Please Note:

This training outline is written for a law enforcement audience. It does not contain every law change made during the 98th Session of the Illinois General Assembly.

Errors and/or omissions may exist in this document. Readers are urged to review entire sections of law prior to taking enforcement action. This information can be found at the following Internet website:

www.ilga.gov

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Illinois Vehicle Code

“Emergency Patrol Vehicles”
625 ILCS 5/1-105
Effective Date: 01/01/2014
Public Act: 98-0123 House Bill: 0774

Synopsis:
Amends the Illinois Vehicle Code to allow for the use of red or white oscillating, rotating, or flashing lights on vehicles belonging to the Illinois Department of Transportation designated as Emergency Traffic Patrol. Provides that these lights shall only be operated when the vehicle is responding to an emergency call or is on the scene of an emergency. Amends the Section on authorized emergency vehicles to include Emergency Traffic Patrol vehicles.
Excerpt from the Public Act not necessary.

“Persons with Disabilities”
625 ILCS 5/1-159.1
Effective Date: 01/01/14
Public Act: 98-0405 House Bill: 1809

Synopsis:
Amends the Illinois Vehicle Code. Expands the list of health impairments qualifying a person as disabled to include mobility limitations resulting from cancer or its treatment.
Excerpt from the Public Act not necessary.

“Wild Turkey and Curing Child Cancer Plates”
625 ILCS 5/3-699, 625 ILCS 5/3-699.1
Effective Date: 01/01/14
Public Act: 98-0066 House Bill: 2754

Synopsis:
Amends the Illinois Vehicle Code. Provides for the issuance of National Wild Turkey Federation license plates. Also provides that the Secretary of State may issue Curing Childhood Cancer Plates.
Excerpt from the Public Act not necessary.

“Diabetes License Plate”
625 ILCS 5/3-699
Effective Date: 01/01/14
Public Act: 98-0096 House Bill: 1815

Synopsis:
Excerpt from the Public Act not necessary.

“Nurse Plates”
625 ILCS 5/3-699 new
Effective Date: 01/01/2014
Public Act: 98-0150 Senate Bill: 1385

Synopsis:
Amends the State Finance Act and Illinois Vehicle Code to provide for the issuance of Illinois Nurses license plates. Creates the Illinois Nurses Foundation Fund as a special fund in the State treasury. Provides that the applicant shall pay an additional fee of $35 for original issuance of the plates, of which $20 shall be deposited into the Illinois Nurses Foundation Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund. Provides that an additional fee of $22 shall be charged for each renewal, of which $20 shall be deposited into the Illinois Nurses Foundation Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

Excerpt from the Public Act not necessary.

“Red Cross Plates”
625 ILCS 5/3-699
Effective Date: 01/01/2014
Public Act: 98-0151 Senate Bill: 1439

Synopsis:
Amends the Illinois Vehicle Code. Authorizes the Secretary of State to issue American Red Cross specialty license plates. Makes the cost of issuance for these plates $40, with $25 going to the American Red Cross Fund and $15 going to the Secretary of State Special License Plate Fund. Makes renewal costs $27, with $25 going to the American Red Cross Fund and $2 going to the Secretary of State Special License Plate Fund. Allows distribution of moneys in the American Red Cross Fund, subject to appropriation by the General Assembly, to the American Red Cross or charitable entities it designates.

Excerpt from the Public Act not necessary.

“Illinois State Police Memorial Park Plates”
30 ILCS 105/5.826, 625 ILCS 5/3-699 new
Effective Date: 08/16/13
Public Act: 98-0469 House Bill: 3057

Synopsis:
Amends the State Finance Act and Illinois Vehicle Code to provide for the issuance of Illinois State Police Memorial Park license plates. Creates the Illinois State Police Memorial Park Fund as a special fund in the State treasury. Provides that the applicant shall pay an additional fee of $25 for original issuance of the plates, of which $10 shall be deposited into the Illinois State Police Memorial Park Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund. Provides that an additional fee of $25 shall be charged for each renewal, of which $23 shall be deposited into the Illinois State Police Memorial Park Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund. Provides that money in the State Police Memorial Park Fund shall be paid as grants to the Illinois State Police Heritage Foundation, Inc. for specified purposes.

Excerpt from the Public Act not necessary.

“Permanent Plates for MABAS or Fire Vehicles”
625 ILCS 5/3-808.1
2013/2014 Law Update for Law Enforcement

Effective Date: 01/01/14
Public Act: **98-0436**
House Bill: 2641

**Synopsis:**
Amends the Illinois Vehicle Code. Provides that motor vehicles used by fire departments or for fire protection services are eligible for $8 permanent registration plates, as long as those plates indicate the fire protection service that owns the vehicle. Provides that the Secretary of State shall put procedures in place to allow fire protection services in possession of these plates to transfer those plates at no additional charge.

**Excerpt from the Public Act not necessary.**

“Legion of Merit Plate”

**625 ILCS 5/3-699 new**

Effective Date: 01/01/14
Public Act: **98-0406**
House Bill: 1810

**Synopsis:**
Amends the Illinois Vehicle Code. Creates Legion of Merit plates for residents of Illinois that have received the Legion of Merit award. Provides that the design of such plates is within the discretion of the Secretary of State. Provides that there shall be no fee for the issuance or renewal of these plates.

**Excerpt from the Public Act not necessary.**

“PBPA Plates”

**625 ILCS 5/3-699 new**

Effective Date: 01/01/2014
Public Act: **98-0223**
House Bill: 1817

**Synopsis:**
Creates the Illinois Police Benevolent and Protective Association Fund. Amends the Illinois Vehicle Code. Provides that the Secretary of State may issue Illinois Police Benevolent and Protective Association license plates. Provides that money in the Illinois Police Benevolent and Protective Association Fund shall be used for providing death benefits for the families of police officers killed in the line of duty, providing scholarships for undergraduate study to children and spouses of officers killed in the line of duty, and educating the public and police officers regarding policing and public safety.

**Excerpt from the Public Act not necessary.**

“Alzheimer’s Awareness Plates”

**625 ILCS 5/3-699 new**

Effective Date: 01/01/14
Public Act: **98-0259**
House Bill: 2822

**Synopsis:**
Amends the State Finance Act and Illinois Vehicle Code to provide for the issuance of Alzheimer's Awareness license plates. Creates the Alzheimer's Awareness Fund as a special fund in the State treasury. Provides that moneys in the Alzheimer’s Awareness Fund shall be paid
as grants to the Alzheimer's Disease and Related Disorders Association, Greater Illinois Chapter, for Alzheimer's care, support, education, and awareness programs. 

Excerpt from the Public Act not necessary.

“Medical Cannabis”
Effective Date: 01/01/2014
Public Act: 98-0122
House Bill: 0001

Synopsis:
Creates the Compassionate Use of Medical Cannabis Pilot Program Act. Provides that when a person has been diagnosed by a physician as having a debilitating medical condition, the person and the person's primary caregiver may be issued a registry identification card by the Department of Public Health that permits the person or the person's primary caregiver to legally possess no more 2.5 ounces of usable cannabis during a 14-day period that is derived solely from an intrastate source. Provides that the Act is repealed 4 years after its effective date. Amends the Election Code. Provides that it is unlawful for any medical cannabis cultivation center or medical cannabis dispensary organization or any political action committee created by any medical cannabis cultivation center or dispensary organization to make a campaign contribution to any political committee established to promote the candidacy of a candidate or public official. Provides that it is unlawful for any candidate, political committee, or other person to knowingly accept or receive any contribution prohibited by this provision. Provides that it is unlawful for any officer or agent of a medical cannabis cultivation center or dispensary organization to consent to any contribution or expenditure by the medical cannabis organization that is prohibited by this provision. Provides that “prescription and nonprescription medicines and drugs” includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act.

Amends the Illinois Vehicle Code. Provides that the DUI provisions do not apply to the lawful consumption of cannabis by a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act, unless that person is impaired by the use of cannabis. 

Excerpt from the Public Act not necessary.

“Prince Hall Mason Plate”
625 ILCS 5/3-699 new
Effective Date: 01/01/14
Public Act: 98-0300
House Bill: 0167

Synopsis:
Amends the Illinois Vehicle Code. Provides for the issuance of Prince Hall Freemasonry license plates. Provides that in addition to the appropriate registration fees, an applicant for the special plate shall be charged a fee of $25 at original issuance and renewal. Provides that $15 of the additional fee for original issuance and $2 of the additional fee for renewal shall be deposited into the Secretary of State Special License Plate Fund. Provides that $10 of the additional fee for
original issuance and $23 of the additional fee for renewal shall be deposited into the Master Mason Fund.

Excerpt from the Public Act not necessary.

“Illinois Police K9 Plates”
625 ILCS 5/3-699
Effective Date: 01/01/14
Public Act . . . . . . . 98-0360 House Bill: 198

Synopsis:

Excerpt from the public act not necessary.

“Public Safety Diver Plate”
625 ILCS 5/3-699
Effective Date: 01/01/14
Public Act . . . . . . . 98-0376 House Bill: 989
Synopsis:
Amends the Illinois Vehicle Code. Provides for the issuance of Public Safety Diver special license plates.

Excerpt from the public act not necessary.

“Retired Law Enforcement Officer Plates”
625 ILCS 5/3-699
Effective Date: 01/01/14
Public Act . . . . . . . 98-0395 House Bill: 1529
Synopsis:
Amends the State Finance Act and Illinois Vehicle Code to provide for the issuance of Retired Law Enforcement license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State.

Excerpt from the public act not necessary.

“Committed to the Cure for Cancer Plates”
625 ILCS 5/3-699
Effective Date: 01/01/14
Public Act . . . . . . . 98-0382 House Bill: 1238
Synopsis:

Excerpt from the public act not necessary.

“Vehicle Dealer Fees”
625 ILCS 5/5-101, 625 ILCS 5/5-102, 625 ILCS 5/5-102.7
Effective Date: 01/01/14
Public Act: 98-0450 House Bill: 2773
Synopsis:
Amends the Illinois Vehicle Code. Changes the fee schedule for new and used vehicle dealers that is charged for inclusion in the Dealer Recovery Trust Fund to a graduated payment schedule based on the number of cars sold in the previous year. Provides that the fees for renewal of license are (i) $150 for automobile dealers selling fewer than 200 automobiles per year, (ii) $300 for automobile dealers selling 200 or more automobiles but less than 300 automobiles per year, and (iii) $500 for automobile dealers selling 300 or more automobiles a year. Provides that dealers selling less than 25 vehicles a year are considered dealers for the purpose of the Dealer Recovery Trust Fund, but shall not be charged an Annual Dealer Recovery Fund fee. Extends the time for a person to make a claim to the Dealer Recovery Trust Fund from 9 months to 2 years.

Excerpt from the Public Act not necessary.

“SOS Admin. Citations and Late Dealer Title Fees”
625 ILCS 5/3-113, 625 ILCS 5/5-803
Effective Date: 01/01/2014
Public Act: 98-0117 Senate Bill: 1828

Synopsis:
Amends the Illinois Vehicle Code. Allows a Secretary of State Police investigator to issue administrative citations to new or used vehicle dealers, or any other entity licensed by the Secretary under the Illinois Vehicle Code, for violations of any provision of the Illinois Vehicle Code or violations of any administrative rule adopted by the Secretary under the Illinois Vehicle Code. Allows the Secretary of State to impose a delinquent vehicle dealer transfer fee on vehicle dealers if the certificate of title is received by the Secretary from the dealer 30 days or more after the date of sale. Requires money collected from delinquent vehicle dealer transfer fees to be deposited in the CDLIS/AAMVAnet/NMVTIS Trust Fund.

Excerpt from the Public Act not necessary.

“Under the Influence Boating”
625 ILCS 5/6-206, 625 ILCS 45/5-16c new
Effective Date: 01/01/14
Public Act: 98-0103 Senate Bill: 1479

Synopsis:
Amends the Illinois Vehicle Code. Authorizes the Secretary of State to suspend a person's driver's license for operating a motorboat under the influence of alcohol or other intoxicating compounds. Amends the Boat Registration and Safety Act. Provides that any person operating a motorboat in this State that is involved in a boating accident shall be deemed to have given consent to the chemical testing of their blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds. Provides that if the operator refuses testing, or submits to testing and the testing indicates a blood alcohol content of 0.08 or the presence of other drugs or intoxicating compounds, that person can have their driver's license suspended under the statutory suspension procedures of the Illinois Vehicle Code.

Excerpt from the Public Act not necessary.

“Multiple DL Suspensions/Revocations”
625 ILCS 5/6-303
Effective Date: 08/16/13  
Public Act: 98-0418  
House Bill: 2477

**Synopsis:**
Amends the Illinois Vehicle Code. Allows multiple suspensions and revocations to exist simultaneously on a driver's license. Allows for graduated penalties for multiple violations if any of the prior convictions were a result of the driver's license being suspended for the same underlying offense as the present violation. Provides that a person's driver's license, permit, or privilege to obtain a driver's license or permit may be subject to multiple simultaneous suspensions or revocations. Provides that one suspension or revocation does not negate any others. Provides that graduated penalties for repeat violations of driving on a suspended or revoked license may be imposed if the prior convictions were for driving on a license that was suspended or revoked for any of the following reasons: (1) driving under the influence, (2) failing to stop the vehicle after being involved in an accident involving death or personal injury, (3) refusing to submit to chemical testing upon suspicion of driving under the influence, or (4) reckless homicide.  
*Excerpt from the Public Act not necessary.*

“Accident While Suspended”
**625 ILCS 5/6-303**
Effective Date: 01/01/14  
Public Act: 98-0285  
Senate Bill: 1735

**Synopsis:**
Amends the Illinois Vehicle Code. Raises the penalty for a violation of the restriction on driving while a license is suspended or revoked if the violation results in an accident that causes bodily injury to a Class 4 felony for a second or subsequent violation of this Section. Provides that personal injury includes any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.  
*Excerpt from the Public Act not necessary.*

“Adult Driver Education Course”
**625 ILCS 5/3-402, 625 ILCS 5/6-103, 625 ILCS 5/6-107.5**
new  
Effective Date: 01/01/2014  
Public Act: 98-0167  
House Bill: 0772

**Synopsis:**
Amends the Illinois Vehicle Code to provide that persons between the age of 18 and 21 years of age shall not be issued or allowed to renew a driver's license without successfully completing an adult driver education course. Provides that the Secretary of State shall establish by administrative rule the curriculum of adult driver education courses and designate the instruction materials to be used in these courses. Provides that the Secretary shall certify course providers according to requirements the Secretary establishes by administrative rule.  
*Excerpt from the Public Act not necessary.*

“Graduated Drivers License”
625 ILCS 5/6-107, 625 ILCS 5/6-108, 625 ILCS 5/6-301.3
Effective Date: 01/01/2014
Public Act: 98-0168
House Bill: 1009

Synopsis:
Amends the Illinois Vehicle Code. Provides the Act may be cited as "Kelsey's Law". Prohibits the issuance of a graduated driver's license to a person under 18 if the person has a traffic citation for which a disposition has not been rendered. Allows the Secretary of State to cancel a minor's driver's license if the Secretary determines that at the time of license issuance, the minor held an instruction permit and had a traffic citation for which a disposition had not been rendered. Allows prosecutors to request the court to invalidate any driver's license if the driver is convicted of a violation of the Illinois Vehicle Code or similar local ordinance, the violation of which was the proximate cause of the death or Type A injury of another.

Excerpt from the Public Act not necessary.

“Commercial Learner Permit”
625 ILCS 5/1-111.7a new, 625 ILCS 5/1-148.5a new, 625 ILCS 5/6-507.5 new, 625 ILCS 5/6-512.5 new
Effective Date: 01/01/2014
Public Act: 98-0176
Senate Bill: 1757

Synopsis:
Amends the Illinois Vehicle Code. Replaces the commercial driver instruction permit with the Commercial Learner's Permit (CLP). Allows retesting applicants or cancelling a CDL or CLP for fraud in the issuance of the CDL or CLP. Changes the definition of tank vehicle and commercial motor vehicle. Defines endorsement, manual transmission, third party tester and third party skills test examiner.

See the Public Act for more details.

“DRIVING ON SUSP./REVOKED DL”
625 ILCS 5/6-303, 625 ILCS 5/11-501
Effective Date: 8/27/2014
Public Act: 98-0573
Senate Bill: 1764

Synopsis:
Amends the Illinois Vehicle Code. Amends the offense for driving on a suspended or revoked license so that graduated penalties for repeat violations of this Section require the prior convictions of driving on a suspended or revoked driver's license to have the same underlying cause of suspension or revocation of the driver's license as the current violation. Provides that a person's driver's license, permit, or privilege to obtain a driver's license or permit may be subject to multiple simultaneous suspensions or revocations. Provides that one suspension or revocation does not negate any others. Provides that graduated penalties for repeat violations of driving on a suspended or revoked license may be imposed if the prior convictions were for driving on a license that was suspended or revoked for any of the following reasons: (1) driving under the influence, (2) failing to stop the vehicle after being involved in an accident involving death or personal injury, (3) refusing to submit to chemical testing upon suspicion of driving under the influence, or (4) reckless homicide.

Provides that it is a factor in aggravation of driving under the influence to do so while transporting passengers of any age in a school bus or vehicle for-hire.

Excerpt from the public act not necessary.
“Police Officer ID Cards”
15 ILCS 335/4, 15 ILCS 335/5, 625 ILCS 5/6-106, 625 ILCS 5/6-110
Effective Date: 01/01/14
Public Act . . . . . . . . . . 98-0323
Senate Bill: 1693

Synopsis:
Amends the Illinois Identification Card Act. Allows peace officers to provide their work address in lieu of their home address when applying for an Illinois Identification Card. Amends the Illinois Vehicle Code. Allows peace officers to provide their work address in lieu of their home address when applying for a driver's license or instruction permit. Defines peace officers as "any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations."

Excerpt from the public act not necessary.

“INSURANCE E-CARD”
625 ILCS 5/7-602
Effective Date 8/23/13
Public Act . . . . . . . . . . 98-0521
Senate Bill: 1775

Synopsis:
Allows insurance companies to provide insurance cards in electronic format. Allows motorists to provide proof of insurance through display of an electronic image on a portable electronic device. Provides that display of an electronic image in this manner does not constitute consent for a law enforcement officer, court, or officer of the court to access other contents of the electronic device. Amends the Illinois Insurance Code. Allows insurance companies to post policies to an Internet website. Sets requirements on the storage and posting of electronically stored information as well as requirements on notice to the insured. Allows insurers to offer discounts to insureds that elect to receive notices and documents electronically. Effective immediately. Provides that law enforcement officers, courts, and officers of the court are immune from liability resulting from damage to a mobile electronic device used to present an electronic insurance card. Clarifies that an insurance card issued in electronic format must adhere to all laws and rules governing the form and content of insurance cards.

Excerpt from the public act not necessary.

“Minimum Liability Insurance”
625 ILCS 5/1-164.5, 625 ILCS 5/7-203, 625 ILCS 5/7-311, 625 ILCS 5/7-317
Effective Date 1/1/2014
Public Act . . . . . . . . . . 98-0519
Senate Bill: 1898

Synopsis:
Increases the minimum mandatory coverage amounts for liability insurance policies in this State and increases the amounts sufficient to satisfy a judgment following a motor vehicle accident as follows: bodily injury or death to any one person from $20,000 to $25,000; bodily injury or death to more than one person from $40,000 to $50,000. Provides that these changes only apply to policies issued or renewed on or after January 1, 2015. Increases the minimum mandatory
coverage amounts for liability insurance policies in this State and increases the amounts sufficient to satisfy a judgment following a motor vehicle accident as follows: injury to or destruction of property from $15,000 to $20,000.

Excerpt from the public act not necessary.

“Traffic Guards”

625 ILCS 5/11-203, 625 ILCS 5/11-208

Effective Date: 01/01/14

Public Act . . . . . . . . . 98-0396  House Bill: 1539

Synopsis:
Amends the Illinois Vehicle Code provisions on obedience to traffic officers and powers of local authorities. Provides that local authorities may certify persons to act as traffic control for processions or assemblages, and that persons so certified must be obeyed in the same manner as a police officer, fireman, or crossing guard for the limited purpose of directing traffic.

Excerpt from the public act not necessary.

“RECKLESS DRIVING”

625 ILCS 5/11-208.7

Public Act . . . . . . . . . 98-0518  Senate Bill: 2154

Synopsis:
Authorizes municipalities to adopt procedures for the impoundment of vehicles used in the commission of a reckless driving offense (a) as part of a funeral procession or (b) in such a manner that interferes with a funeral procession.

Excerpt from the public act not necessary.

“VEH CD-AUTOMATED ENFORCEMENT”

625 ILCS 5/1-105.2, 625 ILCS 5/6-306.5, 625 ILCS 5/11-208, 625 ILCS 5/11-208.3, 625 ILCS 5/11-208.9 new

Effective date 1/1/2014

Public Act . . . . . . . . . 98-0556  Senate Bill: 0923

Synopsis:
Amends the Vehicle Code. Expands the definition of an automated traffic law enforcement system to include cameras installed on school buses that record images of vehicles that overtake or pass the school bus while it is engaged in receiving or disembarking passengers, provided the school bus has the visual signals required by law including extendable stop signs and flashing lights. Provides that municipalities and counties may authorize school districts to enter into contracts with vendors to install and operate an automated traffic law enforcement system on the district's school buses. Provides that violations recorded must be reviewed by certified technicians or law enforcement officers to verify that a violation has occurred. Establishes notice requirements for violations and provides for administrative adjudication of violations. Provides that a first time violation carries a civil penalty of $150, with subsequent violations carrying a civil penalty of $500, and that the offense shall not be a moving violation recorded on the driver's driving history. Provides that failure to pay or successfully contest the violation can result in suspension of the driver's license. Provides that recorded images shall be made available to the driver on a website. Requires school buses equipped with cameras to have signs stating that the school bus is equipped with an automated traffic law enforcement system. Requires the municipality or county...
to list the school districts using automated traffic law enforcement systems on its website. Requires school districts using an automated traffic law enforcement system to post this information on their websites. Requires the municipality or county to conduct a statistical analysis of the safety impact of the use of automated traffic law enforcement systems on school buses. Provides that the elected school boards of individual school districts must approve the use of automated traffic law enforcement systems on their school buses. Provides that after approving the use of an automated traffic law enforcement system, the school district must enter into an intergovernmental agreement with the municipality or county to handle the administration of the automated traffic law enforcement system. Provides that the proceeds of any fines will be divided equally between the school district and the municipality or county administering the automated traffic law enforcement system.

Excerpt from the public act not necessary.

“LOW SPEED & NON-HWY VEHICLES”

625 ILCS 5/11-1426.1
Effective Date 1/1/2014
Public Act ........ 98-0567 Senate Bill: 1530

Synopsis:
Amends the Section on non-highway vehicles to allow non-highway vehicles to cross a highway under the jurisdiction of the State, with the exception of tollways, interstate highways, and controlled access highways, at any intersection of that highway with another public street, road, or highway. Removes the requirement that the highway being crossed have a posted speed limit of 35 miles per hour or less, as well as the requirement that the intersection be controlled by a traffic light or 4-way stop sign.

Excerpt from the Public Act:
(c) Except as otherwise provided in subsection (c-5), no person operating a non-highway vehicle shall make a direct crossing upon or across any highway under the jurisdiction of the State, tollroad, interstate highway, or controlled access highway in this State. No person operating a non-highway vehicle shall make a direct crossing upon or across any other highway under the jurisdiction of the State except at an intersection of the highway with another public street, road, or highway.

(c-5) (Blank). A person may make a direct crossing at an intersection controlled by a traffic light or 4-way stop sign upon or across a highway under the jurisdiction of the State if the speed limit on the highway is 35 miles per hour or less at the place of crossing.

“VEH CD-SPEED LIMITS-70 MPH”

Effective Date January 1, 2014
Public Act . . . . . . . . . . . 98-0511

Synopsis:
Amends the Illinois Vehicle Code. Provides the maximum speed limit outside an urban district for any vehicle is (1) 70 miles per hour on any interstate highway; (2) 70 miles per hour for all or part of highways that are designated by the Department of Transportation, have at least 4 lanes of traffic, and have a separation between the roadways moving in opposite directions; and (3) 65 miles per hour for all other highways, roads, and streets. Provides that the counties of Cook, DuPage, Kane, Lake, McHenry, and Will may adopt ordinances establishing speed limits lower than these speeds. Permits the Department of Transportation and Toll Highway Authority to alter speed limits up to the new maximum speed limit (rather than up to 65 miles per hour). Adds Madison and St. Clair counties to the list of counties that may opt out of the increased speed limits. Adds a reduction in the speed required in excess of the legal speed limit to constitute a serious traffic violation for purposes of the Illinois Vehicle Code from 30 MPH or more above the legal speed limit to 26 MPH or more. Alters the change made in the maximum speed limit outside an urban district for any vehicle from 70 miles per hour to 65 MPH for all or part of highways that are designated by the Department, have at least 4 lanes of traffic, and have a separation between the roadways moving in opposite directions; and from 65 miles per hour to 55 MPH for all other highways, roads, and streets. Adds provision reducing by 5 MPH the thresholds for a Class B or Class A misdemeanor speeding violation.

Excerpt from Public Act:
(625 ILCS 5/11-601.5)
Sec. 11-601.5. Driving 26 31 miles per hour or more in excess of applicable limit.
(a) A person who drives a vehicle upon any highway of this State at a speed that is 26 31 miles per hour or more but less than 35 40 miles per hour in excess of the applicable maximum speed limit established under this Chapter or a local ordinance commits a Class B misdemeanor.
(b) A person who drives a vehicle upon any highway of this State at a speed that is 35 40 miles per hour or more in excess of the applicable maximum speed limit established under this Chapter or a local ordinance commits a Class A misdemeanor.

“Construction Speed Zones”
625 ILCS 5/11-605.1
Effective Date: 01/01/14
Public Act . . . . . . . . . . . 98-0337
House Bill: 1814

Synopsis:
Creates separate offenses for exceeding the speed limit in a construction or maintenance zone when workers are present and exceeding the speed limit in a construction or maintenance zone when workers are not present. Limits the provision on suspending a person's driver's license for multiple violations of the speed limit for construction zones to violations that occurred while workers were present.

Excerpt from the Public Act not necessary.

“Bicycle Overtaking”
2013/2014 Law Update for Law Enforcement

625 ILCS 5/11-704
Effective Date: 01/01/14
Public Act: 98-0485

Synopsis:
Amends the Illinois Vehicle Code. Provides that the prohibition on 2 wheeled vehicles passing on the right of another vehicle does not apply to devices propelled by human power.

Excerpt from the Public Act not necessary.

“DISABILITY DECALS”
625 ILCS 5/11-1301.1, 625 ILCS 5/11-1301.2, 625 ILCS 5/11-1301.1
Effective Date 1/1/2014
Public Act: 98-0577

Synopsis:
Provides that for a meter-exempt parking decal the medical condition must be permanent rather than for an estimated duration.
Provides that persons with disability decals shall not be exempt from the payment of fees in publicly owned parking structures.
Excerpt from the public act not necessary.

“VEH CD-OPERATION-DURATION”
625 ILCS 5/11-1419
Effective Date 1/1/2014
Public Act: 98-0512

Synopsis:
Repeals the Section placing limits on the amount of time an owner can require an employee to operate a motor vehicle.
Excerpt from the public act not necessary.

“No Cell Phone Typing, No Texting- Exceptions”
625 ILCS 5/12-610.2
Effective Date: 1/1/2014
Public Act: 98-0506

Synopsis:
Expands the prohibition on driving while using an electronic communication device to include uses beyond composing, sending, or reading an electronic message. Expands the exceptions to include the use of hands-free devices, two-way radios, and electronic devices capable of performing multiple functions as long as these devices are not used for a prohibited purpose. Establishes a graduated fine scale for repeat offenses. Provides that a first offense for driving while using an electronic communication device is not a moving violation.

Excerpt from the Public Act:
(625 ILCS 5/12-610.2)
Sec. 12-610.2. Electronic communication devices.
(a) As used in this Section:
"Electronic communication device" means an electronic device, including but not limited to a hand-held wireless telephone, hand-held personal digital assistant, or a portable or mobile computer while being used for the purpose of composing, reading, or sending an electronic message, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.
"Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. "Electronic message" includes, but is not limited to electronic mail, a text message, an instant message, a digital photograph, a video, or a command or request to access an Internet site.
(b) A person may not operate a motor vehicle on a roadway while using an electronic communication device to compose, send, or read an electronic message.
(c) A second or subsequent violation of this Section is an offense against traffic regulations governing the movement of vehicles. A person who violates this Section shall be fined a maximum of $75 for a first offense, $100 for a second offense, $125 for a third offense, and $150 for a fourth or subsequent offense.
(d) This Section does not apply to:
(1) a law enforcement officer or operator of an emergency vehicle while performing his or her official duties;
(2) a driver using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during the emergency situation;
(3) a driver using an electronic communication device in hands-free or voice-operated mode, which may include the use of a headset;
(4) a driver of a commercial motor vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed 10 inches tall by 10 inches wide in size;
(5) a driver using an electronic communication device
while parked on the shoulder of a roadway; 

(6) a driver using an electronic communication device when the vehicle is stopped due to normal traffic being obstructed and the driver has the motor vehicle transmission in neutral or park;

(7) a driver using two-way or citizens band radio services;

(8) a driver using two-way mobile radio transmitters or receivers for licensees of the Federal Communications Commission in the amateur radio service;

(9) a driver using an electronic communication device by pressing a single button to initiate or terminate a voice communication; or

(10) a driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal digital assistant (for example, a fleet management system, dispatching device, citizens band radio, or music player) for a purpose that is not otherwise prohibited by this Section.

“AGGRAVATED DEVICE USE”
625 ILCS 5/12-604.1, 625 ILCS 5/12-610.1, 625 ILCS 5/12-610.2
Effective Date 1/1/2014
Public Act . . . . . . . . 98-0507 House Bill: 2585

Synopsis:
Amends the Illinois Vehicle Code. Creates an aggravated offense for driving while using a video device, wireless telephone, or electronic communication device. A person convicted of driving while using a video device, wireless telephone, or electronic communication device commits a Class A misdemeanor if in committing the violation the person was involved in a motor vehicle accident that resulted in great bodily harm, permanent disability, or disfigurement to another and the violation was a proximate cause of the injury. A person convicted of driving while using a video device, wireless telephone, or electronic communication device commits a Class 4 felony if in committing the violation the person was involved in a motor vehicle accident that resulted in the death of another person and the violation was a proximate cause of the death.

Excerpt from the Public Act not necessary.

“Window Tint”
625 ILCS 5/12-503
Effective Date: 01/01/2014
Public Act: 98-0153 Senate Bill: 1524
Synopsis:
Amends the Illinois Vehicle Code. Preempts home rule powers with respect to window tints.

Excerpt from the Public Act not necessary.

“Removing Police Marks”
625 ILCS 5/1-105, 625 ILCS 5/12-215, 625 ILCS 5/12-215.1

Effective Date: 08/16/13
Public Act: 98-0468
House Bill: 3054

Synopsis:
Amends the Illinois Vehicle Code. Provides that the definition of “authorized emergency vehicle” includes vehicles of the Illinois Department of Corrections and vehicles of the Illinois Department of Juvenile Justice, and exempts those vehicles from certain restrictions on the use of oscillating, rotating or flashing lights on motor vehicles. Provides that no person not authorized by law may have flashing lights, sirens, or any other indicia of emergency vehicle authority in their vehicles. Provides that a violation of this Section is a Class A misdemeanor.

Provides that law enforcement officers may seize both the prohibited equipment and the vehicle that contains the prohibited equipment, and hold both for evidentiary purposes. Provides that the equipment may be returned by the court when it is no longer needed for evidentiary purposes provided that the person can prove to the court by a preponderance of the evidence that the device or mechanism will be used for a legitimate and lawful purpose.

Excerpt from the Public Act.

(625 ILCS 5/12-215.1 new)

Sec. 12-215.1. Possession of oscillating, rotating, or flashing lights in motor vehicles; police equipment, markings, and other indicia of emergency vehicle authority.

(a) A person, except those given exceptions in Section 12-215 or 12-609 of this Code, may not possess or be in actual physical control of oscillating, rotating, or flashing lights or other indicia of emergency vehicle authority within any portion of a motor vehicle, including but not limited to wig-wags, red and blue LEDs, sirens, mounted or affixed devices or other equipment, markings or indicia of emergency vehicle authority.

(b) A person found guilty of violating this Section is guilty of a Class A misdemeanor.

(c) Oscillating, rotating, or flashing lights and any other equipment, markings, or indicia of emergency vehicle authority shall be seized by the law enforcement officer at the time of a violation of this Section or of Section 12-215 or 12-609 of this Code upon any legal search. The officer may seize the vehicle containing the prohibited device or mechanism, and this device or mechanism shall be removed and held for evidentiary purposes. When the device or mechanism is no longer needed for evidence, the defendant may petition the court for the return.
of the device or mechanism. The defendant must prove to the court by a preponderance of the evidence that the device or mechanism will be used for a legitimate and lawful purpose.

“Seat Belt - Exceptions”
625 ILCS 5/12-603.1
Effective Date: 08/16/13
Public Act: 98-0451 House Bill: 2776

Synopsis:
Amends the Illinois Vehicle Code. Provides that the exception to safety belt requirements does not apply to vehicles of the fire department; vehicles of the Office of the State Fire Marshal; or ambulances, unless the delivery of life-saving measures prohibits the use of a seat safety belt. Effective immediately.

Excerpt from the Public Act not necessary.

“Certificate of Safety”
625 ILCS 5/13-111
Effective Date: 01/01/14
Public Act: 98-4089 Senate Bill: 1294

Synopsis:
Amends the Illinois Vehicle Code. Provides that operating a motor vehicle without a required certificate of safety is a petty offense with a minimum fine of $95 and a maximum fine of $250, unless the violation is contemporaneous with a motor vehicle accident, in which case a violation is a Class C misdemeanor.

Excerpt from the Public Act not necessary.

“3 Axle Mixers: Weight”
625 ILCS 5/15-111
Effective Date: 08/16/13
Public Act: 98-0410 House Bill: 2361

Synopsis:
Amends the Illinois Vehicle Code. Provides that a 3-axle truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 40,000 pounds gross weight on a 2-axle vehicle; and 54,000 pounds gross weight on a 3-axle vehicle. Provides that a 3-axle combination sewer cleaning jetting vacuum truck registered as a Special Hauling Vehicle, used exclusively for the transportation of non-hazardous solid waste, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 54,000 pounds gross weight on a 3-axle vehicle. Provides that both of these vehicles are not subject to the bridge formula. Removes provisions limiting to vehicles manufactured before or in the model year of 2014 and first registered in Illinois before January 1, 2015 the applicability of weight limit exceptions for certain 4-axle special hauling vehicles. Effective immediately.

Excerpt from the Public Act not necessary.
“Special Hauling Vehicles”

625 ILCS 5/15-111
Effective Date: 01/01/14
Public Act: 98-0409 House Bill: 2310

Synopsis:
Amends the Illinois Vehicle Code. Extends the model years of Special Hauling Vehicles by 10 years.
Excerpt from the Public Act not necessary.

Other Statutes

“Victim’s Age – Statute of Limitations”

720 ILCS 5/3-6
Effective Date: 01/01/14
Public Act ............ 98-0379 House Bill: 1063

Synopsis:
Amends the Criminal Code of 2012. Provides that when the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse may be commenced at any time when corroborating physical evidence is available or an individual who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act fails to do so.
Excerpt from the Public Act not necessary.

“Failure to Report Sexual Abuse”

720 ILCS 5/11-1.40, 720 ILCS 5/11-9.1B (new)
Effective Date: 01/01/14
Public Act ............ 98-0370 House Bill: 804

Synopsis:
Amends the Criminal Code of 2012. Changes the definition of "sexual penetration". Creates the offense of failure to report sexual abuse of a child. Provides that a person over the age of 18 commits failure to report sexual abuse of a child when he or she personally observes sexual abuse between a person who he or she knows is over the age of 18 and a person he or she knows is a child, and knowingly fails to report the sexual abuse to law enforcement. Provides that a person who commits failure to report sexual abuse of a child is guilty of a Class A misdemeanor for the first violation and a Class 4 felony for a second or subsequent violation. defines "sexual abuse". Provides exceptions. Further amends the Criminal Code of 2012. In the predatory criminal sexual assault of a child statute includes an act of contact, however slight between the sex organ or anus of one person and the part of the body of another and the accused is 17 years or older and the victim is under 13 years of age.
Excerpt from Public Act.

(720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)
Sec. 11-1.40. Predatory criminal sexual assault of a child.
(a) A person commits predatory criminal sexual assault of a child if that person commits an act of sexual penetration or an act of contact, however slight between the sex organ or anus of one person and the part of the body of another, and the accused is 17 years of age or older, and:
   (1) the victim is under 13 years of age; or
   (2) the victim is under 13 years of age and that person:
      (A) is armed with a firearm;
      (B) personally discharges a firearm during the commission of the offense;
      (C) causes great bodily harm to the victim that:
          (i) results in permanent disability; or
          (ii) is life threatening; or
      (D) delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception, for other than medical purposes.

(720 ILCS 5/11-9.1B new)
Sec. 11-9.1B. Failure to report sexual abuse of a child.
(a) For the purposes of this Section:
   "Child" means any person under the age of 13.
   "Sexual abuse" means any contact, however slight, between the sex organ or anus of the victim or the accused and an object or body part, including but not limited to, the sex organ, mouth, or anus of the victim or the accused, or any intrusion, however slight, of any part of the body of the victim or the accused or of any animal or object into the sex organ or anus of the victim or the accused, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual abuse.
   (b) A person over the age of 18 commits failure to report sexual abuse of a child when he or she personally observes sexual abuse, as defined by this Section, between a person who he or she knows is over the age of 18 and a person he or she knows is a child, and knowingly fails to report the sexual abuse to law enforcement.
   (c) This Section does not apply to a person who makes
timely and reasonable efforts to stop the sexual abuse by reporting the sexual abuse in conformance with the Abused and Neglected Child Reporting Act or by reporting the sexual abuse or causing a report to be made, to medical or law enforcement authorities or anyone who is a mandated reporter under Section 4 of the Abused and Neglected Child Reporting Act.

(d) A person may not be charged with the offense of failure to report sexual abuse of a child under this Section until the person who committed the offense is charged with criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse.

(e) It is an affirmative defense to a charge of failure to report sexual abuse of a child under this Section that the person who personally observed the sexual abuse had a reasonable apprehension that timely action to stop the abuse would result in the imminent infliction of death, great bodily harm, permanent disfigurement, or permanent disability to that person or another in retaliation for reporting.

(f) Sentence. A person who commits failure to report sexual abuse of a child is guilty of a Class A misdemeanor for the first violation and a Class 4 felony for a second or subsequent violation.

(g) Nothing in this Section shall be construed to allow prosecution of a person who personally observes the act of sexual abuse and assists with an investigation and any subsequent prosecution of the offender.

“Tethered Animals”

50 ILCS 70/3
Effective Date: 01/01/14
Public Act: 98-0101 House Bill: 0083

Synopsis:
Amends the Humane Care for Animals Act. Provides that certain requirements must be met in order for an owner to lawfully tether a dog outdoors. Creates certain exemptions from that requirement. Provides penalties for violations.
Excerpt from the Public Act not necessary.

“Domestic Battery”

720 ILCS 5/12-3.2
Effective Date: 01/01/2014
Public Act: 98-0187 House Bill: 0958
Synopsis:
Amends the Criminal Code of 2012. Provides that domestic battery is a Class 4 felony if the defendant has one or 2 prior convictions under the Code for domestic battery. Provides that domestic battery is a Class 3 felony if the defendant had 3 prior convictions under the Code for domestic battery. Provides that domestic battery is a Class 2 felony if the defendant had 4 or more prior convictions under the Code for domestic battery.

Excerpt from the Public Act not necessary.

“Aggravated Battery – Nurse”
720 ILCS 5/12-3.05
Effective Date: 01/01/14
Public Act 98-0369 House Bill: 801
Synopsis:
Amends the Criminal Code of 2012. Provides that a person commits aggravated battery when, in committing a battery, other than by discharge of a firearm, he or she knows the individual battered to be a nurse while in the performance of his or her duties as a nurse. Provides that a violation is a Class 3 felony.

Excerpt from the Public Act not necessary.

“Arson Limitations”
720 ILCS 5/3-5
Effective Date: 01/01/14
Public Act 98-0265 House Bill: 3011
Synopsis:
Amends the Criminal Code of 2012. Provides that a prosecution for residential arson may be commenced at any time (rather than within 3 years after commission of the offense).

Excerpt from the Public Act not necessary.

“Child Sex Offender- Playgrounds”
720 ILCS 5/11-9.3
Effective Date: 01/01/14
Public Act 98-0266 House Bill: 3023
Synopsis:
Amends the Criminal Code of 2012. It is unlawful for a child sex offender to knowingly be present in a playground or recreation area within any publicly accessible privately owned building.

Excerpt from the Public Act not necessary.

“Child Pornography”
720 ILCS 5/11-20.1, 730 ILCS 5/5-8-4
Effective Date: 01/01/14
Public Act 98-0437 House Bill: 2647
Synopsis:
Amends the Criminal Code of 2012 concerning child pornography. Provides that the possession of each individual film, videotape, photograph, or other similar visual reproduction or depiction by computer in violation of the child pornography statute constitutes a single and separate violation. The provision that the possession of each individual film, videotape, photograph, or other similar visual reproduction or depiction by computer in violation of the child pornography statute constitutes a single and separate violation does not apply to multiple copies of the same film, videotape, photograph, or other similar visual reproduction or depiction by computer that are identical to each other. Amends the Unified Code of Corrections. Provides that the court shall impose consecutive sentences when the defendant is convicted of child pornography or aggravated child pornography that does not involve possession of child pornography and when the defendant is convicted of possession of child pornography when the child depicted is under the age of 13.

Excerpt from the Public Act not necessary.

“Criminal Justice-Recordings”
20 ILCS 3930/7.7 new, 705 ILCS 405/5-401.5, 720 ILCS 5/14-3, 725 ILCS 5/103-2.1, 720 ILCS 5/14-3
Effective Date 1/1/2014
Public Act . . . . . . . 98-0547 Senate Bill: 1006

Synopsis:
Amends the Juvenile Court Act of 1987 and the Code of Criminal Procedure of 1963. Provides an oral, written, or sign language statement of a person made as a result of a custodial interrogation at a police station or other place of detention shall be presumed to be inadmissible against the minor or adult in a juvenile or criminal court proceeding for certain criminal offenses when the interrogation occurs on or after certain specified dates, unless an electronic recording is made of the custodial interrogation and the recording is substantially accurate and not intentionally altered. Provides if while conducting a custodial interrogation, the person being interrogated makes a statement which creates reasonable suspicion that the person has committed an offense other than those required to be recorded by this provision, the interrogators may continue to record the interrogation regarding that other offense without the person's consent, notwithstanding any provision of law to the contrary. Changes the standard for admissibility of a statement given in violation of the additional offenses to the recording of the interrogation requirement from the interrogators lack reasonable suspicion that the person had committed one of the offenses added to the recording requirement to the standard that the interrogators were unaware of facts and circumstances that would create probable cause to believe the person had committed one of the offenses.

Excerpt from Public Act:
(b-5) Under the following circumstances, an oral, written, or sign language statement of a minor who, at the time of the commission of the offense was under the age of 17 years, made as a result of a custodial interrogation conducted at a police station or other place of detention shall be presumed to be inadmissible as evidence against the minor, unless an electronic recording is made of the custodial interrogation and
the recording is substantially accurate and not intentionally altered:

(1) in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be brought under Section 11-1.40 or 20-1.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if the custodial interrogation was conducted on or after June 1, 2014;

(2) in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be brought under Section 10-2, 18-4, or 19-6 of the Criminal Code of 1961 or the Criminal Code of 2012, if the custodial interrogation was conducted on or after June 1, 2015; and

(3) in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be brought under Section 11-1.30 or 18-2 or subsection (e) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, if the custodial interrogation was conducted on or after June 1, 2016.

“Failure to Report Hazing”
720 ILCS 5/12C-50.1 (new)
Effective Date: 08/16/13
Public Act . . . . . . . . . . 98-0393 House Bill: 1443

Synopsis:
Amends the Criminal Code of 2012. Creates the offense of failure to report hazing. Provides that a school official commits failure to report hazing when: (1) while fulfilling his or her official responsibilities as a school official, he or she personally observes an act which is not sanctioned or authorized by that educational institution; (2) the act results in bodily harm to any person; and (3) the school official knowingly fails to report the act to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement. Provides that failure to report hazing is a Class B misdemeanor. Provides that if the act which the person failed to report resulted in death or great bodily harm, the offense is a Class A misdemeanor. Establishes an affirmative defense. Provides that nothing in this provision shall be construed to allow prosecution of a person who personally observes the act of hazing and assists with an investigation and any subsequent prosecution of the offender.

Excerpt from the Public Act:

(720 ILCS 5/12C-50.1 new)
Sec. 12C-50.1. Failure to report hazing.
(a) For purposes of this Section, "school official" includes any and all paid school administrators, teachers, counselors, support staff, and coaches and any and all
volunteer coaches employed by a school, college, university, or other educational institution of this State.

(b) A school official commits failure to report hazing when:

(1) while fulfilling his or her official responsibilities as a school official, he or she personally observes an act which is not sanctioned or authorized by that educational institution;

(2) the act results in bodily harm to any person; and

(3) the school official knowingly fails to report the act to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement.

(c) Sentence. Failure to report hazing is a Class B misdemeanor. If the act which the person failed to report resulted in death or great bodily harm, the offense is a Class A misdemeanor.

(d) It is an affirmative defense to a charge of failure to report hazing under this Section that the person who personally observed the act had a reasonable apprehension that timely action to stop the act would result in the imminent infliction of death, great bodily harm, permanent disfigurement, or permanent disability to that person or another in retaliation for reporting.

(e) Nothing in this Section shall be construed to allow prosecution of a person who personally observes the act of hazing and assists with an investigation and any subsequent prosecution of the offender.

“Criminal Damage / Defacement – Memorials”
720 ILCS 5/21-1, 720 ILCS 5/21-1.3
Effective Date: 01/01/14
Public Act ........... 98-0315 Senate Bill: 2231

Synopsis:
Amends the Criminal Code of 2012. Provides for enhanced penalties for criminal damage to property and criminal defacement of property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces, National Guard, or veterans.

Excerpt from the Public Act not necessary.

“Gun Safety and Responsibility Act”
730 ILCS 150/3, 430 ILCS 65/3, 430 ILCS 65/3.3, 430 ILCS 65/8, 720 ILCS 5/24-3, 720 ILCS 5/24-4.1 new
Effective Date August 19, 2013
Public Act . . . . . . . . . 98-0508        House Bill: 1189

Synopsis:
Provides that the Act may be referred to as the Gun Safety and Responsibility Act. Amends the Firearm Owners Identification Card Act. Provides that a private party who sells or transfers a firearm must use the State Police's dial-up system to verify that the buyer or transferee is the holder of a valid Firearm Owners Identification ("FOID") card before making the transfer. Provides for exceptions; sets forth record keeping requirements. Requires the State Police to develop an Internet-based system for individuals to determine the validity of a FOID card prior to sale or transfer. Amends the Criminal Code of 2012. Provides that the sellers and transferors of firearms who determine the validity of a FOID card prior to sale or transfer are not civilly liable for any misuse of the firearm by the buyer or transferee. Provides that the owner of a lost or stolen firearm must report the loss or theft of the firearm to law enforcement within 72 hours of discovering the loss or theft.

Excerpt from the public act not necessary.

“Concealed Carry Act”
225 ILCS 210/2005, 430 ILCS 65/9.5
Effective Date: 07/09/2013
Public Act . . . . . . . . . 98-0063        House Bill: 0183

Synopsis:
Creates the Firearm Concealed Carry Act. Allows residents and non-residents who meet specified qualifications to apply for a license to carry a concealed firearm in this State. The license is valid for 5 years and the license fee is $150 for a resident and $300 for a non-resident. Allows any law enforcement agency to object to a license applicant based upon a reasonable suspicion that the applicant is a danger to himself or herself or others, or a threat to public safety. Allows the Department of State Police to object to a license applicant with 5 or more arrests for any reason or 3 or more gang-related arrests within the 7 years preceding the date of application. These objections are reviewed by a Concealed Carry Licensing Review Board composed of 7 members appointed by the Governor with the advice and consent of the Senate. The Concealed Carry Licensing Review Board determines by a preponderance of the evidence whether the applicant is eligible or ineligible for a license. Prohibits a licensee from carrying a concealed handgun into certain specified locations. Requires the Department of State Police to approve a 16 hour training course for new license applicants and 3 hour course for license renewal, and to certify course instructors. Establishes training course requirements. Creates a task force to develop a plan by March 1, 2014 to allow for a Firearm Owner's Identification Card and concealed carry license designation to appear on a person's Illinois driver's license or Illinois identification card. Preempts home rule on the regulation, licensing, possession, registration, and transportation of concealed handguns as covered by the Act. Creates the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law. Requires the principal of a public elementary or secondary school, or his or her designee, and the chief administrative officer of a private elementary or secondary school or a public or private community college, college, or university, or his or her designee, to report to the Department of Human Services when a student is determined to pose a clear and present danger to himself, herself, or to others within 24 hours of the determination. Amends the Mental Health and Developmental Disabilities Code to make conforming changes and require notification to the Department of State Police Firearm Owners Identification Card Office no later than 7 days after entry of a court order for an adjudication as a mentally disabled or disabled person. Requires reporting a developmental disability or clear and present danger determination within 24 hours of the determination to the Department of Human Services, and the Department of Human Services must notify the Department of State Police. Firearms in the possession of a person adjudicated as a mentally disabled or disabled person must be ordered by the court to deliver the firearms to a person with a valid Firearm Owner's Identification Card for safekeeping. The adjudicated person shall also be
ordered to surrender his or her Firearm Owner's Identification Card. Amends the Firearm Owners Identification Card Act (FOID). Defines “addicted to narcotics” for purposes of disqualifying a person for a Firearm Owner's Identification Card. Changes the disqualification for a Firearm Owner's Identification Card as a "mental defective" to "mentally disabled". Adds to the definition of "mentally disabled" an adjudication as a disabled person, a finding of guilty but mentally ill, or a determination that a person is a clear and present danger to himself, herself, or to others. Defines "clear and present danger". Preempts home rule on the regulation, licensing, possession, registration, and transportation of concealed handguns and ammunition for concealed handguns as covered by the FOID Act. Preempts home rule on the prohibition of possession or ownership of assault weapons unless the ordinance is enacted before, on, or within 10 days of the effective date of this Act and any amendments thereafter. Amends The Freedom of Information Act. Exempts from disclosure the names and information of persons who have applied for or received a concealed carry license and certain records under the Firearm Concealed Carry Act. Amends the Open Meetings Act to close meetings and deliberations of the Concealed Carry Licensing Review Board. Amends the Department of State Police Law of the Civil Administrative Code of Illinois and the State Finance Act. Creates the State Police Firearm Services Fund for fee revenue from the Firearm Owners Identification Card Act and Firearm Concealed Carry Act. The Department of State Police may use the Fund for its lawful purposes, mandates, functions, and duties under the Firearm Owners Identification Card Act and Firearm Concealed Carry Act. Creates the Mental Health Reporting Fund for fee revenue from the Firearm Concealed Carry Act for the Department of State Police and the Department of Human Services for duties in collecting and reporting data on mental health records and ensuring firearm possession prohibitions related to mental health are enforced. Surplus money in the Fund may be used for mental health treatment programs. Amends the Criminal Code of 2012 and other Acts to make conforming changes. Effective immediately.

Excerpt from the Public Act:

(430 ILCS 65/9.5 new)

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

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

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

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

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

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

(C) if any firearm will be transferred to the custody of another person, the name, address and Firearm Owner's Identification Card number of the transferee.
(b) The local law enforcement agency shall provide a copy of the Firearm Disposition Record to the person whose Firearm Owner's Identification Card has been revoked and to the Department of State Police.

(c) If the person whose Firearm Owner's Identification Card has been revoked fails to comply with the requirements of this Section, the sheriff or law enforcement agency where the person resides may petition the circuit court to issue a warrant to search for and seize the Firearm Owner's Identification Card and firearms in the possession or under the custody or control of the person whose Firearm Owner's Identification Card has been revoked.

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

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

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

(g) A person whose Firearm Owner's Identification Card has been revoked and who received notice under subsection (f) shall comply with the requirements of this Section within 48 hours of receiving notice.

“Unauthorized Video Recording”
720 ILCS 5/3-6
Effective Date: 01/01/14
Public Act: 98-0293
Senate Bill: 1851

Synopsis:
Amends the Criminal Code of 2012. Provides that a prosecution for the offense of unauthorized video recording may be commenced within one year after the discovery of the offense by the victim of that offense.

Excerpt from the Public Act not necessary.

“Threats to Public Official”
720 ILCS 5/12-9
Effective Date 1/1/2014
Public Act . . . . . . . 98-0529
Senate Bill: 1609
Synopsis:
Amends the Criminal Code of 2012. Includes in the offense of threatening a public official threatening a human service provider. Defines “human service provider”. Defines “human service provider” as a social worker, case worker, or investigator employed by an agency or organization providing social work, case work, or investigative services under a contract with or a grant from the Department of Human Services, the Department of Children and Family Services, the Department of Healthcare and Family Services, or the Department on Aging (rather than from the State of Illinois). Provides that the threat must be conveyed because of the performance or nonperformance of duty as a human service provider (rather than toward the human service provider acting in his or her authorized capacity).

Excerpt from the Public Act not necessary.

“Aggravated Battery – Recording”
720 ILCS 5/12-2, 720 ILCS 5/12-3.05, 730 ILCS 5/5-3.2
Effective Date: 01/01/14
Public Act . . . . . . . . . . . . 98-0385 House Bill: 1309

Synopsis:
Amends the Criminal Code of 2012. Provides that a person commits aggravated assault or aggravated battery when he or she, in committing the assault or battery, knowingly video or audio records the offense with the intent to disseminate the recording. Provides that an aggravated assault committed under these circumstances is a Class A misdemeanor and an aggravated battery committed under these circumstances is a Class 3 felony. Amends the Unified Code of Corrections. Provides that the court may impose an extended term sentence when a defendant commits any felony and the defendant knowingly video or audio records the offense with the intent to disseminate the recording.

Excerpt from the Public Act not necessary.

“Electronic Tracking Devices Prohibited”
720 ILCS 5/21-2.5 (new)
Effective Date: 01/01/14
Public Act . . . . . . . . . . . . 98-0381 House Bill: 1199

Synopsis:
Amends the Criminal Code of 2012. Provides that a person or entity in the State may not use an electronic tracking device to determine the location or movement of a person. Defines “electronic tracking device”, “State agency”, “telematics”, and “vehicle”. Exempts from the new provisions (1) situations where the registered owner, lessor, or lessee of a vehicle has consented to the use of the electronic tracking device; (2) the lawful use of an electronic tracking device by a law enforcement agency; (3) when the vehicle is owned or leased by a business that is authorized to transact business in the State and the tracking device is used by the business for the purpose of tracking vehicles driven by employees of that business, its affiliates, or contractors of that business or its affiliates; (4) when the vehicle is under the control of a State agency and the electronic tracking device is used by the agency or the Inspector General with jurisdiction over that agency for the purpose of tracking vehicles driven by employees or contractors of that State agency; or (5) telematic services that were installed by the manufacturer, or installed by or with the consent of the owner or lessee of the vehicle and to which the owner or lessee has subscribed. Provides that consent by the owner or lessee of the vehicle constitutes consent for any other driver or passenger of that vehicle. Provides that a violation of the new provisions is a Class A misdemeanor.
Excerpt from the Public Act:

(720 ILCS 5/21-2.5 new)
Sec. 21-2.5. Electronic tracking devices prohibited.
(a) As used in this Section:
   "Electronic tracking device" means any device attached
to a vehicle that reveals its location or movement by the
transmission of electronic signals.
   "State agency" means all departments, officers,
commissions, boards, institutions, and bodies politic and
corporate of the State. The term, however, does not mean
the judicial branch, including, without limitation, the
several courts of the State, the offices of the clerk of
the supreme court and the clerks of the appellate court,
and the Administrative Office of the Illinois Courts, nor
does it mean the legislature or its committees or
commissions.
   "Telematics" includes, but is not limited to,
automatic airbag deployment and crash notification, remote
diagnostics, navigation, stolen vehicle location, remote
door unlock, transmitting emergency and vehicle location
information to public safety answering points, and any
other service integrating vehicle location technology and
wireless communications.
   "Vehicle" has the meaning ascribed to it in Section
(b) A person or entity in this State may not use an
electronic tracking device to determine the location or
movement of a person.
(c) This Section does not apply:
   (1) when the registered owner, lessor, or lessee of a
vehicle has consented to the use of the electronic tracking
device with respect to that vehicle;
   (2) to the lawful use of an electronic tracking device
by a law enforcement agency;
   (3) when the vehicle is owned or leased by a business
that is authorized to transact business in this State and
the tracking device is used by the business for the purpose
of tracking vehicles driven by employees of that business,
its affiliates, or contractors of that business or its
affiliates;
   (4) when the vehicle is under the control of a State
agency and the electronic tracking device is used by the agency, or the Inspector General appointed under the State Officials and Employees Ethics Act who has jurisdiction over that State agency, for the purpose of tracking vehicles driven by employees or contractors of that State agency; or

(5) telematic services that were installed by the manufacturer, or installed by or with the consent of the owner or lessee of the vehicle and to which the owner or lessee has subscribed. Consent by the owner or lessee of the vehicle constitutes consent for any other driver or passenger of that vehicle.

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

“Methamphetamine Precursors”

720 ILCS 648/10, 720 ILCS 648/20, 720 ILCS 648/40
Effective Date: 08/16/13
Public Act.........98-0371 House Bill:806

Synopsis:
Amends the Methamphetamine Precursor Control Act. Defines "procure". Provides that a person shall not knowingly procure a targeted methamphetamine precursor for a third party for the purpose of evading this Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act. Provides that any person who knowingly procures a targeted methamphetamine precursor for a third party for the purpose of evading the Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act is guilty of a Class A misdemeanor for the first conviction, and a Class 4 felony for a second or subsequent conviction.

Excerpt from the Public Act not necessary.

“E-Cigarettes to Minors”

720 ILCS 675/1.5 (new), 720 ILCS 675/2
Effective Date: 01/01/14
Public Act.........98-0350 Senate Bill: 1756

Synopsis:
Amends the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. Provides that a person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, may not sell, offer for sale, give, or furnish any alternative nicotine product, or any cartridge or component of an alternative nicotine product, to a person under 18 years of age. Provides that before selling, offering for sale, giving, or furnishing an alternative nicotine product, or any cartridge or component of an alternative nicotine product, to another person, the person selling, offering for sale, giving, or furnishing the alternative nicotine product shall verify that the person is at least 18 years of age by: (1) examining from any person that appears to be under 27 years of age a
government-issued photographic identification that establishes the person is at least 18 years of age or (2) for sales made though the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is 18 years of age or older. Establishes penalties.

Excerpt from the Public Act:

(720 ILCS 675/1.5 new)
Sec. 1.5. Distribution of alternative nicotine products to persons under 18 years of age prohibited.

(a) For the purposes of this Section, "alternative nicotine product" means a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. "Alternative nicotine product" excludes cigarettes, smokeless tobacco, or other tobacco products as these terms are defined in Section 1 of this Act and any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

(b) A person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, may not sell, offer for sale, give, or furnish any alternative nicotine product, or any cartridge or component of an alternative nicotine product, to a person under 18 years of age.

(c) Before selling, offering for sale, giving, or furnishing an alternative nicotine product, or any cartridge or component of an alternative nicotine product, to another person, the person selling, offering for sale, giving, or furnishing the alternative nicotine product shall verify that the person is at least 18 years of age by:

1. examining from any person that appears to be under 27 years of age a government-issued photographic identification that establishes the person is at least 18 years of age or
2. for sales made through the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is 18 years of age or older.
age or older.

(720 ILCS 675/2) (from Ch. 23, par. 2358)

Sec. 2. Penalties.

(a) Any person who violates subsection (a), (a-5), or (a-6) of Section 1 or Section 1.5 of this Act is guilty of a petty offense and for the first offense shall be fined $200, $400 for the second offense in a 12-month period, and $600 for the third or any subsequent offense in a 12-month period.

“Arrests Outside Jurisdiction”

725 ILCS 5/107-4
Effective Date 1/1/2014

Synopsis:
Amends the same Section of the Code of Criminal Procedure of 1963, but allows a peace officer to conduct temporary questioning or make an arrest outside of his or her jurisdiction, if the officer is engaged in the investigation of criminal activity that occurred in the officer's primary jurisdiction and the temporary questioning or arrest relates to, arises from, or is conducted pursuant to that investigation.

Excerpt from the Public Act:
(a-3) Any peace officer employed by a law enforcement agency of this State may conduct temporary questioning pursuant to Section 107-14 of this Code and may make arrests in any jurisdiction within this State: (1) if the officer is engaged in the investigation of criminal activity that occurred in the officer's primary jurisdiction and the temporary questioning or arrest relates to, arises from, or is conducted or the arrest is made pursuant to that investigation; or (2) if the officer, while on duty as a peace officer, becomes personally aware of the immediate commission of a felony or misdemeanor violation of the laws of this State;

“Taser Use by Law Enforcement”

50 ILCS 705/7, 50 ILCS 705/10.14 (new)
Effective Date: 01/01/14

Synopsis:
Amends the Illinois Police Training Act. Requires police training in the use of electronic control devices, including the psychological and physiological effects of the use of those devices on humans. Provides that beginning January 1, 2014 and ending December 31, 2015, the Illinois Law Enforcement Training Standards Board shall randomly inspect police departments of units of local government and university police departments concerning the use of electronic control devices by law enforcement officers of the departments to determine whether the officers...
received appropriate training in their use. Provides that the Board shall compile the information from the random inspections and analyze the results. Provides that based on the analysis, the Board shall issue a report and present its report and findings to the Governor and General Assembly on or before June 30, 2016. Provides that the Board in its report may recommend legislation concerning the use of electronic control devices by law enforcement officers and the training of law enforcement officers in the use of those devices. Provides that these provisions are repealed on July 1, 2016.

Excerpt from the Public Act not necessary.

“Crowds on Railroad Tracks”
430 ILCS 70/3, 430 ILCS 70/4, 430 ILCS 70/5, 430 ILCS 70/6
Effective Date: 08/12/13
Public Act . . . . . . . . . 98-0320 House Bill: 3255

Synopsis:
Amends the Illinois Public Demonstrations Law. Adds parades to Sections on permits, size, notice, and time requirements. Provides that only the person, group, or organization responsible for organizing a march, assembly, meeting, parade, or gathering on a roadway is required to obtain a permit or the permission of the principal law enforcement officer, which shall be sufficient to encompass all participants. Provides that the permitting authority may prohibit that portion of the route that crosses over or on the railroad tracks.

Excerpt from the Public Act not necessary.

“School Threats Gang Activity”
105 ILCS 5/10-21.4a, 105 ILCS 5/22-20
Effective Date: 01/01/14
Public Act: 98-0059 House Bill: 2768

Synopsis:
Amends the School Code. In a Section concerning a principal's duties provides that it shall be the responsibility of the principal to utilize resources of proper law enforcement agencies when the safety and welfare of students and teachers are threatened by illegal use or possession of weapons or by illegal gang activity. Specifically includes illegal gang activity as a criminal offense for which courts and law enforcement agencies must report to the principal of a public school whenever a child enrolled therein is detained.

Excerpt from the Public Act not necessary.

“Workplace Violence Prevention”
NEW ACT
Effective Date: 01/01/14
Public Act: 98-0430 House Bill: 2590

Synopsis:
Creates the Workplace Violence Prevention Act. Contains a purpose statement and defines terms. Provides that an employer may seek an order of protection to prohibit further violence or threats of violence by a person if: (1) the employee has suffered unlawful violence or a credible threat of violence from the person; and (2) the unlawful violence has been carried out at the employee's place of work or the credible threat of violence can reasonably be constructed to be carried out at the employee's place of work by the person. Provides that an employer may obtain
an order of protection under the Illinois Domestic Violence Act of 1986 if the employer: (1) files an affidavit that shows, to the satisfaction of the court, reasonable proof that an employee has suffered either unlawful violence or a credible threat of violence by the defendant; and (2) demonstrates that great or irreparable harm has been suffered, will be suffered, or is likely to be suffered by the employee. Provides that employer remedies under the Act are limited to an order of protection, but that nothing in the Act waives, reduces, or diminishes any other remedy available to an employer under any other mechanism. Provides that the Act does not apply to cases involving or growing out of a labor dispute governed by other State or federal law. Provides that issues of jurisdiction, venue, procedure, and enforcement shall be governed by the Illinois Domestic Violence Act of 1986, and that law enforcement personnel shall have the same responsibilities as provided in that Act.

Excerpt from the Public Act not necessary.

“Criminal Defacement of Property”
720 ILCS 5/21-1.3
Effective Date: 08/16/13
Public Act: 98-0466
House Bill: 3043

Synopsis:
Amends the Criminal Code of 2012. Provides that in addition to any other sentence that may be imposed for criminal defacement of property, the person shall pay the actual costs incurred by the property owner or the unit of government to abate, remediate, repair, or remove the effect of the damage to the property. Provides that a person convicted of criminal defacement of property for a violation that is chargeable as a Class 3 or Class 4 felony also shall be subject to a mandatory minimum fine of $500.

Excerpt from the Public Act not necessary.

“DRONE SURVEILLANCE”
New Act
Public Act . . . . . . . . . 98-0569
Senate Bill: 1587
Effective Date 1/1/2014

Synopsis:
Permits the use of a drone by a law enforcement agency if it is attempting to locate a missing person and is not undertaking a criminal investigation or if the agency is using the drone solely for crime scene photography. Provides for the destruction of information gathered by the drone within 30 days, except that a supervisor at that agency may retain particular information if: (1) there is reasonable suspicion that the information contains evidence of criminal activity, or (2) the information is relevant to an ongoing investigation or pending criminal trial. Deletes provision that a law enforcement agency may not own or use a drone that is equipped with any kind of lethal or non-lethal weapon. Provides that the Act does not prohibit the use of a drone by a law enforcement agency if the law enforcement agency is using a drone solely for crime scene and traffic crash scene photography. Provides that crime scene and traffic crash photography must be conducted in a geographically confined and time-limited manner to document specific occurrences. Provides that the use of a drone under this provision on private property requires either a search warrant based on probable cause or lawful consent to search. Provides that the use of a drone under this provision on lands, highways, roadways, or areas belonging to the State or
political subdivisions of the State does not require a search warrant or consent to search. Provides that any law enforcement agency operating a drone under this provision shall make every reasonable attempt to only photograph the crime scene or traffic crash scene and avoid other areas. Provides that if the court finds by a preponderance of the evidence that a law enforcement agency used a drone to gather information in violation of the information gathering limits in of the Act, then the information shall be presumed to be inadmissible in any judicial or administrative proceeding. Provides that the State may overcome this presumption by proving the applicability of a judicially recognized exception to the exclusionary rule of the Fourth Amendment to the U.S. Constitution or Article I, Section 6 of the Illinois Constitution to the information. Provides that nothing in the Act shall be deemed to prevent a court from independently reviewing the admissibility of the information for compliance with the aforementioned provisions of the U.S. and Illinois Constitutions.

**Excerpt from the Public Act:**

Section 1. Short title. This Act may be cited as the Freedom from Drone Surveillance Act.

Section 5. Definitions. As used in this Act:

"Authority" means the Illinois Criminal Justice Information Authority.

"Drone" means any aerial vehicle that does not carry a human operator.

"Information" means any evidence, images, sounds, data, or other information gathered by a drone.

"Law enforcement agency" means any agency of this State or a political subdivision of this State which is vested by law with the duty to maintain public order and to enforce criminal laws.

Section 10. Prohibited use of drones. Except as provided in Section 15, a law enforcement agency may not use a drone to gather information.

Section 15. Exceptions. This Act does not prohibit the use of a drone by a law enforcement agency:

(1) To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is that risk.

(2) If a law enforcement agency first obtains a search warrant based on probable cause issued under Section 108-3 of the Code of Criminal Procedure of 1963. The warrant must be limited to a period of 45 days, renewable by the judge upon a showing of good cause for subsequent periods of 45 days.

(3) If a law enforcement agency possesses reasonable
suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life, or to forestall the imminent escape of a suspect or the destruction of evidence. The use of a drone under this paragraph (3) is limited to a period of 48 hours. Within 24 hours of the initiation of the use of a drone under this paragraph (3), the chief executive officer of the law enforcement agency must report in writing the use of a drone to the local State's Attorney.

(4) If a law enforcement agency is attempting to locate a missing person, and is not also undertaking a criminal investigation.

(5) If a law enforcement agency is using a drone solely for crime scene and traffic crash scene photography. Crime scene and traffic crash photography must be conducted in a geographically confined and time-limited manner to document specific occurrences. The use of a drone under this paragraph (5) on private property requires either a search warrant based on probable cause under Section 108-3 of the Code of Criminal Procedure of 1963 or lawful consent to search. The use of a drone under this paragraph (5) on lands, highways, roadways, or areas belonging to this State or political subdivisions of this State does not require a search warrant or consent to search. Any law enforcement agency operating a drone under this paragraph (5) shall make every reasonable attempt to only photograph the crime scene or traffic crash scene and avoid other areas.

Section 20. Information retention. If a law enforcement agency uses a drone under Section 15 of this Act, the agency within 30 days shall destroy all information gathered by the drone, except that a supervisor at that agency may retain particular information if:

(1) there is reasonable suspicion that the information contains evidence of criminal activity, or

(2) the information is relevant to an ongoing investigation or pending criminal trial.

Section 25. Information disclosure. If a law enforcement agency uses a drone under Section 15 of this Act, the agency shall not disclose any information gathered by the drone, except that a supervisor of that agency may disclose particular information to another government agency, if (1) there is reasonable suspicion that the information contains evidence of
criminal activity, or (2) the information is relevant to an ongoing investigation or pending criminal trial.

Section 30. Admissibility. If the court finds by a preponderance of the evidence that a law enforcement agency used a drone to gather information in violation of the information gathering limits in Sections 10 and 15 of this Act, then the information shall be presumed to be inadmissible in any judicial or administrative proceeding. The State may overcome this presumption by proving the applicability of a judicially recognized exception to the exclusionary rule of the Fourth Amendment to the U.S. Constitution or Article I, Section 6 of the Illinois Constitution to the information. Nothing in this Act shall be deemed to prevent a court from independently reviewing the admissibility of the information for compliance with the aforementioned provisions of the U.S. and Illinois Constitutions.

Section 35. Reporting.
(a) If a law enforcement agency owns one or more drones, then subsequent to the effective date of this Act, it shall report in writing annually by April 1 to the Authority the number of drones that it owns.
(b) On July 1 of each year, the Authority shall publish on its publicly available website a concise report that lists every law enforcement agency that owns a drone, and for each of those agencies, the number of drones that it owns.

“Zoo Park – Police Powers”
70 ILCS 835/1
Effective Date: 08/16/13
Public Act: 98-0500Senate Bill: 2304

Synopsis:
Amends the Forest Preserve Zoological Parks Act to clarify the effects of both Public Act 80-320 and Public Act 80-414. Provides that a forest preserve district, containing a population of 140,000 or more, or the directors or trustees of such zoological society when so authorized by the forest preserve district, may police the property of the zoological park, employ, establish, maintain and equip a security force for fire and police protection of the zoological park, and provide that the personnel of the security force shall perform other tasks relating to the maintenance and operation of the zoological park. Validates the exercise of those police powers from the effective date of Public Act 80-1364 until the effective date of the amendatory Act.
Excerpt from the Public Act not necessary.