

LAW UPDATE

2008/2009



**ILLINOIS SECRETARY OF STATE
DEPARTMENT OF POLICE**

**Division of Administration
Training Section**

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2008/2009 Law Update for Law Enforcement

Please Note:

This training outline is written for a law enforcement audience. It does not contain every law change made during the 95th Session of the Illinois General Assembly. .

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www.ilga.gov

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Special Attention

625 ILCS 5/6-205, 625 ILCS 5/6-206, 625 ILCS 5/11-501.01 "Ignition Interlock"

Effective Date: 01/01/2009

Public Act: 95-0848

Senate Bill: 2396

Synopsis:

Amends the Illinois Vehicle Code. Provides that a person issued a restricted driving permit may transport children living in the person's household to and from daycare. Provides that a person issued a restricted driving permit conditioned on the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund \$30 per month. Provides that the owner of a vehicle who is required to use an ignition interlock device because of a second or subsequent conviction for driving under the influence of alcohol, drugs, or intoxicating compounds must submit to the Secretary of State DUI Administration Fund an amount not exceeding \$30 for each month he or she uses the device, and provides that the Secretary shall adopt rules setting these fees and the procedures, terms, and conditions relating to them.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/6-118, 625 ILCS 5/6-206.1 "Monitoring Device Permit"

Effective Date: 01/01/09

Public Act: 95-0855

Senate Bill: 2295

Synopsis:

Amends the Illinois Vehicle Code. Sets fees for the issuance of a monitoring device driving permit (MDDP). Provides that an offender who opts out of having an MDDP issued may, during the drug or alcohol-related statutory summary suspension of his or her driving privileges, petition the court for an order directing the Secretary of State to issue an MDDP. Provides that a court shall not direct the Secretary to issue an MDDP if the offender has previously been convicted of aggravated driving under the influence of alcohol, drugs, or intoxicating compounds, involving death. Provides that the \$30 administrative fee paid by the offender when an MDDP is issued shall be deposited into the Monitoring Device Driving Permit Administration Fee Fund. Deletes language providing that the court order directing the issuance of the MDDP shall specify the vehicle in which an ignition interlock device is to be installed. Provides that the MDDP shall be cancelled if the offender is convicted of or placed on court supervision for specified offenses or if

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the offender attempts to remove the ignition interlock device from his or her vehicle without the Secretary's authorization.

Provides that, under specified circumstances, additional violations may result in the extension of the offender's statutory summary suspension or vehicle impoundment or forfeiture. Makes other changes regarding the issuance and cancellation of an MDDP and monitoring services to offenders found to be indigent.

Excerpt from the Public Act Not Necessary.

Illinois Vehicle Code

625 ILCS 5/3-104, 625 ILCS 5/3-107

"Title Beneficiary"

Effective Date: 01/01/09

Public Act: 95-0784

House Bill: 1915

Synopsis:

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall designate, on a certificate of title and on an application for a certificate of title, a space where the owner of a vehicle may designate a beneficiary, to whom ownership of the vehicle shall pass in the event of the owner's death.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/3-674 new

"Distinguished Service Cross Plate"

Effective Date: 01/01/09

Public Act: 95-0794

House Bill: 4648

Synopsis:

Amends the Illinois Vehicle Code. Provides for issuance of special license plates to a holder, or the surviving spouse of a holder, of the Distinguished Service Cross, at no additional cost to the applicant.

Excerpt from the Public Act Not Necessary.

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625 ILCS 5/3-680 new, 30 ILCS 105/5.708 new "IL Police Association Plate"

Effective Date: 01/01/09

Public Act: 95-0795

House Bill: 5607

Synopsis:

Amends the Illinois Vehicle Code. Provides for the issuance of Illinois Police Association 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 at renewal. Provides that \$10 of the additional original issuance fee and \$23 of the renewal fee shall be deposited into the Illinois Police Association Fund. Provides that \$15 of the original issuance fee and \$2 of the renewal fee shall be deposited into the Secretary of State Special License Plate Fund. Provides that, subject to appropriation, the moneys in the Illinois Police Association Fund shall be paid as death benefits for the families of police officers killed in the line of duty, and for providing scholarships, for graduate study, undergraduate study, or both, to children and spouses of police officers killed in the line of duty. Amends the State Finance Act to create the Illinois Police Association Fund.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/3-680 new, 625 ILCS 5/3-681 new "Army/Navy Veteran Plate"

Effective Date: 08/11/08

Public Act: 95-0796

Senate Bill: 1850

Synopsis:

Amends the Illinois Vehicle Code. Provides for issuance of U.S. Navy license plates, at an additional initial charge of \$15 and an additional renewal charge of \$2 with eligibility requirements to be determined by the Secretary of State. Provides that the \$15 additional initial charge and the \$2 renewal charge shall go to the Secretary of State Special License Plate Fund. Provides that the plates must display the U.S. Navy emblem. Provides for the issuance of U.S. Army Veteran license plates to applicants who meet eligibility requirements prescribed by the Secretary of State for an additional charge of \$15 at original issuance and \$2 at renewal. Provides that those charges shall be deposited into the Secretary of State Special License Plate Fund.

Excerpt from the Public Act Not Necessary.

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625 ILCS 5/11-501

"Out of State DUI"

Effective Date: 08/04/08

Public Act: 95-0778

Senate Bill: 2494

Synopsis:

Amends the Illinois Vehicle Code. Provides that a person who commits the offense of driving under the influence during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for driving under the influence or a similar provision of the law of another jurisdiction is guilty of a Class 4 felony.

Excerpt from the Public Act Not Necessary.

225 ILCS 407/10-1, 625 ILCS 5/1-154.7, 625 ILCS 5/3-117.1, 625 ILCS 5/3-118, 625 ILCS 5/5-102, 625 ILCS 5/5-302, 625 ILCS 5/5-403, 625 ILCS 5/5-702

"Out of State Dealers"

Effective Date: 01/01/09

Public Act: 95-0783

House Bill: 5204

Synopsis:

Provides that out-of-state salvage vehicle buyers do not have to be licensed by the Secretary of State. Amends the Illinois Vehicle Code. Provides that out-of-state salvage vehicle buyers do not have to be issued an out-of-state salvage vehicle buyer's identification card. Provides that an insurer making payment of damages on a total loss claim for the theft of a vehicle shall not be required to apply for a salvage certificate unless the vehicle is recovered and has incurred damage that initially would have caused the vehicle to be declared a total loss by the insurer. Provides that out-of-state salvage vehicle buyers must be licensed by their jurisdiction. Provides that used vehicle dealers licensed under the Code shall provide the Secretary of State a register for the sale of each salvage or junk certificate vehicle containing specified information. Provides that only out-of-state salvage vehicle buyers who are licensed in another state or jurisdiction may buy property at the auction.

See Public Act.

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625 ILCS 5/5-401.3, 625 ILCS 5/5-401.4, 625 ILCS 5/5-403, 625 ILCS 5/5-404 new "Scrap Processors"

Effective Date: 01/02/09

Public Act: 95-0979

House Bill: 4668

Synopsis:

Amends the Illinois Vehicle Code. Replaces the term "scrap metals" with "recyclable metals". Removes the definition of "recyclable metal dealer" and references to recyclable metal dealers. Requires a scrap processor to make and record a photocopy or electronic scan of the driver's license or State Identification Card. Provides that such information shall be available for inspection by any law enforcement official. Provides that, if the person delivering the recyclable metal does not have a valid driver's license or State Identification Card, the scrap processor dealer shall not complete the transaction. Grants the Attorney General the authority to initiate an appropriate action to prevent the unlawful operation of a scrap processor. Amends the Copper Purchase Registration Law. Changes the short title to the Recyclable Metal Purchase Registration Law. Replaces the terms "copper" and "copper dealer" with "recyclable metal" and "recyclable metal dealer". Provides that a recyclable metal dealer shall make a copy of the person's valid driver's license or State identification card for purchase of recyclable metal valued at \$100 or more. Provides that a recyclable metal dealer may not purchase metal beer kegs from any person other than the beer manufacturer or the manufacturer's authorized representative. Makes other changes.

Excerpt from the Public Act Not Necessary.

15 ILCS 335/11A new, 625 ILCS 5/6-117.2 new "Emergency Contact Data- SOS"

Effective Date: 07/01/09

Public Act: 95-0898

Senate Bill: 0993

Synopsis:

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that the Secretary of State shall establish a database of emergency contacts for persons holding identification cards or driver's licenses or permits. Provides that a person holding an identification card or driver's license may provide the Secretary of State, in a manner and form designated by the Secretary of State, information concerning no more than 2 emergency contact persons to be contacted by a law enforcement officer if the holder is involved in a motor vehicle accident or other emergency situation and the holder is unable to communicate with the contact person or persons. Contains provisions concerning confidentiality, contact by law enforcement in the case of an accident, rulemaking by the Secretary, immunity, and other matters.

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Excerpt from the Public Act Not Necessary.

625 ILCS 5/11-709.1

"Farm Tractors on Shoulder"

Effective Date: 08/07/2008

Public Act: 95-0785

House Bill: 4251

Synopsis:

Amends the Illinois Vehicle Code. Provides that the restrictions on driving a vehicle on the shoulder of a highway do not apply to any farm tractor or implement of husbandry. Effective immediately.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/11-907, 720 ILCS 5/9-3

"Emergency Vehicles"

Effective Date: 01/01/2009

Public Act: 95-0884

House Bill:4203

Synopsis:

Amends the Illinois Vehicle Code. For failure to exercise due caution and yielding to an emergency vehicle that results in the death of another person, restores a provision that allows a person's driving privilege to be suspended for a violation. Amends the Criminal Code of 1961 relating to reckless homicide. Provides that in cases involving reckless homicide in which the defendant unintentionally kills an individual, the trier of fact may infer that the defendant's actions were performed recklessly where he or she was also violating the provisions of the Illinois Vehicle Code for failure to exercise due caution and yielding to an emergency vehicle. Provides that the penalty for a reckless homicide in which the driver also violated such provisions of the Illinois Vehicle Code is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

Excerpt from the Public Act Not Necessary.

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625 ILCS 5/4-205

"Towing Notice"

Effective Date: 08/15/2008

Public Act: 95-0838

House Bill: 5108

Synopsis:

Amends the Illinois Vehicle Code. In language providing that a towing service may cause the vehicle registration records of the State to be searched by the Secretary of State when ownership information is needed for the towing service to give notification as required under the Code, provides that the towing service also shall give notice to all lien holders of record within the time period required for other notices. Effective immediately.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/6-110

"Graduated Drivers"

Effective Date: 07/22/08

Public Act: 95-0747

Senate Bill: 1930

Synopsis:

Amends the Illinois Vehicle Code in reference to certain graduate drivers.

Excerpt from the Public Act

6 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

7 Sec. 6-110. Licenses issued to drivers.

8 (a) The Secretary of State shall issue to every qualifying
9 applicant a driver's license as applied for, which license
10 shall bear a distinguishing number assigned to the licensee,
11 the legal name, zip code, date of birth, residence address, and
12 a brief description of the licensee, and a space where the
13 licensee may write his usual signature.

14 Licenses issued shall also indicate the classification and
15 the restrictions under Section 6-104 of this Code.

16 In lieu of the social security number, the Secretary may in
17 his discretion substitute a federal tax number or other

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18 distinctive number.

19 A driver's license issued may, in the discretion of the
20 Secretary, include a suitable photograph of a type prescribed
21 by the Secretary.

22 (a-1) If the licensee is less than 18 years of age, unless
23 one of the exceptions in subsection (a-2) apply, the license
1 shall, as a matter of law, be invalid for the operation of any
2 motor vehicle during the following times:

3 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

4 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on
5 Sunday; and

6 (C) Between 10:00 p.m. on Sunday to Thursday,
7 inclusive, and 6:00 a.m. on the following day.

8 (a-2) The driver's license of a person under the age of 18
9 shall not be invalid as described in subsection (a-1) of this
10 Section if the licensee under the age of 18 was:

11 (1) accompanied by the licensee's parent or guardian or
12 other person in custody or control of the minor;

13 (2) on an errand at the direction of the minor's parent
14 or guardian, without any detour or stop;

15 (3) in a motor vehicle involved in interstate travel;

16 (4) going to or returning home from an employment
17 activity, without any detour or stop;

18 (5) involved in an emergency;

19 (6) going to or returning home from, without any detour
20 or stop, an official school, religious, or other
21 recreational activity supervised by adults and sponsored
22 by a government or governmental agency, a civic
23 organization, or another similar entity that takes
24 responsibility for the licensee, without any detour or
25 stop;

26 (7) exercising First Amendment rights protected by the
1 United States Constitution, such as the free exercise of
2 religion, freedom of speech, and the right of assembly; or

3 (8) married or had been married or is an emancipated
4 minor under the Emancipation of Minors Act.

5 (a-2.5) The driver's license of a person who is 17 years of
6 age and has been licensed for at least 12 months is not invalid

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7 as described in subsection (a-1) of this Section while the
8 licensee is participating as an assigned driver in a Safe Rides
9 program that meets the following criteria:

10 (1) the program is sponsored by the Boy Scouts of
11 America or another national public service organization;
12 and
13 (2) the sponsoring organization carries liability insurance
14 covering the program.

625 ILCS 5/11-1425

"RR Crossing Blockage"

Effective Date: 01/01/09

Public Act: 95-0753

House Bill: 4754

Synopsis:

Amends the Illinois Vehicle Code in reference to Railroad Crossings.

Excerpt from the Public Act

6 (625 ILCS 5/11-1425) (from Ch. 95 1/2, par. 11-1425)

7 Sec. 11-1425. Stop when traffic obstructed.

8 (a) No driver shall enter an intersection or a marked
9 crosswalk or drive onto any railroad grade crossing unless
10 there is sufficient space on the other side of the
11 intersection, crosswalk or railroad grade crossing to
12 accommodate the vehicle he is operating without obstructing the
13 passage of other vehicles, pedestrians or railroad trains
14 notwithstanding any traffic-control signal indication to
15 proceed.

16 (b) No driver shall enter a highway rail grade crossing
17 unless there is sufficient space on the other side of the
18 highway rail grade crossing to accommodate the vehicle being
19 operated without obstructing the passage of a train or other
20 railroad equipment using the rails, notwithstanding any
21 traffic-control signal indication to proceed. ~~Any person found~~
22 ~~in violation of subsection (b) shall be subject to a mandatory~~
23 ~~fine of \$500 or 50 hours of community service.~~

1 (c) (Blank). ~~Local authorities shall impose fines as~~

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2 ~~established in subsection (b) for persons found in violation of~~
3 ~~this Section or any similar local ordinance.~~

4 (d) Beginning with the effective date of this amendatory
5 Act of the 95th General Assembly, the Secretary of State shall
6 suspend for a period of one month the driving privileges of any
7 person convicted of a violation of subsection (b) of this
8 Section or a similar provision of a local ordinance; the
9 Secretary shall suspend for a period of 3 months the driving
10 privileges of any person convicted of a second or subsequent
11 violation of subsection (b) of this Section or a similar
12 provision of a local ordinance if the second or subsequent
13 violation occurs within 5 years of a prior conviction for the
14 same offense. In addition to the suspensions authorized by this
15 Section, any person convicted of violating subsection (b) of
16 this Section or a similar provision of a local ordinance shall
17 be subject to a mandatory fine of \$500 or 50 hours of community
18 service. Any person given a disposition of court supervision
19 for violating subsection (b) of this Section or a similar
20 provision of a local ordinance shall also be subject to a
21 mandatory fine of \$500 or 50 hours of community service. Upon a
22 second or subsequent violation, in addition to the suspensions
23 authorized by this Section, the person shall be subject to a
24 mandatory fine of \$500 and 50 hours community service. The
25 Secretary may also grant, for the duration of any suspension
26 issued under this subsection, a restricted driving permit
1 granting the privilege of driving a motor vehicle between the
2 driver's residence and place of employment or within other
3 proper limits that the Secretary of State shall find necessary
4 to avoid any undue hardship. A restricted driving permit issued
5 hereunder shall be subject to cancellation, revocation and
6 suspension by the Secretary of State in like manner and for
7 like cause as a driver's license may be cancelled, revoked or
8 suspended; except that a conviction upon one or more offenses
9 against laws or ordinances regulating the movement of traffic
10 shall be deemed sufficient cause for the revocation, suspension
11 or cancellation of the restricted driving permit. The Secretary
12 of State may, as a condition to the issuance of a restricted
13 driving permit, require the applicant to participate in a
14 designated driver remedial or rehabilitative program. Any

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15 conviction for a violation of this subsection shall be included
16 as an offense for the purposes of determining suspension action
17 under any other provision of this Code, provided however, that
18 the penalties provided under this subsection shall be imposed
19 unless those penalties imposed under other applicable
20 provisions are greater.

625 ILCS 5/7-201, 625 ILCS 5/7-204, 625 ILCS 5/7-212, 625 ILCS 5/11-406, 625 ILCS 5/11-406.1 new "Accident Reporting"

Effective Date: 01/01/09

Public Act:95-0754

House Bill: 5907

Synopsis:

Amends provisions of the Illinois Vehicle Code requiring a driver involved in an accident to forward a written accident report.

Excerpt from the Public Act

6 (625 ILCS 5/7-201) (from Ch. 95 1/2, par. 7-201)
7 Sec. 7-201. Application of Article II. The Administrator as
8 soon as practicable after the receipt of the report, required
9 to be filed under Sections 11-406 and 11-410, of a motor
10 vehicle accident occurring within this State and that has
11 resulted in bodily injury or death of any person or that damage
12 to the property of any one person in excess of \$1,500 (or \$500
13 if any of the vehicles involved in the accident is subject to
14 Section 7-601 but is not covered by a liability insurance
15 policy in accordance with Section 7-601) \$500 was sustained,
16 shall determine:

17 1. Whether Section 7-202 of this Code requires the
18 deposit of security by or on behalf of any person who was
19 the operator or owner of any motor vehicle in any manner
20 involved in the accident; and

21 2. What amount of security shall be sufficient to
22 satisfy any potential judgment or judgments for money

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23 damages resulting from the accident as may be recovered
1 against the operator or owner, which amount shall in no
2 event be less than \$1,500 (or \$500 if any of the vehicles
3 involved in the accident is subject to Section 7-601 but is
4 not covered by a liability insurance policy in accordance
5 with Section 7-601) ~~\$500~~.

7 (625 ILCS 5/7-204) (from Ch. 95 1/2, par. 7-204)

8 Sec. 7-204. Form and amount of security - Definition.

9 (A) Any security required to be deposited under this Act
10 shall be in the form as the Secretary of State may require by
11 administrative rule, and in the amounts as the Administrator
12 may determine to be sufficient to satisfy any judgment or
13 judgments for damages against an operator or owner but in no
14 case in excess of the limits specified in Section 7-203 of this
15 Act in reference to the acceptable limits of a policy or bond
16 nor for an amount less than \$1,500 (or \$500 if any of the
17 vehicles involved in the accident is subject to Section 7-601
18 but is not covered by a liability insurance policy in
19 accordance with Section 7-601) ~~\$500~~.

20 (B) The person depositing security shall specify in writing
21 the person or persons on whose behalf the deposit is made and,
22 while at any time the deposit is in the custody of the
23 Secretary of State or State Treasurer, the person depositing it
24 may, in writing, amend the specification of the person or
25 persons on whose behalf the deposit is made to include an
1 additional person or persons; provided, however, that a single
2 deposit of security shall be applicable only on behalf of
3 persons, required to furnish security because of the same
4 accident.

5 (C) Within 10 days after any security required under the
6 provisions of this Article is deposited with the Secretary of
7 State, the Secretary shall send notice of the security deposit
8 to the following, if known:

9 1. To each owner and operator of any vehicle involved
10 in the accident that sustained damage in excess of \$1,500
11 (or \$500 if any of the vehicles involved in the accident is
12 subject to Section 7-601 but is not covered by a liability
13 insurance policy in accordance with Section 7-601) ~~\$500~~;

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14 2. To any person who sustained damage to personal or
15 real property in excess of \$1,500 (or \$500 if any of the
16 vehicles involved in the accident is subject to Section
17 7-601 but is not covered by a liability insurance policy in
18 accordance with Section 7-601) ~~\$500~~;

19 3. To any person who was injured as a result of the
20 accident; and

21 4. To the estate of any person killed as a result of
22 the accident.

23 (Source: P.A. 87-829.)

24 (625 ILCS 5/7-212) (from Ch. 95 1/2, par. 7-212)

25 Sec. 7-212. Authority of Administrator and Secretary of
1 State to decrease amount of security. The Administrator may
2 reduce the amount of security ordered in any case within one
3 year after the date of the accident, but in no event for an
4 amount less than \$1,500 (or \$500 if any of the vehicles
5 involved in the accident is subject to Section 7-601 but is not
6 covered by a liability insurance policy in accordance with
7 Section 7-601) ~~\$500~~, if, in the judgment of the Administrator
8 the amount ordered is excessive, or may revoke or rescind its
9 order requiring the deposit of security in any case within one
10 year after the date of the accident if, in the judgment of the
11 Administrator, the provisions of Sections 7-202 and 7-203
12 excuse or exempt the operator or owner from the requirement of
13 the deposit. In case the security originally ordered has been
14 deposited the excess of the reduced amount ordered shall be
15 returned to the depositor or his personal representative
16 forthwith, notwithstanding the provisions of Section 7-214.
17 The Secretary of State likewise shall have authority granted to
18 the Administrator to reduce the amount of security ordered by
19 the Administrator.

20 (Source: P.A. 87-829.)

21 (625 ILCS 5/11-406) (from Ch. 95 1/2, par. 11-406)

22 Sec. 11-406. Duty to report accident.

23 (a) The driver of a vehicle that is in any manner involved
24 in an accident within this State, resulting in injury to or
25 death of any person, or in which damage to the property of any

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1 one person, including himself, in excess of \$1,500 (or \$500 if
2 any of the vehicles involved in the accident is subject to
3 Section 7-601 but is not covered by a liability insurance
4 policy in accordance with Section 7-601) ~~\$500~~ is sustained,
5 shall, as soon as possible but not later than 10 days after the
6 accident, forward a written report of the accident to the
7 Administrator.

8 (b) Whenever a school bus is involved in an accident in
9 this State, caused by a collision, a sudden stop or otherwise,
10 resulting in any property damage, personal injury or death and
11 whenever an accident occurs within 50 feet of a school bus in
12 this State resulting in personal injury to or the death of any
13 person while awaiting or preparing to board the bus or
14 immediately after exiting the bus, the driver shall as soon as
15 possible but not later than 10 days after the accident, forward
16 a written report to the Department of Transportation. If a
17 report is also required under Subsection (a) of this Section,
18 that report and the report required by this Subsection shall be
19 submitted on a single form.

20 (c) The Administrator may require any driver, occupant or
21 owner of a vehicle involved in an accident of which report must
22 be made as provided in this Section or Section 11-410 of this
23 Chapter to file supplemental reports whenever the original
24 report is insufficient in the opinion of the Secretary of State
25 or the Administrator, and may require witnesses of the accident
26 to submit written reports to the Administrator. The report may
1 include photographs, charts, sketches, and graphs.

2 (d) Should the Administrator learn through other reports of
3 accidents required by law of the occurrence of an accident
4 reportable under this Article and the driver, owner, or witness
5 has not reported as required under Subsections (a), (b) or (c)
6 of this Section or Section 11-410, within the time specified,
7 the person is not relieved of the responsibility and the
8 Administrator shall notify the person by first class mail
9 directed to his last known address of his legal obligation.
10 However, the notification is not a condition precedent to
11 impose the penalty for failure to report as provided in
12 Subsection (e).

13 (e) The Secretary of State shall suspend the driver's

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14 license or any non-resident's driving privilege of any person
15 who fails or neglects to make report of a traffic accident as
16 required or as required by any other law of this State.

625 ILCS 5/11-1202

"School Bus Stops"

Effective Date: 01/01/09

Public Act: 95-0756

Senate Bill: 2182

Synopsis:

Amends the Illinois Vehicle Code. Requires a driver of a school bus to open the service door and driver's window before crossing a railroad track or tracks.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/11-213 new, 720 ILCS 5/9-3

"Firefighters Closing Roads"

Effective Date: 01/01/2009

Public Act: 95-0803

Senate Bill: 2488

Synopsis:

Amends the Illinois Vehicle Code. Provides that an officer of a fire department, in the performance of his or her official duties, in the absence of a law enforcement officer or a representative of a highway agency having jurisdiction over a highway, an officer of a fire department has the authority to close to traffic a highway or lanes of a highway to protect persons or property. Also provides that the fire department officer shall use an official fire department vehicle with lighted red or white oscillating, rotating, or flashing lights and proper temporary traffic control. Contains provisions regarding training. Creates an exception for highways under the jurisdiction of the Illinois State Toll Highway Authority.

Excerpt from the Public Act Not Necessary.

Other Statutes

720 ILCS 675/1

"Tobacco Sales to Minors"

Effective Date: 01/01/09

Public Act: 95-0905

Senate Bill: 2546

Synopsis:

Amends the Sale of Tobacco to Minors Act. Provides that a minor under 18 years of age in the furtherance or facilitation of obtaining any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms shall not display or use a false or forged identification card or transfer, alter, or deface an identification card. Provides that tobacco products may be sold through a vending machine only if such tobacco products are not placed together with any non-tobacco product, other than matches, in the vending machine. Provides that the sale or distribution by any person of a tobacco product, including, but not limited to, a single or loose cigarette, that is not contained within a sealed container, pack, or package as provided by the manufacturer, which container, pack, or package bears the health warning required by federal law, is prohibited. Eliminates provisions that permit tobacco vending machines in: (1) factories, businesses, offices, private clubs, and other places not open to the general public; (2) places where alcoholic beverages are sold and consumed on the premises; and (3) places where the vending machine is under the direct supervision of the owner of the establishment or an employee over 18 years of age. Provides that tobacco products may be sold through a vending machine in places where alcoholic beverages are sold and consumed on the premises and vending machine operation is under the direct supervision of the owner or manager.

Excerpt from the Public Act Not Necessary.

55 ILCS 5/5-1092

"Inoperable Vehicles"

Effective Date: 08/26/2008

Public Act: 95-0918

Senate Bill: 2005

Synopsis:

Amends the Counties Code. Provides that, in a county with a population of more than 500,000 (instead of 250,000), the definition of "inoperable motor vehicle" includes a motor vehicle that does not have a current license plate or current license tags.

Excerpt from the Public Act Not Necessary.

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720 ILCS 5/11-25, 720 ILCS 5/11-26 new "Grooming"

Effective Date: 01/01/09

Public Act: 95-0901

Senate Bill: 2382

Synopsis:

Creates the offense of grooming. Provides that a person commits the offense when he or she knowingly uses a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child's guardian, or another person believed by the person to be a child or a child's guardian, to commit any sex offense as defined in the Sex Offender Registration Act or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child. Provides that a violation is a Class 4 felony. Creates the offense of traveling to meet a minor. Provides that a person commits the offense when he or she travels any distance either within this State, to this State, or from this State by any means, attempts to do so, or causes another to do so or attempt to do so for the purpose of engaging in any sex offense as defined in the Sex Offender Registration Act, or to otherwise engage in other unlawful sexual conduct with a child or with another person believed by the person to be a child after using a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or to attempt to seduce, solicit, lure, or entice, a child or a child's guardian, or another person believed by the person to be a child or a child's guardian, for such purpose. Provides that a violation is a Class 3 felony.

Excerpt from the Public Act Not Necessary

720 ILCS 5/31-6, 720 ILCS 5/31-7, 730 ILCS 5/5-8A-4.1 "Escape"

Effective Date: 01/01/09

Public Act: 95-0921

Senate Bill: 2135

Synopsis:

Amends the Criminal Code of 1961. Provides that the offense of escape applies to a person charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony or misdemeanor. Amends the Unified Code of Corrections. Provides that the penalties for failure to comply with a condition of the electronic home monitoring detention program apply to a person charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony or misdemeanor. Provides that the offense of aiding escape includes aiding the escape of a person charged with or adjudicated delinquent for an act which, if committed by an adult, constitutes a felony or misdemeanor.

Excerpt from the Public Act Not Necessary.

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720 ILCS 5/16D-5.5 new, 730 ILCS 5/5-5-3.2 "Unlawful Use of Encryption"

Effective Date: 01/01/09

Public Act: 95-0942

House Bill: 3477

Synopsis:

Amends the Criminal Code of 1961. Provides that a person shall not knowingly use or attempt to use encryption, directly or indirectly, to: commit, facilitate, further, or promote any criminal offense; aid, assist, or encourage another person to commit any criminal offense; conceal evidence of the commission of any criminal offense; or conceal or protect the identity of a person who has committed any criminal offense. Provides that a person who violates this provision is guilty of a Class A misdemeanor, unless the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law. Provides that if the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law, the person shall be punished as prescribed by law for that offense. Amends the Unified Code of Corrections. Provides that it is an aggravating factor in sentencing that a person convicted of child pornography possessed 100 or more images. Provides that telecommunications carriers and information service providers are not liable under the amendatory provisions added to the Criminal Code of 1961 concerning unlawful use of encryption, except for willful and wanton misconduct, for providing encryption services used by others in violation of those amendatory provisions.

Excerpt from the Public Act Not Necessary.

325 ILCS 5/4.5 new "Internet Crimes Child Porn"

Effective Date: 08/29/09

Public Act: 95-0944

House Bill: 4578

Synopsis:

Amends the Abused and Neglected Child Reporting Act. See Excerpt.

Excerpt from the Public Act :

7 Sec. 4.5. Electronic and information technology workers;
8 reporting child pornography.
9 (a) In this Section:
10 "Child pornography" means child pornography as described
11 in Section 11-20.1 of the Criminal Code of 1961 or aggravated

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12 child pornography as described in Section 11-20.3 of the
13 Criminal Code of 1961.

14 "Electronic and information technology equipment" means
15 equipment used in the creation, manipulation, storage,
16 display, or transmission of data, including internet and
17 intranet systems, software applications, operating systems,
18 video and multimedia, telecommunications products, kiosks,
19 information transaction machines, copiers, printers, and
20 desktop and portable computers.

21 "Electronic and information technology equipment worker"
22 means a person who in the scope and course of his or her
23 employment or business installs, repairs, or otherwise

1 services electronic and information technology equipment for a
2 fee but does not include (i) an employee, independent
3 contractor, or other agent of a telecommunications carrier or
4 telephone or telecommunications cooperative, as those terms
5 are defined in the Public Utilities Act, or (ii) an employee,
6 independent contractor, or other agent of a provider of
7 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

8 (b) If an electronic and information technology equipment
9 worker discovers any depiction of child pornography while
10 installing, repairing, or otherwise servicing an item of
11 electronic and information technology equipment, that worker
12 or the worker's employer shall immediately report the discovery
13 to the local law enforcement agency or to the Cyber Tipline at
14 the National Center for Missing & Exploited Children.

15 (c) If a report is filed in accordance with the
16 requirements of 42 U.S.C. 13032, the requirements of this
17 Section 4.5 will be deemed to have been met.

18 (d) An electronic and information technology equipment
19 worker or electronic and information technology equipment
20 worker's employer who reports a discovery of child pornography
21 as required under this Section is immune from any criminal,
22 civil, or administrative liability in connection with making
23 the report, except for willful or wanton misconduct.

24 (e) Failure to report a discovery of child pornography as
25 required under this Section is a business offense subject to a
26 fine of \$1,001.

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720 ILCS 5/10-8.1, 720 ILCS 5/11-606 new, 720 ILCS 5/11-9.4, 720 ILCS 5/11-220.2, 720 ILCS 5/11-21, 720 ILCS 5/11-23, 720 ILCS 5/11-24, 730 ILCS 5/3-3-7, 730 ILCS 5/5-8-1
"Sex Offenders – Internet Porn- Reporting"

Effective Date: 10/03/08, 06/01/09

Public Act: 95-0983

Senate Bill: 2349

Synopsis:

Provides that any person who places, posts, reproduces, or maintains on an adult obscenity or child pornography Internet site a photograph, video, or digital image of a person under 18 years of age that is not child pornography, without the knowledge and consent of the person under 18 years of age, commits the offense of posting of graphic information on a pornographic Internet site. Provides that this provision applies even if the person under 18 years of age is fully or properly clothed in the photograph, video, or digital image. Provides that a violation is a Class 4 felony. Provides that any person who places, posts, reproduces, or maintains on an adult obscenity or child pornography Internet site, or possesses with obscene or child pornographic material a photograph, video, or digital image of a person under 18 year of age in which the child is posed in a suggestive manner with the focus or concentration of the image on the child's clothed genitals, clothed pubic area, clothed buttocks area, or if the child is female, the breast exposed through transparent clothing, and the photograph, video, or digital image is not child pornography is guilty of posting of graphic information on a pornographic Internet site or possessing graphic information with pornographic material. Provides that a violation is a Class 3 felony. Eliminates the new offense of manufacturing child erotica. Deletes the amendatory changes to the child pornography statute. Clarifies that various offenses relating to meeting or contacting a child must be other than for a lawful purpose under Illinois law. Makes it unlawful for a child sex offender to photograph, videotape, or take a digital image of a child, or instruct or direct another person to photograph, videotape, or take a digital image of a child without the consent of the parent or guardian.

Creates the Illinois Child Online Exploitation Reporting Act. Provides that any entity, while engaged in providing an electronic communication service or a remote computing service to the public, must provide the following information to the Cyber Tip Line at the National Center for Missing and Exploited Children in order to facilitate the required reporting of child pornography crimes under federal law. Establishes civil penalties for violations. Further amends the Criminal Code of 1961. Provides that commercial film and photographic film processors shall report or cause a report to be made to the local law enforcement agency of the jurisdiction in which the image or images of child pornography are discovered. Provides that computer technicians shall report or cause the report to be made to the local law enforcement agency of the jurisdiction in which the image or images of child pornography are discovered or to the Illinois Child Exploitation e-Tipline at reportchildporn@atg.state.il.us. Provides that a computer technician or an employer caused to report child pornography is immune from any criminal, civil, or administrative liability in connection with making the report, except for willful or wanton misconduct. Amends the Unified Code of Corrections. Provides that the mandatory supervised release term of a defendant who commits the offense of aggravated child pornography, manufacture of child pornography, or dissemination of child pornography after January 1, 2009 shall range from a minimum of 3 years to a maximum of the natural life of the defendant. Prohibits a sex offender who commits the offense of indecent solicitation of a child, sexual exploitation of a child, soliciting for a juvenile

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prostitute, child pornography, aggravated child pornography, or distributing harmful material to a minor, or an attempt to commit any of these offenses as a condition of parole, mandatory supervised release, probation, conditional discharge, or supervision shall: (i) not access or use a computer or any other device with Internet capability without the prior written approval; (ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's supervising agent, probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection; (iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and (iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the Prisoner Review Board, the Department of Corrections, or the offender's supervising agent or probation officer. Permits such restrictions to be imposed as a condition of parole, mandatory supervised release, probation, or conditional discharge for persons who commit other sex offenses that qualify for registration under the Sex Offender Registration Act. Provides that the Illinois Child Online Exploitation Reporting Act is effective immediately.

Excerpt from the Public Act Not Necessary.

720 ILCS 135/1-2, 720 ILCS 135/2 "Harassing Obscene Communications"

Effective Date: 06/01/09

Public Act: 95-0984

Senate Bill: 2855

Synopsis:

Amends the Harassing and Obscene Communications Act. Provides that it is a Class 4 felony violation of the Harassing and Obscene Communications Act if the offender was at least 18 years of age at the time of the commission of the offense and the victim was under 18 years of age at the time of the commission of the offense. Provides that telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of the harassment through electronic communications statute.

Provides that the immunity from liability for telecommunication carriers, commercial mobile service providers, and providers of information services does not apply in cases of willful and wanton misconduct.

Excerpt from the Public Act Not Necessary.

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765 ILCS 750/25, 765 ILCS 750/27 new, 765 ILCS 750/29 new

"Lock Changing- Safe Homes Act"

Effective Date: 10/06/2008

Public Act: 95-0999

Senate Bill: 2287

Synopsis:

Amends the Safe Homes Act. Provides that a landlord may not disclose to others that a tenant or a member of the tenant's household exercised rights under the Act or any information provided by them to the landlord under the Act, except in civil proceedings or when the tenant or a member of the tenant's household who is the victim waives this restriction. Provides that furnishing evidence to support a claim of domestic or sexual violence against a tenant or a household member shall not waive any confidentiality or privilege that may exist between the victim and a third party. Provides that certain remedies available to a landlord or tenant are the sole and exclusive remedies for violations of the lock-change provisions of the Act (instead of providing that those remedies provided to a landlord or tenant are "sole and exclusive" without regard to the type of violation). Provides that a landlord who violates these provisions by disclosing confidential information is liable for damages resulting from the disclosure or \$2,000, whichever is greater, along with attorney's fees and costs. Provides that a landlord may not disclose to a prospective landlord (instead of third party) that a tenant or a member of tenant's household exercised his or her rights under the Act or other related information. Provides that a landlord who violates the Act by disclosing that a tenant exercised his or her rights under the Act or provides information provided by the tenant in exercising those rights shall be liable for actual damages up to \$2,000 resulting from the disclosure (instead of liable for any damages resulting from the disclosure or \$2,000, which ever is greater).

Excerpt from the Public Act Not Necessary.

720 ILCS 5/31-1

"Resisting Firefighters"

Effective Date: 01/01/09

Public Act: 95-0801

House Bill: 5909

Synopsis:

Amends the Criminal Code of 1961. Provides that resisting or obstructing a firefighter is a Class A misdemeanor. Provides that if the violation was the proximate cause of an injury to the firefighter, the offender is guilty of a Class 4 felony. Provides that the court shall also sentence the offender to a minimum of 48 consecutive hours of imprisonment or to perform community

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service for not less than 100 hours as may be determined by the court. Provides that the person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service. Provides that it is an affirmative defense to resisting or obstructing a firefighter if a person resists or obstructs the performance of one known by the person to be a firefighter by returning to or remaining in a dwelling, residence, building, or other structure to rescue or to attempt to rescue any person.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/24-1

"UUW Knuckle Weapon"

Effective Date: 01/01/09

Public Act: 95-0809

House Bill: 2757

Synopsis:

Amends the Criminal Code of 1961. Prohibits the sale, manufacture, purchase, possession, or carrying of a "knuckle weapon" regardless of its composition.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/11-9.3, 720 ILCS 5/11-9.4

"Sex Offender Distances"

Effective Date: 01/01/2009

Public Act: 95-0819

House Bill: 3399

Synopsis:

Amends the Criminal Code of 1961. In provisions that a child sex offender may not reside or loiter within 500 feet of a school, park, daycare center or other child facility, provides that the 500 feet is measured from the edge of the property of the school, park, daycare center, or other child facility property to the edge of the property of the sex offender's residence or where he or she is loitering.

Excerpt from the Public Act Not Necessary.

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720 ILCS 5/11-9.4, 765 ILCS 705/10 new, 775 ILCS 5/3-106 "Sex Offender Lessees"

Effective Date: 01/01/09

Public Act: 95-0820

House Bill: 4207

Synopsis:

Amends the Criminal Code of 1961. Amends the Landlord and Tenant Act. Provides that it is unlawful for a child sex offender who owns and resides at residential real estate to knowingly rent any residential unit within the same building in which he or she resides to a person who is the parent or guardian of a child or children under 18 years of age. Provides that these provisions shall apply only to leases or other rental arrangements entered into after the effective date of the amendatory Act.

Excerpt from the Public Act

720 ILCS 5/11-9.4

"Sex Offenders"

Effective Date:08/14/2008

Public Act: 95-0821

House Bill: 4402

Synopsis:

Amends the Criminal Code of 1961. Provides that it is a Class 4 felony for a child sex offender to knowingly offer or provide any programs or services to persons under 18 years of age in his or her residence or the residence of another or in any facility for the purpose of offering or providing such programs or services, whether such programs or services are offered or provided by contract, agreement, arrangement, or on a volunteer basis. Provides that child sex offenders may not reside within 500 feet of a day care home or group day care home. Provides that nothing prohibits a child sex offender from residing within 500 feet of a day care home or group day care home if the property is owned by the child sex offender and was purchased before the effective date of the amendatory Act. Provides that it is unlawful for a child sex offender to knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any day care home or group day care home. Permits the child sex offender to own the real property where the home is located if the child sex offender is not present when such home is operated.

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Excerpt from the Public Act Not Necessary.

720 ILCS 5/12-7.5

"Cyber Bullying"

Effective Date: 01/01/09

Public Act: 95-0849

Senate Bill: 0849

Synopsis:

Amends the Criminal Code of 1961 relating to cyberstalking. Provides that cyberstalking also includes knowingly and without lawful justification, on at least 2 separate occasions, harassing of another person through the use of electronic communication and at any time knowingly soliciting the commission of an act by any person which would be a violation of the Code directed towards that person or a family member of that person. Provides that a person also commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and: (1) which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, (2) which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or (3) which knowingly solicits the commission of an act by any person which would be a violation of the Code directed towards that person or a family member of that person. Provides that telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of the cyberstalking statute. Amends the Harassing and Obscene Communications Act. Provides that "electronic communication" includes transmissions by a computer through the Internet to another computer. Provides that telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of the harassment through electronic communications statute.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/16-1.1

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"Theft By Lessee"

Effective Date: 01/01/09

Public Act: 95-0857

Senate Bill: 2366

Synopsis:

Provides that the trier of fact may infer evidence that a person intends to deprive the owner permanently of the use or benefit of property.

Excerpt from the Public Act

Sec. 16-1.1. Theft by lessee; permissive inference prima facie evidence. ~~The trier of fact may infer it shall be prima facie evidence that a person intends to deprive the owner permanently of the use or benefit of the property "knowingly obtains or exerts unauthorized control over property of the owner"~~ (1) if a lessee of the personal property of another fails to return it to the owner within 10 days after written demand from the owner for its return or (2) if a lessee of the personal property of another fails to return it to the owner within 24 hours after written demand from the owner for its return and the lessee had presented identification to the owner that contained a materially fictitious name, address, or telephone number. A notice in writing, given after the expiration of the leasing agreement, addressed and mailed, by registered mail, to the lessee at the address given by him and shown on the leasing agreement shall constitute proper demand. (Source: P.A. 89-373, eff. 1-1-96.)

720 ILCS 5/19-2

"Possession of Burglary Tools"

Effective Date: 01/01/09

Public Act: 95-0883

House Bill: 2859

Synopsis:

Amends the Criminal Code of 1961 relating to the possession of burglary tools. Defines "lock bumping". Does not apply to a peace officers or other employees of a law enforcement agency or

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to a person or agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

Excerpt from the Public Act

Sec. 19-2. Possession of burglary tools.

(a) A person commits the offense of possession of burglary tools when he possesses any key, tool, instrument, device, or any explosive, suitable for use in breaking into a building, housetrailer, watercraft, aircraft, motor vehicle as defined in The Illinois Vehicle Code, railroad car, or any depository designed for the safekeeping of property, or any part thereof, with intent to enter any such place and with intent to commit therein a felony or theft. The trier of fact may infer from the possession of a key designed for lock bumping an intent to commit a felony or theft; however, this inference does not apply to any peace officer or other employee of a law enforcement agency, or to any person or agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. For the purposes of this Section, "lock bumping" means a lock picking technique for opening a pin tumbler lock using a specially-crafted bumpkey.

720 ILCS 5/24-3.5, 730 ILCS 5/5-5-3 "Unlawful Firearm Purchases"

Effective Date: 01/01/09

Public Act: 95-0882

House Bill: 5524

Synopsis:

Amends the Criminal Code of 1961. Provides that the penalty for the offense of unlawful purchase of a firearm is a Class 2 felony (rather than a Class 4 felony) for the purchase or attempted purchase of one firearm, a Class 1 felony (rather than a Class 3 felony) for the purchase or attempted purchase of 2 to 5 firearms at the same time or within a one year period, and a Class X felony with a term of imprisonment of not less than 9 years and not more than 40 years for the purchase or attempted purchase of 6 or more firearms at the same time or within a 2 year period. Amends the Unified Code of Corrections. Provides that a person convicted of the offense of unlawful purchase of a firearm shall not receive a period of probation, a term of periodic imprisonment, or conditional discharge.

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Excerpt from the Public Act Not Necessary.

720 ILCS 5/24-1

"UUW ASP types"

Effective Date:01/01/09

Public Act: 0884

House Bill: 4206

Synopsis:

Amends the Criminal Code of 1961. Provides that a person also commits the offense of unlawful use of weapons when he or she knowingly carries or possesses on or about his or her person while in a building owned or operated by a unit of government any knife, sword, billy club, club, razor, or other weapon or other instrument intended for use as a weapon. Defines "billy or billy club". Provides that the offense of unlawful use of weapons also consists of carrying or possessing on or about one's person while in a building occupied by a unit of government, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon.

Excerpt from the Public Act Not Necessary.

725 ILCS 5/115-7.3, 725 ILCS 5/115-10

"Hearsay Exceptions"

Effective Date: 01/01/09

Public Act:95-0892

Senate Bill: 2509

Synopsis:

Amends the Code of Criminal Procedure of 1963. Provides that if a defendant is accused of child pornography or aggravated child pornography or the defendant is accused of first degree murder or second degree murder when the commission of the offense involves sexual penetration or sexual conduct, evidence of the defendant's commission of another such offense or evidence to rebut that proof or an inference from that proof, may be admissible (if that evidence is otherwise admissible under the rules of evidence) and may be considered for its bearing on any matter to which it is relevant. Provides that (1) testimony by the victim of an out of court statement made by the victim that he or she complained of such act to another; and (2) testimony of an out of court statement made by the victim describing any complaint of such act or matter or detail pertaining to any act which is an element of an offense which is the subject of a prosecution for a sexual or

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physical act against that victim are admissible as exceptions to the hearsay rule in prosecutions for any sex offense as defined in the Sex Offender Registration Act.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/24-3

"Unlawful Sale of Firearm"

Effective Date: 07/16/08

Public Act: 95-0735

House Bill: 4628

Synopsis:

Amends the Criminal Code of 1961. Provides that a person 18 years of age or older convicted of unlawful sale of firearms by selling or giving a concealable firearm to a person under 18 years of age or by selling or giving a firearm of any size to a person under 18 years of age who does not possess a valid Firearm Owner's Identification Card, when the firearm that was sold or given to another person under 18 years of age was used in the commission of or attempt to commit a forcible felony, shall be fined or imprisoned, or both, not to exceed the maximum provided for the most serious forcible felony so committed or attempted by the person under 18 years of age who was sold or given the firearm.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/2-13, 725 ILCS 5/107-4

"Peace Officer Defined"

Effective Date: 07/23/08

Public Act: 95-0750

Senate Bill: 2051

Synopsis:

Amends the Criminal Code of 1961 and the Code of Criminal Procedure of 1963. Defines "peace officer" for specified purposes to include a United States Department of Defense peace officer who has at least the minimum training prescribed by the Illinois Law Enforcement Training Standards Board for peace officers of units of local government.

Excerpt from the Public Act Not Necessary.

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720 ILCS 5/12-4.3

"Agg. Battery to a Child"

Effective Date:01/01/09

Public Act: 95-0768

Senate Bill: 2159

Synopsis:

Amends the Criminal Code of 1961. Provides that a person also commits aggravated battery of a child when the person is of the age 18 years and upwards and intentionally or knowingly, and without legal justification and by any means, causes bodily harm or disability or disfigurement to any child under the age of 13 years or to any severely or profoundly mentally retarded person. Provides that the penalty is a Class 3 felony.

Excerpt from the Public Act Not Necessary.