

93rd General Assembly - 2003 Legislative Update

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Acknowledgments

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PLEASE TAKE NOTE

This legislative update has been provided as in informational document regarding criminal justice related legislation acted upon during the 2003 Spring Session of the 93rd General Assembly. DO NOT attempt to take enforcement action based solely upon the description of any new law or statutory change described herein. Enforcement action should be based upon review and understanding of the actual statutory language contained in the public act or a revised statutory document containing the new laws (new Vehicle Code or Criminal Code publication). Please contact the Office of Governmental Affairs (217) 782-0132 if you have any further questions.

Numerical Listing of Legislation

<u>Bill#</u>	<u>Page#</u>	<u>Location</u>	<u>Public Act</u>	<u>Eff. Date</u>
HB 16	1	Children & Juvenile Law	93-0116	07/10/2003
HB 32	26	Miscellaneous	93-0117	01/01/2004
HB 44	31	Vehicle Code	93-0118	01/01/2004
HB 51	22	Elderly	93-0299	01/01/2004
HB 56	6	Corrections	93-0078	01/01/2004
HB 59	2	Children & Juvenile Law	Total Veto	07/24/2003
HB 85	22	Elderly	93-0300	01/01/2004
HB 87	23	Elderly	93-0301	01/01/2004
HB 92	32	Vehicle Code	93-0120	01/01/2004
HB 105	29	Open Meetings Act	93-0079	07/02/2003
HB 123	32	Vehicle Code	93-0080	07/02/2003
HB 136	32	Vehicle Code	93-0513	01/01/2004
HB 184	1	Animals	93-548	08/19/2003
HB 206	18	Domestic Violence	93-0359	01/01/2004
HB 218	32	Vehicle Code	Total Veto	07/22/2003
HB 223	14	Criminal Procedure	93-0206	07/18/2003
HB 249	10	Criminal Law	93-0083	07/02/2003
HB 259	6	Consumer Fraud	93-0231	01/01/2004

HB 263	26	Miscellaneous	93-0250	07/22/2003
HB 298	32	Vehicle Code	93-0086	01/01/2004
HB 300	9	Counties	93-0362	07/24/2003
HB 312	24	Firearms	93-0451	08/07/2003
HB 313	33	Vehicle Code	Amendatory Veto	08/01/2003
HB 338	29	Sex Offenses & Offenders	93-0309	01/01/2004
HB 345	2	Children & Juvenile Law	93-0310	07/23/2003
HB 361	33	Vehicle Code	Total Veto	08/14/2003
HB 385	33	Vehicle Code	93-0173	07/11/2003
HB 405	11	Criminal Law	93-0329	07/24/2003
HB 499	34	Vehicle Code	93-0174	01/01/2004
HB 506	14	Criminal Procedure	93-0254	01/01/2004
HB 515	24	Firearms	Total Veto	08/12/2003
HB 524	2	Children & Juvenile Law	93-0255	01/01/2004
HB 525	31	State's Attorneys	93-0311	01/01/2004
HB 532	14	Criminal Procedure	93-0232	01/01/2004
HB 536	18	Domestic Violence	93-0416	01/01/2004
HB 538	15	Criminal Procedure	93-0257	07/22/2003
HB 539	26	Freedom of Information	93-0043	07/01/2003
HB 548	11	Criminal Law	93-0191	07/14/2003
HB 556	3	Children & Juvenile Law	93-0105	07/08/2003

HB 558	15	Criminal Procedure	93-0417	08/05/2003
HB 561	19	Drugs & Alcohol	93-0594	01/01/2004
HB 563	15	Criminal Procedure	93-0443	08/05/2003
HB 564	15	Criminal Procedure	93-0418	01/01/2004
HB 567	42	Victims	93-0258	01/01/2004
HB 569	11	Criminal Law	93-0207	01/01/2004
HB 571	7	Corrections	93-0419	01/01/2004
HB 572	19	Drugs & Alcohol	93-0044	07/01//2003
HB 715	34	Vehicle Code	93-0584	08/22/2003
HB 954	26	Freedom of Information	93-0422	08/05/2003
HB 1089	1	Animals	93-0192	07/14/2003
HB 1157	3	Children & Juvenile Law	93-0108	01/01/2004
HB 1186	34	Vehicle Code	Total Veto	07/28/2003
HB 1189	34	Vehicle Code	93-0312	01/01/2004
HB 1237	19	Drugs & Alcohol	93-0156	01/01/2004
HB 1274	35	Vehicle Code	93-0365	07/24/2003
HB 1279	27	Miscellaneous	93-0159	01/01/2004
HB 1280	7	Corrections	93-160	07/10/2003
HB 1284	3	Children & Juvenile Law	93-0137	07/10/2003
HB 1359	42	Victims	93-0235	07/22/2003
HB 1377	24	Firearms	93-0162	07/10/2003

HB 1389	35	Vehicle Code	93-0140	01/01/2004
HB 1400	30	Sex Offenses & Offenders	93-0236	01/01/2004
HB 1448	11	Criminal Law	93-0239	07/22/2003
HB 1482	25	Fireworks	93-0263	07/22/2003
HB 1486	13	Criminal Law	Total Veto	08/01/2003
HB 1491	35	Vehicle Code	93-0408	08/04/2003
HB 1536	25	Firearms	93-0367	01/01/2004
HB 1574	36	Vehicle Code	93-0447	01/01/2004
HB 1632	6	Consumer Fraud	93-0194	07/14/2003
HB 2188	11	Criminal Law	93-0195	01/01/2004
HB 2203	3	Children & Juvenile Law	93-0145	07/10/2003
HB 2301	36	Vehicle Code	93-0177	07/11/2003
HB 2330	27	Miscellaneous	93-0425	01/01/2004
HB 2441	6	Consumer Fraud	93-0400	01/01/2004
HB 2446	12	Criminal Law	93-0335	07/24/2003
HB 2453	7	Corrections	Total Veto	08/08/2003
HB 2525	19	Domestic Violence	93-0336	01/01/2004
HB 2526	16	Criminal Procedure	93-0413	08/05/2003
HB 2529	27	Miscellaneous	93-0337	01/01/2004
HB 2653	12	Criminal Law	93-0339	07/24/2003
HB 2700	27	ISP Appropriation	Reduction Veto	07/03/2003

HB 2840	36	Vehicle Code	93-0476	08/08/2003
HB 2841	20	Drugs & Alcohol	93-0111	07/08/2003
HB 2843	20	Drugs & Alcohol	93-0596	08/26/2003
HB 2844	20	Drugs & Alcohol	93-0340	07/24/2003
HB 2863	3	Children & Juvenile Law	93-0148	07/10/2003
HB 2895	4	Children & Juvenile Law	Total Veto	08/07/2003
HB 2902	4	Children & Juvenile Law	93-0431	08/05/2003
HB 2955	27	Miscellaneous	93-0448	08/06/2003
HB 3053	16	Criminal Procedure	93-0496	01/01/2004
HB 3063	37	Vehicle Code	93-0344	01/01/2004
HB 3072	20	Drugs & Alcohol	93-0516	01/01/2004
HB 3086	12	Criminal Law	93-0449	01/01/2004
HB 3091	12	Criminal Law	93-0169	07/10/2003
HB 3106	37	Vehicle Code	93-0456	08/08/2003
HB 3141	9	Counties	93-0409	08/04/2003
HB 3215	13	Criminal Law	93-0178	07/11/2003
HB 3387	20	Drugs & Alcohol	93-0546	01/01/2004
HB 3486	19	Domestic Violence	93-0591	08/25/2003
HB 3501	19	Domestic Violence	93-0458	01/01/2004
HB 3504	16	Criminal Procedure	93-0371	01/01/2004
HB 3528	21	Drugs & Alcohol	93-0588	01/01/2004

HB 3540	37	Vehicle Code	93-0172	07/10/2003
HB 3556	30	Sex Offenses & Offenders	Amendatory Veto	08/26/2003
SB 2	27	Miscellaneous	93-0006	01/01/2004
SB 15	16	Criminal Procedure	93-0517	08/06/2003
SB 30	37	Vehicle Code	93-0209	07/18/2003
SB 43	17	Criminal Procedure	93-0373	01/01/2004
SB 50	38	Vehicle Code	93-0099	07/03/2003
SB 52	4	Children & Juvenile Law	93-0100	07/03/2003
SB 58	38	Vehicle Code	93-0101	01/01/2004
SB 96	21	Drugs & Alcohol	93-0213	07/18/2003
SB 110	4	Children & Juvenile Law	93-0151	07/10/2003
SB 150	38	Vehicle Code	Amendatory Veto	08/25/2003
SB 211	31	State's Attorneys	93-0394	07/29/2003
SB 240	23	Elderly	93-0542	01/01/2004
SB 242	13	Criminal Law	93-0401	07/31/2003
SB 265	13	Criminal Law	93-0520	08/12/2003
SB 267	9	Counties	93-0558	12/01/2003
SB 272	39	Vehicle Code	Amendatory Veto	08/19/2003
SB 277	7	Corrections	93-0379	07/24/2003
SB 280	7	Corrections	93-0216	01/01/2004

SB 291	9	Counties Code	93-0386	07/25/2003
SB 311	40	Vehicle Code	93-0180	07/11/2003
SB 319	23	Elderly	Amendatory Veto	08/22/2003
SB 329	6	Consumer Fraud	93-0459	01/01/2004
SB 330	40	Vehicle Code	Total Veto	07/29/2003
SB 382	24	Firearms	Total Veto	08/07/2003
SB 387	1	Animals	93-0388	07/25/2003
SB 404	5	Children & Juvenile Law	93-0462	08/08/2003
SB 406	30	Sex Offenses & Offenders	93-0389	07/25/2003
SB 407	13	Criminal Law	93-0463	08/08/2003
SB 423	7	Corrections	93-0210	07/18/2003
SB 424	21	Drugs & Alcohol	93-0354	09/01/2003
SB 472	18	Death Penalty Reform	Amendatory Veto	07/29/2003
SB 487	27	Miscellaneous	93-0438	08/05/2003
SB 563	40	Vehicle Code	Amendatory Veto	07/29/2003
SB 600	28	Miscellaneous	93-0581	01/01/2004
SB 616	9	Counties	93-0011	06/04/2003
SB 639	10	Counties	Amendatory Veto	08/25/2003
SB 642	21	Drugs & Alcohol	93-0526	08/12/2003
SB 686	25	Firearms	93-0439	08/05/2003
SB 690	26	Freedom of Information	93-0466	01/01/2004

SB 788	17	Criminal Procedure	93-0211	01/01/2004
SB 880	21	Drugs & Alcohol	93-0392	07/25/2003
SB 946	29	Peace Officers	93-0592	01/01/2004
SB 1030	21	Drugs & Alcohol	93-0284	01/01/2004
SB 1035	30	Sex Offenses & Offenders	93-0356	01/01/2004
SB 1053	13	Criminal Law	93-0440	08/05/2003
SB 1093	41	Vehicle Code	93-0181	01/01/2004
SB 1098	28	Miscellaneous	93-0507	08/11/2003
SB 1117	41	Vehicle Code	93-0182	07/11/2003
SB 1175	41	Vehicle Code	93-0276	01/01/2004
SB 1199	22	Drugs & Alcohol	93-0184	01/01/2004
SB 1204	29	Open Meetings Act	93-0057	07/01/2003
SB 1342	8	Corrections	93-0473	08/08/2003
SB 1440	17	Criminal Procedure	93-0493	01/01/2004
SB 1453	41	Vehicle Code	93-0186	01/01/2004
SB 1457	8	Corrections	93-0475	08/08/2003
SB 1458	5	Children & Juvenile Law	93-0576	01/01/2004
SB 1468	22	Drugs & Alcohol	93-0278	01/01/2004
SB 1493	22	Drugs & Alcohol	93-0551	08/19/2003
SB 1503	5	Children & Juvenile Law	93-294	01/01/2004
SB 1543	23	Elderly	93-0577	08/21/2003

SB 1578	22	Drugs & Alcohol	93-0297	01/01/2004
SB 1581	42	Vehicle Code	93-0187	07/11/2003
SB 1586	29	Open Meetings Act	93-0523	01/01/2004
SB 1650	5	Children & Juvenile Law	93-0539	08/18/2003
SB 1793	22	Drugs & Alcohol	93-0223	01/01/2004
SB 1903	28	Miscellaneous	93-0032	06/20/2003
SB 1915	13	Criminal Law	93-0407	01/01/2004

Brief Synopsis of Legislation (with Governor's Action)

Animals

HB 184: Amends the **Animal Control Act**. Provides that if a dog is found to be a dangerous dog, the dog must be both muzzled and leashed whenever it is upon a street, sidewalk, or other public place or grounds. Includes an owner's house in the definition of "enclosure". Also provides for microchipping.

510 ILCS 5/ 2.01, 2.02, 2.03,2.03a new,
2.04a new, 2.05,2.05a new, 2.07, 2.11a new,
2-11b new, 2.12a new, 2.16, 2.17, 2.17a new,
2.17b new, 2.18, 2.18a new, 2.19a,
2.19b new, 3, 5, 7.1, 8, 9, 10, 11, 12, 13, 15, 15.1 new,
15.2 new, 15.3 new, 16.5 new, 18, 19, 22, 24 & 26. **Public Act: 93-0548 - Eff: 08-19-03**

HB 1089: Amends the **Criminal Code**. Provides for the forfeiture of real property used in the conduct of animal or dog fighting and of moneys, profits, and proceeds acquired by the conduct of those fights in violation of various laws. Other provisions.

720 ILCS 5/ 37.5-5 new, 37.5-10 new, 37.5-15 new, **Public Act: 93-192 - Eff: 07-14-03**
37.5-20 new, 37.5-25 new, 37.5-30 new, 37.5-35 new, 37.5-40 new & 37.5-45 new.

SB 387: Amends the **Unified Code of Corrections**. Makes supervision unavailable for various misdemeanor violations of the offenses involving dog fighting and the **Humane Care of Animals Act**.

730 ILCS 5/ 5-6-1. **Public Act: 93-0388 - Eff: 07-25-03**

Children & Juvenile Law

HB 16: Amends the **Illinois Public Aid Code**, the **Illinois Marriage and Dissolution of Marriage Act**, the **Non-Support Punishment Act** and the **Illinois Parentage Act**. Requires that employers, labor unions, and telephone companies must provide location information concerning those having support obligations. Makes other changes.

305 ILCS 5/ 10-3.3 **Public Act: 93-0116 - Eff: 07-10-03**
750 ILCS 5/ 714 new
750 ILCS 16/ 33 new
750 ILCS 45/ 14.5 new

HB 59: Amends the Child Care Act. Substantially increases the list of prior convictions that would render a person ineligible to obtain a license for, operate, or be around a child care facility. Numerous other changes. (**NOTE:** This exact language is found in Senate Bill 110. **Public Act: 93-0151 - Eff: 07-10-03**)

225 ILCS 10/ 4.2 **TOTAL VETO**

HB 345: Amends the Department of State Police Law and the Department of Transportation Law of the Civil Administrative Code of Illinois, the Illinois Emergency Management Agency Act, the Illinois Police Training Act, and the School Code. Establishes program requirements for the statewide child abduction emergency alert system of the Department of State Police. Requires the Department of State Police and the Department of Transportation to coordinate in the use of electronic highway message signs to convey abduction information. Requires the Department of State Police to establish a task force to monitor and review implementation and operation of the child abduction alert system. Requires the Department of State Police and the Illinois Emergency Management Agency to coordinate in the development of a promotional program on child abduction prevention and response. Requires the Illinois Law Enforcement Training Standards Board to train local law enforcement personnel in the child abduction alert system. Requires the Department of State Police and the State Board of Education to coordinate in the development of child abduction prevention instruction to be included in school curricula. Requires the Department of State Police to appoint an uncompensated Child Safety Coordinator to advocate for State standards for child safety from kidnaping and abduction. Prohibits the use of new appropriations for the Coordinator's expenses.

20 ILCS 2605/2605-480

20 ILCS 2705/2705-505.5 new

20 ILCS 3305/5 from Ch. 127, par. 1055

50 ILCS 705/10.10 new

105 ILCS 5/2-3.140 new **Public Act: 93-0310 - Eff: 07-23-03**

HB 524: Amends the Juvenile Court Act. Provides that persons under 17 years of age and older who have a petition of delinquency filed against them may (rather than shall) be confined in an adult detention facility if certain factors are considered.

705 ILCS 405/ 5-410 **Public Act: 93-0255 - Eff: 01-01-04**

HB 556: Amends the **Children and Family Services Act** and the **Emancipation of Mature Minors Act**. Changes the title of this Act to the “**Emancipation of Minors Act**”. Provides for the partial emancipation of minors. Numerous other provisions dealing with the licensing of youth transitional housing programs and other topics.

20 ILCS 505/ 4b new. **Public Act: 93-0105 - Eff: 07-08-03**
750 ILCS 30/ 1, 2, 3-2.5 new, 3-2.10 new, 4, 5, 7, 8, 9 & 10.

HB 1157: Creates the **Uniform Child-Custody Jurisdiction and Enforcement Act**. Sets forth standards for child-custody jurisdiction determinations. Creates a process for the enforcement of interstate child-custody and visitation determinations. Repeals the **Uniform Child Custody Jurisdiction Act** (UCCJA). Amends numerous other Acts to conform to these new provisions.

New Act **Public Act: 93-0108 - Eff: 01-01-04**
305 ILCS 5/ 10-3.2
325 ILCS 40/ 7.1
720 ILCS 5/ 32-4a
725 ILCS 5/ 112A-9 & 112A-14
750 ILCS 5/ 601
750 ILCS 60/ 208 & 214
750 ILCS 35/ Act rep.

HB 1284: Amends the **Abused and Neglected Child Reporting Act**. Adds licensed professional counselors and licensed clinical professional counselors to the list of persons required to report possible child abuse or neglect.

325 ILCS 5/ 4. **Public Act: 93-0137 - Eff: 07-10-03**

HB 2203: Amends the **Juvenile Court Act**. Provides that a “special immigrant minor” who has been made a ward of the court and who meets certain eligibility criteria may be deemed eligible for long-term foster care due to abuse, neglect, or abandonment and may remain in the jurisdiction of the juvenile court until his or her special immigrant juvenile status and adjustment status applications are adjudicated.

705 ILCS 405/ 2-4a new **Public Act: 93-145 - Eff: 07-10-03**

HB 2863: Amends the **Illinois Marriage and Dissolution of Marriage Act**. Raises the minimum amount support percentage of the supporting party’s net income to 28 percent for 2 children (from 25 percent).

750 ILCS 5/ 505 **Public Act: 93-0148 - Eff: 07-10-03**

HB 2895: Amends the **Illinois Public Aid Code**. Provides that if a custodial parent who is

receiving child support enforcement services under this Code provides the Department of Public Aid with credible information concerning the location of the father or non-custodial parent of the child, the Department must attempt to locate that person within 60 days after receiving that information.

305 ILCS 5/ 10-3.5 new. **TOTAL VETO**

GOVERNOR’S VETO MESSAGE

“Though the intentions of this Bill are admirable, its provisions would create an inconsistency between State and Federal law, and impede already successful and efficient efforts by the State. Pursuant to Article IV, Section 9 (b) of the Illinois Constitution of 1970, I hereby veto and return House Bill 2895, entitled “AN ACT in relation to child support.”

HB 2902: Amends the **Abused and Neglected Child Reporting Act** and the **Criminal Code**. Provides that if a person who falsely reports child abuse or neglect acted as a part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, that person is guilty of a Class 4 felony for the first offense and a Class 3 felony thereafter.

325 ILCS 5/ 4 **Public Act: 93-0431 - Eff: 08-05-03**
720 ILCS 5/ 26-1

SB 52: Amends the **Child Passenger Protection Act**. Provides that whenever a person is transporting a child under the age of 8 (rather than 4), the person is responsible for properly securing the child in an appropriate child restraint system, which includes a booster seat. Provides that every person, when transporting a child 8 years of age or older, but under the age of 16, is responsible for properly securing that child in a seat belt. Provides that a child weighing more than 40 pounds may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt. Provides that a person's failure to properly secure a child under the age of 8 (rather than 6) years is not contributory negligence.

625 ILCS 25/ 2, 4, 4a, 4b & 5. **Public Act: 93-0100 - Eff: 01-01-04**

SB 110: Amends the **Child Care Act of 1969**. Provides that, beginning January 1, 2004, no new applicant and, on the date of licensure renewal, no current licensee may operate or receive a license from the Department to operate, no person may be employed by, and no adult person may reside in a child care facility who has been convicted of committing or attempting to commit specified offenses. Provides circumstances under which such a license may be issued despite such a conviction.

225 ILCS 10/4.2. **Public Act: 93-0151 - Eff: 07-10-03**

SB 404: Creates the **Children's Privacy Protection and Parental Empowerment Act**. Prohibits:

the sale or purchase of personal information concerning children without parental consent; the processing of personal information concerning children by prisoners or convicted sex offenders; and the distribution or exchange of children's personal information that one has reason to believe will be used to harm or abuse a child.

New Act. **Public Act: 93-0462 - Eff: 01-01-04**

SB 1458: Amends the **Juvenile Court Act**. Provides that for the purposes of that Act only, probation officers shall be considered peace officers. Also provides that in the exercise of their official duties, probation officers, sheriffs, and police officers, may anywhere within the State, arrest any minor who is in violation of any conditions of his or her probation, continuation under supervision, or informal supervision. Provides for the arrest of probationers by probation officers and includes other provisions.

705 ILCS 405/ 6-1 **Public Act: 93-0576 - Eff: 01-01-04**
720 ILCS 5/ 24-2
730 ILCS 110/ 15

SB 1503: Amends the **Income Withholding For Support Act**. Provides that a payor who knowingly fails to pay on time the amount designated in an income withholding notice must pay a \$100 per day penalty for each day the payment is late. (Present law imposes this penalty only for not paying the amount withheld to the State Disbursement Unit)

750 ILCS 28/ 35 **Public Act: 93-294 - Eff: 01-01-04**

SB 1650: Amends the **Juvenile Court Act**. Provides in a proceeding relating to having a minor adjudicated an abused, neglected, or dependent minor, the court may not order a counsel to be appointed to represent the minor if the guardian ad litem appointed for the minor is a licensed attorney, or if a court appointed special advocate has been appointed as guardian ad litem and counsel has been appointed to represent the court appointed special advocate, unless the court determines that the wishes of the minor are in conflict with the guardian ad litem's determination of what is in the best interest of the minor.

705 ILCS 405/ 1-5 **Public Act: 93-0539 - Eff: 08-18-03**

Consumer Fraud

HB 259: Amends the Consumer Fraud and Deceptive Business Practices Act. Prohibits printing or otherwise reproducing on a credit cardholder's receipt certain items of information that would assist in the theft of the cardholder's financial identification. Numerous provisions and exemptions.

815 ILCS 505/ 2MM new. **Public Act: 93-0231 - Eff: 01-01-04 and 01-01-05**

HB 1632: Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a person or entity that, by means of telemarketing, offers free goods or services to an Illinois consumer on a trial basis and then assesses a periodic fee or charge for those goods or services after the end of the trial period must send an invoice to the consumer. That invoice must state the terms of the offer and it must give the consumer an opportunity to cancel the goods or services if the consumer no longer wishes to receive them. Other provisions.

815 ILCS 505/ 2P.1 new. **Public Act: 93-0194 - Eff: 07-14-03**

HB 2441: Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that any waiver or modification of the rights, provisions, or remedies of this Act are void and unenforceable.

815 ILCS 505/ 10c new. **Public Act: 93-0400 - Eff: 01-01-04**

SB 329: Amends the Consumer Fraud and Deceptive Business Practices Act. Makes it an unlawful practice to knowingly mail or send or cause to be mailed or sent a postcard or letter to a person in Illinois if the postcard or letter contains a request to call a telephone number, the postcard or letter is sent to induce the recipient to call the telephone number so that merchandise may be offered for sale to the recipient, and the postcard or letter does not disclose that the merchandise may be offered for sale if the recipient calls the telephone number.

815 ILCS 505/ 2MM new **Public Act: 93-0459 - Eff: 01-01-04**

Corrections

HB 56: Amends the Unified Code of Corrections relating to persons found not guilty by reason of insanity. Provides that the court may order the Department of Human Services to provide care to a person conditionally released. Provides for additional 5-year periods of conditional release after a hearing. Adds a clinical professional counselor to the list of persons that a facility director or a supervisor of a treatment program may appoint as a designee. Other provisions.

730 ILCS 5/ 5-2-4 **Public Act: 93-0078 - Eff: 01-01-04**

HB 571: Amends the Unified Code of Corrections. Eliminates the provisions making a sentence of probation available to a defendant convicted of criminal sexual assault when the defendant was

a family member of the victim.

730 ILCS 5/ 5-5-3. **Public Act: 93-0419 - Eff: 01-01-04**

HB 1280: Amends the **Unified Code of Corrections**. Provides that concurrent sentences shall be imposed when not mandated by law. Provides that the court may impose consecutive sentences when the court is of the opinion that consecutive sentences are required to protect the public from further criminal conduct of the defendant and the court sets forth the basis of its decision in the record.

730 ILCS 5/ 5-8-4. **Public Act: 93-160 - Eff: 07-10-03**

HB 2453: Amends the **Unified Code of Corrections**. Provides that a person subject to conditions of probation, parole, or mandatory supervised release who seeks to transfer to another state subject to the Interstate Compact for Adult Offender Supervision must make provisions for payment of any restitution awarded by the circuit court and must pay a fee of \$125. Other provisions. (**NOTE:** This exact language is found in Senate Bill 1457. **Public Act: 93-0475 - Eff: 08-08-03**)

730 ILCS 5/ 5-9-1.12 new. **TOTAL VETO**

SB 277: Amends the **Code of Criminal Procedure** and the **Medical Practice Act**. Provides that a sentence of death shall be carried out by someone other than a licensed physician. Other provisions.

225 ILCS 60/4 **Public Act: 93-0379 - Eff: 07-24-03**
725 ILCS 5/ 119-5

SB 280: Amends the **Unified Code of Corrections**. Provides that various Agencies who are required to collect DNA samples may contract with third parties to collect those samples. Also provides that reasonable force may be used when an individual refuses to provide the required DNA samples.

730 ILCS 5/ 5-4-3 **Public Act: 93-0216 - Eff: 01-01-04**

SB 423: Amends the **Criminal Identification Act**, the **Code of Criminal Procedure** and the **Unified Code of Corrections**. Provides that if a conviction has been set aside on direct review or on collateral attack and the court determines by clear and convincing evidence that the defendant was factually innocent of the charge, the court shall enter an order expunging the record of arrest from the official records of the arresting authority and order that the records of the clerk of the circuit court and Department of State Police be sealed until further order of the court upon good cause shown and the name of the defendant obliterated from the official index kept by the circuit clerk. Amends the State Appellate Defender Act. Provides that the State Appellate Defender shall establish, maintain, and carry out an Expungement Program to provide information to persons eligible to have their arrest or criminal history record information ordered expunged, sealed or

impounded. Provides that the State Appellate Defender shall develop brochures, pamphlets and other materials in printed form and through the agency's World Wide Web site that include at a minimum the following information: (1) an explanation of the State's expungement process; (2) the circumstances under which expungements may occur; (3) the criminal offenses that may be expunged; (4) the steps necessary to initiate and complete the expungement process; and (5) directions on how to contact the State Appellate Defender. Provides that the State Appellate Defender shall establish and maintain a statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement or sealing of arrest or criminal history record information. Provides that the State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist eligible individuals through the expungement process. Provides that the Program shall be implemented from funds appropriated to the State Appellate Defender for this purpose.

20 ILCS 2630/ 5 **Public Act: 93-0210 - Eff: 07-18-03**
725 ILCS 5/ 10.6 new
730 ILCS 5-5-4.

SB 1342: Amends the **Uniform Code of Corrections** relating to proceedings following acquittals by reason of insanity. Establishes procedures for conditional release of a person found not guilty by reason of insanity who has been committed to a mental health facility. Establishes factors to be used by the Court in determining whether the defendant shall be released.

730 ILCS 5/ 5-2-4 **Public Act: 93-0473 - Eff: 08-08-03**

SB 1457: Amends the **Unified Code of Corrections**. Provides that a person subject to conditions of probation, parole, or mandatory supervised release who seeks to transfer to another state subject to the Interstate Compact for Adult Offender Supervision must make provisions for payment of any restitution awarded by the circuit court and must pay a fee of \$125. Other provisions. (Same language as found in HB 2453). Additionally, provides for fees for the performance of community service. Numerous other provisions.

730 ILCS 5/ 5-5-10 new, 5-6-3, 5-6-3.1 & 5-9-1.12 new. . **Public Act: 93-0475 - Eff: 08-08-03**

Counties

HB 300: Amends the **Counties Code**. Allows a county to provide Internet access to public records

maintained in electronic form at no charge to the public and, if the county provides this access, allows the County to enter into a contractual arrangement for the dissemination of the data in bulk or compiled form and to impose a fee for the dissemination of electronic data in bulk or compiled form. Defines “electronic data in bulk form” and “electronic data in compiled form”.

55 ILCS 5/ 5-1106.1 new. **Public Act: 93-0362 - Eff: 07-24-03**

HB 3141: Amends the **Military Leave of Absence Act**. Provides that any full-time employee of the State, a unit of local government, or a school district (instead of just the State), other than an independent contractor, who is a member of the armed forces shall be granted leave from his or her public employment for any period actively spent in military service. Preempts home rule powers and exempts this provision from the State Mandates Act.

5 ILCS 325/ 1 & 1.1 new. **Public Act: 93-0409 - Eff: 08-04-03**
30 ILCS 805/ 8.27 new.

SB 267: Amends the **Counties Code**. Authorizes the County Board, in setting a court services fee, to impose differential rates for various types or categories of criminal and civil cases. Provides that the maximum fee shall not exceed \$25 (instead of \$15).

55 ILCS 5/ 5-1103. **Public Act: 93-0558 - Eff: 12-01-03**

SB 291: Amends the **Counties Code**. Provides that, except for willful or wanton conduct, no sheriff shall be civilly liable for serving any warrant, order, process, or judgement that has been issued or affirmed by a court of the State of Illinois and that is valid on its face.

55 ILCS 5/ 3-6020. **Public Act: 93-0386 - Eff: 01-01-04**

SB 616: Amends the **Local Governmental and Governmental Employees Tort Immunity Act**. Provides that no action for damages for injury or death arising out of patient care may be brought against a local entity or public employee more than 2 years (instead of 1 year) after the claimant knew or should have known of the injury or death, but in no event more than 4 years after the act alleged to have caused the injury or death. This provision applies to pending actions.

745 ILCS 10/ 8-101. **Public Act: 93-0011 - Eff: 06-04-03**

SB 639: Amends the **Mental Health and Disabilities Code**, the **Code of Criminal Procedure**, and the **Unified Code of Corrections**. Shifts the burden of transporting mental health patients from the County Sheriff to the Department of Human Services. Make other provisions and limitations.

405 ILCS 5/ 3-605 & 3-819 **AMENDATORY VETO**
725 ILCS 5/ 104-17
730 ILCS 5/ 5-2-4.

GOVERNOR’S AMENDATORY VETO MESSAGE

Recommends the following changes: Deleting provisions requiring the Department of Human Services (instead of the county sheriff) to arrange for transporting mental health patients. Providing that if the patient is found in any county where an entire State-operated mental health facility, operated by the Department of Human Services, was closed between August 2002 and September 2002, the county sheriff must take the patient into custody and notify the Department, which must make arrangements to transport the patient to that or another facility.

Courts

HB 269: Amends the **Clerks of Courts Act**. Provides for a combined fee schedule for circuit clerk’s fees in counties having a population of not more than 500,000 inhabitants. Repeals the fee schedule for counties having a population of 180,000 inhabitants or less.

705 ILCS 105/ 27.1a & 27.1 rep. **Public Act: 93-0039 - Eff: 07-01-03**

SB 1407: Amends the **Clerks of Courts Act**. Permits the circuit clerks to accept credit card payments over the Internet for fines, penalties, or costs from offenders on voluntary electronic pleas of guilty in minor traffic and conservation offenses.

705 ILCS 105/ 27.3b. **Public Act: 93-0391 - Eff: 01-01-04**

Criminal Law

HB 249: Amends the **Criminal Code** relating to the offense of **Aggravated Battery**. Includes in that offense committing a battery against hospital personnel (rather than hospital emergency room personnel).

720 ILCS 5/ 12-4 **Public Act: 93-0083 - Eff: 07-02-03**

HB 405: Amends the **Criminal Code** relating to the offense of **Retail Theft**. Provides that a lessee of personal property is civilly liable to the owner of that property if the lessee fails to return the property to the owner or fails to pay the full retail value of the property to the lessor in violation of a contract provision to do so, within 10 days after written demand from the owner for the property’s

return.

720 ILCS 5/ 16A-7. **Public Act: 93-0329 - Eff: 07-24-03**

HB 548: Amends the **Illinois Pesticide Act**. Provides for criminal penalties for retailers and wholesalers who distribute or sell pesticides that have never been registered with the United States EPA or for which the registration has been cancelled or suspended by the EPA.

225 ILCS 235/ 21. **Public Act: 93-0191 - Eff: 07-14-03**

HB 569: Amends the **Criminal Code** and the **Uniform Code of Corrections** relating to the offense of **Disarming a Peace Officer**. Provides that this offense also includes the taking of a weapon or the attempt to take a weapon from a correctional institution employee or from an area with the officer’s immediate presence while the officer is engaged in the performance of his or her duties. Also provides that an offender who has not been convicted more than once of a felony may apply to the court or to the Prisoner Review Board to seek a certificate of relief from disabilities as relates to bars to licensure imposed as a result of the offender’s conviction. Establishes procedures and criteria for seeking and obtaining that relief. Other provisions.

720 ILCS 5/ 31-1a **Public Act: 93-207 - Eff: 01-01-04**

730 ILCS 5/ 3-3-2, 5-5-5. 5-5.5-5 new, 5-5.5-10 new,
5-5.5-15 new, 5-5.5-20 new , 5-5.5-25 new, 5-5.5-30 new,
5-5.5-35 new, 5-5.5-40 new, 5-5.5-45 new, 5-5.5-50 new.

HB 1448: Amends the **Criminal Code**. Creates the offense of “**False Academic Degrees.**” Provides that it is illegal to knowingly manufacture or produce for profit or sale a false academic degree.

720 ILCS 5/ 17-2.5 new **Public Act: 93-0239 - Eff: 07-22-03**

HB 2188: Amends the **Criminal Code** with respect to the offense of **Financial Identity Theft**. Provides that a person who has learned or reasonably suspects that his or her personal identifying information has been unlawfully used by another may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction over his or her actual residence, which shall take a police report of the matter, provide the complainant with a copy of that report, and begin an investigation of the facts or, if the suspected crime was committed in a different jurisdiction, refer the matter to the law enforcement agency where the suspected crime was

committed for investigation. Also amends the **Consumer Fraud and Deceptive Business Practices Act**. Provides that credit card issuers must take reasonable steps to investigate suspected fraudulent applications for credit cards. Other provisions.

720 ILCS 5/ 16G-30 new **Public Act: 93-0195 - Eff: 01-01-04**

815 ILCS 505/ 2MM new

HB 2446: Amends the **Criminal Code** with respect to the offense of Aggravated Arson. Provides that the arson of a school building is included within this offense when other elements of the offense are present.

720 ILCS 5/ 20-1.1 **Public Act: 93-0335 - Eff: 07-24-03**

HB 2653: Amends the **Criminal Code**. Creates the offense of “Dismembering a human body”. “A person commits the offense of dismembering a human body when he or she knowingly dismembers, severs, separates, dissects, or mutilates any body part of a deceased's body. Provides exemptions. Sentence is a Class X felony.

720 ILCS 5/ 12-20.5 new. **Public Act: 93-0339 - Eff: 07-24-03**

HB 3086: Amends the **Criminal Code**. Creates the offense of the “Unauthorized Tongue Splitting”. Amends the Criminal Code of 1961. Prohibits a person other than a licensed physician or dentist from performing tongue splitting. Makes a first offense a Class A misdemeanor and a second or subsequent offense a Class 4 felony.

720 ILCS 5/ 12-10.1 & 12-10.2 new **Public Act: 93-0449 - Eff: 01-01-04**

HB 3091: Amends the **Criminal Code**. Creates the offense of “Place of Worship Arson, defined as knowingly damaging, partially or totally, a place of worship in the course of committing an arson. Provides that the penalty is a Class 1 felony. Amends the Unified Code of Corrections. Provides that a person convicted of the offense of place of worship arson or residential arson may not be placed in an impact incarceration program. Provides that a person convicted of the offense of place of worship arson may not receive a period of probation, a term of periodic imprisonment, or conditional discharge. Provides that in addition to any other penalty imposed, a fine of \$500 shall be imposed upon a person who is convicted of arson, residential arson, or aggravated arson. Provides that the fine shall be distributed to the fire department or fire protection district that suppressed or investigated the fire that was set by the defendant and for which the defendant was convicted of arson, residential arson, or aggravated arson. Provides that the moneys distributed from the additional fine may only be used to purchase fire suppression or fire investigation equipment.

720 ILCS 5/ 20-1.3 new **Public Act: 93-0169 - Eff: 07-10-03**

730 ILCS 5/ 5-5-3, 5-8-1.1 & 5-9-1.12 new.

HB 3215: Amends the **Criminal Code** with respect to the offense of Reckless Homicide. Provides for increased penalties when that offense is committed in a highway construction or maintenance zone.

720 ILCS 5/ 9-3 **Public Act: 93-0178 - Eff: 07-11-03**

SB 242: Amends the Criminal Code relating to the offense of Financial Identity Theft and Asset Forfeiture Law. Changes the name of the Article to the “Identity Theft Law” and the names of the offenses of “financial identity theft” and “aggravated financial identity theft” to “identity theft” and “aggravated identity theft”. Makes numerous changes to these offenses. (**NOTE:** This exact language is found in **HB 1486** which was vetoed)

720 ILCS 5/ 16G-1, 16G-5, 16G-10, **P. A. 93-0401 - Eff: 07-31-03**
16G-15, 16G-20, 16G-21, 16G-25.

SB 265: Amends the Criminal Code. Provides that theft of property in excess of \$500,000 and money laundering of criminally derived property in excess of \$500,000 are Class 1 non-probationable felonies (rather than merely a Class 1 felony).

720 ILCS 5/ 16-1 & 29B-1. **Public Act: 93-0520 - Eff: 08-12-03**

SB 407: Amends the Criminal Code. Provides that a Hate Crime may be committed by the use of harassment through electronic communications.

720 ILCS 5/ 12-7.1. **Public Act: 93-0463 - Eff: 08-08-03**

SB 1053: Amends the Criminal Code. Creates the offense of the “Illinois Financial Crimes Law.” Creates the individual criminal offenses of: Misappropriation of financial institution property, Commercial bribery involving a financial institution, Financial institution fraud, Loan fraud, Concealment of collateral, Financial institution robbery, Conspiracy to commit a financial crime, Continuing financial crimes enterprise, Organizer of a continuing financial crimes enterprise. Creates penalties for aforementioned financial crimes, based up monetary value.

720 ILCS 5/ 16H-1 new, 5 new, 10 new, 20 new, 25 new, **Public Act: 93-0440 - Eff: 08-05-03**
30 new, 35 new, 40 new, 45 new, 50 new, 55 new, 60 new, & 65 new.
720 ILCS 5/ 17-24.

SB 1915: Amends the Criminal Code. Creates the offense of “Trespass to a Place of Public Amusement.” Provides that a person commits the offense of criminal trespass to a place of public amusement if he or she knowingly and without lawful authority enters or remains on any portion of a place of public amusement after having received notice that the general public is restricted from access to that portion of the place of public amusement. Provides that a violation is a Class 4 felony with a fine of not less than \$1,000. Provides that any order of probation or conditional discharge entered following a conviction shall include a condition that the offender perform public or community service of not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offender was convicted.

720 ILCS 5/ 21-9 new. **Public Act: 93-0407 - Eff: 01-01-04**

Criminal Procedure

HB 223: Amends the **Criminal Code** and numerous other statutes. Exempts from an eavesdropping violation, electronic video and audio recordings made of a custodial interrogation of an individual by a law enforcement officer who complies with specified standards of conducting the interrogation. Amends the **Code of Criminal Procedure of 1963** and the **Juvenile Court Act** of 1987. Provides that no oral, written, or sign language statement of an accused made as a result of a custodial interrogation shall be admissible as evidence against the accused in a prosecution for homicide offenses unless an electronic video and audio recording is made of the statement and the accused is given specified warnings. In the case of an accused under 17 years of age at the time of the offense and subject to the Juvenile Court Act, these requirements apply in cases of non-probationable felonies. Provides for certain warnings to be received before written statements of the accused are admissible. Establishes exceptions. (**NOTE:** This exact language is found in SB 15. **Public Act: 93-517 - Eff: 08-12-03 & 08-12-05**)

20 ILCS 3930/ 7.5 new **Public Act: 93-0206 - Eff: 07-18-03 and 07-18-05**
30 ILCS 805/ 8.27 new
50 ILCS 705/ 10.3 new
705 ILCS 405/ 5-401.5 new
720 ILCS 5/ 14-3
725 ILCS 103-2.1 new

HB 506: Amends the **Code of Criminal Procedure**. Provides that if the People present evidence that the offense committed by the defendant was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang, and if the court determines that the evidence may be substantiated, the court shall prohibit the defendant from associating with other members of that organized gang as a condition of bail or release.

725 ILCS 5/ 110-5 **Public Act: 93-0254 - Eff: 01-01-04**

HB 532: Amends the **Code of Criminal Procedure**. Provides that a peace officer may conduct temporary questioning and make arrests in any jurisdiction within this State if the officer, while on duty as a peace officer, is requested by an appropriate State or local law enforcement official to

render aid or assistance to the requesting law enforcement agency that is outside of the officer's primary jurisdiction.

725 ILCS 5/ 107-4 **Public Act: 93-0232 - Eff: 01-01-04**

HB 538: Amends the **Gang Crime Witness Protection Act** to extend the repeal date of that Act from July 1, 2004 to July 1, 2012.

725 ILCS 172/ 5-30 **Public Act: 93-0257 - Eff: 07-22-03**

HB 558: Amends the **Criminal Code** and the **Code of Criminal Procedure**. Provides that the limitation period for prosecuting an offense does not include a period in which a material witness is placed on active military duty or leave. Defines “material witness”. Also provides for revocation of bail for defendants who commit a domestic battery while out on bail for a similar offense.

720 ILCS 5/ 3-7 **Public Act: 93-0417 - Eff: 08-05-03**
725 ILCS 5/ 110-6

HB 563: Amends the **Code of Criminal Procedure**. Provides that, in a domestic violence prosecution, a prior statement made by a person protected by the Illinois Domestic Violence Act of 1986, that is not specifically covered by any other hearsay exception but has equivalent circumstantial guarantees of trustworthiness, is not excluded by the hearsay rule if the declarant is identified as unavailable as a witness and the court determines that: (1) the statement is offered as evidence of a material fact; and (2) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (3) the interests of justice will best be served by admission of the statement into evidence. Also, if and only if House Bill 2526 of the 93rd General Assembly becomes law, undoes the changes made by that bill to Section 115-10.2 of the Code of Criminal Procedure of 1963, relating to the unavailability of witnesses.

725 ILCS 5/ 115-10.2 & 115-10.2a new. **Public Act: 93-0443 - Eff: 08-05-03**

HB 564: Amends various Acts to require that numerous individuals will be required to submit their fingerprints to the Department of State Police before those individuals will be allowed to obtain licenses, employment or other benefits.

15 ILCS 310/ 10b.1 **Public Act: 93-0418 - Eff: 01-01-04**
70 ILCS 1205/ 8-23
70 ILCS 1505. 16a-5
105 ILCS 5/ 10-21.9
105 ILCS 5/ 34-18.5
225 ILCS 10/ 4.1
225 ILCS 65/ 5-23
230 ILCS 5/ 15
230 ILCS 10/ 22
235 ILCS 5/ 4-7
310 ILCS 10/ 25
625 ILCS 5/ 6-411 & 18a-200
750 ILCS 50/ 6

HB 2526: Amends the **Code of Criminal Procedure**. Defines "unavailability as a witness" to include circumstances in which the declarant: (1) is exempted by ruling of the court on the ground

of privilege from testifying concerning the subject matter of the declarant's statement; (2) persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the court to do so; (3) testifies to a lack of memory of the subject matter of the declarant's statement; (4) is unable to be present or to testify at the hearing because of health or then existing physical or mental illness or infirmity; (5) is absent from the hearing and the proponent of the statement has been unable to procure the declarant's attendance by process or other reasonable means; or (6) is a crime victim as defined in the Rights of Crime Victims and Witnesses Act and the failure of the declarant to testify is caused by the defendant's intimidation of the declarant. Presently, unavailability is limited to the situation in which the declarant persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the court to do so.

725 ILCS 5/ 115-10.2 **Public Act: 93-0413 - Eff: 08-05-03**

HB 3053: Amends the **Criminal Code**. Creates the new offenses of “Misconduct By A Corporate Official” and “Fraud in Insolvency.” Class 2 or 3 felonies depending on the value of the property taken.

720 ILCS 5/ 17-26 new, 17-27 new **Public Act: 93-0496 - Eff: 01-01-04**
29A-3 and 29A-4 new.

HB 3504: Amends the **Code of Criminal Procedure**. Provides that a court may not order bail deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy attorney’s fees as well as court costs and unpaid child support obligations in the case in which the bail bond was first deposited.

725 ILCS 5/ 110-7 **Public Act: 93-0371 - Eff: 01-01-04**

SB 15: Amends the **Criminal Code of 1961**. Exempts from an eavesdropping violation, electronic recordings made of a custodial interrogation of an individual by a law enforcement officer at a police station or other place of detention in investigations for homicide. Amends the **Code of Criminal Procedure of 1963** and the **Juvenile Court Act of 1987**. Provides that statements made by a suspect at a custodial interrogation at a police station or other place of detention in investigations for homicides are presumed inadmissible unless electronically recorded.

20 ILCS 3930/7.5 new
50 ILCS 705/10.3 new
705 ILCS 405/5-401.5 new
720 ILCS 5/14-3
725 ILCS 5/103-2.1 new
30 ILCS 805/8.27 new **Public Act: 93-0517 - Eff: 08-06-03**

SB 43: Amends the **Code of Criminal Procedure**. Provides for a statutory warning that must be read to defendants who are not citizens of the United States concerning the consequences of a

conviction on their status within this country.

725 ILCS 5/ 113-8 new **Public Act: 93-0373 - Eff: 01-01-04**

SB 788: Amends the **Criminal Identification Act**. Provides for the automatic sealing of arrest and conviction records for persons convicted of or placed on supervision for a misdemeanor or arrested without conviction 3 years or 4 years in case of a conviction after the completion of the defendant's sentence if the defendant does not have a criminal conviction or supervision within that period. Provides that law enforcement authorities may inspect the sealed records. Provides that records of persons convicted of or placed on supervision for DUI, a sex offense, a violation of an order of protection, a crime of violence, dog fighting, a Class A misdemeanor violation of the Humane Care for Animals Act or an offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act may not be sealed. Provides that the person whose records are sealed must pay a processing fee to the Department of State Police. Permits the State's Attorney to object to the sealing of the records. Provides for a hearing to determine whether the records should be sealed. Provides that subject to appropriation, the State Appellate Defender shall establish, maintain, and carry out a sealing and expungement program to provide information to persons eligible to have their arrest or criminal history records expunged or sealed. Provides that except with respect to law enforcement agencies, the Department of Corrections, State's Attorneys, or other prosecutors, an expunged or sealed record may not be considered by a private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration.

20 ILCS 2630/ 5, 11 new, 12 new & 13 new. **Public Act: 93-0211 - Eff: 01-01-04**

SB 1440: Amends the **Code of Criminal Procedure**. Provides that only one petition for post-conviction relief may be filed by a defendant without leave of the court. Provides when that leave may be granted.

725 ILCS 5/ 122-1. **Public Act: 93-0493 - Eff: 01-01-04**

Death Penalty Reform

SB 472: Creates the **Capital Punishment Reform Study Committee Act**. This is the major attempt to reform Capital Punishment in Illinois this year. The Governor used his amendatory veto power to eliminate the police decertification portion of this bill.

New Act **AMENDATORY VETO**
20 ILCS 3930/ 7.2 new

30 ILCS 105/ 5.595 new
50 ILCS 705/ 6.1
720 ILCS 5/ 9-1 & 14-3
725 ILCS 5/ 107A-5 new, 107A-10 new, 114-13, 114-15 new,
115-21 new, 115-22 new, 116-3, 116-5, 122-1, 122-2.1,
122-2.2 new, 124-15, 124-19.
730 ILCS 5/ 5-4-3.

GOVERNOR’S AMENDATORY VETO MESSAGE

“This landmark legislation will provide vital reforms to the criminal justice system as it related to capital punishment. The legislation overwhelmingly achieves these ends and I support all of its provisions except the provisions assigning the decertification of police officers to the law enforcement training board. It will have the unintended and adverse impact of placing new constraints on the effective administration of justice, while denying due process rights to police officers.”

Domestic Violence

HB 206: Amends the **Code of Criminal Procedure** and the **Illinois Domestic Violence Act**. Provides that a violation of any order of protection shall (now, may) be enforced by a criminal court under certain circumstances.

725 ILCS 5/ 112A-23 **Public Act: 93-0359 - Eff: 01-01-04**
750 ILCS 60/ 223

HB 536: Creates the **Gender Violence Act**. Provides that any person who has been subjected to gender-related violence may bring a civil action for damages, injunctive relief, or other appropriate relief against the person who committed that act. Sets up a series of limitations periods.

New Act **Public Act: 93-0416 - Eff: 01-01-04**

HB 2525: Amends the **Criminal Code**. Includes a prior conviction under the laws of another jurisdiction that is similar to a violation under the laws of Illinois for which the defendant is guilty of a Class 4 felony for domestic battery.

720 ILCS 5/ 12-3.2 **Public Act: 93-0336 - Eff: 01-01-04**

HB 3486: Creates the **Victims’ Economic Security and Safety Act**. Provides that an employee who is a victim of domestic or sexual violence, or who has a family or household member who is such a victim may take an unpaid leave from work to address domestic or sexual violence. Sets out

the methods by which such employee can do this. Provides for methods of enforcing this Act.

New Act **Public Act: 93-0591 - Eff: 08-25-03**

HB 3501: Amends the **Illinois Domestic Violence Act**. Provides that the circuit clerk may not charge a fee for amending, vacating, or photocopying petitions or orders and may not charge a fee for issuing alias summons or related filing service.

750 ILCS 60/ 202 **Public Act: 93-0458 - Eff: 01-01-04**

Drugs & Alcohol

HB 561: Amends the **Criminal Code**. Includes in the definition of an “explosive compound” or an “incendiary device” a methamphetamine manufacturing chemical as defined in the Illinois Controlled Substances Act.

720 ILCS 5/ 20-3 **Public Act: 93-0594 - Eff: 01-01-04**

HB 572: Amends the **Unified Code of Corrections**. Increases from \$500 to \$1,000 the maximum amount of restitution that a DUI offender may be required to pay to any one public agency if his or her violation proximately caused an incident resulting in an appropriate emergency response.

730 ILCS 5/ 5-5-3 **Public Act: 93-0044 - Eff: 07-01-03**

HB 1237: Amends the **Illinois Vehicle Code**, the **Boat Registration and Safety Act**, the **Snowmobile Registration and Safety Act** and the **Unified Code of Corrections**. Makes numerous changes to the DUI statutes concerning motor vehicles, boats, and snowmobiles.

625 ILCS 5/ 11-501 **Public Act: 93-0156 - Eff: 01-01-04**

625 ILCS 40/ 2-2, 5-7, 5-7.1, 5-7.2, 5-7.3, 5-7.4, 5-7.5 & 5-7.6

625 ILCS 45/ 5-16, 5-16a & 5-16a.1 new

730 ILCS 5/ 5-5-3.

HB 2841: Amends the **Criminal Code**. Creates the offense of “Endangering the Life or Health of an emergency service provider.” It is a Class X felony if an emergency service provider experiences death, great bodily harm, disability, or disfigurement as a result of entering a structure containing a clandestine drug laboratory designed or intended to produce an unlawful controlled substance or designed or intended to produce ingredients used in the manufacture of an unlawful controlled substance.

720 ILCS 5/ 12-4.10 new **Public Act: 93-0111 - Eff: 07-08-03**

HB 2843: Amends the Illinois Controlled Substances Act. Creates the offense of "Criminal Synthetic Drug Manufacturing Conspiracy" defined as aiding in the manufacture or production of a synthetic controlled substance with the intent that a controlled substance be manufactured or produced in violation of the Act. Also provides that the offense of "Tampering With Anhydrous Ammonia Equipment" will be a Class 4 felony rather than a Class A misdemeanor. Adds "red phosphorous" to the list of "methamphetamine manufacturing chemicals. Numerous other provisions.

720 ILCS 5/ 21-1.5 **Public Act: 93-0596 - Eff: 08-26-03**
720 ILCS 570/ 102 and 405.3 new.

HB 2844: Amends the Criminal Code. Creates the new offense of "Drug Related Child Endangerment". Provides that a person commits this offense when he or she endangers the life or health of a child by knowingly exposing that child to a clandestine drug laboratory environment. A Class 2 felony. Also creates the offense of "Aggravated Drug Related Child Endangerment." A Class X felony.

720 ILCS 5/ 12-4.10 new, & 12-4-11 new **Public Act: 93-0340 - Eff: 07-24-03**

HB 3072: Amends the Criminal Code. Creates the offense of use of a dangerous place for the commission of a controlled substance or cannabis offense. Provides that a person commits the offense if: (i) the person knowingly exercises control over a place with the intent to commit a specified controlled substance or cannabis offense and (ii) the place presents a substantial risk of injury from fire, explosion, or exposure to toxic or noxious chemicals or gas or the place contains or is surrounded by devices, chemicals, or explosives in a manner creating a substantial risk of great bodily harm. Provides that violation is a Class 1 felony.

720 ILCS 5/ 12-2.6 new. **Public Act: 93-0516 - Eff: 01-01-04**

HB 3387: Amends the Unified Code of Corrections. Provides that a second or subsequent violation of the prohibition against the possession of an immediate precursor of methamphetamine with the intent to manufacture is a non-probationable offense.

730 ILCS 5/ 5-5-3 **Public Act: 93-0546 - Eff: 01-01-04**

HB 3528: Creates the Drug or Alcohol Impaired Minor Responsibility Act. Provides that a person who is injured by an impaired person under 18 years of age has a right of action for damages against any person (i) who, by selling, giving, or delivering alcoholic liquor or illegal drugs or (ii) who, by permitting consumption of alcoholic liquor or illegal drugs causes or contributes to the impairment of a person under 18 years of age. Provides that an action for damages is barred unless it is commenced within 2 years after it arises. Provides that the Act applies only to causes of action that accrue on or after October 1, 2004.

New Act **Public Act: 93-0588 - Eff: 01-01-04**

SB 96: Amends the Illinois Vehicle Code, the Criminal Code and the Unified Code of Corrections. Provides for an aggravated DUI based upon the death of one or more persons as a result of the DUI. Various other provisions.

625 ILCS 5/ 11-501. **Public Act: 93-0213 - Eff: 07-18-03**
720 ILCS 5/ 9-3
730 ILCS 5/ 3-6-3 & 5-4-1

SB 424: Amends the Unified Code of Corrections. Prohibits good conduct credit for some inmates until they complete a substance abuse treatment program.

730 ILCS 5/ 3-6-3 & 5-4-1 **Public Act: 93-0354 - Eff: 09-01-03**

SB 642: Amends the Drug Paraphernalia Control Act. Defines drug paraphernalia as equipment, products, and materials of any kind which are intended to be used unlawfully (rather than peculiar to and marketed for use) in violation of the Cannabis Control Act or the Illinois Controlled Substances Act.

720 ILCS 600/ 2, 4 & 6 **Public Act: 93-0526 - Eff: 08-12-03**

SB 880: Amends the Drug Paraphernalia Controlled Act and the Hypodermic Syringes and Needles Act. Authorizes an adult to purchase up to 20 sterile hypodermic syringes or needles at a pharmacy without a prescription. Other changes.

720 ILCS 600/ 3.5 & 4. **Public Act: 93-0392 - Eff: 07-25-03**
720 ILCS 635/ 1, 2, 2.5 new, 4, 5 & 3 rep.

SB 1030: Amends the Sale of Tobacco to Minors Act. Provides that the sale or distribution at no charge of cigarettes from a lunch wagon engaging in any sales activity within 1,000 feet of any public or private elementary or secondary school grounds is prohibited.

720 ILCS 675/ 1 **Public Act: 93-0284 - Eff: 01-01-04**

SB 1199: Amends the Code of Criminal Procedure. Provides that a judge, as a condition of the bail of a defendant charged with DUI, may order that defendant to refrain from driving a car that does not contain an ignition interlock device. Other provisions.

725 ILCS 5/ 110-10. **Public Act: 93-0184 - Eff: 01-01-04**

SB 1468: Amends the Illinois Controlled Substances Act. Provides that the presence of methamphetamine manufacturing chemicals in a sealed, factory imprinted container at the time of seizure by law enforcement officials is prima facie evidence that the methamphetamine manufacturing chemicals located in that container is in fact the chemical as described and in the

amount and dosage listed on the container.

720 ILCS 570/ 401 **Public Act: 93-0278 - Eff: 01-01-04**

SB 1493: Amends the **Liquor Control Act**. Provides for restrictions in the use of pyrotechnic devices by premises with liquor licenses. Criminal offenses.

235 ILCS 5/ 6-32 new. **Public Act: 93-0551 - Eff: 08-19-03**

SB 1578: Amends the **Illinois Controlled Substances Act**. Provides for restitution to various public agencies after an “emergency response” involving various methamphetamine violations.

720 ILCS 570/ 411.3 new. **Public Act: 93-0297 - Eff: 01-01-04**

SB 1793: Amends the **Illinois Controlled Substances Act**. Provides for double penalties for various methamphetamine violations where a child under 18 years of age is present or endangered.

720 ILCS 570/ 407 **Public Act: 93-0223 - Eff: 01-01-04**

(Offenses Against the) Elderly

HB 51: Amends the **Illinois Probate Act**. Provides that one who is convicted of various offenses against an elderly person may not benefit from the death of that person.

755 ILCS 5/ 2-6.2 new. **Public Act: 93-0299 - Eff: 01-01-04**

HB 85: Amends the **Elderly Abuse and Neglect Act**. Adds paramedics or EMTs to the list of persons who are required to report potential elder abuse. Provides that mandated reporters who fail to report such incidents are guilty of a Class A misdemeanor. Other provisions.

320 ILCS 20/ 2, 3.5, 4 & 7. **Public Act: 93-0300 - Eff: 01-01-04**

HB 87: Amends the **Elderly Abuse and Neglect Act**. Adds numerous provisions to the existing rules and regulations dealing with offenses against the elderly. Many provisions involving numerous statutes.

320 ILCS 20/ 3.5, 4, 7 & 14 new. **Public Act: 93-0301 - Eff: 01-01-04**

720 ILCS 5/ 12-19, 12-21 & 16-1.3
725 ILCS 5/ 114-13.5 new & 115-10.3
730 ILCS 5/ 5-5-3
755 ILCS 5/ 206.6 new.

SB 240: Amends the **Home Repair Fraud Act**. Increases the criminal penalties and lowers the

monetary thresholds for enhanced penalties of the offense of aggravated home repair fraud. Also permits the suspension or revocation of the licenses or permits of those who commit this offense.

815 ILCS 515/ 5 **Public Act: 93-0542 - Eff: 01-01-04**

SB 319: Amends the **Nursing Home Care Act**, the **Abused and Neglected Long Term Care Facility Residents Reporting Act**, the **Elder Abuse and Neglect Act** and the **Criminal Code**. Makes changes in the provisions concerning the investigation of complaints of abuse and neglect. Provides a cause of action for those who are harmed as a result of making a report under these Acts. Creates an additional subsection of disorderly conduct concerning false reports of abuse or neglect under these Acts.

210 ILCS 30/ 4 **AMENDATORY VETO**
210 ILCS 45/ 3-608 & 3-702
320 ILCS 20/ 2, 4 & 4.1
720 ILCS 5/ 26-1

GOVERNOR’S AMENDATORY VETO MESSAGE

Recommends that the following be removed from the bill: (i) the criminal penalty for knowingly transmitting or causing to be transmitted a false report to the Department of Public Health under the Abused and Neglected Long Term Care Facility Residents Reporting Act or to the Department on Aging under the Elder Abuse and Neglect Act, (ii) provisions of the Nursing Home Care Act that provide that investigations are not required to include an on-site visit, and (iii) changes to the investigation requirements for allegations of abuse or neglect of a nursing home resident.

SB 1543: Creates the **Residential Health Care Facility Resident Sexual Assault and Death Review Team Act**. Requires the Director of Public Health to appoint a residential health care facility resident sexual assault and death review team in each of the Department's administrative regions outside Cook County and at least one such team in Cook County. Each review team shall consist of at least one member from a local law enforcement agency.

New Act
5 ILCS 120/2
5 ILCS 140/7 **Public Act: 93-0577 - Eff: 08-21-03**

Firearms

HB 312: Amends the **Criminal Code**. Provides that the penalty provisions of the offense of unlawful purchase of a firearm also applies to attempting to unlawfully purchase a firearm. (**NOTE:** This exact language is found in SB 382, **Public Act: 93-0451 - Eff: 08-07-03**).

720 ILCS 5/ 24-3.5..... **TOTAL VETO**

HB 515: Amends the **Criminal Code**. Provides that a law enforcement agency that requests a firearms trace, within a reasonable time, but no later than 60 days after the termination of the investigation for which the trace was initiated or records were requested or immediately upon the initiation of criminal proceedings, shall serve the person who was the subject of a records request or search with an inventory containing certain information. Permits the circuit court of the county of the person's residence, upon a motion filed by the person who is the subject of a records request or search, to order the destruction of all records associated with the trace request, except those required to be kept under the federal Gun Control Act of 1968, the Criminal Code of 1961, the Firearm Owners Identification Card Act, or those records pertaining to an open and active criminal investigation or proceeding.

720 ILCS 5/ 24-8 **TOTAL VETO**

GOVERNOR’S VETO MESSAGE

“In light of current budgetary constraints, signing House Bill 515 into law is not appropriate. House Bill 515's notice requirements will divert significant law enforcement resources which should be focused on more important concerns such as Homeland Security and investigating violent crime. As drafted, this bill will also undermine law enforcement investigations into violent crime and illegal gun trafficking. As a result, House Bill 515 has drawn well-deserved criticism from the law enforcement community. Pursuant to Article IV, Section 9 (b) of the Illinois Constitution of 1970, I hereby veto and return House Bill 515, entitled “AN ACT in relation to criminal law.”

HB 1377: Amends the **Criminal Code**. Provides that it is illegal for a person engaged in the business of the wholesale or retail selling of firearms to sell or give away a firearm without first possessing a federal firearm dealer’s license.

720 ILCS 5/ 24-3. **Public Act: 93-0162 - Eff: 07-10-03**

HB 1536: Amends the **Firearm Owners Identification Card Act**. Provides that a minor subject to a delinquency petition filed under the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony is ineligible for a Firearm Owner's Identification Card. Provides that the ineligibility continues through adulthood. Provides that the court shall notify the Department of State Police when a minor has been adjudicated delinquent for a felony. Provides that a minor who is ineligible for a Firearm Owner's Identification Card because of adjudication as a the delinquent for a felony may apply for relief to the circuit court from disability 10 years after the adjudication of delinquency.

430 ILCS 65/ 4, 8 & 10. **Public Act: 93-0367 - Eff: 01-01-04**

SB 686: Amends the **Criminal Code**. Provides that the unlawful use of weapons offense does not

apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices or ammunition. Provides the exemption from an unlawful use of weapons violation for possessing a silencer, also applies to persons licensed under federal law to manufacture firearms. Provides that this exemption does not authorize the general private possession of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, but only such possession and activities as are within the lawful scope of a licensed manufacturing business. Provides that during transportation, those devices shall be detached from any weapon or not immediately accessible.

720 ILCS 5/ 24-2. **Public Act: 93-0439 - Eff: 08-05-03**

Fireworks

HB 1482: Creates the **Pyrotechnic Operator Licensing Act**. Regulates lead pyrotechnic operators through licensure requirements. Amends the **Illinois Explosives Act** and the **Fireworks Use Act**. Provides many changes.

New Act **Public Act: 93-0263 - Eff: 07-22-03**
225 ILS 210/ 2001
425 ILCS 35/2

Freedom of Information

HB 539: Amends the **Freedom of Information Act**. Provides that a private gain or loss, the expectation of which exempts certain information from the Act's inspection and copying requirements does not include a news medium's dissemination regarding the public's health, safety, welfare, and legal rights. Other provisions.

5 ILCS 140/ 7 **Public Act: 93-0043 - Eff: 07-01-03**

HB 954: Amends the **Freedom of Information Act** and the **Open Meetings Act**. Exempts from the FOI Act's inspection and copying requirements various technical documents for projects based upon security, vulnerability assessments, security measures, and response procedures for attacks,

and maps and other records with respect to utility locations. Also amends the Open Meetings Act to permit closed meetings to discuss threats to the security of the public.

5 ILCS 120/ 2 **Public Act: 93-0422 - Eff: 08-05-03**
5 ILCS 140/ 7

SB 690: Amends the **Freedom of Information Act**. Provides for the award of attorney’s fees and costs in certain cases involving successful suit arising out of this Act.

5 ILCS 140/ 11 **Public Act: 93-0466 - Eff: 01-01-04**

Miscellaneous

HB 32: Creates the **State Agency Web Site Act**. Provides that State agency Web sites may not use permanent cookies or any other invasive tracking programs that monitor and track Web site viewing habits; however, a State agency Web site may use transactional cookies that facilitate business transactions. an exception to the prohibition of the use of permanent cookies for cases in which the use of permanent cookies "adds value to the user otherwise not available" and the permanent cookies "are not used to monitor and track Web site viewing habits unless all types of information collected and the State's use of that information add user value and are disclosed through a comprehensive online privacy statement".

New Act **Public Act: 93-0117 - Eff: 01-01-04**

HB 263: Amends the **Illinois International Port District Act**. Provides that the District may police its property and exercise police powers, may enforce any rule or regulation provided by the ordinances of the District, including regulation of vehicular traffic and commercial maritime traffic, and may employ and commission police officers and other qualified persons to enforce the same.

Provides that members of the Illinois International Port District Board shall not be prevented from receiving non-salary benefits of the type received by employees of the District.

70 ILCS 1810/5
70 ILCS 1810/12 **Public Act: 93-0250 - Eff: 07-22-03**

HB 1279: Amends the **Hazardous Material Emergency Response Reimbursement Act**. Includes technical rescue teams within the definition of "emergency response agency".

430 ILCS 55/3 **Public Act: 93-0159 - Eff: 01-01-04**

HB 2330: Creates the **Illinois Civil Rights Act of 2003**. Prohibits any unit of State, county, or

local government from excluding a person from participation in, denying a person the benefits of, or subjecting a person to discrimination under any program or activity on the grounds of his or her race, color, or national origin and from using criteria or methods of administration that have the effect of subjecting individuals to such discrimination. Authorizes a person to bring a lawsuit in circuit court. Provides for limited punitive damages.

New Act **Public Act: 93-0425 - Eff: 01-01-04**

HB 2529: Amends the **Illinois Streetgang Terrorism Omnibus Prevention Act**. Includes in the definition of "course or pattern of criminal activity", acts of criminal defacement of property if the defacement includes a sign or other symbol intended to identify the streetgang.

740 ILCS 147/10 **Public Act: 93-0337 - Eff: 01-01-04**

HB 2700: Makes FY04 appropriation to Department of State Police. **REDUCTION VETO**

HB 2955: Amends the **State Finance Act**. Provides that upon a State employee's retirement or resignation, his or her vacation, overtime, and sick leave need not be payable in a single lump sum if otherwise provided for in a collective bargaining agreement entered into under the Illinois Educational Labor Relations Act.

30 ILCS 105/14a **Public Act: 93-0448 - Eff: 08-06-03**

SB 2: Creates the Equal Pay Act of 2003. Provides that no employer may discriminate between employees on the basis of sex by paying wages solely on the basis of the employee's gender.

New Act **Public Act: 93-0006 - Eff: 01-01-04**

SB 487: Creates the **Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004** which is a re-write of the Private Detective, Private Alarm, Private Security and Locksmith Act of 1993. Makes numerous changes involving the above described professions.

5 ILCS 80/ 4.14 & 4.24

20 ILCS 2630/ 3.1

215 ILCS 152/ 10

625 ILCS 5/ 2-123

720 ILCS 5/ 24-2

735 ILCS 5/ 2-202

225 ILCS 446/ Act rep. **Public Act: 93-0438 - Eff: 08-05-03**

SB 600: Amends the **Minimum Wage Law**. Provides that, from January 1, 2004 through December 31, 2004, every employer shall pay each employee who is 18 years of age or older wages of not less than \$5.50 per hour. Provides that, on and after January 1, 2005, every employer shall pay each employee who is 18 years of age or older wages of not less than \$6.50 per hour. Deletes

language providing that wages paid to employees may not be less than the federal minimum hourly wage.

820 ILCS 105/4. **Public Act: 93-0581 - Eff: 01-01-04**

SB 1098: Amends the **Wireless Emergency Telephone Safety Act**. Defines "wireless enhanced 9-1-1" to mean the ability to relay the telephone number of the originator of a 9-1-1 call and location information from any mobile handset or text telephone device accessing the wireless system to the designated wireless public safety answering point as set forth by an order of the Federal Communications Commission.

50 ILCS 751/10. **Public Act: 93-0507 - Eff: 01-01-04**

SB 1903: There shall be added to every fine imposed in sentencing for a criminal or traffic offense, except an offense relating to parking or registration, or offense by a pedestrian, an additional penalty of \$4 imposed. The additional penalty of \$4 shall also be added to every fine imposed upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision in criminal, traffic, local ordinance, county ordinance, or conservation cases (except parking, registration, or pedestrian violations), or upon a sentence of probation without entry of judgment under Section 10 of the Cannabis Control Act or Section 410 of the Controlled Substances Act. Such additional penalty of \$4 shall be assessed by the court imposing the fine and shall be collected by the circuit clerk in addition to any other fine, costs, fees, and penalties in the case.

730 ILCS 5/5-9-1. **Public Act: 93-0032 - Eff: 06-20-03**

Open Meetings Act

HB 105: Amends the **Open Meetings Act**. Permits closed meetings to consider security procedures with respect to dangers to the public.

5 ILCS 120/ 2 **Public Act: 93-0079 - Eff: 07-02-03**

SB 1204: Amends the **Open Meetings Act**. Permits a public body to close a meeting or a portion of a meeting to discuss it legal counsel’s appointment, performance, compensation, or dismissal based upon the same procedures as is followed with other employees of that public body.

5 ILCS 120/ 2 **Public Act: 93-0057 - Eff: 07/01/03**

SB 1586: Amends the Open Meetings Act. Requires a public body to make a verbatim audio or video recording of closed meetings. Establishes procedures for the availability to the public and the court of closed meeting minutes and recordings. Establishes procedures for the destruction of those recordings.

5 ILCS 120/ 2.06. **Public Act: 93-0523 - Eff: 01-01-04**

Peace Officers

SB 946: Amends the Uniform Peace Officer’s Disciplinary Act to provide that anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit.

50 ILCS 725/ 3.8 **Public Act: 93-0592 - Eff: 01-01-04**

Sex Offenses & Offenders

HB 338: Amends the School Code. Prohibits a child sex offender from being elected or appointed to a school board.

105 ILCS 5/ 10-3, 10-10, 33-2 & 34-4. **Public Act: 93-0309 - Eff: 01-01-04**

HB 1400: Creates the Civil No Contact Order Act. Sets forth procedures under which a victim of a non-consensual sexual conduct or non-consensual sexual penetration may petition a court for a civil no contact order requiring the person who committed the acts to stay away from the victim. Provides for a series of criminal penalties for a violation of this order. Numerous other provisions.

New Act **Public Act: 93-0236 - Eff: 01-01-04**

HB 3556: Amends the Sex Offender Management Board Act and numerous other Acts. Produces a major rework of the statutes dealing with sex offenders. Numerous provisions dealing with definitions, probation and treatment. Increases the sex offender registration fee to \$20 from \$10 and the annual renewal fee from \$5 to \$10. Also provides that the Sex Offender Management Board Fund may be used for the purposes specified in the Sex Offender Registration Act. Also provides that the first \$25 of the probation fee shall be deposited into the county probation and court

services fund.

20 ILCS 4026/ 10,15, 16 new, 17 new, 18 new & 19 new **AMENDATORY VETO**
705 ILCS 405/ 5-701 & 5-715
725 ILCS 207/ 8, 10, 25, 35, 40, 55, 60 & 65
730 ILCS 5/ 3-3-7, 3-6-2, 3-9-7, 5-3-1, 5-3-2, 5-4-1, 5-6-3 & 5-7-1
730 ILCS 110/ 15.1
730 ILCS 150/ 3

GOVERNOR’S AMENDATORY VETO MESSAGE

Recommends that the bill be changed as follows: (i) that the evaluation and treatment required by the bill be provided subject to available funds, including the offender's ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose (rather than at the expense of the offender, based on the offender's ability to pay); (ii) provides that the agency providing supervision may (rather than shall) request funding (rather than reimbursement) for services from the Fund under specified circumstances; and (iii) raises the fee imposed upon an offender as a condition of his or her probation or conditional discharge.

SB 406: Amends the **Criminal Code**. Provides that a person who consents to sexual penetration or sexual conduct may not be deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct.

720 ILCS 5/ 12-17 **Public Act: 93-0389 - Eff: 07-25-03**

SB 1035: Amends the **Abused and Neglected Child Reporting Act**, the **Criminal Code** and the **Code of Civil Procedure**. Amends the Abused and Neglected Child Reporting Act. Eliminates the provision that requires a Christian Science Practitioner to report cases of suspected child abuse to the Department of Children and Family Services. Amends the Criminal Code of 1961. Changes the statute of limitations for a prosecution of certain sex offenses committed against a person under 18 years of age from 10 years after the victim attains 18 years of age to 20 years after the victim attains 18 years of age. Amends the Code of Civil Procedure. Provides that an action for damages for personal injury based on childhood sexual abuse must be commenced within 10 years after the limitation period begins to run or within 5 years of the date the person abused discovers or should discover that the act of childhood sexual abuse occurred and that the injury was caused by the childhood sexual abuse, whichever is later (rather than within 2 years of the date the person abused discovers or should discover that the act of childhood sexual abuse occurred and that the injury was caused by the childhood sexual abuse). Adds provisions concerning the time at which knowledge of the injury occurs. Provides that specified limitation periods do not run while the victim is subject to threats, intimidation, manipulation, or fraud. Provides that the changes made by the amendatory Act apply to actions pending on the effective date of the amendatory Act as well as actions commenced or after that date.

325 LCS 5/ 4 **Public Act: 93-0356 - Eff: 01-01-04**
720 ILCS 5/ 3-6
735 ILCS 5/ 13-202.2

State's Attorneys

HB 525: Amends the **Public Aid Code** and the **Unemployment Insurance Act** to require the names and addresses of victims or witnesses of a felony be made available upon request to the State's Attorney or a State's Attorney Investigator.

305 ILCS 5/ 11-9 **Public Act: 93-0311 - Eff: 01-01-04**
820 ILCS 405/ 1900

SB 211: Amends the **Criminal Code**. Provides that a State's Attorney may create within his or her office a bad check diversion program. Includes the details.

720 ILCS 5/ 17-1b new. **Public Act: 93-0394 - Eff: 07-29-03**

Illinois Vehicle Code

HB 44: Amends the Illinois Vehicle Code, provides that any person who rents a vehicle to another must provide, on the request of the renter, based on the available information, an estimated total of the daily rental rate, including all applicable taxes, fees, and other charges, or an estimated total rental charge, based on the return date of the vehicle noted on the rental agreement. Provides that, if the rental agreement does not already provide an estimated total rental charge, the rental agreement

must contain a prescribed statement indicating that the renter is entitled to obtain the required information on request.

625 ILCS 5/6-305. **Public Act: 93-0118 - Eff: 01-01-04**

HB 92: Amends the **Illinois Vehicle Code**. Provides that a person commits aggravated fleeing or attempting to elude a peace officer if he or she disobeys 2 or more official traffic control devices in the course of fleeing or attempting to elude a peace officer..

625 ILCS 5/ 6-205 & 6-206. **Public Act: 93-0120 - Eff: 01-01-04**

HB 123: Amends the **Illinois Vehicle Code**. Prohibits the installation, use or transportation of a traffic control signal preemption device, a device that changes a traffic control signal to a green light or extends the duration of a green light. Provides definitions and penalties. Effective upon

becoming law. (**NOTE:** The same basic language is also found in **SB 21**, which was Vetoed 07-29-03).

625 ILCS 5/ 12-601.1 new **Public Act: 93-0080 - Eff: 07-02-03**

HB 136: Amends the **Illinois Vehicle Code**. Restricts the sale or transfer of any vehicle bearing equipment, markings, or other indicia of police authority, unless those indicia have been sufficiently removed to remove all appearance of police authority. Also prohibits the use of a vehicle with those items by a private citizen. Other restrictions and provisions.

625 ILCS 5/ 12-609 **Public Act: 93-0513 - Eff: 01-01-04**

HB 218: Amends the **Illinois Vehicle Code** and the **Code of Criminal Procedure**. Deletes language providing that law enforcement officers may not stop any vehicle solely on the basis of the failure of the occupants to wear seat belts. However, it also provides that an officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because the driver or a passenger was not wearing a seat safety belt. (**NOTE:** Language to this affect is also found in SB 50 **Public Act: 93-0099 - Eff: 07-03-03**).

625 ILCS 5/ 12-603.1 **TOTAL VETO**
725 ILCS 5/ 108-1

HB 298: Amends the **Illinois Vehicle Code**. Provides that the owner (instead of the driver) of a vehicle is responsible for paying any fines, charges, and costs on an abandoned vehicle and may be penalized for failure to do so.

625 ILCS 5/ 4-214.1. **Public Act: 93-0086 - Eff: 01-01-04**

HB 313: Amends the **Illinois Vehicle Code**. Provides that vehicles properly registered in another state and displaying a valid registration plate are required to undergo safety inspections if they are vehicles of a contract carrier transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer passengers.

625 ILCS 5/ 13-101 **AMENDATORY VETO**

GOVERNOR’S AMENDATORY VETO MESSAGE

Recommends, in provisions concerning safety tests and certificates of safety, adding the following: (i) that the Department of Transportation and other State agencies shall implement and enforce those provisions in a manner that is not inconsistent with federal laws and regulations; and (ii) that vehicles, properly registered in another State, of contract carriers transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer

passengers are exempt from those provisions only to the extent that the state of registration has safety testing requirements that are no less stringent than the applicable requirements in Illinois. "While I support the safety benefits that HB 313 was designed to promote, the bill as written jeopardizes over \$6 million in federal Motor Carrier Safety Assistance Program funds due to a federal regulation that conflicts with the bill's provisions."

HB 361: Amends the **Illinois Vehicle Code**. Provides for a 4-year traffic stop statistical study based on information that must be recorded on the face of a uniform traffic citation, warning citation, or uniform stop card by State and local law enforcement officers. Provides that law enforcement officer identification information or driver identification information compiled pursuant to the study is exempt from inspection and copying under the Freedom of Information Act. Provides that the citation shall show the law enforcement officer's race (as well as his or her name and badge number). (**NOTE:** Governor signed SB 30, **P. A. 93-0209 - Eff: 07-18-03**, which contains similar language.)

5 ILCS 140/ 7
20 ILCS 2605/ 85 new
30 ILCS 805/ 8.27 new
50 ILCS 705/ 7
625 ILCS 5/ 11-212 new **TOTAL VETO**

HB 385: Amends the **Illinois Vehicle Code**. Sets the minimum fine (\$100) for a violation of the proper driving conduct when approaching a stationary authorized emergency vehicle.

625 ILCS 5/ 11-907. **Public Act: 93-0173 - Eff: 07-11-03**

HB 499: Amends the **Illinois Vehicle Code**. Changes the requirements for a person who is under the age of 18 years to operate a motorcycle to include the successful completion of a motorcycle training course approved by the Illinois Department of Transportation (rather than just completing the course).

625 ILCS 5/ 6-103 **Public Act: 93-0174 - Eff: 01-01-04**

HB 715: Amends the **Illinois Vehicle Code** and the **State Finance Act**. Creates the Secretary of State Police DUI Fund as a special fund in the State treasury. Provides that all moneys received by the Secretary of State Police in the form of fines under the DUI provision of the Code shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

30 ILCS 105/5.595

625 ILCS 5/11-501 **Public Act: 93-0584 - Eff: 08-22-03**

HB 1186: Amends the **Illinois Vehicle Code**. Provides for a state-wide uniform speed limit (outside of urban districts) for all vehicles of 65 mph. (Unless some other speed restriction has been enacted).

625 ILCS 5/ 11-601 **TOTAL VETO**

GOVERNOR’S VETO MESSAGE

“Pursuant to Article IV, Section 9 (b) of the Illinois Constitution of 1970, I hereby veto and return House Bill 1186, entitled, “AN ACT concerning vehicles. I was presented this legislation with many reports and concerns from both sides. This is not a commerce issue. This is a safety issue. In the bill review, I learned that a 10 mph increase, from 55 mph to 65 mph, increases the impact force of an average-weight large truck by nearly 40%. To match the kinetic energy of an 80,000 truck traveling at 55 mph, a 4000 pound car would have to be traveling at 246 mph. Therefore, for safety reasons, I hereby veto HB 1186.”

HB 1189: Amends the **Illinois Vehicle Code**. Provides that the optional plates issued to the owner of a vehicle exempt from registration under the Code are issued for a single fee of \$13 (rather than being issued for a fee of \$13 for a 2-year registration period). Provides that the optional plates are permanent and non-transferable.

625 ILCS 5/3-809 **Public Act: 93-0312 - Eff: 01-01-04**

HB 1274: Amends the **Illinois Vehicle Code** regarding the reclassification of a vehicle's registration during a current registration period. Provides that, when an owner is reclassing the registration of a vehicle from a flat rate plate to an apportioned plate, a refund may be issued if the applicant was issued the wrong plate originally and the credit for the unused portion of the registration fee amounts to an overpayment.

625 ILCS 5/3-802 **Public Act: 93-0365 - Eff: 07-24-03**

HB 1389: Amends the **Illinois Vehicle Code**. Provides that there is no additional renewal fee for special plates issued to veterans or the spouses of veterans that do not require an additional renewal fee for a special fund other than the Secretary of State's Special License Plate Fund or the Road Fund.

625 ILCS 5/3-626

625 ILCS 5/3-628

625 ILCS 5/3-638

625 ILCS 5/3-642
625 ILCS 5/3-645
625 ILCS 5/3-647
625 ILCS 5/3-650
625 ILCS 5/3-806.4 **Public Act: 93-0140 - Eff: 01-01-04**

HB 1491: Amends the **Illinois Vehicle Code**. Provides that public schools and educational facilities may not contract with an entity engaged in giving instruction in the driving of motor vehicles or in the preparation of an applicant for the Secretary of State's driver's license examination unless that entity is licensed by the Secretary of State. Increases the amount of the surety bond required to operate a driver training school to \$20,000 (from \$10,000). Raises the application and renewal fees for a license to operate a driver training school. Removes historical language concerning an impact report on driver training courses for students or high school dropouts. Includes a fingerprint based background check investigation to the list of requirements for qualifying for a license as an instructor for a driving school. Changes language concerning how information obtained as a result of the application for a license can be used or maintained. Extends the expiration date for driver training schools or instructors to 24 months (from 12 month) from the date of issuance.

625 ILCS 5/6-401
625 ILCS 5/6-402
625 ILCS 5/6-408.5
625 ILCS 5/6-411
625 ILCS 5/6-413
625 ILCS 5/6-414
625 ILCS 5/6-415 **Public Act: 93-0408 - Eff: 08-04-03**

HB 1574: Amends the **Illinois Vehicle Code**. Upon an Interstate highway or fully access controlled freeway, a vehicle may not be driven in the left lane, except when overtaking and passing another vehicle. Provides that the prohibition does not apply to authorized emergency vehicles while using emergency lighting or to law enforcement vehicles engaged in official duties. Provides other conditions where law does not apply.

625 ILCS 5/ 11-701 **Public Act: 93-0447 - Eff: 01-01-04**

HB 2301: Amends the **Illinois Highway Code** and the **Illinois Vehicle Code**. Provides that the fine for obstructing a highway is not less than \$50 nor more than \$500 (rather than not less than \$10 nor more than \$100) and that the fine for leaving the obstruction on the highway after being ordered to remove it by the highway authority having jurisdiction is \$50 (rather than \$10) per day. Provides that local authorities include road district highway commissioners having authority to enact laws relating to traffic.

605 ILCS 5/ 9-117 **Public Act: 93-0177 - Eff: 07-11-03**
625 ILCS 5/ 1-140, 11-302, 11-304, 15-102, 15-107, 15-111 & 15-316.

HB 2840: Amends the **Illinois Vehicle Code**. Deletes language providing that no person may drive a bus that has been chartered for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities unless the person has a valid school bus driver permit in addition to any other permit or license that is required to operate that bus. Provides that a person may not drive a bus chartered for those purposes that does not meet specified requirements for school buses unless he or she has a commercial driver's license (CDL) with a school bus driver endorsement. Establishes requirements for obtaining a CDL school bus driver endorsement, including certain requirements that also pertain to school bus driver permits. Provides that the requirement of a CDL with a school bus driver endorsement (rather than of a school bus driver permit) does not apply to any bus driver employed by a public transportation provider authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is on a regularly scheduled route for the transportation of other fare paying passengers. Provides that a person may operate the type of chartered bus described if he or she is not disqualified from driving a chartered bus of that type and if he or she holds a CDL that is issued to him or her by any other state or jurisdiction in accordance with federal rules, is not suspended, revoked, or canceled, and is valid under federal rules for the type of vehicle being driven. Amends the School Code. Provides that the powers of school boards include the power to enter into contracts for this type of charter bus services. Provides that all contracts with in-State companies for these services must contain a clause that indicates that all charter bus drivers providing services under the contract have submitted to fingerprinting and a criminal background check and have submitted to a medical examination, including drug testing. Provides that contracts with out-of-state companies for these services must contain a clause indicating whether or not all charter bus drivers providing service under the contract have submitted to background checks and medical examination. (Also see **SB 150** which contains very similar language.)

625 ILCS 5/6-104
625 ILCS 5/6-508
105 ILCS 5/10-20.21a new **Public Act: 93-0476 - Eff: 01-01-04**

HB 3063: Amends the **Illinois Vehicle Code**. Provides that the brakes of a boat trailer with a gross weight of over 3,000 pounds do not have to be operable by the driver of the towing vehicle from its cab. Provides that the brakes must be designed to ensure that, in case of the accidental breakaway of a towed boat trailer over 5,000 pounds, the brakes are automatically applied.

625 ILCS 5/12-301 **Public Act: 93-0344 - Eff: 01-01-04**

HB 3106: Amends the **Illinois Vehicle Code**. Provides that a person engaged in the repair or servicing of vehicles may possess a manufacturer's identification number plate for the purpose of re-affixing it on the same damaged vehicle from which it was originally removed. Provides for numerous notice and record keeping requirements.

625 ILCS 5/ 4-103, 4-103.2 & 4-107 **Public Act: 93-0456 - Eff: 08-08-03**

HB 3540: Amends the **Illinois Motor Vehicle Theft Prevention Act**. Extends the repeal date of this Act from January 1, 2004 to January 1, 2008.

20 ILCS 4005/ 12 **Public Act: 93-0172 - Eff: 07-10-03**

SB 30: Amends the **Department of State Police Law of the Civil Administrative Code of Illinois**; also amends the **Illinois Police Training Act**, the **State Mandates Act**, the **Freedom of Information Act**, and the **Illinois Vehicle Code**. Requires the Department of State Police to provide training to State Police officers concerning sensitivity toward racial and ethnic differences. Requires the Illinois Law Enforcement Training Standards Board to provide for similar training for probationary police officers. Provides that from January 1, 2004 until December 31, 2007, whenever a State or local law enforcement officer issues a uniform traffic citation or warning citation for a violation of the Code, or otherwise stops a motorist for an alleged violation of the Code, the officer must record certain information, including the officer's subjective determination of the stopped person's race. Requires law enforcement agencies to collect and transmit the recorded data to the Department of Transportation. Requires the Department to analyze the data for evidence of statistically significant aberrations concerning the race of stopped motorists and to make annual reports. Makes information concerning the identity of law enforcement officers and drivers exempt from disclosure under the Freedom of Information Act. Requires the Department of Transportation to provide a standardized law enforcement data compilation form on its website. Provides that every law enforcement agency shall, by March 1 in each of the years 2004, 2005, 2006, and 2007, compile the traffic stop statistical study data on the standardized law enforcement data compilation form provided by the Department and transmit the data to the Department. Requires the Department to report its data analysis findings by July 1. Provides that funding shall come from federal highway safety funds available to Illinois (instead of from federal funds or from State and community grants or highway safety grants), as directed by the Governor. Requires the Department, in consultation with certain law enforcement agencies, officials, and organizations and community groups and other experts, to undertake a study to determine the best use of technology to collect, compile, and analyze the traffic stop statistical study data, and requires a report by March 1, 2004. (**NOTE:** Governor vetoed similar bill **HB 361.**)

5 ILCS 140/7

20 ILCS 2605/2605-85 new

30 ILCS 805/8.24 new

50 ILCS 705/7

625 ILCS 5/11-212 new. **Public Act: 93-0209 - Eff: 07-18-03**

SB 50: Amends the **Illinois Vehicle Code** and the **Code of Criminal Procedure of 1963**. Deletes language providing that law enforcement officers may not stop or search any vehicle solely on the basis of the failure of the occupants to wear seat belts. Provides that a law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because the driver or passenger is not wearing a seat safety belt.

625 ILCS 5/12-603.1

725 ILCS 5/108-1. **Public Act: 93-0099 - Eff: 07-03-03**

SB 58: Amends the **Illinois Vehicle Code**. Provides that if a person under the age of 18 receives a graduated driver's license, for the first six months of the license or until the person reaches the age of 18, whichever occurs sooner: the person may not drive with more than one person in the vehicle who is under the age of 20, providing exceptions for siblings, children, step-siblings, and step-children of the driver.

625 ILCS 5/ 6-107. **Public Act: 93-0101 - Eff: 01-01-04**

SB 150: Amends the **Illinois Vehicle Code** and **School Code**, deletes language providing that no person may drive a bus that has been chartered for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities unless the person has a valid school bus driver permit in addition to any other permit or license that is required to operate that bus. Provides that a person may not drive a bus chartered for those purposes that does not meet specified requirements for school buses unless he or she has a commercial driver's license (CDL) with a school bus driver endorsement. Establishes requirements for obtaining a CDL school bus driver endorsement, including certain requirements that also pertain to school bus driver permits. Provides that the requirement of a CDL with a school bus driver endorsement (rather than of a school bus driver permit) does not apply to any bus driver employed by a public transportation provider authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is on a regularly scheduled route for the transportation of other fare paying passengers. Provides that a person may operate the type of chartered bus described if he or she is not disqualified from driving a chartered bus of that type and if he or she holds a CDL that is issued to him or her by any other state or jurisdiction in accordance with federal rules, is not suspended, revoked, or canceled, and is valid under federal rules for the type of vehicle being driven. Provides that the powers of school boards include the power to enter into contracts for this type of charter bus services. Provides that all contracts for these services must contain a clause that indicates whether or not all charter bus drivers providing services under the contract have the driver's license necessary to operate the type of bus that will provide the services, have submitted to fingerprinting and a criminal background check, and have submitted to a medical examination, including drug testing. Provides that any school district may enter into an intergovernmental agreement with a Mass Transit District, the RTA, a rural transportation program, or an Urban Transportation District for the transportation of pupils. Provides that the costs of these agreements are eligible for reimbursement by the State. Provides that a person may operate a chartered bus of the type described if he or she holds a valid CDL and a valid school bus driver permit that was issued on or before December 31, 2003. Provides that the language of the required contract clause must indicate whether all charter bus drivers providing services under the contract have submitted their fingerprints to the Department of State Police, in the form and manner prescribed by the Department of State Police, to be checked against fingerprint records filed in the Department of State Police and Federal Bureau of Investigation Criminal History Records Databases. Provides that the Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and may

not exceed the actual cost of the records check. (**NOTE:** Governor signed bill with similar language - **HB 2840**).

105 ILCS 5/10-20.21a new

105 ILCS 5/29-15

625 ILCS 5/6-104

625 ILCS 5/6-508. **AMENDATORY VETO**

GOVERNOR’S AMENDATORY VETO MESSAGE

Recommends that language providing that any school district may enter into an intergovernmental agreement with a Mass Transit District, the RTA, a rural transportation program, or an Urban Transportation District for the transportation of pupils, and that the costs of these agreements are eligible for reimbursement by the State be deleted.

SB 272: Amends the **Illinois Vehicle Code**, provides that when the Illinois Commerce Commission has ordered the installation of luminous flashing signal or crossing gate devices at a railroad grade crossing, the Commission shall order the installation of temporary stop signs at the highway intersection with the grade crossing. Provides that the stop signs must remain in place until the crossing devices have been installed. Provides that the Commission has authority to assess the costs of installing temporary stop signs. Provides that the rail carrier is responsible for the cost of installation and maintenance of any required temporary stop signs.

625 ILCS 5/18c-7401. **AMENDATORY VETO**

GOVERNOR’S AMENDATORY VETO MESSAGE

Recommends that the Commission be authorized (rather than required) to order the installation of temporary stop signs.

SB 311: Amends the **Illinois Vehicle Code**. Provides that a driver must stop his or her vehicle before meeting or overtaking, from either direction, a school bus stopped at any location (rather than on a highway or on other specified roadways) for the purpose of receiving or discharging pupils.

625 ILCS 5/ 11-1414. **Public Act: 93-0180 - Eff: 07-11-03**

SB 330: Amends the Illinois Vehicle Code, provisions limiting vehicle lengths and limiting wheel and axle loads and gross weights by providing that the towing authorized by the new provision is permitted only on State routes approved by the Department of Transportation. Provides that the tower must abide by posted bridge weight limits. (**NOTE:** Senate Bill 330 contains similar language as SB 563, which received an amendatory veto.)

625 ILCS 5/15-107

625 ILCS 5/15-111. **TOTAL VETO**

SB 563: Amends the Illinois Vehicle Code with regard to wheel and axle loads. Provides that during a towing operation, even if specified conditions are met, neither the tow truck nor the vehicle combination may exceed 64,000 pounds on a triple rear axle (in addition to providing that neither the tow truck nor the vehicle combination may exceed 24,000 pounds on a single or 44,000 pounds on a tandem rear axle). Amends the **Illinois Vehicle Code**, providing that during a towing operation, neither the tow truck nor the vehicle combination shall exceed 56,000 pounds on manufactured recovery units with a triple rear axle. Deletes language providing that neither the tow truck nor the vehicle combination shall exceed 64,000 pounds on a triple rear axle. Provides that the Department of Transportation and local authorities may issue a special permit for use of the highways under their respective jurisdictions by a tow truck that exceeds the Code's weight limits only if the tow commences at the point of wreck or disablement and terminates at a point where the repairs are actually to occur. Deletes language requiring that the distance of the tow not exceed 50 miles. Lowers the fees for a special tow truck permit from \$500 to \$50 quarterly and from \$2,000 to \$200 annually.

625 ILCS 5/15-111

625 ILCS 5/15-301

625 ILCS 5/15-308.2. **AMENDATORY VETO**

GOVERNOR’S AMENDATORY VETO MESSAGE

“Among other things, Senate Bill 563 allows tow truck operators to have triple rear axle weights of 56,000 pounds on highways under control of State and local authorities. This is a significantly large weight that creates the potential for damage to highways throughout Illinois. While the Department has the resources to assess and protect against damage to its bridges and structures, local highway authorities do not have the same abilities.” Governor’s veto deletes language on “56,000 pounds on manufactured recovery units with a triple rear axle.”

SB 1093: Amends the **Illinois Vehicle Code**. Provides that school buses may be equipped with alternately flashing head lamps, which may be operated in conjunction with the 8-lamp flashing signal system required by the Code.

625 ILCS 5/ 11-1414, 12-215 & 12-805. **Public Act: 93-0181 - Eff: 01-01-04**

SB 1117: Amends the **Illinois Identification Card Act** and the **Illinois Vehicle Code**. Provides that a physician assistant may determine or certify that a person has a disability if the physician assistant has been delegated the authority to make the determination or certification by his or her supervising physician. Provides that an advanced practice nurse may determine or certify that a person has a disability if the advanced practice nurse has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination or certification.

15 ILCS 335/4

625 ILCS 5/1-159.1

625 ILCS 5/3-616. **Public Act: 93-0182 - Eff: 07-11-03**

SB 1175: Amends the **Illinois Vehicle Code**. Increases the penalty for a false or secret compartment offense from a Class C misdemeanor to a Class 4 felony. Also provides that the removal of the compartment or the promise to do so shall not be a basis for a defense to the forfeiture of the vehicle under the terms and conditions of this offense.

625 ILCS 5/ 12-612. **Public Act: 93-0276 - Eff: 01-01-04**

SB 1453: Amends the **Illinois Vehicle Code**. Provides that specified vehicles and combinations of vehicles manufactured before or in the model year 2014 (rather than 2004) and first registered in Illinois before January 1, 2015 (rather than January 1, 2005) are allowed certain specified weights on their axles. Provides that vehicles of the specified types manufactured after the model year 2014 (rather than 2004) or registered in Illinois after December 31, 2014 (rather than December 31, 2004) are subject to specified stricter weight restrictions. Provides that any combination of vehicles registered as Special Hauling Vehicles that has had its cargo container replaced in its entirety after December 31, 2014 (rather than after December 31, 2004) may not exceed specified weights.

625 ILCS 5/15-111 **Public Act: 93-0186 - Eff: 01-01-04**

SB 1581: Amends the **Illinois Vehicle Code** and the **Criminal Code**. Provides that the vehicle of a person who drives without a license and without insurance and causes death or personal injury to another person is subject to seizure and forfeiture.

625 ILCS 5/ 6-101 **Public Act: 93-0187 - Eff: 07-11-03**
720 ILCS 5/ 36-1

Victims

HB 567: Amends the **Rights of Crime Victims and Witnesses Act**. Provides that circuit court clerks may enter into agreements with the Attorney General for participation in the statewide victim and witness notification system. Other provisions.

725 ILCS 120/ 8.5 & 9 **Public Act: 93-0258 - Eff: 01-01-04**

HB 1359: Amends the **Rights of Crime Victims and Witnesses Act** and the **Open Parole Hearing Act**. Requires the Prisoner Review Board to establish a toll-free number that may be accessed by the victim of a violent crime to present information for consideration by the Board at the parole hearing or at a proceeding on determining conditions of mandatory supervised release or

at a hearing on revocation of mandatory supervised release of a person sentenced to a determinate sentence who committed the crime against the victim.

725 ILCS 120/ 4.5 **Public Act: 93-0235 - Eff: 07-22-03**
730 ILCS 105/ 25