

LAW UPDATE

2011/2012



ILLINOIS SECRETARY OF STATE DEPARTMENT OF POLICE

**Division of Administration
Training Section**

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2011/2012 Law Update

Please Note:

This training outline is written for a law enforcement audience. It does not contain every law change made during the 97th Session of the Illinois General Assembly.

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www.ilga.gov

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"Fire Marshall Emergency Vehicle"
625 ILCS 5/1-105

Effective Date: 7/14/2011
Public Act: 97-0149

Senate Bill: 2032

Synopsis:

Amends the Illinois Vehicle Code. Adds vehicles of the Office of the Illinois State Fire Marshal to the definition of authorized emergency vehicle. Provides that vehicles of the Office of the Illinois State Fire Marshal may use oscillating, rotating, or flashing lights.

Excerpt from the Public Act not necessary.

"Air Force Plates"
30 ILCS 105/5.786 New, 625 ILCS 5/3-696 New

Effective Date: 8/4/2011
Public Act: 97-0243

House Bill: 0173

Synopsis:

Amends the Illinois Vehicle Code and the State Finance Act. Provides for the issuance of U.S. Air Force license plates to Illinois residents who meet eligibility requirements to be prescribed by the Secretary of State. Provides that an applicant shall be charged an additional fee of \$20 at original issuance and renewal. Provides that \$15 of the original issuance fee and \$2 of the renewal fee shall be deposited into the Secretary of State Special License Plate Fund. Provides that \$5 of the original issuance fee and \$18 of the renewal fee shall be deposited into the Octave Chanute Aerospace Heritage Fund. Creates the Octave Chanute Aerospace Heritage Fund as a special fund in the State treasury. Provides that money in the Octave Chanute Aerospace Heritage Fund shall be paid as grants to the Octave Chanute Aerospace Heritage Foundation of Illinois for operational and program expenses of the Chanute Air Museum.

Excerpt from the Public Act not necessary.

"Expanded Use Antique Plate"
625 ILCS 5/3-804.01

Effective Date: 1/1/2012
Public Act: 97-0412

House Bill: 3256

Synopsis:

Amends the Illinois Vehicle Code. Permits the owner of a motor vehicle that is more than 25 years of age or a bona fide replica thereof to register the vehicle as an expanded-use antique vehicle. Provides that in addition to the appropriate registration and renewal fees, an applicant for an expanded-use antique vehicle shall be charged \$45 per year for expanded-use antique vehicle plates. Provides that the usage restrictions that apply to antique vehicles also apply to expanded-use antique vehicles from January 1 through March 31 and from November 1 through December 31, but the restrictions do not apply the rest of the year. Amends provisions of the Illinois Vehicle Code and the Alternate Fuels Act to include references to expanded-use antique vehicles.

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Excerpt from the Public Act not necessary.

“Dealer Recovery Fund”

**625 ILCS 5/5-101, 625 ILCS 5/5-102, 625 ILCS 5/5-102.7 New,
625 ILCS 5/5-501**

Effective Date: 10/01/2011

Public Act: 97-0480

House Bill: 0880

Synopsis:

Amends the Illinois Vehicle Code. Provides that each application or renewal for a new vehicle dealer's license and each application or renewal for a used vehicle dealer's license shall be accompanied by an Annual Dealer Recovery Fund Fee, which is payable to and remitted directly to the Dealer Recovery Trust Fund. Provides that the Fund shall be used to pay claims submitted by: a retail customer who purchases a vehicle from a dealer who subsequently files for bankruptcy or whose vehicle dealer's license is subsequently revoked by the Secretary of State or otherwise terminated and, as part of the purchase transaction, trades in a vehicle with an outstanding lien to the dealer if lien satisfaction was a condition of the purchase agreement and the retail customer determines that the lien has not been satisfied; a retail customer who purchases a vehicle with an undisclosed lien from a dealer who subsequently files for bankruptcy or whose vehicle dealer's license is subsequently revoked by the Secretary of State or otherwise terminated; or a dealer who purchases a vehicle with an undisclosed lien from another dealer who subsequently files for bankruptcy or whose vehicle dealer's license is subsequently revoked or terminated. Provides that for purposes of the Dealer Recovery Trust Fund, "dealer" means a licensed new vehicle dealer or a licensed used vehicle dealer, excepting a dealer who primarily sells mobile homes, recreational vehicles, or trailers or any dealer who sells 25 vehicles or fewer per calendar year

Excerpt from the Public Act not necessary.

“ID Card and Licenses”

**15 ILCS 335/12.5 New, 15 ILCS 335/13, 625 ILCS 5/2-123, 625
ILCS 5/6-101, 625 ILCS 5/6-106.1, 625 ILCS 5/106.11, 625 ILCS
5/6-107, 625 ILCS 5/6-113, 625 ILCS 5/6-201, 625 ILCS 5/6-
206, 625 ILCS 5/6-206.1, 625 ILCS 5/6-207, 625 ILCS 5/6-208.1,
625 ILCS 5/6-401, 625 ILCS 5/6-419, 625 ILCS 5/6-507, 625
ILCS 5/6-908**

Effective Date: 7/28/2011

Public Act: 97-0229

Senate Bill: 1924

Synopsis:

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Makes changes to provisions regarding: the issuance of driver's licenses and identification cards; confidentiality of driver medical reports; information on school bus driver permits; application of school bus driver permit restrictions; issuance of graduated licenses and probationary licenses; cancellation of licenses or permits; discretionary authority to suspend or revoke licenses or permits; impoundment or forfeiture of a vehicle related to multiple summary suspensions; length of summary suspensions; driver training schools; and commercial driver's licenses.

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Excerpt from the Public Act not necessary.

"Military License Expiration" 625 ILCS 5/6-225

Effective Date: 1/1/12

Public Act: 97-0079

House Bill: 3331

Synopsis:

Provides that the Secretary of State may defer the expiration of the driver's license of a licensee who is serving in the Armed Forces of the United States on active duty outside this State or who is the spouse or a dependent child living with such a licensee until up to 120 days after the licensee's return to this State.

Excerpt from the Public Act not necessary.

"SSN Exemption- Removal" 625 ILCS 5/6-106, 625 ILCS 5/6-110, 625 ILCS 5/6-510

Effective Date: 8/5/2011

Public Act: 97-0263

House Bill: 1385

Synopsis:

Amends the Illinois Vehicle Code. Removes the religious exemption to the requirement that an individual provide his or her social security number when applying for a driver's license or instruction permit. Removes provision for the use of a federal tax number or other distinctive number in lieu of a driver's license applicant's social security number. Removes provision for the use of an alternate identifying number in place of a commercial drivers license applicant's social security number.

Excerpt from the Public Act not necessary.

"CDL Medical Cards" 625 ILCS 5/6-201, 625 ILCS 5/6-500, 625 ILCS 5/6-507, 625 ILCS 5/6-508, 625 ILCS 5/6-508.1 New, 625 ILCS 5/6-513, 625 ILCS 5/6-519

Effective Date: 1/1/2012

Public Act: 97-0208

House Bill: 1295

Synopsis:

Amends the Illinois Vehicle Code. Requires interstate Commercial Driver's License (CDL) holders subject to the physical qualification requirements of the Federal Motor Carrier Safety Regulations to provide a current original or copy of their medical examiner's certificate or medical variance to the Secretary of State prior to the issuance of a new, renewed, upgraded or transferred CDL. Provides that the Secretary is authorized to cancel the CDL of any person who fails to submit or submits a fraudulent medical examiner's certificate. Defines terms. Provides that a commercial motor vehicle may not be operated unless the driver has in his or her possession a copy of his or her medical variance, if one is required by law. Provides that no person shall be issued a commercial driver instruction permit or CDL unless the person certifies to the Secretary one of the following types of driving operations in which he or she will be

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engaged: (i) non-excepted interstate; (ii) non-excepted intrastate; (iii) excepted interstate; or (iv) excepted intrastate. Provides persons who hold a commercial driver instruction permit or CDL on January 30, 2012 must self-certify to the Secretary one of the above-mentioned classifications no later than January 30, 2014. Contains reporting requirements applicable to the Secretary. Provides that a driver's certification status shall become non-certified within 10 calendar days of the expiration of a medical examiner's certificate or medical variance or both and that failure to provide an updated medical examiner's certificate or medical variance or both within 60 calendar days of a driver's medical certification status becoming non-certified shall result in cancellation of the CDL.

Excerpt from the Public Act.

(625 ILCS 5/6-508.1 new)

Sec. 6-508.1. Medical Examiner's Certificate.

(a) It shall be unlawful for any person to drive a CMV in non-excepted interstate commerce unless the person holds a CDL and is medically certified as physically qualified to do so.

(b) No person who has certified to non-excepted interstate driving as provided in Section 6-508 of this Code shall be issued a commercial driver instruction permit or CDL unless that person presents to the Secretary a medical examiner's certificate or has a current medical examiner's certificate on the CDLIS driver record.

(c) Persons who hold a commercial driver instruction permit or CDL on January 30, 2012 who have certified as non-excepted interstate as provided in Section 6-508 of this Code must provide to the Secretary a medical examiner's certificate no later than January 30, 2014.

(d) As of January 30, 2014, all persons who hold a commercial driver instruction permit or CDL who have certified as non-excepted interstate shall maintain a current medical examiner's certificate on file with the Secretary.

(e) Within 10 calendar days of receipt of a medical examiner's certificate of a driver who has certified as non-excepted interstate, the Secretary shall post the following to the CDLIS driver record:

(1) the medical examiner's name;

(2) the medical examiner's telephone number;

(3) the date of issuance of the medical examiner's certificate;

(4) the medical examiner's license number and the state that issued it;

(5) the medical certification status;

(6) the expiration date of the medical examiner's certificate;

(7) the existence of any medical variance on the medical examiner's certificate or grandfather provisions;

(8) any restrictions noted on the medical examiner's certificate; and

(9) the date the medical examiner's certificate information was posted to the CDLIS driver record.

(f) Within 10 calendar days of the expiration or rescission of the driver's medical examiner's certificate or medical variance or both, the Secretary shall update the medical certification status to "not certified".

(g) Within 10 calendar days of receipt of information from the Federal Motor Carrier Safety Administration regarding issuance or renewal of a medical variance, the Secretary shall

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update the CDLIS driver record to include the medical variance information provided by the Federal Motor Carrier Safety Administration.

(h) The Secretary shall notify the driver of his or her non-certified status and that his or her CDL will be canceled unless the driver submits a current medical examiner's certificate or medical variance or changes his or her self-certification to driving only in excepted or intrastate commerce.

(i) Within 60 calendar days of a driver's medical certification status becoming non-certified, the Secretary

"School Bus Drivers"

625 ILCS 5/6-106.1, 625 ILCS 5/6-106.11, 625 ILCS 5/6-106.12 New, 625 ILCS 5/12-707.01, 625 ILCS 5/13-101, 625 ILCS 5/13-109

Effective Date: 7/27/2011

Public Act: 97-0224

Senate Bill: 1669

Synopsis:

Amends the Illinois Vehicle Code. Provides that a school bus driver permit may not be issued to persons who have been placed under court supervision for certain offenses. Provides that entities who have a contract to transport students, teachers, or other personnel of a school district for compensation shall not permit any person to operate a school bus or any first division vehicle, including a taxi, when used for a purpose that requires a school bus driver permit if the driver has not complied with requirements concerning school bus driver permit holders. Provides that vehicles used for purposes requiring a school bus driver permit may not have previously been in salvage or junk status and that drivers of such vehicles may not allow smoking within the vehicle while it is used for a purpose requiring a school bus driver permit. Provides that school districts must maintain copies of the school bus driver permits of each individual operating a vehicle for the school district for a purpose requiring a school bus driver permit. Provides that certain vehicles, including vehicles used for purposes requiring a school bus driver permit, must carry minimum personal injury liability insurance in the amount of \$1,000,000 for one person in any one accident and \$5,000,000 for 2 or more persons injured by reason of the operation of the vehicle in any one accident. Provides that vehicles used for purposes requiring a school bus driver permit must pass safety tests prior to registration and subsequently every 6 months. Provides that vehicles used for purposes requiring a school bus driver permit which are in safe mechanical condition shall be issued and display the Certificate of Safety and that a vehicle which is not in safe mechanical condition may not be operated on the highways until it has been repaired and passes a subsequent inspection.

Excerpt from the Public Act not necessary.

"Bus Driver Alcohol Tests"

625 ILCS 5/6-106.1, 625 ILCS 5/6-106.1c New

Effective Date: 1/1/12

Public Act: 97-0466

House Bill: 0147

Synopsis:

Amends the Illinois Vehicle Code in regard to alcohol and drug screening of bus drivers.

Excerpt from the Public Act.

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(625 ILCS 5/6-106.1c new)

Sec. 6-106.1c. Reasonable suspicion drug and alcohol testing of school bus driver permit holders.

(a) An employer of a school bus driver permit holder who holds a commercial driver's license and who works for the employer as a school bus driver and is therefore subject to 49 CFR 382.307 shall notify the Secretary of State, in a manner and form prescribed by the Secretary, of the result of a reasonable suspicion test when: (i) the test indicates an alcohol concentration greater than 0.00; (ii) the test indicates a positive result on a National Institute on Drug Abuse five-drug panel utilizing the federal standards set forth in 49 CFR 40.87; or (iii) when a driver refuses testing. The notification to the Secretary must be submitted within 48 hours of the refusal of testing or the employer's receipt of the test results.

(b) Employers of school bus driver permit holders who do not hold commercial driver's licenses and school bus driver permit holders who do not hold commercial driver's licenses are hereby made subject to 49 CFR 382.307 regarding reasonable suspicion testing, which must be done in conformance with 49 CFR Parts 40 and 382, except that the test results shall not be reported to the employer utilizing the Federal Drug Testing Custody and Control Form or the U.S. Department of Transportation Alcohol Testing Form, but shall be reported to the employer in a manner and form approved by the Secretary. The employer shall notify the Secretary, in a manner and form prescribed by the Secretary, of the result of a reasonable suspicion test when: (i) the test indicates an alcohol concentration greater than 0.00; (ii) the test indicates a positive result on a National Institute on Drug Abuse five-drug panel utilizing the federal standards set forth in 49 CFR 40.87; or (iii) when a driver refuses testing. The notification to the Secretary must be submitted within 48 hours of the refusal of testing or the employer's receipt of the test results.

(c) The Secretary of State may adopt rules to implement this Section.

(d) The cost of a reasonable suspicion test shall be the responsibility of the employer, unless otherwise provided by contract or a collective bargaining agreement.

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"DUI Testers"

**625 ILCS 5/6-106.1, 625 ILCS 5/11-501.2, 625 ILCS 5/11-501.6,
625 ILCS 5/11-501.8**

Effective Date: 8/19/11

Public Act: 97-0450

House Bill: 1702

Synopsis:

Amends the Illinois Vehicle Code. Adds licensed physician assistants and licensed advanced practice nurses to the list of persons qualified to draw blood for alcohol and drug testing.

Excerpt from the Public Act not necessary.

"DUI Accident Testing"

625 ILCS 5/11-501.2, 625 ILCS 5/11-501.6

Effective Date: 8/22/2011

Public Act: 97-0471

House Bill: 1241

Synopsis:

Amends the Illinois Vehicle Code. Provides that if a law enforcement officer has probable cause to believe a person involved in a motor vehicle accident causing personal injury or death was under the influence of alcohol or drugs, the law enforcement officer shall request a chemical test.

Excerpt from the Public Act not necessary.

"Riding in Towed Vehicles"

625 ILCS 5/11-1408

Effective Date: 1/1/2012

Public Act: 97-0017

House Bill: 1315

Synopsis:

Amends the Illinois Vehicle Code in regard to riding in towed vehicles.

Excerpt from the Public Act.

(625 ILCS 5/11-1408) (from Ch. 95 1/2, par. 11-1408)

Sec. 11-1408. Riding in towed vehicles ~~house trailers~~. No person or persons shall occupy a ~~house trailer, semitrailer, farm wagon, or any other vehicle travel trailer~~ while it is being towed upon a public highway, unless:

(1) the occupancy of the towed vehicle is necessary to avoid an imminent threat to a person's safety due to extreme weather conditions or another emergency situation;

(2) the speed of the vehicle does not exceed 15 miles per hour and the vehicle is used in connection with a parade, farming-related activity, or similar activity; or

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(3) the speed of the vehicle does not exceed 15 miles per hour and the passenger is over the age of 18.
(Source: P.A. 81-969.)

“Emergency Lights Use”

625 ILCS 5/12-215

Effective Date: 1/1/12

Public Act: 97-0039

Senate Bill: 0039

Synopsis:

Amends the Illinois Vehicle Code. Provides that blue oscillating, rotating or flashing lights and flashing white headlights and blue grill lights on certain emergency vehicles may be lighted when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle accident.

Excerpt from the Public Act not necessary.

“Seatbelts Required”

625 ILCS 5/12-603.1

Effective Date: 1/1/2012

Public Act: 97-0016

House Bill: 0219

Synopsis:

Amends the Illinois Vehicle Code. Provides that every driver and passenger (rather than every driver, front seat passengers, and certain passengers under the age of 19) of a motor vehicle operated on a street or highway of this State must wear a properly adjusted safety belt, with specified exceptions. Adds the driver or passenger of an authorized emergency vehicle and a back seat passenger of a taxicab to the list of persons exempted from the requirement to wear a safety belt.

Excerpt from the Public Act not necessary.

“Video Devices”

625 ILCS 5/12-604.1

Effective Date: 1/1/2012

Public Act: 97-0499

House Bill: 3403

Synopsis:

Amends the Illinois Vehicle Code. Provides that the prohibition of operating a motor vehicle while a visual display for entertainment or business is visible to the driver while driving does not apply to a navigation display. Provides that the same prohibition does not apply to a television receiver, video monitor, television or video screen, or any other similar means of visually displaying a television broadcast or video signal if: (i) the equipment is permanently installed in the motor vehicle; and (ii) the moving entertainment images that the equipment displays are not visible to the driver while the motor vehicle is in motion.

Excerpt from the Public Act not necessary.

"Administrative Impound"
625 ILCS 5/11-208.7 New

Effective Date: 1/1/2012

Public Act: 97-0109

House Bill: 1220

Synopsis:

Amends the Illinois Vehicle Code. Provides that any municipality may, consistent with the new provision, establish by ordinance procedures for the release of properly impounded vehicles that were used in the commission of specified offenses and for the imposition of a reasonable administrative fee related to the municipality's administrative and processing costs associated with the removal, impoundment, storage, and release of the vehicle.

Excerpt from the Public Act.

(625 ILCS 5/11-208.7 new)

Sec. 11-208.7. Administrative fees and procedures for impounding vehicles for specified violations.

(a) Any municipality may, consistent with this Section, provide by ordinance procedures for the release of properly impounded vehicles and for the imposition of a reasonable administrative fee related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. The administrative fee imposed by the municipality may be in addition to any fees charged for the towing and storage of an impounded vehicle. The administrative fee shall be waived by the municipality upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded.

(b) Any ordinance establishing procedures for the release of properly impounded vehicles under this Section may impose fees for the following violations:

(1) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 1961; or

(2) driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of this Code; or

(3) operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or

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(4) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or

(5) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 1961; or

(6) driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of this Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or

(7) operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act; or

(8) operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of this Code, if the period of expiration is greater than one year; or

(9) operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 6-101 of this Code, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or

(10) operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of this Code; or

(11) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Criminal Code of 1961; or

(12) operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961, when so provided by local ordinance.

(c) The following shall apply to any fees imposed for administrative and processing costs pursuant to subsection

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(b) :

(1) All administrative fees and towing and storage charges shall be imposed on the registered owner of the motor vehicle or the agents of that owner.

(2) The fees shall be in addition to (i) any other penalties that may be assessed by a court of law for the underlying violations; and (ii) any towing or storage fees, or both, charged by the towing company.

(3) The fees shall be uniform for all similarly situated vehicles.

(4) The fees shall be collected by and paid to the municipality imposing the fees.

(5) The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle.

(d) Any ordinance establishing procedures for the release of properly impounded vehicles under this Section shall provide for an opportunity for a hearing, as provided in subdivision (b) (4) of Section 11-208.3 of this Code, and for the release of the vehicle to the owner of record, lessee, or a lienholder of record upon payment of all administrative fees and towing and storage fees.

(e) Any ordinance establishing procedures for the impoundment and release of vehicles under this Section shall include the following provisions concerning notice of impoundment:

(1) Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, the officer shall provide for the towing of the vehicle to a facility authorized by the municipality.

(2) At the time the vehicle is towed, the municipality shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing.

(3) The municipality shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the municipality a bond equal to the administrative fee as provided by

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ordinance and pays for all towing and storage charges.

(f) Any ordinance establishing procedures for the impoundment and release of vehicles under this Section shall include a provision providing that the registered owner or lessee of the vehicle and any lienholder of record shall be provided with a notice of hearing. The notice shall:

(1) be served upon the owner, lessee, and any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Secretary of State;

(2) be served upon interested parties within 10 days after a vehicle is impounded by the municipality; and

(3) contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.

(g) In addition to the requirements contained in subdivision (b) (4) of Section 11-208.3 of this Code relating to administrative hearings, any ordinance providing for the impoundment and release of vehicles under this Section shall include the following requirements concerning administrative hearings:

(1) administrative hearings shall be conducted by a hearing officer who is an attorney licensed to practice law in this State for a minimum of 3 years;

(2) at the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment;

(3) if the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure the release of the vehicle shall be forfeited to the municipality;

(4) all final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law; and

(5) unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the owner, lessee, or lienholder of record until all administrative fees and towing and storage charges are paid.

(h) Vehicles not retrieved from the towing facility or storage facility within 35 days after the administrative hearing officer issues a written decision shall be deemed

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abandoned and disposed of in accordance with the provisions of Article II of Chapter 4 of this Code.

(i) Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

“Uniform Speed Limit” 625 ILCS 11-601

Effective Date: 1/1/2012
Public Act: 97-0202

Senate Bill: 1913

Synopsis:

Amends the Illinois Vehicle Code. Provides that speed limits for first and second division vehicles on 4-lane highways outside the counties of Cook, DuPage, Kane, Lake, McHenry, and Will shall be uniform.

Excerpt from the Public Act not necessary.

“Rapid Transit Buses” 625 ILCS 5/11-709.1, 625 ILCS 5/11-709.2 New, 625 ILCS 5/1-209.3 New, 625 ILCS 5/11-709.3 New

Effective Date: 8/11/2011
Public Act: 97-0292

House Bill: 1884

Synopsis:

Provides that commencing on the effective date of this Act, the Department, in cooperation with the Regional Transportation Authority and the Illinois State Police, shall establish a 2-year pilot program within the boundaries of the Regional Transportation Authority for bus rapid transit on highways and shoulders. Provides that the Department may adopt rules as necessary to implement the bus rapid transit pilot program, and that the Department shall present to the General Assembly a report on the effectiveness of bus rapid transit at the conclusion of the 2-year pilot program.

Excerpt from the Public Act.

(625 ILCS 5/1-209.3 new)

Sec. 1-209.3. Transit bus. A bus engaged in public transportation as defined by the Regional Transportation Authority Act and authorized by the Department to be used on specifically designated roadway shoulders.

(625 ILCS 5/11-709.1) (from Ch. 95 1/2, par. 11-709.1)

Sec. 11-709.1. Driving on the shoulder.

(a) Vehicles shall be driven on a roadway, and shall only be driven on the shoulder for the purpose of stopping or accelerating from a stop while merging into traffic. It shall be a violation of this Section if while merging into traffic and while on the shoulder, the vehicle passes any other vehicle

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on the roadway adjacent to it.

(b) This Section shall not apply to any authorized emergency vehicle, to any authorized transit bus, to any farm tractor or implement of husbandry, to any service vehicle while engaged in maintenance of the highway or related work, or to any authorized vehicle within a designated construction zone. (Source: P.A. 95-785, eff. 8-7-08.)

(625 ILCS 5/11-709.2 new)

Sec. 11-709.2. Bus on shoulder pilot program.

(a) For purposes of this Section, "bus on shoulders" is the use of specifically designated shoulders of roadways by authorized transit buses. The shoulders may be used by transit buses at times and locations as set by the Department in cooperation with the Regional Transportation Authority and the Suburban Bus Division of the Regional Transportation Authority.

(b) Commencing on the effective date of this amendatory Act of the 97th General Assembly, the Department along with the Regional Transportation Authority and Suburban Bus Division of the Regional Transportation Authority in cooperation with the Illinois State Police shall establish a 5-year pilot program within the boundaries of the Regional Transportation Authority for transit buses on highways and shoulders. The pilot program may be implemented on shoulders of highways as designated by the Department in cooperation with the Regional Transportation Authority and Suburban Bus Division of the Regional Transportation Authority. The Department may adopt rules necessary for transit buses to use roadway shoulders.

(c) After the pilot program established under subsection

(b) of this Section has been operating for 2 years, the Department in cooperation with the Regional Transit Authority, the Suburban Bus Division of the Regional Transportation Authority, and the Illinois State Police shall issue a report to the General Assembly on the effectiveness of the bus on shoulders pilot program.

(625 ILCS 5/11-709.3 new)

Sec. 11-709.3. Transit buses on shoulders - toll highways.

The Illinois State Toll Highway Authority may allow transit buses to use the shoulders of highways under its jurisdiction as part of the bus on shoulder pilot program under Section 11-709.2 of this Code.

"Low Speed Vehicles"

625 ILCS 5/11-1426.1, 625 ILCS 5/11-1426.2

Effective Date: 7/14/2011

Public Act: 97-0144

Senate Bill: 1641

Synopsis:

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Amends the Illinois Vehicle Code. Removes reference to neighborhood vehicles from the definition of "non-highway vehicle". Provides that a unit of local government may authorize the operation of low-speed vehicles on streets that have a speed limit of more than 30 miles per hour but not greater than 35 miles per hour, provided that it first considers the volume, speed, and character of traffic on the street and whether low-speed vehicles may travel safely on that street. Provides that if a street is under the jurisdiction of more than one unit of government, each unit of government must agree to allow low-speed vehicles on that street. Provides that upon authorization of low-speed vehicles on a street, appropriate signs shall be posted. Removes signs or decal requirements for low-speed vehicles. Makes a change in a subsection reference so it conforms to the renumbered definition of "non-highway vehicle".

Excerpt from the Public Act not necessary.

"Traffic Cameras-Leased Vehicles" **625 ILCS 5/11-208**

Effective Date: 1/1/2012

Public Act: 97-0029

House Bill: 1593

Synopsis:

Provides that liability for an automated traffic law enforcement violation may be imposed on a vehicle lessee. Provides that an authority shall request the name and address of a lessee who has committed a traffic law enforcement system violation within 120 days. If there is any dispute as to whether the lessor of the motor vehicle timely provided the identity of the lessee to the appropriate authority, the lessor shall be afforded 30 extra days to supply the necessary information.

Excerpt from the Public Act not necessary.

"Vehicle Lengths" **625 ILCS 5/15-107**

Effective Date: 7/27/2011

Public Act: 97-0200

House Bill: 2836

Synopsis:

Amends the Illinois Vehicle Code. Provides that a truck tractor semitrailer may draw one converter dolly or one semitrailer. Provides that length restrictions applicable to truck tractor-semitrailer-trailer combinations shall also be applicable to truck tractor semitrailer-semitrailer combinations.

Excerpt from the Public Act not necessary.

"Vehicle Load" **625 ILCS 5/1-105.4 New, 625 ILCS 5/1-190.05, 625 ILCS 5/3-401, 625 ILCS 5/3-815, 625 ILCS 5/3-818, 625 ILCS 5/12-202, 625 ILCS 5/15-111, 625 ILCS 5/15-112, 625 ILCS 5/15-113, 625 ILCS 5/15-301, 625 ILCS 5/15-307**

Effective Date: 1/1/2011

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Public Act: 97-0201

Senate Bill: 1644

Synopsis: Amends the Illinois Vehicle Code. Defines "auxiliary power unit". Provides that trucks equipped with auxiliary power units may exceed weight limits by the lesser of the weight of the auxiliary power unit or 400 pounds, provided specified conditions are met. Provides that whenever the gross weight of a vehicle with a registered gross "weight of 77,000 pounds or less" exceeds certain weight limits by 2000 pounds or less, the owner or operator of the vehicle must remove the excess. Provides that whenever the gross weight of a vehicle with a registered gross "weight over 77,000 pounds or more" exceeds certain weight limits by 1,000 pounds or less or 2,000 pounds or less if weighed on wheel load weighers, the owner or operator of the vehicle must remove the excess.

Excerpt from the Public Act.

(625 ILCS 5/3-401) (from Ch. 95 1/2, par. 3-401)

Sec. 3-401. Effect of provisions.

- (2) If a vehicle and load are operated in this State and the appropriate fees and taxes have not been paid or the vehicle and load exceed the registered gross weight for which the required fees and taxes have been paid by 2001 pounds or more, the operator or owner shall be fined as provided in Section 15-113 of this Code. However, an owner or operator shall not be subject to arrest under this subsection for any weight in excess of 80,000 pounds. Further, ~~for any unregistered vehicle or vehicle displaying expired registration,~~ no fine shall exceed the actual cost of what the appropriate registration for that vehicle and load should have been as established in subsection (a) of Section 3-815 of this Chapter regardless of the route traveled. For purposes of this paragraph (2), "appropriate registration" means the full annual cost of the required registration and its associated fees.

"Endangered Prisoners"

730 ILCS 125/14

Effective Date: 1/1/2012

Public Act: 97-0104

House Bill: 0276

Synopsis:

Amends the County Jail Act. Provides that at any time, in the opinion of the Warden, the lives or health of the prisoners are endangered or the security of the penal institution is threatened to such a degree as to render their removal necessary, the Warden may cause an individual prisoner or group of prisoners to be removed to some suitable place within the county, or to the jail of some convenient county, where they may be confined until they can be safely returned to the place whence they were removed.

Excerpt from the Public Act not necessary.

"Good Samaritan Act"

745 ILCS 49/10

Effective Date: 7/18/2011

Public Act: 97-0150

House Bill: 1549

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Synopsis:

Amends the Good Samaritan Act.

Excerpt from the Public Act.

(745 ILCS 49/10)

Sec. 10. Cardiopulmonary resuscitation; exemption from civil liability for emergency care. Any person trained currently certified in basic cardiopulmonary resuscitation who has successfully completed training in accordance with the standards of the American Red Cross or the American Heart Association and ~~complies with generally recognized standards,~~ ~~and~~ who in good faith, not for compensation, provides emergency cardiopulmonary resuscitation in accordance with his or her training to a person who is an apparent victim of acute cardiopulmonary insufficiency shall not, as the result of his or her acts or omissions in providing resuscitation, be liable for civil damages, unless the acts or omissions constitute willful and wanton misconduct.

(Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

"Laser at Aircraft"

720 ILCS 5/24.6-5, 720 ILCS 5/24 6-25 New

Effective Date: 1/1/2012

Public Act: 97-0153

House Bill: 0167

Synopsis:

Amends the Criminal Code of 1961. Prohibits knowingly discharging a laser into the cockpit of an aircraft in the process of taking off, landing, or while in flight. Provides that the penalty is a Class A misdemeanor. Defines "aircraft" and "laser".

Excerpt from the Public Act not necessary.

"Sex Offender Registration"

730 ILCS 150/3

Effective Date: 1/1/2012

Public Act: 97-0155

House Bill: 0295

Synopsis:

Amends the Sex Offender Registration Act. Provides that a sex offender shall also register with the public safety or security director of the institution of higher education which he or she is employed at or attends. Provides that the registration fees shall only apply to the municipality or county of primary registration, and not to campus registration.

Excerpt from the Public Act not necessary.

**“Sex Crimes – Health Care License”
20 ILCS 2105-165 New**

Effective Date: 8/20/2011

Public Act: 97-0156

House Bill: 1271

Synopsis:

Provides that no person who has been convicted of any specified offense or is required to register as a sex offender may receive a license as a health care worker in Illinois. Provides that a chaperone must be a licensed health care worker and the chaperone shall provide written notice to all the health care worker's patients explaining the Department's order to use a chaperone. Provides that each patient shall sign an acknowledgement that they received the notice. Provides that the notice to the patient of criminal charges shall include a statement that the health care worker is presumed innocent until proven guilty. Provides that the Department may adopt rules necessary to implement the provisions. Makes other changes.

Excerpt from the Public Act not necessary.

**“Child Porn”
720 ILCS 5/11-20.1**

Effective Date: 1/1/2012

Public Act: 97-0157

House Bill: 3283

Synopsis:

Amends the Criminal Code of 1961 in relation to child pornography. Provides that the commission of the offense by filming or videotaping or creating a moving image or possession of such films, videotapes, or moving images is a felony one class higher than photographing or possessing photographs of child pornography. Provides that telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under the child pornography statute

Excerpt from the Public Act not necessary.

**“Firearm Prohibition”
430 ILCS 65/4, 430 ILCS 65/8, 725 ILCS 5/112A-14, 750 ILCS
60/214**

Effective Date: 1/1/2012

Public Act: 97-0158

House Bill: 3365

Synopsis:

Amends the Domestic Violence: Order of Protection Article of the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that a respondent against whom an order of protection was issued against shall not possess any firearms and shall surrender his or her Firearm Owner's Identification Card during the duration of the order where 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

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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.

Excerpt from the Public Act not necessary.

“Child Abduction” **720 ILCS 5/10-5**

Effective Date: 1/1/2012

Public Act: 97-0160

Senate Bill: 1038

Synopsis:

Amends the Criminal Code of 1961 relating to the offense of child abduction. Adds definitions of "express consent", "luring", and "unlawful purpose". Changes provision that the luring or attempted luring of a child under the age of 16 into a motor vehicle, building, housetrailer, or dwelling place without the consent of the child's parent or lawful custodian is prima facie evidence of other than a lawful purpose. Provides that the trier of fact may infer that such luring without the express consent of the child's parent or lawful custodian or with the intent to avoid the express consent of the child's parent or lawful custodian was for other than a lawful purpose. Provides that a person convicted of this form of child abduction shall undergo a sex offender evaluation prior to a sentence being imposed. Provides that this form of child abduction when a person has a prior conviction of a sex offense as defined in the Sex Offender Registration Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign government offense is a Class 2 felony.

Excerpt from the Public Act not necessary.

“Aggravated Intimidation” **720 ILCS 5/12-6.2**

Effective Date: 1/1/2012

Public Act: 97-0162

Senate Bill: 1739

Synopsis:

Amends the Criminal Code of 1961. Provides that in addition to other elements of the offense a person commits aggravated intimidation when he or she commits the offense of intimidation and the person knew that the victim was a civilian reporting information regarding a forcible felony to a law enforcement agency and the offense was committed because the person reported information regarding a forcible felony to a law enforcement agency.

Excerpt from the Public Act not necessary.

“Trespass Exemption” **720 ILCS 5/21-3**

Effective Date: 7/22/2011

Public Act: 97-0184

Senate Bill: 1554

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Synopsis:

Provides that the criminal trespass to real property statute does not apply to: (1) a person authorized to serve process under the Code of Civil Procedure; or (2) a special process server appointed by the circuit court.

Excerpt from the Public Act not necessary.

"False Child Abuse Report"

325 ILCS 5/4, 325 ILCS 5/7, 325 ILCS 5/7.6

Effective Date: 7/22/2011

Public Act: 97-0189

Senate Bill: 1950

Synopsis:

Amends the Abused and Neglected Child Reporting Act. Enhances the criminal penalty for persons who knowingly transmit a false report of child abuse or neglect to the Department of Children and Family Services.

Excerpt from the Public Act not necessary.

"Drug Induced Homicide"

720 ILCS 5/9-3.3

Effective Date: 7/22/2011

Public Act: 97-0191

House Bill: 0021

Synopsis:

Amends the Criminal Code of 1961. Provides that a person also commits the offense of drug induced homicide by causing another person's death through absorption of an unlawfully delivered controlled substance.

Excerpt from the Public Act not necessary.

"False Personation"

720 ILCS 5/17-2, 720 ILCS 5/32-5

Effective Date: 1/1/12

Public Act: 97-219

Senate Bill: 0064

Synopsis:

Amends the Criminal Code of 1961. Provides that in addition to other violations, a person commits a false personation when he or she knowingly and falsely represents himself or herself to be: (1) another actual person and does an act in such assumed character with intent to intimidate, threaten, injure, defraud, or to obtain a benefit from another; or (2) a representative of an actual person or organization and does an act in such false capacity with intent to obtain a benefit or to injure or defraud another. Provides that a violation may be accomplished in person or by any means of communication, including but not limited to the use of an Internet website or any form of electronic communication. Provides that the trier of fact may infer that a person falsely represents himself or herself to be a public officer or a public employee or an official or employee of the federal government if the person: (1) wears or displays without authority any

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uniform, badge, insignia, or facsimile thereof by which a public officer or public employee or official or employee of the federal government is lawfully distinguished; or (2) falsely expresses by word or action that he or she is a public officer or public employee or official or employee of the federal government and is acting with approval or authority of a public agency or department.

Excerpt from the Public Act not necessary.

"Aggravated Assault" **720 ILCS 5/12-2**

Effective Date: 7/28/2011
Public Act: 97-0225

Senate Bill: 1754

Synopsis:

Amends the Criminal Code of 1961. Includes in the offense of aggravated assault, the assault of an employee of a county juvenile detention center who provides direct and continuous supervision of residents of a juvenile detention center, including an employee of a county juvenile detention center who supervises recreational activity for residents of a juvenile detention center.

Excerpt from the Public Act not necessary.

"False Documents" **720 ILCS 5/17-3**

Effective Date: 1/1/2012
Public Act: 97-0231

Senate Bill: 2027

Synopsis:

Amends the Criminal Code of 1961. Provides that a person commits forgery when, with intent to defraud, he or she knowingly makes a false document or alters any document to make it false and that document is apparently capable of defrauding another (rather than knowingly makes or alters a document apparently capable of defrauding another in such manner that it purports to have been made by another or at another time, or with different provisions, or by authority of one who did not give such authority). Defines "false document" or "document that is false" to include a document whose contents are false in some material way, or that purports to have been made by another or at another time, or with different provisions, or by authority of one who did not give such authority.

Excerpt from the Public Act not necessary.

"Mandated Reporters" **325 ILCS 5/4**

Effective Date: 1/1/2012
Public Act: 97-0254

House Bill: 2093

Synopsis:

Provides that any physician, physician's assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, social worker, or licensed professional counselor of any office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives having

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reasonable cause to believe a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department of Children and Family Services. Adds language providing that any office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives shall provide to all office personnel copies of written information and training materials about abuse and neglect and the requirements of this Act that are provided to employees of the office, clinic, or physical location who are required to make reports to the Department under this Act, and instruct such office personnel to bring to the attention of an employee of the office, clinic, or physical location who is required to make reports to the Department under this Act any reasonable suspicion that a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child.

Excerpt from the Public Act not necessary.

"Mandated Reporters"

325 ILCS 5/4, 325 ILCS 5/7, 325 ILCS 5/10

Effective Date: 8/15/2011

Public Act: 97-0387

Senate Bill: 0106

Synopsis:

Amends the Abused and Neglected Child Reporting Act. Provides that the privileged quality of communication between any professional person required to report a suspected case of child abuse or neglect and his or her patient or client shall not constitute grounds for failure to share information or documents with the Department of Children and Family Services during the course of a child abuse or neglect investigation. Provides that written reports from persons required to report shall be admissible in evidence in any judicial proceeding or administrative hearing (rather than judicial proceeding) relating to child abuse or neglect. Provides that evidence shall not be excluded by reason of any common law or statutory privilege relating to communications between the alleged perpetrator of abuse or neglect, or the child subject of the report and any person who is required to report a suspected case of abuse or neglect under the Act or the person making or investigating the report. Provides that if requested by a professional required to report an abused or neglected child, the Department of Children and Family Services shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation.

Excerpt from the Public Act not necessary.

"Safe Haven"

325 ILCS 2/10

Effective Date: 8/11/2011

Public Act: 97-0293

House Bill: 0106

Synopsis:

Changes the definition of "police station" to mean a municipal police station, a county sheriff's office, a campus police department located on any college or university owned or controlled by the State or any private college or private university that is not owned or controlled by the State when employees of the campus police department are present, or any of the district headquarters of the Illinois State Police

Excerpt from the Public Act not necessary.

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“Stalking-No Contact Orders”

740 ILCS 22/213, 750 ILCS 60/214, 740 ILCS 22/220, 740 ILCS 21/80, 750 ILCS 60/223

Effective Date: 1/1/12

Public Act: 97-0294

House Bill:0192

Synopsis:

Amends the Stalking No Contact Order Act, the Civil No Contact Order Act, and the Illinois Domestic Violence Act of 1986. Provides that when the respondent attends a public, private, or non-public elementary, middle, or high school the court may tailor the order protecting a petitioner after considering all relevant factors including the physical danger or emotional distress to the petitioner, the severity of the act, and all factors relating to the education of a petitioner and respondent. Provides that the court may order that the respondent accept a change of educational placement or program, as determined by the school district or private or non-public school. Provides that if a respondent claims that an educational transfer, a change of placement, or a change of program of the respondent is not available, the respondent may not base that assertion on the grounds that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or that the respondent fails, refuses, or take actions for a transfer, change of placement, or change of program. Provides that the court may make the parents, guardian, or legal custodian of the respondent responsible for costs associated with the respondent's placement under the order. Provides that, with respect to the enforcement of an order, the court: (i) shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or non-public school has been allowed to intervene; and (ii) may hold the parents, guardian, or legal custodian of the minor respondent in civil or criminal contempt for a violation of an order for conduct of the minor in violation of the Act if the parents, guardian, or legal custodian directed, encouraged, or assisted the minor in the conduct. Makes other changes.

Excerpt from the Public Act not necessary.

“Third Party Stalkers”

720 ILCS 5/12-7.3, 720 ILCS 5/12-7.4, 720 ILCS 5/12-7.5, 720 ILCS 5/12-30

Effective Date: 8/11/2011

Public Act: 97-0311

Senate Bill: 2267

Synopsis:

Amends the Criminal Code of 1961 concerning the offenses of stalking, aggravated stalking, cyberstalking, and violation of an order of protection. Provides that a defendant who directed the actions of a third party to commit any of these offenses, under the principles of accountability set forth in the Criminal Code of 1961, is guilty of the offense 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.

Excerpt from the Public Act not necessary.

“Aggravated Assault”

720 ILCS 5/12-2, 720 ILCS 5/12-4

Effective Date: 1/1/12

Public Act: 97-0313

Senate Bill: 2004

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Synopsis:

Amends the Criminal Code of 1961. Provides that assault and battery are enhanced to aggravated assault and aggravated battery if the defendant knows the individual assaulted or harmed to be a person authorized to serve process under the Code of Civil Procedure or a special process server appointed by the circuit court; while that individual is in the performance of his or her duties as a process server.

Excerpt from the Public Act not necessary.

"Delivery of Stolen Firearm"

720 ILCS 5/16-16, 720 ILCS 5/16-16.1, 720 ILCS 5/24-3

Effective Date: 1/1/2012

Public Act: 97-0347

House Bill: 3431

Synopsis:

Amends the Criminal Code of 1961. Eliminates delivery as an element of possession of a stolen firearm and as an element of aggravated possession of a stolen firearm. In the statute concerning the aggravated possession of a stolen firearm, changes a reference from more than 31 firearms to 31 or more firearms. Establishes the elements of those offenses in the statute concerning unlawful sale of firearms. Changes the name of the offense to unlawful sale or delivery of firearms.

Excerpt from the Public Act not necessary.

"Funeral Conduct"

720 ILCS 5/26-6

Effective Date: 8/15/2011

Public Act: 97-0359

House Bill: 0180

Synopsis:

Amends the Criminal Code of 1961 relating to the offense of disorderly conduct at a funeral or memorial service. Restores the 30 minute period before and after the funeral or memorial service in which the specified conduct is prohibited. Provides that the prohibited activity may not be conducted within 300 feet of the ingress or egress of the funeral site.

Excerpt from the Public Act not necessary.

"Radio Device Receiver Identity Theft"

720 ILCS 5/16G-10, 720 ILCS 5/16G-15, 720 ILCS 5/16G-20

Effective Date: 1/1/2012

Public Act: 97-0388

Senate Bill: 0151

Synopsis:

Amends the Criminal Code of 1961. Provides that a person commits identity theft when he or she knowingly uses, possesses, or transfers a radio frequency identification device capable of obtaining or processing personal identifying information from a radio frequency identification (RFID) tag or transponder with knowledge that the device will be used by the person or another to commit a felony

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violation of State law or any violation of the Identity Theft Law. Provides that, in addition to other elements of the offense, aggravated identity theft consists of the proscribed conduct. Establishes penalties.

Excerpt from the Public Act not necessary.

"Child Murderer Registration"

730 ILCS 154/5

Effective Date: 8/16/11

Public Act: 97-0432

Senate Bill: 2270

Synopsis:

Amends the Child Murderer and Violent Offender Against Youth Registration Act. Provides for limited retroactive application of registration to certain specified offenses.

Excerpt from the Public Act not necessary.

"Re-opening of Closed Cases"

725 ILCS 120/4.5

Effective Date: 1/1/12

Public Act: 97-0457

Senate Bill: 1043

Synopsis:

Amends the Rights of Crime Victims and Witnesses Act. Provides that when law enforcement authorities re-open a closed case to resume investigating, they shall provide notice of the re-opening of the case, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation.

Excerpt from the Public Act not necessary.

"Military Re-enactor Firearms"

720 ILCS 5/24-2

Effective Date: 8/22/11

Public Act: 97-0465

House Bill: 0143

Synopsis:

Amends the Criminal Code of 1961. Exempts, from provisions prohibiting the sale, manufacture, purchase, possession, or carrying of specified weapons, an active member of a bona fide, nationally recognized military re-enacting group possessing a vintage rifle or modern reproduction thereof with a barrel or barrels less than 16 inches in length for the purpose of using the rifle during historical re-enactments. Reinserts the provisions of the bill but places the new exemption for persons who have been issued a Curios and Relics license from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives before the re-enactment exemption.

Excerpt from the Public Act.

(720 ILCS 5/24-2)

Sec. 24-2. Exemptions.

(c) Subsection 24-1(a)(7) does not apply to or affect any

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of the following:

(7) An active member of a bona fide, nationally recognized military re-enacting group possessing a vintage rifle or modern reproduction thereof with a barrel or barrels less than 16 inches in length for the purpose of using the rifle during historical re-enactments 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 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.

"Torture"

720 ILCS 5/12-4

Effective Date: 1/1/12

Public Act: 97-0467

House Bill: 0233

Synopsis:

Amends the Criminal Code of 1961. Provides that aggravated battery that causes great bodily harm or permanent disability or disfigurement is a Class X felony when the aggravated battery was intentional and involved the infliction of torture as the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the victim.

Excerpt from the Public Act not necessary.

"Aggravated Stalking"

720 ILCS 5/12-7.4

Effective Date: 1/1/12

Public Act: 97-0468

House Bill: 0277

Synopsis:

Amends the Criminal Code of 1961. Provides that in addition to other elements of the offense a person commits aggravated stalking when he or she is required to register under the Sex Offender Registration Act or has been previously required to register under that Act and commits the offense of stalking when the victim of the stalking is also the victim of the offense for which the sex offender is required to register under the Sex Offender Registration Act or a family member of the victim.

Excerpt from the Public Act.

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(720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

(Text of Section after amendment by P.A. 96-1551)

Sec. 12-7.4. Aggravated stalking.

(a) A person commits aggravated stalking when he or she commits stalking and:

(1) causes bodily harm to the victim;

(2) confines or restrains the victim; or

(3) violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b) (1) of Section 214 of the Illinois Domestic Violence Act of 1986.

(a-1) A person commits aggravated stalking when he or she is required to register under the Sex Offender Registration Act or has been previously required to register under that Act and commits the offense of stalking when the victim of the stalking is also the victim of the offense for which the sex offender is required to register under the Sex Offender Registration Act or a family member of the victim.

"Safe School Zones"

720 ILCS 5/21-5.5 New

Effective Date: 1/1/12

Public Act: 97-0547

House Bill: 0078

Synopsis:

Amends the School Code and the Criminal Code of 1961.

Excerpt from the Public Act.

(720 ILCS 5/21-5.5 new)

Sec. 21-5.5. Criminal trespass to a safe school zone.

(a) As used in this Section:

"Employee" means a person employed by a school whose relationship with that agency constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor. "Employee" includes, but is not limited to, a teacher, student teacher, aide, secretary, custodial engineer, coach, or his or her designee.

"School administrator" means the school's principal, or his or her designee.

"Safe school zone" means an area that encompasses any of the following places during regular school hours or within 60 minutes before or after the school day or 60 minutes before or after a school-sponsored activity. This shall include any

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school property, ground, or street, sidewalk, or public way immediately adjacent thereto and any public right-of-way situated immediately adjacent to school property. The safe school zone shall not include any portion of the highway not actually on school property.

"School activity" means and includes any school session, any extracurricular activity or event sponsored by or participated in by the school, and the 60-minute periods immediately preceding and following any session, activity, or event.

"Student" means any person enrolled or previously enrolled in a school.

(b) A person commits the offense of criminal trespass to a safe school zone when he or she knowingly:

(1) enters or remains in a safe school zone without lawful business, when as a student or employee, who has been suspended, expelled, or dismissed for disrupting the orderly operation of the school, and as a condition of the suspension or dismissal, has been denied access to the safe school zone for the period of the suspension or in the case of dismissal for a period not to exceed the term of expulsion, and has been served in person or by registered or certified mail, at the last address given by that person, with a written notice of the suspension or dismissal and condition; or

(2) enters or remains in a safe school zone without lawful business, once being served either in person or by registered or certified mail that his or her presence has been withdrawn by the school administrator, or his or her designee, and whose presence or acts interfere with, or whenever there is reasonable suspicion to believe, such person will disrupt the orderly operation, or the safety, or peaceful conduct of the school or school activities. This clause (b) (2) has no application to conduct protected by the Illinois Educational Labor Relations Act or any other law applicable to labor relations. This clause (b) (2) has no application to conduct protected by the First Amendment to the Constitution of the United States or Article I of the Illinois Constitution, including the exercise of free speech, free expression, and the free exercise of religion or expression of religiously based views.

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(c) Sentence. Criminal trespass to a safe school zone is a Class A misdemeanor.

"False Complaints Against Police"

50 ILCS 725/3.8

Effective Date: 8/22/2011

Public Act: 97-0472

House Bill: 1985

Synopsis:

Amends the Uniform Peace Officers' Disciplinary Act.

Excerpt from the Public Act.

(50 ILCS 725/3.8) (from Ch. 85, par. 2561)

Sec. 3.8. Admissions; counsel; verified complaint.

(a) No officer shall be interrogated without first being advised in writing that admissions made in the course of the interrogation may be used as evidence of misconduct or as the basis for charges seeking suspension, removal, or discharge; and without first being advised in writing that he or she has the right to counsel of his or her choosing who may be present to advise him or her at any stage of any interrogation.

(b) Anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit. Any complaint, having been supported by a sworn affidavit, and having been found, in total or in part, to contain knowingly false material information, shall be presented to the appropriate State's Attorney for a determination of prosecution.

"Trespass Posting"

730 ILCS 5/21-3

Effective Date: 8/22/11

Public Act: 97-0477

Senate Bill: 1914

Synopsis:

Amends the Criminal Code of 1961 relating to criminal trespass to real property. Provides that notice that entry to the property is forbidden may be posted by the owner or lessee of the property by placing identifying purple marks on trees or posts around the area to be posted. Provides that any owner or lessee who marks his or her real property using the method of purple marking on trees or posts around the area to be posted must also provide the oral or written notice described in the statute concerning criminal trespass to real property.

Excerpt from the Public Act not necessary.

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"Sex Offenders"

730 ILCS 150/5-7 New, 730 ILCS 150/2, 730 ILCS 150/3, 730 ILCS 150/3-5, 730 ILCS 150/7

Effective Date: 1/1/2012

Public Act: 97-0578

House Bill: 1253

Synopsis:

Provides that a sex offender or sexual predator, who has never previously been required to register under the Act, has a duty to register if the person has been convicted of any felony offense after July 1, 2011.

Provides that a person who previously was required to register under the Act for a period of 10 years and successfully completed that registration period has a duty to register if: (1) the person has been convicted of any felony offense after July 1, 2011, and (2) the offense for which the 10 year registration was served currently requires a registration period of more than 10 years.

Excerpt from the Public Act not necessary.

"FOIA-FOID Exemption"

5 ILCS 140/7.5

Effective Date: 7/5/2011

Public Act: 97-0080

House Bill: 3500

Synopsis:

Amends the Freedom of Information Act. Provides that the names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act are exempt from inspection and copying, except in criminal investigations as otherwise provided for in that Act.

Excerpt from the Public Act not necessary.

"Exploitation of Elderly"

730 ILCS 5/5-5-6

Effective Date: 1/1/2012

Public Act: 97-0482

House Bill: 1689

Synopsis:

Amends the Criminal Code of 1961 relating to financial exploitation of an elderly person or a person with a disability. Provides that the offense is a Class 1 felony if the value of the property is \$50,000 (rather than \$100,000) or more. Amends the Unified Code of Corrections relating to restitution. Permits restitution payments for financial exploitation of an elderly person or a person with a disability to be made in excess of 5 years.

Excerpt from the Public Act not necessary.