



2007-2008  
House of Representatives  
Synopsis Book

Al Cordero  
Speaker of the House

## Committee I - Education

### House Bill 0014

Creates the Higher Education Scholarship Act. Allows scholarships to be awarded to entering freshman, sophomores, juniors, and seniors at community colleges, colleges, and universities, whether public or private, located in this State. Establishes Illinois residency requirements, minimum grade point average requirements, and other requirements that the student must meet to be eligible for a scholarship. Provides that the scholarship, subject to the amounts appropriated by the General Assembly, includes tuition and mandatory fees (in an amount not to exceed the maximum amount allowed to be awarded under the Monetary Award Program for a student at a private institution). Authorizes the Illinois Student Assistance Commission to promulgate rules relating to the scholarships. Effective July 1, 2007.

### House Bill 0018

Amends the School Code. Provides that, beginning 180 days after the effective date of the amendatory Act, each school district shall create and maintain a policy on bullying, which policy must be filed with the State Board of Education. Provides that the policy must be updated every 2 years and filed with the State Board after being updated. Provides that the State Board shall monitor the implementation of these policies. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

### House Bill 0042

Amends the Sex Offender Community Notification Law. Provides that the Department of State Police shall provide on its Sex Offender Information web page a form that allows a person who seeks access to sex offender information to be notified by e-mail of when a sex offender changes residence, employment, or school attendance to a location within a particular zip code or within a specified distance from an address. Provides that the Department of State Police shall provide such information by e-mail notification to a person who completes the form.

### House Bill 0193

Amends the School Code and the Communicable Disease Prevention Act. In a Section of the School Code involving health examinations for children, provides that the Department of Public Health shall adopt rules specifying that testing for the human immunodeficiency virus (HIV) be included in health examinations. Requires that the parent or guardian of the child be informed that such testing will be undertaken during the health examination unless the parent or guardian declines for his or her child to be tested for HIV. Also requires that the parent or guardian of the child be provided with clear and concise information about HIV testing, including an explanation about HIV infection and the meanings of positive and negative test results. Provides that HIV testing must be incorporated into the child's general health examination procedures and forms, the record of the health examination submitted to the school must indicate only that the child was tested for HIV or not, and that no HIV test result may be indicated in the record of the health examination submitted to the school. Sets forth the revised recommendations of the U.S. Centers for Disease Control and Prevention (CDC) for HIV testing. Declares to be the public policy of the State that HIV screening be conducted in accordance with the CDC recommendations and that the Department of Public Health develop and administer compliant policies and procedures as soon as possible. Makes other changes. Amends the State Mandates Act to require implementation without reimbursement.

### House Bill 0816

Amends the Children with Disabilities Article of the School Code. Provides that when a child who is eligible for special education reaches the majority age of 18 years, rights accorded to the child's parents transfer to the child. Provides that rights shall not transfer from the parents to the child if the child has been determined to be incompetent under State law or the child has not been determined to be incompetent, but does not have the ability to provide informed consent with respect to the child's educational program. Requires the State Board of Education to adopt rules establishing criteria for school districts to determine if a child lacks the ability to provide informed consent and uniform procedures for allowing the parents of the child, another adult caregiver, or another responsible adult to exercise rights on behalf of the child. Effective immediately.

#### House Bill 1088

Amends the Child Care Act of 1969. Provides that no day care center, day care home, or group day care home license or permit may be issued or renewed, unless the Department has been presented with satisfactory proof that all persons operating and employed by the day care facility have submitted to and successfully passed a drug screening conducted by an entity approved by the Department, and that the day care facility has instituted a policy of periodic drug screening of all persons operating and employed by the day care center facility.

#### House Bill 1268

Amends provisions of the Illinois Human Rights Act prohibiting sexual harassment in higher education so that they also apply to sexual harassment in elementary and secondary schools. Effective immediately.

#### House Bill 1331

Amends the Downstate Teacher Article of the Illinois Pension Code. Allows a designated domestic partner to qualify as a surviving spouse for purposes of survivor and death benefits.

#### House Bill 1333

Amends the School Code. Requires a teacher to be dismissed if the teacher uses profanity towards a student. Amends the State Mandates Act to require implementation without reimbursement.

#### House Bill 1337

Amends the School Code. Provides that waivers may not be requested from laws or rules pertaining to physical education or recess.

#### House Bill 1340

Amends the School Code. Provides that a human immunodeficiency virus (HIV) test must be included as a part of the student health examination required under the School Code, and provides for Department of Public Health rules.

#### House Bill 1656

Amends the Illinois Prepaid Tuition Act. Provides that the intent of the Act is to both encourage and better enable Illinois families to help themselves finance the cost of higher education through a program that provides Illinois families with a method of State tax-free and federally tax-deferred, tax-exempt savings (instead of just tax-deferred savings) for higher education (instead of for college tuition). Removes a provision that provides that once a partial benefit of a prepaid tuition contract has been disbursed, any tax liability attributable to the contract and its assets becomes a tax liability of the qualified beneficiary, unless otherwise specified in the contract. Effective immediately.

#### House Bill 1771

Amends the School Code. Prohibits a school district from operating any schools within the district on a full year school plan (now a full year school plan is allowed). Removes references in the School Code to full-year or year-round schooling.

#### House Bill 3408

Amends the School Code. Requires school districts to restrict access to vending machine products during times when school breakfasts and lunches are being served. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

#### House Bill 3420

Amends various Acts relating to the governance of public universities in Illinois. Requires each public university to perform a check of the Statewide Sex Offender Database for each applicant for university housing to determine whether the applicant has been adjudicated a sex offender. Prohibits the universities from granting such housing to any person determined to have been adjudicated a sex offender.

#### House Bill 3504

Amends the State Officials and Employees Ethics Act. Classifies community college districts as units of local government that must adopt resolutions regulating the political activities and the solicitation and acceptance of gifts by their officials and employees (now, classified as State agencies subject to the entire Act's regulation and enforcement by the Executive Ethics Commission and the Governor's Executive Inspector General). Effective immediately.

#### House Bill 3512

Amends the Privacy of Child Victims of Criminal Sexual Offenses Act. Provides that when a criminal sexual offense is committed or alleged to have been committed by a school district employee or any individual contractually employed by a school district (rather than the offense being committed or alleged to have been committed by a school district employee on the premises under the jurisdiction of a public school district or during an official school sponsored activity), a copy of the law enforcement records maintained by any law enforcement agency or circuit court records maintained by any circuit clerk relating to the investigation of the offense or alleged offense shall be transmitted to (rather than shall be made available for inspection and copying by) the superintendent of schools of the district.

#### House Bill 3583

Amends the Illinois Vehicle Code. Provides that, if the employer of a school bus driver reporting to work has a substantiated reason to suspect that the driver is under the influence of alcohol, the employer may require the driver to submit to testing for alcohol at a licensed testing facility before he or she is allowed to drive a school bus. Provides that the employer shall immediately notify the Secretary of State if the school bus driver refuses to submit to the testing or tests positive for the presence of alcohol or other drugs or intoxicating compounds.

#### House Bill 3600

Amends the School Code. Provides that a school board shall prohibit the use of metal detectors on students in kindergarten through 6th grade. Provides that any school district that uses metal detectors must annually report statistical data related to the use of metal detectors to the State Board of Education. Requires the State Board to annually compile the statistical data in a report to be filed with the General Assembly. Amends the State Mandates Act to require implementation without reimbursement.

## **Committee II - Governmental Affairs**

### **House Bill 0007**

Amends the Counties Code. Provides that the Cook County Board of Commissioners may override a veto by the County Board President by an affirmative vote of three-fifths of its members (instead of four-fifths). Effective immediately.

### **House Bill 0008**

Amends the State Officials and Employees Ethics Act to impose revolving door restrictions on executive branch and legislative branch officers and employees. Amends the Secretary of State Act to give the Secretary of State Inspector General the authority to investigate lobbyist wrongdoing. Amends the General Assembly Staff Assistants Act concerning committee witness slips. Amends the Lobbyist Registration Act with respect to the following: the definition of "official"; lobbying entities; registration under the Act; serving on boards and commissions; reports; gifts; penalties; and other matters. Effective July 1, 2007.

### **House Bill 0009**

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that the court may include in the order of protection granting the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and ordering the respondent to stay away from the animal and forbidding the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

### **House Bill 0022**

Amends the Election Code. Requires election authorities to provide voter registration in precincts on election day. Effective immediately.

### **House Bill 0221**

Amends the General Assembly Operations Act. During a person's lifetime, limits that person to a total of 10 years of service in partisan caucus offices in both houses of the General Assembly. Does not apply to the offices of President of the Senate and Speaker of the House of Representatives. Does not apply to service before the bill's effective date.

### **House Bill 0233**

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that a party to an action for declaration of invalidity of marriage, dissolution of marriage, or legal separation may demand a trial by jury in accordance with the Code of Civil Procedure. Provides that the grounds for declaration of invalidity of marriage, dissolution of marriage, or legal separation shall be tried by the court without a jury. Provides that uncontested issues shall not be tried by a jury. Provides that proceedings for temporary relief and all post-judgment proceedings to enforce or modify a judgment of dissolution of marriage, legal separation, or invalidity of marriage shall be heard by the court without a jury. Provides that, in an action tried by the court without a jury, the court may interview a child of the marriage in chambers. Provides that, where the issue of custody is tried by a court with a jury, the court shall determine questions of law and the jury shall determine questions of fact.

### **House Bill 0237**

Amends the Library Records Confidentiality Act. Sets forth procedures under which a library may publish or make any information contained in its records available to the public if the information is requested by a sworn law enforcement officer who represents that it is impractical to secure a court order as a result of an emergency where the law enforcement officer has probable cause to believe that there is an imminent danger of physical harm. Provides that these procedures shall not alter any right to challenge the use or dissemination of patron information that is otherwise permitted by law. Provides that the disclosure of information under these provisions does not constitute a privacy violation or a breach of confidentiality.

#### House Bill 0303

Amends the Counties Code. Provides that grand and petit jurors shall receive an amount equal to minimum wage for 8 hours of work for each day of necessary attendance at court as jurors (now, jurors receive \$4 per day in first class counties, \$5 per day in second class counties, and \$10 per day in third class counties, or a higher amount as fixed by the county board). Amends the States Mandates Act to require implementation without reimbursement by the State. Effective immediately

#### House Bill 0419

Amends the Election Code. Provides that a person is not eligible for an elective public office if that person has been convicted of a felony relating to his or her duties in an elective government office.

#### House Bill 0927

Amends the Illinois Municipal Code. Provides that the corporate authorities of any municipality that owns and operates a sewerage system may enforce payment of delinquent charges for its sewerage service by discontinuing water or sewerage service or both to the premises (now, the provision does not apply in counties with a population of more than 250,000 where the majority of the sewerage system's users are located outside of the municipality's corporate limits). Effective immediately.

#### House Bill 1027

Amends the Election Code. Requires the State Board of Elections to develop and implement a pilot project in which one county permits voter registration up to and including the day of an election. Authorizes the State Board to select the county and the election and to spend funds to defray the local election authority's extraordinary costs. Requires the State Board to adopt implementing rules and to report to the General Assembly.

#### House Bill 1120

Amends the Election Code. Eliminates the requirement that a voter declare party affiliation when voting at a primary election. Provides that the voter shall receive the primary ballot of each of the established political parties nominating candidates for office at the primary election but may cast a ballot of only one political party, except in certain cases involving statewide political parties and political parties established only within a political subdivision.

#### House Bill 1732

Amends the Vital Records Act. Adds a definition of "medical treatment". Provides that the State Registrar of Vital Records shall establish a new certificate of birth when he or she receives an affidavit by a physician that a person has undergone medical treatment and that by reason of the medical treatment the sex designation on such person's birth record should be changed (now, an affidavit by a physician that he has performed an operation on a person, and that by reason of the operation the sex designation on such person's birth record should be changed). Effective immediately.

#### House Bill 2784

Amends the Election Code. Requires that general and consolidated election ballots include "None of the above" after the candidates listed for each office. Requires that votes cast for "None of the above" shall be counted and reported but shall not affect an election's outcome. Requires that the State Board of Elections adopt implementing rules.

#### House Bill 2785

Amends the Election Code. Requires that election ballots listing candidates for office include a choice "None of the Above; For a New Election". Requires that for any office for which "none of the above" receives the greatest number of votes, a None of the Above (NOTA) election must be held within 60 to 80 days. Prohibits any of the losing candidates from running in the NOTA election for that office. Provides for the nomination of NOTA election candidates and the distribution to voters of NOTA election candidate statements. Provides for temporary appointments to offices pending NOTA elections. Does not apply to candidates and electors for President and Vice President, but requires that a "Prefer None of the Above" choice appear on the ballot for those offices. Does not apply to primary ballots.

#### House Bill 3417

Amends the Election Code and the Illinois Income Tax Act. Creates a tax credit, for taxable years ending on or after December 31, 2008 and on or before December 30, 2013, for individual taxpayers who, during the taxable year, vote in a general primary or general election. Provides that the amount of the credit is \$50. Provides that the credit may not be carried forward or back and may not reduce the taxpayer's liability to less than zero. Requires each election authority must mail, to each person who voted in a general primary or general election in the previous year for verification of eligibility for the tax credit. Amends the State Mandates Act to require implementation without reimbursement.

#### House Bill 3455

Amends the Mental Health and Developmental Disabilities Code. Changes references from "authorized involuntary treatment" to "electroconvulsive therapy or psychotropic medication". Provides that an adult recipient of mental health services, or the recipient's guardian, and the recipient's substitute decision maker must be informed of the recipient's right to refuse electroconvulsive therapy. Provides that a court may, in its discretion, appoint a guardian ad litem for a recipient before the court or authorize an existing guardian of the person to monitor treatment and compliance with court orders in connection with the administration of psychotropic medication and electroconvulsive therapy. Provides that upon the commencement of mental health services, or as soon thereafter as the condition of the recipient permits, the facility must advise the recipient as to the circumstances under which the law permits the use of electroconvulsive therapy. Amends the Clerks of Courts Act and the Health Care Surrogate Act to make conforming changes. Effective immediately.

#### House Bill 3486

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that upon motion by either parent, the court may grant a reasonable amount of electronic communication at reasonable hours to a parent at times during which the child is not in the parent's physical custody. Sets forth provisions governing such electronic communication. Provides that the court may not use the availability of electronic communication as a factor in support of the request of a custodial parent to remove a child from the area or the State, and that the parent seeking removal shall be responsible for the costs of providing any court ordered electronic communication equipment. Effective immediately.

#### House Bill 4091

Creates the Illinois Power Authority Act. Creates the Authority as a not-for-profit State agency with a 5-member board appointed by the Governor. Grants the Authority powers relating to procurement, generation and distribution of power, and the construction and acquisition of facilities. Requires the use of Illinois coal. Sets forth other powers. Exempts the Authority from the jurisdiction of the Illinois Commerce Commission. Allows acquisition of property by eminent domain and through quick-take powers. Authorizes the acquisition or creation of not-for-profit subsidiaries. Authorizes the issuance of notes and revenue bonds. Contains provisions relating to contracts, deposit and investment of moneys, exemption from taxation, repayment of State appropriations, and equal employment opportunities. Contains other provisions. Amends the Public Utilities Act and the Eminent Domain Act to make conforming changes. Amends the Illinois Pension Code. Encourages the trustees of public employee retirement systems to invest their system's assets to the greatest extent feasible within the bounds of financial and fiduciary prudence in the Illinois Power Authority. Provides that each retirement system subject to the Code shall prepare a report to be submitted to the Governor and the General Assembly by September 1 of each year. Provides that the report shall identify investments in the Illinois Power Authority, the percentage of the system's assets invested in the Illinois Power Authority, and the actions it has undertaken to increase investments in the Illinois Power Authority. Contains a severability clause. Effective immediately.

#### House Bill 4114

Provides that if appropriations for the entire upcoming State fiscal year have not been made, by law, by May 31 immediately preceding that fiscal year, then all airplanes owned or leased by the State of Illinois are grounded, for the purposes of providing air transportation for the Governor and the legislative leaders, until those appropriations have been made, by law. This prohibition does not apply in emergency situations. Effective immediately.

House Joint Resolution Constitutional Amendment 0027

Proposes to amend the Executive Article of the Illinois Constitution. Provides that, except in emergency situations, the Governor must reside and be present at the seat of government each day that either or both houses of the General Assembly are in session, excluding purely perfunctory session days. Effective upon being declared adopted.

## **Committee III - Firearms, Gambling, Alcohol & Tobacco**

### **House Bill 0035**

Amends the Criminal Code of 1961. Creates the offense of aggravated domestic assault when a person, in committing domestic assault, knowingly or intentionally uses a deadly weapon or certain other devices against a family or household member. Requires a peace officer to arrest the offender upon the establishment of probable cause. Makes the offense a Class 4 felony.

### **House Bill 0228**

Amends the Firearm Owners Identification Card Act. Provides that a person who transfers or causes to be transferred a firearm within the State must keep a record of the transfer for a period of 5 (rather than 10) years from the date of the transfer. Effective immediately.

### **House Bill 0246**

Creates the Smoke Free Illinois Act. Sets forth the findings of the General Assembly. Creates several definitions. Prohibits smoking in public places, places of employment, and governmental vehicles. Requires "No Smoking" signs to be posted in each public place and place of employment where smoking is prohibited. Requires ashtrays to be removed from any area where smoking is prohibited. Prohibits smoking in student dormitories, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education. Provides that the Department of Public Health, State-certified local public health departments, and local law enforcement agencies shall enforce the provisions of the Act. Sets forth fines for violations of the Act. Provides that the Department, a State-certified local public health department, local law enforcement agency, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of the Act. Prohibits discrimination against individuals who exercise their rights afforded by the Act. Provides that a home rule unit may regulate smoking in public places, but that regulation must be no less restrictive than the provisions in the Act. Prohibits smoking within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. Amends the State Mandates Act to require implementation without reimbursement. Repeals the Illinois Clean Indoor Air Act.

### **House Bill 0262**

Amends the Illinois Vehicle Code. Provides that an applicant for an instruction permit who is under the age of 18 must undergo testing for controlled substances and cannabis and must be found to be free of controlled substances and cannabis before he or she may receive an instruction permit. Provides that the Secretary of State shall adopt rules for implementing the new provision and shall prescribe an additional fee, to be added to the fees charged for the issuance of a first-time driver's license, to cover the cost of the testing.

### **House Bill 0427**

Amends the Criminal Code of 1961 and the Unified Code of Corrections. Provides that the prohibitions on carrying concealed firearms or firearms in a vehicle and carrying firearms on a public way do not apply to parole agents and parole supervisors who meet certain qualifications and conditions.

### **House Bill 0704**

Amends the Criminal Code of 1961. Invalidates local ordinances and resolutions that regulate firearms legal for hunting under the Wildlife Code inconsistently with the provisions of the Criminal Code of 1961. Preempts home rule. Effective immediately.

### **House Bill 0873**

Amends the Criminal Code of 1961. Provides that 90 days after the effective date of this amendatory Act, it is unlawful for any person within this State to knowingly manufacture, deliver, sell, purchase, or possess or cause to be manufactured, delivered, sold, purchased, or possessed a semi-automatic assault weapon, an assault weapon attachment, any .50 caliber rifle, or .50 caliber cartridge. Provides that beginning 90 days after the effective date of this amendatory Act, it is unlawful for any person within this State to knowingly manufacture, deliver, sell,

purchase, or possess or cause to be manufactured, delivered, sold, purchased, or possessed a large capacity ammunition feeding device. Provides that these provisions do not apply to a person who possessed a prohibited weapon, device, or attachment before the effective date of this amendatory Act if the person has provided proof of ownership to the Department of State Police within 90 days after the effective date of this amendatory Act. Provides that on or after the effective date of this amendatory Act, such person may transfer such device only to an heir, an individual residing in another state maintaining that device in another state, or a dealer licensed as a federal firearms dealer. Specifies penalties for violations. Provides exemptions. Provides that the provisions of the Act are severable. Effective immediately.

#### House Bill 0963

Amends the Code of Criminal Procedure of 1963. Provides that an emergency situation in which a law enforcement officer may use an eavesdropping device without prior judicial approval also occurs in a situation involving an investigation of cannabis trafficking under the Cannabis Control Act, controlled substance trafficking under the Illinois Controlled Substances Act, or a gang-related offense as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Provides that in all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 96 (rather than 48) hours of the commencement of such use. Deletes language providing that notice to the parties whose conversations are overheard with the use of an eavesdropping device must be made no later than 90 days after the filing of an application for an order of authorization.

#### House Bill 1078

Amends the Criminal Code of 1961. Changes references in the statute on unlawful sale of firearms from "sell" or "give" to "transfer". Prohibits multiple sales of handguns within a 30-day period. Creates the offense of unlawful acquisition of handguns. Provides exemptions and affirmative defenses. Penalty is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

#### House Bill 1304

Creates the Family and Personal Protection Act. Establishes statewide uniform standards for the issuance of permits to carry concealed firearms in this State. Vests in the Department of State Police the authority to issue concealed firearms permits to qualified applicants. Requires an applicant to complete a training course in handgun use, safety, and marksmanship. Also requires instruction in the law relating to firearm use. Creates the Citizen Safety and Self-Defense Trust Fund administered by the Department. The moneys in the Fund shall be used to administer the Act. Establishes restrictions on carrying concealed firearms. Establishes standards for the training course and for certifying instructors. Amends the Firearm Owners Identification Card Act. Provides that the Family and Personal Protection Act supersedes an ordinance of a unit of local government inconsistent with that Act. Prohibits a home rule unit from regulating the issuance of permits to carry concealed firearms. Amends the Criminal Code of 1961. Exempts, from an unlawful use of weapons and aggravated unlawful use of weapons violation, persons who carry or possess firearms in accordance with the Family and Personal Protection Act. Effective immediately.

#### House Bill 1320

Creates the Personal Protection for Judges, State's Attorneys, and Public Defenders Act. Establishes statewide uniform standards for the issuance of permits to carry concealed firearms in this State. Authorizes the county sheriff to issue concealed firearms permits to Judges, State's Attorneys, Assistant State's Attorneys, Public Defenders, and Assistant Public Defenders. Requires an applicant to complete a training course in handgun use, safety, and marksmanship. Amends the Criminal Code of 1961. Exempts, from an unlawful use of weapons and aggravated unlawful use of weapons violation, Judges, State's Attorneys, Assistant State's Attorneys, Public Defenders, and Assistant Public Defenders who carry or possess firearms in accordance with the Personal Protection for Judges, State's Attorneys, and Public Defenders Act. Preempts home rule.

#### House Bill 1606

Amends the Firearm Owners Identification Card Act. Provides that a person 18 years of age or older may apply for a Firearm Owner's Identification Card without the consent of a parent or legal guardian (currently persons between 18 and 21 years of age must have the consent of a parent or legal guardian to obtain a Firearm Owner's Identification Card). Provides that a Firearm Owner's Identification Card issued to a veteran of the Armed Services

or Reserve Forces of the United States or of the Illinois National Guard who has been called into service of the United States and whose service is outside the State of Illinois shall expire 6 months after the discharge of the veteran from service if his or her Firearm Owner's Identification Card expired during his or her service in the Armed Services or Reserve Forces of the United States or in the Illinois National Guard.

#### House Bill 1696

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police may revoke the Firearm Owner's Identification Card of a person who fails to report the loss or theft of a firearm to the Department within 72 hours after obtaining knowledge of the loss or theft. Amends the Criminal Code of 1961. Provides that if a person who possesses a valid Firearm Owner's Identification Card and who acquires a firearm thereafter loses the firearm, or if the firearm is stolen, the person must report the loss or theft to the Department of State Police within 72 hours after obtaining knowledge of the loss or theft. Provides that the failure to report the loss or theft is a petty offense for a first violation and a Class A misdemeanor for a second or subsequent violation.

#### House Bill 1769

Amends the Illinois Vehicle Code. Provides that a person may not smoke in a vehicle if any person in the vehicle is a child 8 years of age or younger. Provides that a violation of the provision is a Class C misdemeanor.

#### House Bill 3381

Amends the Unemployment Insurance Act. Provides that none of the amount received by an individual as primary social security old age and disability retirement benefits shall constitute disqualifying income if the gross income of the household in which the individual resides does not exceed specified federal poverty guidelines.

#### House Bill 4104

If and only if Senate Bill 500 becomes law, then amends the Smoke Free Illinois Act to provide that smoking is allowed in a private club that has been in active and continuous existence prior to January 1, 2008, whether incorporated or not, and that can provide written documentation that three-fifths of its active members approve of smoking on the club's premises.

#### House Bill 4107

Amends the Riverboat Gambling Act. Provides that dormant owners license, if it is available for reissuance on or after that effective date, shall authorize riverboat gambling from a home dock located in the municipality in which the license was first authorized. Repeals language allowing the dormant licensee to apply to relocate the riverboat.

#### House Bill 4112

Amends the Riverboat Gambling Act. Provides that the Illinois Gaming Board shall offer a total of 6,000 gaming positions, in blocks of 250 each, pursuant to an open and competitive bidding process. Provides that any person may bid and be awarded the gaming positions, regardless of whether the person is an owners licensee under the Act, but a gaming position so acquired must be in use on the riverboat of an existing licensee within 2 years after the purchase of the gaming position or the gaming position reverts back to the Board, and the Board may re-issue the gaming position in the same manner. Sets forth criteria under which a person may be ineligible for positions. Provides that a person who knowingly makes a false statement on an application to obtain a position is guilty of a Class A misdemeanor. Allows for the sale, lease, or transfer of positions, subject to Board approval of the purchaser or transferee and the terms of the sale, lease, or transfer. Provides that all tax revenues attributable to the adjusted gross receipts of those positions shall be deposited into the Building Illinois for Tomorrow Fund. Requires owners licensees to pay into the Horse Racing Equity Trust Fund an amount equal to 1% of adjusted gross receipts from the new positions. Makes other changes. Amends the State Finance Act to create the Build Illinois for Tomorrow Fund. Effective immediately.

## **Committee IV - Human Services**

### **House Bill 0131**

Amends the Criminal Code of 1961. Provides that possession by a defendant of 100 or more items of child pornography is prima facie evidence that the defendant possessed those items with the intent to disseminate them.

### **House Bill 0138**

Creates the Stem Cell Research and Human Cloning Prohibition Act. Permits research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source, including somatic cell nuclear transplantation, and allows public funding for stem cell research programs. Requires the Department of Public Health to develop and administer the Illinois Regenerative Medicine Institute program to provide for the awarding of grants to Illinois medical research institutions. Creates the Illinois Regenerative Medicine Institute Oversight Committee. Provides that a Committee member with a conflict of interest shall not vote upon or participate in any Committee action with respect to that matter. Requires each Committee member to file disclosures with the Secretary of State. Prohibits cloning or attempts to clone a human being. Prohibits the purchase or sale of embryonic or cadaveric fetal tissue for research purposes. Makes the purchase or sale of embryonic or cadaveric fetal tissue for research a Class A misdemeanor for the first conviction and a Class 4 felony for subsequent convictions.

### **House Bill 0213**

Amends the Illinois Public Aid Code. Provides that every electronic benefits transfer ("LINK") card issued on or after the effective date of this amendatory Act by the Department of Human Services for the purpose of enabling the cardholder to obtain food stamp benefits or cash must include on the card's face a photograph of the cardholder. Provides that within 6 months after the effective date of this amendatory Act, the Department shall replace every still-valid card issued before that date with a card that includes on its face a photograph of the cardholder.

### **House Bill 0385**

Amends the State Employees Group Insurance Act of 1971, the Counties Code, the Illinois Municipal Code, the School Code, the Illinois Insurance Code, the Health Maintenance Organization Act, and the Voluntary Health Services Plans Act to require coverage for all covered persons, including, but not limited to, pregnant women, women of childbearing potential, and children for non-occupational post-exposure prophylaxis to prevent HIV infection within 72 hours after exposure from sexual intercourse, sexual assault, rape, blood transfusion, injection drug use, or accidents.

### **House Bill 0392**

Creates the Nurse Staffing Standards for Patient Safety and Quality Care Act. Provides that every hospital must implement a staffing plan that: (1) provides adequate, appropriate, and quality delivery of health care services and protects patient safety; and (2) is consistent with the requirements of the Act concerning minimum direct care registered nurse-to-patient ratios. Sets forth minimum direct care registered nurse-to-patient ratios, according to the type of hospital unit. Provides that the Department of Public Health may apply those minimum direct care registered nurse-to-patient ratios to another type of hospital unit if that other unit performs a function similar to the function performed by the unit referred to in the minimum ratio standards. Provides that the minimum direct care registered nurse-to-patient ratios do not apply during a declared state of emergency if a hospital is requested or expected to provide an exceptional level of emergency or other medical services. Effective immediately.

### **House Bill 0633**

Amends the County Jail Act. Provides that if a person confined in a county jail is in need of medical services and is determined eligible for medical assistance under the Illinois Public Aid Code at the time the person is detained (rather than has already been determined eligible for medical assistance under the Illinois Public Aid Code at the time the person is initially detained pending trial), the cost of such services, to the extent such cost exceeds \$500, shall be reimbursed by the Department of Healthcare and Family Services under that Code. Provides that an arresting authority shall be responsible for any incurred medical expenses relating to the arrestee until such time as the arrestee is placed in the custody of the sheriff unless the arrestee is eligible for medical assistance under the Illinois Public Aid Code or reimbursement under an authorized public or private program.

#### House Bill 0653

Amends the Abandoned Newborn Infant Protection Act. Provides that if the parent of a newborn infant comes to the hospital, where his or her newborn infant has been transported after the parent relinquished the infant to a fire station, emergency medical facility, or police station, to reclaim the infant within 72 hours of relinquishing the infant, the hospital must return the infant to the parent or, if the infant has already been discharged to the Department or child-placing agency, inform the parent of the name, location, and contact number of the Department or child-placing agency. Provides that the information packet given to a parent who is relinquishing a newborn child shall include written notice that a parent has the right to return and reclaim an abandoned infant within 72-hours of relinquishing the infant. Prohibits a fire station, emergency medical facility, or police station from disclosing any information concerning the relinquishing of the infant except to the hospital to which the infant is being transferred, to medical personnel involved in the transfer of the child to the hospital, or to the parent of the child. Effective immediately.

#### House Bill 1077

Amends the Pharmacy Practice Act of 1987. Allows pharmacists to initiate emergency contraception drug therapy in accordance with protocols developed by the pharmacist and an authorized prescriber. Sets forth provisions concerning the protocol, documentation and recordkeeping, pharmacist training and continuing education, and patient profiles and confidentiality. Requires that the Department of Financial and Professional Regulation develop a standardized fact sheet to be provided to the recipient of the emergency contraceptive drugs. Grants rulemaking authority to the Department and requires the Department to adopt emergency rules concerning the administration of the emergency contraception drug therapy provisions. Amends the Medical Practice Act of 1987 and the Illinois Food, Drug and Cosmetic Act to make related changes. Effective immediately.

#### House Bill 1324

Amends the Illinois Insurance Code. Adds drug dependency to the definition of "serious mental illness". Provides that a group health benefit plan is not required to provide coverage for the treatment of an addiction to a controlled substance or a mental illness resulting from the use of a controlled substance (now, an addiction to a controlled substance or a mental illness resulting from the use of a controlled substance used in violation of law).

#### House Bill 1429

Amends the Nursing and Advanced Practice Nursing Act to provide that the scope of practice for licensed practical nurses, licensed registered nurses, and licensed advanced practice nurses includes the authority to prescribe drugs and medicines. Repeals a Section concerning the prescriptive authority of advanced practice nurses. Amends the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, the Pharmacy Practice Act of 1987, the Sexual Assault Survivors Emergency Treatment Act, and the Illinois Controlled Substances Act to reflect this prescriptive authority.

#### House Bill 1568

Amends the Unified Code of Corrections. Provides that subject to appropriations, the court may order an offender convicted of prostitution or patronizing a prostitute to seek social service counseling, proper medical screening, and treatment in addition to other remedies that the court may impose. Provides that subject to appropriations, a person convicted of or placed on supervision for prostitution shall be referred to a community based behavioral health continuum or care facility for addiction evaluation and treatment.

#### House Bill 1580

Amends the Alcoholism and Other Drug Abuse and Dependency Act. Requires the Office of Alcoholism and Substance Abuse of the Department of Human Services to develop a plan for the treatment of substance abuse among homeless persons and that the Office shall assess the need for short term residential services, acute treatment services, transitional support services, outpatient services, day treatment services, long term residential services, supportive housing services, and any other needed services. Sets forth elements to be included in the plan. Requires the Secretary of Human Services to submit the plan to the Governor and the General Assembly within 6 months.

#### House Bill 1615

Creates the Religious Freedom and Marriage Fairness Act. Makes legislative findings: same-sex couples are denied equal access to civil marriage benefits; the current marriage law is discriminatory and harms same-sex couples; and there is no compelling interest or rational basis to deny same-sex couples those benefits. Provides that the Act does not interfere with any religious beliefs about marriage. Provides that the Act's purpose is to provide eligible same-sex and opposite-sex couples with the same treatment as those in a civil marriage. Provides that parties to a marriage of the same sex are included in the terms "spouse", "immediate family", "dependent", and related matters. Provides that domestic relations, probate, and family law shall apply equally to parties to a marriage of the same sex. Provides that benefits apply equally to same-sex marriages in these areas: causes of actions related to spousal status, for wrongful death, emotional distress, and loss of consortium; adoption; family leave; group insurance for State and municipal employees; accident and health insurance protections tied to former spouses and dependents; and taxes and tax deductions based on marital status. Provides that a civil marriage is prohibited between siblings or between an uncle and a nephew or an aunt and a niece. Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that nothing in the Act should be construed to interfere or regulate any religious practice concerning marriage and no religion is required to solemnize a marriage to which it objects. Provides that a marriage is between 2 persons (rather than, a man and a woman) licensed, solemnized, and registered under the Act. Effective immediately.

#### House Bill 1674

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Creates the Culturally Competent Healthcare Demonstration Program. Defines "culturally competent health care". Provides that the Program shall establish models that reflect best practices in culturally competent health care and that expand the delivery of culturally competent health care in Illinois. Provides guidelines for the administration of the Program. Effective immediately.

#### House Bill 1743

Amends the Illinois Human Rights Act. Provides that it is a civil rights violation for an employer, based on the receipt of information from the Social Security Administration or from any other government agency that an employee's name and Social Security number do not correspond, to require that employee to reverify work authorization documents, to inquire as to that employee's work authorization, or to otherwise take any adverse action against that employee, unless the Attorney General of the United States issues final regulations to the contrary. Provides that it is also a civil rights violation for any employer, any agent of any employer, any employment agency, or any other entity to use the Basic Pilot program for Employment Eligibility Confirmation to conduct certain employment verification or reverification or to take certain adverse actions against the employee.

#### House Bill 3631

Amends the Illinois Wage Payment and Collection Act. Provides that if an employer fails to include all commissions earned by a separated employee in the final compensation paid to the separated employee within the time limit set forth in the Act, the employer shall, in addition to any other penalties, pay the employee an amount equal to 3 times the amount of the commissions that were not paid, as well as the employee's court costs, attorney's fees, and any other associated costs incurred in successfully pursuing a legal action against the employer. Effective immediately.

#### House Bill 4095

Amends the Firearm Owners Identification Card Act. Provides that a person who has been adjudicated under the Mental Health and Developmental Disabilities Code as being in need of voluntary or involuntary mental health treatment within the past 5 years is ineligible for a Firearm Owner's Identification Card. Provides that the Department of State Police may have the Firearm Owner's Identification Card of such person revoked and seized. Effective immediately.

#### House Joint Resolution Constitutional Amendment 0001

Proposes to amend the General Provisions Article of the Illinois Constitution. Provides that only a union of one man and one woman shall be valid or recognized as a marriage in this State. Provides that this State and its political subdivisions shall not create or recognize a legal status similar to that of marriage.

House Joint Resolution Constitutional Amendment 0023

Proposes to amend the Revenue Article of the Illinois Constitution. Authorizes a tax on or measured by income imposed upon individuals to be at a graduated rate (now, all taxes on or measured by income shall be at a non-graduated rate). Provides that, in any such tax imposed upon corporations, the rate shall not exceed the lowest rate imposed on individuals by more than a ratio of 8 to 5. Effective upon being declared adopted.

## **Committee V - Judiciary**

### **House Bill 0034**

Amends the Criminal Code of 1961. Creates the offense of domestic assault when a person knowingly or intentionally engages in conduct that places a family or household member in reasonable apprehension of receiving a battery. Requires a peace officer to arrest the offender upon the establishment of probable cause. Makes the offense a Class A misdemeanor.

### **House Bill 0037**

Amends the Criminal Code of 1961. Provides that a person of the age of 17 years and upwards commits the offense of indecent solicitation of a child if the person, by means of the Internet, discusses actual or simulated sex acts with a child or with one whom he or she believes to be a child. Provides that it is not a defense to this provision that the person did not solicit the child to perform a sex act with the person. Provides that a violation of this provision is a Class 4 felony.

### **House Bill 0040**

Amends the Sex Offender Registration Act. Includes, in the definition of "sex offense", distributing harmful material to a minor.

### **House Bill 0044**

Amends the Code of Criminal Procedure of 1963. Provides that in all cases to be tried by jury in which the defendant is charged with first degree murder, the court shall inform the jury venire as to whether the State is seeking the death penalty on any first degree murder count.

### **House Bill 0179**

Amends the Criminal Code of 1961. Creates the offense of heinous battery of an unborn child. Defines the offense as intentionally or knowingly without medical legal justification extracting by cutting, severing, mutilating, or otherwise causing by force the unnatural expulsion of an independently viable fetus from the uterus of another living human being. Provides that the penalty is a Class X felony for which a person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 45 years. Exempts from this offense acts that cause bodily harm to an unborn child if those acts were committed during any abortion to which the pregnant woman has consented and acts that were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

### **House Bill 0207**

Amends the Criminal Code of 1961. Provides that a person who has been convicted of a second or subsequent offense for criminal sexual assault in which the penalty is not natural life imprisonment shall be sentenced to a term of imprisonment of not less than 25 years (unless the minimum sentence is greater than 25 years) and not exceeding natural life imprisonment. Amends the Unified Code of Corrections. Provides that the minimum mandatory supervised release term for defendants who commit a second or subsequent offense of criminal sexual assault on or after the effective date of this amendatory Act shall be the natural life of the defendant (rather than from 3 years to natural life).

### **House Bill 0448**

Amends the Unified Code of Corrections. Provides that the Illinois Department of State Police shall, within 30 days after sentencing, collect and analyze DNA samples required to be submitted by a person who has been convicted of a felony.

### **House Bill 0455**

Amends the Sex Offender Registration Act. Provides that a person is required to register as a sex offender who was not previously required to register before the effective date of this amendatory Act because the sex offense that the person committed occurred before a specified date. Requires that person to register within 5 days after the effective date of this amendatory Act. Provides that if the person is confined, institutionalized, or imprisoned in Illinois on or

after the effective date of this amendatory Act, he or she shall register in person with the local law enforcement agency within 5 days of discharge, parole, or release. Provides for the duration of the registration.

#### House Bill 0977

Amends the Criminal Code of 1961. In provisions making it an offense to knowingly damage property of another, knowingly start a fire on the land of another, knowingly deposit a stink bomb or offensive smelling compound on the land or in the building of another, or knowingly deface the property of another, deletes a requirement that the act be performed without the other person's consent and adds an affirmative defense that the owner of the property or land consented to the damage. In provisions making it an offense to knowingly injure a domestic animal of another, deletes a requirement that the act be performed without the other person's consent.

#### House Bill 0991

Amends the Counties Code. Provides that if the coroner or medical examiner finds that the cause of death is due to homicidal means, the coroner shall send blood, tissue, and saliva specimens from the decedent to the State Police for inclusion in the State DNA central repository.

#### House Bill 0993

Amends the Code of Criminal Procedure of 1963. Provides that any person who fails to answer an officer's temporary questioning (after the officer identifies himself as a peace officer and demands the name and address of the person and an explanation of his or her actions) is guilty of a Class A misdemeanor. Effective immediately.

#### House Bill 1022

Amends the Juvenile Court Act of 1987. Provides that the court, on its own motion or upon the petition of a law enforcement official, shall immediately and automatically enter an order expunging any and all law enforcement records relating to an incident occurring before an individual's 17th birthday, and all of the individual's juvenile court records, or both, pertaining to the incident, including immediate notification to any and all contracted private electronic database corporations, but only in the following circumstances: (1) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court; or (2) the minor was charged with an offense and was found not delinquent of that offense. Provides that if a minor is charged with an offense and is found not delinquent of that offense the judge shall include an order of expungement in the final dismissal order, including immediate notification to applicable law enforcement or arresting agencies, and any and all contracted private electronic database corporations. Provides that an expungement order form shall be provided to the minor, in open court, for immediate completion and entry of order by the court.

#### House Bill 1115

Amends the Criminal Code of 1961. Provides that in cases involving involuntary manslaughter in which the victim was 12 years of age or younger at the time of the commission of the offense, the court may sentence the defendant to a term of imprisonment of up to twice the maximum term otherwise authorized. In aggravated battery sentencing provisions, provides that, if the individual harmed is a peace officer or fireman, the court may impose a term of imprisonment up to twice the maximum term of imprisonment that is otherwise authorized.

#### House Bill 1145

Amends the Unified Code of Corrections. Provides that the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant is found guilty of first degree murder and the murder was committed by the discharge of a firearm from a motor vehicle.

#### House Bill 1518

Amends the Juvenile Court Act of 1987, the Unified Code of Corrections, the Sex Offender Registration Act, and the Child Murderer and Violent Offender Against Youth Registration Act. Provides that persons under 18 years of age (rather than under 17 years of age) who commit offenses are subject to the proceedings under the Act for delinquent minors.

#### House Bill 1548

Amends the Unified Code of Corrections. Provides that a person convicted of criminal sexual assault, aggravated

criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, when the victim of any of these offenses was under 18 years of age at the time of the commission of the offense, and the defendant used force or the threat of force in the commission of the offense shall, as a condition of parole, mandatory supervised release, or probation (if probation is available for such offense) wear an approved electronic monitoring device that has Global Positioning System (GPS) capability for the duration of the defendant's natural life.

House Bill 1617

Amends the Code of Criminal Procedure of 1963. Provides that the court may not grant bail to a person who is charged with first degree murder in which the victim of the offense was under 18 years of age at the time of the commission of the offense and the victim was murdered in the course of gang-related activity.

House Bill 1831

Amends the Criminal Identification Act relating to expungement. Changes the procedures relating to the expungement of adult criminal records and the records of minors prosecuted as adults. Establishes time limits and procedures for filing petitions to expunge. Excludes certain enumerated offenses from expungement. Provides for the sealing of certain arrest and court records.

House Bill 3374

Creates the Illinois Police Canine Certification Act. Creates the Illinois Police Canine Certification Board. Sets forth the membership of the Board. Provides that the Board shall establish requirements for certification of police canines used by law enforcement agencies within the State. Provides that the requirements shall be adopted by the Illinois Law Enforcement Training and Standards Board. Provides that each law enforcement agency that uses police canines shall comply with the certification requirements within 12 months after the adoption of the requirements. Amends the Department of State Police Law to provide that the Department of State Police shall provide administrative support to the Board. Effective immediately.

House Joint Resolution Constitutional Amendment 0028

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for elections to recall State executive branch officers, members of the General Assembly, and supreme, appellate, and circuit judges. Sets forth requirements for petitions and elections. Allows the General Assembly, by law, to provide for recall of officers of units of local government and school districts. Contains other provisions. Effective upon being declared adopted.

## **Committee VI - Transportation, Insurance, Commerce & Labor**

### House Bill 0240

Amends the Counties Code. Authorizes the counties of Kendall, Boone, DeKalb, and Grundy to impose a county motor fuel tax. Requires referendum approval before the tax may be imposed. Sets forth requirements for the referendum and for the imposition and collection of the tax. Makes technical changes.

### House Bill 0503

Amends the Illinois Vehicle Code. Provides that a person not otherwise prohibited from driving a vehicle on a roadway while using a wireless telephone may do so only if that wireless telephone is specifically designed and configured to allow hands-free operation, and is used in that manner while driving. Provides that any person who violates the provision regarding wireless telephone use shall be fined \$150. Provides that any person who violates the provision a second or subsequent time within one year of the date of a previous violation shall have his or her driving privileges suspended for a period of 90 days. Provides for the issuance of a restricted driving permit to prevent undue hardship. Amends the State Mandates Act to require implementation without reimbursement by the State.

### House Bill 0542

Amends the Minimum Wage Law. Deletes language providing that an employee under 18 years of age may be paid up to 50¢ less than the wage required to be paid to employees who are at least 18 years of age. In provisions allowing an employer to pay an employee during the first 90 days of employment a wage that is not more than 50¢ less than the minimum wage, adds language requiring an employer to pay not less than the full minimum wage to a day or temporary laborer who is 18 years of age or older and to an employee who is 18 years of age or older and whose employment is occasional or irregular and requires not more than 90 days to complete. Effective July 1, 2007.

### House Bill 0559

Amends the Illinois Vehicle Code. Provides that a person under the age of 19 years (rather than a person under the age of 18 years who holds an instruction permit or a graduated license) may not drive a vehicle on a roadway while using a wireless phone. Provides that a violation is a petty offense punishable by a fine of \$100. Effective immediately.

### House Bill 0592

Amends the Illinois Vehicle Code. Provides that any person who drives a vehicle on the highways of this State is deemed to have given consent to having his or her saliva (as well as his or her breath, blood, or urine) tested for the presence of drugs, intoxicating compounds, or alcohol. Provides for statutory summary suspension of the person's driving privileges if he or she refuses the testing or if his or her saliva reveals an alcohol concentration of 0.08 or more or the presence of drugs or intoxicating compounds in any amount.

### House Bill 0644

Amends the Electric Service Customer Choice and Rate Relief Law of 1997 in the Public Utilities Act. Changes the definition of "mandatory transition period" to include the period from the effective date through the date on which the Illinois Commerce Commission has approved declarations of competitive service for all classes of service offered in the service areas of all electric utilities that, on December 31, 2005, served at least 100,000 customers. Requires the Commission to order certain utilities to file and implement tariffs to reinstate all 2006 rates within 10 days after the effective date. Prohibits the Commission from taking certain actions prior to 2010 with respect to (i) initiating, authorizing, or ordering any change by way of increase or (ii) in approving an application for a merger, imposing a condition requiring any filing for an increase, decrease, or change in or other review of a utility's rates or enforcing such a condition. Requires the Commission to hold a hearing on a petition by a utility requesting the Commission to declare a service to be competitive (now, the Commission shall hold a hearing if the Commission deems it necessary). Provides that the Commission shall only declare the class of service to be competitive according to certain criteria (now, the Commission is required to declare the service to be competitive if the service or a reasonably equivalent substitute is available at a reasonable price from other providers other than the utility or

an affiliate and the utility has lost or is reasonably likely to lose business for service to other providers). Makes other changes. Effective immediately.

#### House Bill 0663

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall immediately revoke (rather than may, within 6 months of the date of conviction or one year of the date of the accident, revoke or suspend) the driving privileges of any person who has been convicted of an offense that involved the unlawful operation of a motor vehicle and caused or contributed to an accident resulting in the death of any person.

#### House Bill 1011

Amends the Public Utilities Act. Requires electric utilities and alternative retail electric suppliers to provide net energy metering capabilities for their retail customers that own and operate solar or wind electrical generating facilities. Provides that net production by a customer shall be credited to its bill at the same rate the electric utility or alternative retail electrical supplier charges for electricity provided to the customer. Effective immediately.

#### House Bill 1065

Amends the Prevailing Wage Act. Provides that if the violation of the Act involves a worker who is not a legal resident alien or a United States citizen, then a single violation within 5 years shall place the contractor on the Department of Labor's list of contractors or subcontractors found to have disregarded their obligations to employees under the Act. Effective immediately.

#### House Bill 1100

Amends the Illinois Vehicle Code and the State Finance Act. Provides that the Secretary of State, in compliance with the federal REAL ID Act, may issue a driver's certificate that clearly states on its face that it may not be accepted by any federal agency for federal identification or any other official purpose. Provides that the driver's certificate must be distinguishable from a driver's license or permit. Provides that one of these driver's certificates may be issued to an applicant who is an immigrant residing in this State, is ineligible to obtain a social security number, and is ineligible to receive a driver's license. Establishes requirements for the application. Provides that an applicant for one of these certificates must pay an additional fee of not less than \$50, to be set by the Secretary of State by rule, to be deposited into the Secretary of State Immigrant Driver's Certificate Fund. Creates the Secretary of State Immigrant Driver's Certificate Fund as a special fund in the State treasury. Provides that moneys deposited into the fund shall, subject to appropriation, be used by the Secretary of State to pay for the additional costs associated with immigrant applicants for driver's certificates. Provides that a person denied a driver's certificate may seek administrative review. Provides that a driver's certificate may not be used to obtain a Firearm Owner's Identification Card or a driver's license from another state. Provides that the Secretary of State shall, in conjunction with the Illinois State Police, establish administrative procedures for determining and identifying ineligible Firearm Owner's Identification Card applicants to ensure compliance with the Firearm Owners Identification Card Act. Provides for severability of the bill's provisions. Effective immediately.

#### House Bill 1114

Creates the Notice and Opportunity to Repair Act. Provides that a construction professional shall be liable to a homeowner for damages caused by the acts or omissions of the professional and his or her agents, employees, or subcontractors. Requires the service of notice to the professional of the complained-of defect in the construction by the homeowner prior to commencement of a lawsuit. Allows the professional to make an offer of repair or settlement and to rescind this offer if the claimant fails to respond within 30 days. Requires the claimant to file with the court a list of known construction defects. Directs the professional to provide a statutory notice to the homeowner upon the execution of a contract. Applies to construction defect claims that arise before, on, or after July 15, 2008, if the claim is the subject of an action commenced on or after July 15, 2008.

#### House Bill 1382

Amends the Criminal Code of 1961. Creates the offense of negligent vehicular homicide, a Class A misdemeanor. Provides that a person commits the offense if the person's negligent operation of a motor vehicle is a proximate cause of the death of another person. Provides that a person acts negligently within the meaning of the provision if he or she fails to be aware of a substantial and unjustifiable risk of death or injury to others, and that failure

constitutes a substantial deviation from the standard of care which a reasonable person would exercise under the circumstances then prevailing. Provides that the finder of fact may consider statutes and ordinances regulating the defendant's conduct in determining whether he or she was culpably negligent.

#### House Bill 1744

Amends the Right to Privacy in the Workplace Act. Provides that employers are prohibited from enrolling in any Employment Eligibility Verification System, including the Basic Pilot program, as authorized by federal law, until the Social Security Administration and Department of Homeland Security databases are able to make a determination on 99% of the tentative nonconfirmation notices issued to employers within 3 days, unless otherwise required by federal law. Provides that an employer who enrolls in the Basic Pilot program is prohibited from the Employment Eligibility Verification Systems, to confirm the employment authorization of new hires unless the employer attests, under penalty of perjury, on a form prescribed by the Department of Labor, to certain specified information. Preempts the exercise of home rule powers. Provides that the Department of Human Rights shall establish a statewide advisory council to study the effects of Employment Eligibility Verification Systems, including the Basic Pilot program, on employers and employees in Illinois. Provides that the advisory council shall, 18 months after the effective date of this amendatory Act, submit a report to the Department of Human Rights and the Department of Labor.

#### House Bill 1773

Amends the Illinois Vehicle Code. Provides that the Secretary of State is authorized to suspend or revoke the driver's license or permit of any person who has used a motor vehicle in the commission of any of the following offenses: unlawful use of weapons by felons or persons in the custody of the Department of Corrections; aggravated discharge of a firearm; aggravated discharge of a machine gun or of a weapon equipped with a silencer; reckless discharge of a firearm; aggravated unlawful use of a weapon; or being an armed habitual criminal (as well as providing for the suspension or revocation of the driving privileges of anyone who has used a motor vehicle in the commission of the offense of unlawful use of a weapon). Provides that the suspension shall be for one year if the violation is a misdemeanor or a Class 3 or Class 4 felony and shall be for 3 years if the violation is a Class X, Class 1, or Class 2 felony (rather than being for one year in all cases). Deletes language providing for the suspension or revocation of the driving privileges of a person who was in a motor vehicle at the time he or she committed the offense of aggravated discharge of a firearm.

#### House Bill 1785

Amends the Illinois Vehicle Code. Provides that, if a driver of a motor vehicle has committed a previous offense of driving under the influence of alcohol, drugs, or intoxicating compounds, he or she is in violation of the DUI provision if his or her blood alcohol concentration is 0.06 (rather than 0.08) or higher. Provides that if a person has 2 previous DUI violations, he or she commits the offense if his or her blood alcohol concentration is 0.05 or higher. Provides that the legal blood alcohol concentration for a person with 3 or more DUI violations is under 0.04.

#### House Bill 1835

Amends the Illinois Vehicle Code. Provides that, in addition to any other fine or penalty, a law enforcement official may impound the motor vehicle of any person operating that vehicle without insurance. Requires the Secretary of State to establish and maintain a database of all motor vehicles determined by the Secretary to be uninsured and requires that this database be available to federal, state, and local law-enforcement agencies.

#### House Bill 2790

Amends the Illinois Vehicle Code. Expands the definition of "ignition interlock device" to include a device installed in a vehicle that prevents the vehicle from starting until the device has determined by an analysis of the driver's epidermal elements that the driver's blood alcohol is below a certain preset level.

#### House Bill 3422

Amends the Illinois Vehicle Code. Provides that a person issued a restricted driving permit after being convicted of driving under the influence of alcohol or under the influence of a combination of alcohol and another drug or intoxicating compound may drive only a vehicle equipped with an ignition interlock device until his or her driver's license has been reinstated. Provides that if the person does not own a vehicle, he or she must use a transdermal

alcohol monitoring device, or must have an ignition interlock device installed in a vehicle he or she does not own, until his or her driver's license has been reinstated. Provides that a person prohibited from driving a vehicle not equipped with the device commits a Class 4 felony if he or she drives a vehicle without the device. Sets additional penalties. Provides that the person commits a Class A misdemeanor if he or she leases, rents, or borrows a vehicle without telling the person from whom he or she rents, leases, or borrows the vehicle of his or her driving restriction. Provides that it is also a Class A misdemeanor to knowingly rent, lease, or loan a vehicle not equipped with the device to a person restricted to driving a vehicle equipped with the device. Sets additional penalties. Makes changes regarding administration of and funding for monitoring the use of ignition interlock and transdermal alcohol monitoring devices.

House Bill 3499

Amends the Illinois Vehicle Code. Provides that, if any person is convicted of or pleads guilty to a violation of the Code, or a similar provision of a local ordinance, that resulted in an accident, and the person's use of a wireless telephone caused or contributed to the accident, the person shall, in addition to any other penalty imposed, pay a fine of \$500.

House Bill 4108

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Exempts from taxation under the Acts, that part of the selling price of motor fuel or gasohol that exceeds \$1.50 per gallon. Effective July 1, 2007.