Code is precluded from expungement if the person is required to register under the Sex Offender Registration Act.
18. Adds the offenses of dismembering a human body, inducement to commit suicide, reckless discharge of a firearm, gunrunning, firearms trafficking, possession of a stolen firearm, and aggravated possession of a stolen firearm to the list of forcible felony type offenses excluded from the automatic expungement provisions.
19. Makes other changes.

E-6. CORRECTIONS

SB-1722.

Short Description: SENTENCING-VARIOUS

Public Act 100-0003.

Effective: January 1, 2018.

Statutes Amended

20 ILCS 2630/2.1

Synopsis as Amended: Amends the Criminal Identification Act.

Provides that the sentencing information furnished to the Department of State Police shall include statutory citations to the relevant sentencing provision.

L. FOIA/IOMA

L-1. FOIA/IOMA

HB-0619.

Short Description: FOIA-EXEMPTIONS

Public Act 100-0026.

Effective: August 4, 2017.

Statutes Amended: 5 ILCS 140/7.

Synopsis as Introduced: Amends the Freedom of Information Act.

Exempts from inspection and copying the following: records requested by a person committed to the Department of Corrections or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility; records requested by a person in a county jail or committed to the Department of Corrections containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim; and law enforcement records of other persons requested by a person committed to the Department of Corrections or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

L-2. FOIA/IOMA

HB-1811.

Short Description: FOIA-RENUMBER

Public Act 100-0020.

Effective: July 1, 2017.

Statutes Amended: 5 ILCS 140/7.5

Synopsis as Amended: Amends the Freedom of Information Act.

Renumbers Section 5 ILCS 140/7.5 (dd) to 5 ILCS 140/7.5 (ee).

M. ANIMALS

M-1. ANIMALS

HB-2810.

Short Description: ANIMALS-HUMANE CARE

Public Act 100-0504.

Effective: June 1, 2018

Statutes Amended: 10 ILCS 70/3.04, 3.05 & 4.

Synopsis as Amended: Amends the Humane Care for Animals Act.

1. Provides that in the case of companion animals or animals used for fighting purposes in violation of an owner's duties, cruel treatment, aggravated cruelty, animal torture, or confinement in a motor vehicle that the animal control or animal shelter having custody of the animal or animals may file a petition with the court requesting that the person from whom the animal or animals are seized, or the owner of the animal or animals, be ordered to post security.
2. Provides that for the offenses of animals in entertainment or dog fighting, the court may order the convicted person to forfeit to an animal control or animal shelter the animal or animals that are the basis of the conviction. Makes other technical changes.
3. Provides that no person may adopt, transfer, sell, offer for sale, barter, or give away any animal (in the engrossed bill, as a pet a dog or cat) forfeited under the Act to the person who forfeited the animal or a person residing in that person's household.

4. Makes other technical changes.

M-2. ANIMALS

SB-1342.

Short Description: ELEPHANT PROHIB-TRAV PERFORM

Public Act 100-0090.

Effective: January 1, 2018.

Statutes Amended: 720 ILCS 5/48-11 new.

Synopsis as Amended: Amends the Criminal Code of 2012.

1. Provides that a person commits unlawful use of an elephant in a traveling animal act when he or she knowingly allows for the participation of an African elephant or Asian elephant protected under the federal Endangered Species Act of 1973 in a traveling animal act.
2. Provides that this provision does not apply to an exhibition of elephants at a non-mobile, permanent institution, or other facility.
3. Defines terms.
4. Provides that unlawful use of an elephant in a traveling animal act is a Class A misdemeanor.

N. VEHICLES, VESSELS & AIRCRAFT

N-1. VEHICLE CODE

HB-0791.

Short Description: VEH CD-ORDINANCE-AUTONOMOS VEH

Public Act 100-0352.

Effective: June 1, 2018.

Statutes Amended: 625 ILCS 5/11-208.

Synopsis as Amended: Amends the Illinois Vehicle Code.

Provides that a unit of local government, including a home rule unit, may not enact an ordinance prohibiting the use of Automated Driving System equipped vehicles on its roadways. Defines "Automated Driving System equipped vehicle". Limits the concurrent exercise of home rule powers.

N-2. VEHICLE CODE

HB-1784.

Short Description: VEH CD-BICYCLES-MISC

Public Act 100-0359.

Effective: January 1, 2018.

Statutes Amended: 625 ILCS 5/11-703, 11-707, 11-709.1, 11-1505, 11-1507.

Synopsis as Amended: Amends the Illinois Vehicle Code.

1. Provides that a driver of a motor vehicle may overtake and pass to the left of a bicycle proceeding in the same direction on a portion of a highway designated as a no-passing zone when: (1) the bicycle is traveling at a speed of less than half of the posted speed limit of the highway; (2) the driver is able to overtake and pass the bicycle without exceeding the posted

Synopsis as Introduced: (A) Amends the Illinois Vehicle Code.

Provides that the penalties for driving or being in actual physical control of a motor vehicle on any highway of this State at a time when the person's driver's license, permit or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended because of a violation of the reckless homicide statute also applies to aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of the death of another person.

(B) Amends the Criminal Code of 2012.

Provides that a prosecution for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of the death of another person may be commenced at any time.

N-6. VEHICLE CODE

HB-3469. **Short Description:** VEH CD-POLICE&FIRE VEHS-SIREN

Public Act 100-0182. Effective: January 1, 2018.

Statutes Amended: 625 ILCS 5/12-601

Synopsis as Amended: Amends the Illinois Vehicle Code.

Provides that a vehicle operated by a fire chief or the Director or Coordinator of a municipal or county emergency services and disaster agency may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet.

N-7. VEHICLE CODE

HB-3874. **Short Description:** VEH CD-MANDATORY VEH INSURANCE

Public Act 100-0202. Effective: January 1, 2018.

Statutes Amended: 625 ILCS 5/3-707 & 7-601.

Synopsis as Introduced: Amends the Illinois Vehicle Code.

Reinforces that no person shall operate, register, or maintain registration of a motor vehicle in this State unless the motor vehicle is covered by a liability insurance policy.

N-8. VEHICLE CODE

SB-0396. **Short Description:** VEH-LOW-SPEED ELECTRIC BICYCLE

Public Act 100-0209. Effective: January 1, 2018.

Statutes Amended: 625 ILCS 5/1-140.10, 11-208, 11-1516 & 11-1517 new.

Synopsis as Introduced: Amends the Illinois Vehicle Code.

1. Changes the definition of "low-speed electric bicycle".
2. Provides that provisions of a Chapter in the Code that govern bicycles shall apply to low-speed electric bicycles.
3. Provides that each low-speed electric bicycle operating in this State shall comply with equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission and each Class 3 low-speed electric bicycle shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.
4. Provides that beginning on or after January 1, 2018, every manufacturer and distributor of low-speed electric bicycles shall apply a label that is permanently affixed to the bicycle containing a classification number, the bicycle's top assisted speed, and the bicycle's motor wattage.
5. Provides that no person shall knowingly modify the speed capability or engagement of a low-speed electric bicycle without replacing the required label.
6. Provides that a Class 2 low-speed electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied.
7. Provides that a Class 1 low-speed electric bicycle and a Class 3 low-speed electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling.
8. Provides that a person may operate a low-speed electric bicycle upon any bicycle path unless the municipality, county, or local authority with jurisdiction prohibits the use of the bicycles or a specific class on that path.
9. Provides that a person may operate a Class 3 low-speed electric bicycle only if he or she is 16 years of age or older. Provides that a person who is less than 16 years of age may ride as a passenger on a Class 3 low-speed electric bicycle that is designed to accommodate passengers.
10. Provides that the power of local authorities to regulate bicycles includes low-speed electric bicycles and low-speed gas bicycles.

N-9. VEHICLE CODE

SB-0822.

Short Description: VEH CD-PASSING A SCHOOLBUS

Public Act 100-0223.

Effective: August 18, 2017.

Statutes Amended: 625 ILCS 5/6-205, 6-500, 6-507.5 & 6-508.1.

Synopsis as Amended: Amends the Illinois Vehicle Code.

1. Provides that the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver who violates a provision of the Code relating to the offense of overtaking and passing of a school bus when the driver, in committing the violation, is involved in a motor vehicle accident that results in death to another and the violation is a proximate cause of the death.
2. Adds to the definition of "medical examiner's certificate" an electronic submission of results of an examination conducted by a medical examiner listed on the National Registry of Certified Medical Examiners to the Federal Motor Carrier Safety Administration of a driver to medically qualify him or her to drive.
3. Provides that beginning June 22, 2018, the Secretary shall post to a Commercial Driver License Information System

driver record within one business day of electronic receipt from the Federal Motor Carrier Safety Administration certain information about a driver who has certified himself or herself as non-excepted interstate.

4. Provides that the Secretary may waive a general knowledge test waiver for an applicant of a commercial learner's permit if the applicant: (1) is a current resident of this State; (2) is a current or former member of the military services; (3) within one year prior to the application, has been regularly employed in a military position that requires the operation of large trucks; (4) has received formal military training in the operation of a vehicle similar to the commercial motor vehicle the applicant expects to operate; and (5) provides the Secretary with a general knowledge test waiver form certifying that the applicant qualifies for the general knowledge test waiver.

5. Makes conforming changes.

N-10. VEHICLE CODE

SB-1429.

Short Description: VEH CD-REMOTE STARTER

Public Act 100-0435. Effective: August 25, 2017.

Statutes Amended: 625 ILCS 5/1-171.01d new, 11-1401 & 1-1429.

Synopsis as Introduced: Amends the Illinois Vehicle Code.

1. Provides an exception for a law enforcement officer or an operator of an authorized emergency vehicle performing his or her official duties to a provision prohibiting a person from leaving a vehicle unattended without first stopping the engine and removing the key from the ignition.

2. Provides that an unattended vehicle shall not include an unattended locked motor vehicle with the engine running after being started by a remote starter system.

3. Defines "remote starter system".

4. Makes conforming changes.

N-11. VEHICLE CODE

SB-1580.

Short Description: VEH CD-ACCIDENT REPORT & DATA

Public Act 100-0096. Effective: January 1, 2018.

Statutes Amended: 625 ILCS 5/1-146.5 new, 11-408, 11-411, 11-412, 11-414 & 11-417 new.

Synopsis as Amended: Amends the Illinois Vehicle Code.

1. Removes provisions providing that a written motor vehicle accident report is privileged as to the Secretary of State and the Department of Transportation and shall be held confidential.

2. Removes prohibition against the Secretary of State from disclosing notations of accident involvement maintained on individual driving records.

3. Provides that the Department may provide for in-depth investigations of accidents involving Department employees or other motor vehicle accidents (rather than investigations of only motor vehicle accidents) by individuals or special investigation groups.

Public Act 100-0034. Effective: January 1, 2018.

Statutes Amended: 705 ILCS 35/28.5 new

Synopsis as Amended: Amends the Circuit Courts Act.

1. Provides that the clerk shall post in the common areas of the courthouse a notice that a person may file a complaint against the judge that includes contact information for the Judicial Inquiry Board.
2. Provides that the Judicial Inquiry Board shall develop a uniform statewide notice and provide the format of the notice to each clerk.