

LAW UPDATE

2009/2010



**ILLINOIS SECRETARY OF STATE
DEPARTMENT OF POLICE**

**Division of Administration
Training Section**

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2009/2010 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 96th 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

625 ILCS 5/12-610.2 new

"Electronic Communication"

Effective Date: 01/01/10

Public Act: 96-0130

House Bill: 0071

Synopsis:

Amends the Illinois Vehicle Code. Provides that 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. Provides that a violation is an offense against traffic regulations governing the movement of vehicles. Sets forth exceptions.

Excerpt from the Public Act

(625 ILCS 5/12-610.2 new)

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 wireless telephone, 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, 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 violation of this Section is an offense against traffic regulations governing the movement of vehicles.

(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;

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(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-activated mode; or

(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; or

(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.

625 ILCS 5/12-610.1 "No Phone in School/Work Zones"

Effective Date: 01/01/10

Public Act: 96-0131

House Bill: 0072

Synopsis:

Amends the Illinois Vehicle Code. Provides that a person, regardless of age, may not use a wireless telephone in a school speed zone or a construction or maintenance speed zone, except for a person engaged in a highway construction or maintenance project for which a construction or maintenance speed zone has been established when the person is using a wireless telephone in furtherance of that project.

Excerpt from the Public Act

(e) A person, regardless of age, may not use a wireless telephone at any time while operating a motor vehicle on a roadway in a school speed zone established under Section 11-605, or on a highway in a construction or maintenance speed zone established under Section 11-605.1. This subsection (e) does not apply to (i) a person engaged in a highway construction or maintenance project for which a construction or maintenance speed zone has been established under Section 11-605.1, (ii) a person using a wireless telephone for emergency purposes, including, but not limited to, law

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enforcement agency, health care provider, fire department, or other emergency services agency or entity, (iii) a law enforcement officer or operator of an emergency vehicle when performing the officer's or operator's official duties, or (iv) to a person using a wireless telephone in voice-activated mode.

625 ILCS 5/11-601, 625 ILCS 5/11-602 "Truck Speed Limit"

Effective Date: 01/01/10

Public Act: 96-0524

House Bill: 3956

Synopsis:

Provides that in the counties outside of Cook, DuPage, Kane, Lake, McHenry, and Will, the maximum speed limit outside an urban district for a second division vehicle designed or used for the carrying of a gross weight of 8,001 pounds or more is 65 miles per hour on any interstate highway (rather than 55). Provides that busses may travel at 55 miles per hour (rather than 60) on all highways, roads, or streets not under the jurisdiction of the Department of Transportation or the Illinois State Toll Highway Authority. Provides that a house car, camper, private living coach, vehicles licensed as recreational vehicles, and any vehicle towing any other vehicle may travel at a speed of 65 miles per hour (rather than 55) in certain circumstances. Effective January 1, 2010.

Excerpt from the Public Act

(625 ILCS 5/11-601) (from Ch. 95 1/2, par. 11-601)

Sec. 11-601. General speed restrictions.

(a) No vehicle may be driven upon any highway of this State at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(b) No person may drive a vehicle upon any highway of this State at a speed which is greater than the applicable statutory maximum speed limit established by paragraphs (c), (d), (e),

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(f) or (g) of this Section, by Section 11-605 or by a regulation or ordinance made under this Chapter.

(c) Unless some other speed restriction is established under this Chapter, the maximum speed limit in an urban district for all vehicles is:

1. 30 miles per hour; and
2. 15 miles per hour in an alley.

(d) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for any vehicle of the first division or a second division vehicle designed or used for the carrying of a gross weight of 8,000 pounds or less (including the weight of the vehicle and maximum load) is (1) 65 miles per hour (i) for all highways under the jurisdiction of the Illinois State Toll Highway Authority and (ii) 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 (2) 55 miles per hour for all other highways, roads, and streets.

(e) In the counties of Cook, DuPage, Kane, Lake, McHenry, and Will, unless ~~Unless~~ some lesser speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a second division vehicle designed or used for the carrying of a gross weight of 8,001 pounds or more (including the weight of the vehicle and maximum load) is 55 miles per hour.

(e-1) Outside the counties of Cook, DuPage, Kane, Lake, McHenry, and Will, unless some lesser speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a second division vehicle designed or used for the carrying of a gross weight of 8,001 pounds or more (including the weight of the vehicle and maximum load) is (1) 65 miles per hour on any interstate highway as defined by Section 1-133.1 of this Code, and (2) 55 miles per hour for all other highways, roads, and streets.

(f) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a bus is:

1. 65 miles per hour upon any highway which has at least 4 lanes of traffic and of which the roadways for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicular traffic, except that the maximum speed limit for a bus on all highways, roads, or streets not under the jurisdiction of the Department or the Illinois State Toll

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Highway Authority is 55 miles per hour; and

2. ~~55~~ 60 miles per hour on any other highway, ~~except that the maximum speed limit for a bus on all highways, roads, or streets not under the jurisdiction of the Department or the Illinois State Toll Highway Authority is 55 miles per hour.~~

(g) ~~(Blank). Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a house car, camper, private living coach, vehicles licensed as recreational vehicles, and any vehicle towing any other vehicle is 55 miles per hour or the posted speed limit, whichever is less.~~

(Source: P.A. 89-444, eff. 1-25-96; 89-551, eff. 1-1-97.)

(625 ILCS 5/11-602) (from Ch. 95 1/2, par. 11-602)

Sec. 11-602. Alteration of limits by Department. Whenever the Department determines, upon the basis of an engineering and traffic investigation concerning any highway for which the Department has maintenance responsibility, that a maximum speed limit prescribed in Section 11-601 of this Chapter is greater or less than is reasonable or safe with respect to the conditions found to exist at any intersection or other place on such highway or along any part or zone thereof, the Department shall determine and declare a reasonable and safe absolute maximum speed limit applicable to such intersection or place, or along such part or zone. However, such limit shall not exceed 65 miles per hour, ~~or 55 miles per hour for a second-division vehicle designed or used for the carrying of a gross weight of 8,001 pounds or more (including the weight of the vehicle and maximum load),~~ on a highway or street which is especially designed for through traffic and to, from, or over which owners of or persons having an interest in abutting property or other persons have no right or easement, or only a limited right or easement, of access, crossing, light, air, or view, and shall not exceed 55 miles per hour on any other highway. Where a highway under the Department's jurisdiction is contiguous to school property, the Department may, at the school district's request, set a reduced maximum speed limit for student safety purposes in the portion of the highway that faces the school property and in the portions of the highway that extend one-quarter mile in each direction from the opposite ends of the school property. A limit determined and declared as provided in this Section becomes effective, and suspends the applicability of the limit prescribed in Section 11-601 of this Chapter, when appropriate signs giving notice of

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the limit are erected at such intersection or other place, or along such part or zone of the highway. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation hereof, evidence obtained thereby shall be inadmissible in any prosecution for speeding. However, nothing in this Section prohibits the use of such electronic speed-detecting devices within 500 feet of a sign within a special school speed zone indicating such zone, conforming to the requirements of Section 11-605 of this Act, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

625 ILCS 5/3-806, 3-806.7 (new), 3-808, 3-815, 3-821, 6-118, 15-102, 15-107, 15-111, 15-112, 15-113, 15-306, 15-307, 16-105

"Title/Registration/License Fees and Weights"

Effective Date: 01/01/10

Public Act: 96-0034

House Bill: 0255

Synopsis:

Amends the Illinois Vehicle Code (i) to increase various fees and fines and require deposit of the increased revenue into the Capital Projects Fund (effective and (ii) to make changes concerning load and weight restrictions.

Excerpt from the Public Act not necessary.

625 ILCS 5/15-102, 15-107, 15-111

"Reasonable Access and Weights"

Effective Date: 7/13/09

Public Act: 96-0037

House Bill: 2424

Synopsis:

Amends the Illinois Vehicle Code (i) to eliminate the reasonable access section in 15-102 and 15-107 (ii) to change various weight limits in 15-111. (i) is effective 7/13/09. (ii) is effective 1/01/10. This Public Act was contingent upon HB 255 becoming law.

Excerpt from the Public Act not necessary.

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625 ILCS 5/15-102

"Maximum Width of Vehicles"

Effective Date: 01/01/10

Public Act: 96-0220

Senate Bill: 1450

Synopsis:

Amends the Illinois Vehicle Code to change the maximum width for a motor vehicle or its load on the highways of this State from 8 feet wide to 8 feet, 6 inches wide.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/11-208.3, 11-208.6

"Education Program"

Effective Date: 08/11/09

Public Act: 96-0228

House Bill: 2612

Synopsis:

Amends the Illinois Vehicle Code. Provides that a vehicle owner may have to complete a traffic education program for a violation of the Illinois Vehicle Code or a local ordinance recorded by an automated traffic law enforcement system. In a provision authorizing municipalities to provide for a system of administrative adjudication for violations of parking, standing, compliance, and automated traffic laws, provides that the administrative system shall have the authority to adjudicate any civil offense carrying a fine not in excess of \$250 or "requiring the completion of a traffic education program, or both". Provides that the notice of a parking, standing, compliance, or automated traffic law violation shall specify any requirement to complete a traffic education program. Specifies other notice requirements. In a provision pertaining to vehicle immobilization, adds that a vehicle shall be eligible for immobilization when the registered owner of the vehicle has failed to complete a specific number of traffic education programs as determined by ordinance. Provides that a fee imposed for a traffic education program may not exceed \$25. Provides that specified low-income individuals shall not be required to pay any fee for participating in a required education program or traffic education program.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/6-110, 625 ILCS 5/3-104

"Homemade Trailers - Title"

Effective Date: 01/01/10

Public Act: 96-0519

House Bill: 2750

Synopsis:

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Provides that an application for a certificate of title for a homemade trailer must be accompanied by the appropriate documentation regarding the source of materials used in the construction of the trailer, as required by the Secretary of State, the trailer must be inspected by a Secretary of State investigator prior to the issuance of the title, and upon approval of the Secretary of State, the trailer must have a vehicle identification number, as provided by the Secretary of State, stamped or riveted to the frame.

Excerpt from the Public Act

(k) If the application refers to a homemade trailer, (i) it must be accompanied by the appropriate documentation regarding the source of materials used in the construction of the trailer, as required by the Secretary of State, (ii) the trailer must be inspected by a Secretary of State investigator, as described in Section 2-115 of this Code, prior to the issuance of the title, and (iii) upon approval of the Secretary of State, the trailer must have a vehicle identification number, as provided by the Secretary of State, stamped or riveted to the frame.

625 ILCS 5/3-303

"Salvage Vehicle – Private Owner"

Effective Date: 01/01/10

Public Act: 96-0330

Senate Bill: 1586

Synopsis:

Amends the Illinois Vehicle Code. Requires applicants for a certificate of title for a rebuilt vehicle that have personally rebuilt or supervised the rebuild of the vehicle to sign a written affirmation stating that the applicant is a licensed rebuilder (rather than providing no requirement that the applicant to be a licensed rebuilder). Provides that if an applicant for certificate of title for a rebuilt vehicle has contracted with a licensed rebuilder for the rebuild of the vehicle, a copy of the contract and a statement from the rebuilder, in a form designated by the Secretary of State, certifying that all of the supporting documentation and the contents of the application for certificate of title are, to the best of the rebuilder's knowledge and belief, complete, true, and correct are required to complete the application. Effective January 1, 2010.

Excerpt from the Public Act Not Necessary.

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625 ILCS 5/1-113.1, 625 ILCS 5/1-202.1, 625 ILCS 5/3-107, 625 ILCS 5/3-406, 625 ILCS 5/3-804.1, 625 ILCS 5/3-804.2, 625 ILCS 5/12-201, 625 ILCS 5/12-208, 625 ILCS 5/12-301
"Custom Vehicles"

Effective Date: 01/01/10

Public Act: 96-0487

Senate Bill: 1958

Synopsis:

Amends the Illinois Vehicle Code. Changes the definitions of "custom vehicle" and "street rod" in the Illinois Vehicle Code to exclude certain vehicles that have been certified by an inspector of the National Street Rod Association. Provides that upon initial application for title and registration as a custom vehicle or street rod, the owner must have the vehicle inspected by the Secretary of State Department of Police rather than providing proof acceptable to the Secretary of State that, no more than 3 months before the date of the application for registration, the custom vehicle passed a safety inspection that (i) has been approved by the Secretary and (ii) is equivalent to the National Street Rod Association's prescribed vehicle safety inspection. Provides title and registration content requirements for a custom vehicle or street rod. Provides that a vehicle previously titled as other than a custom vehicle or street rod may be issued a corrected title reflecting the custom vehicle or street rod model if it otherwise meets the requirements for the designation. Effective January 1, 2010.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/5-102, 625 ILCS 5/5-102.5 new
"Used Vehicle Dealer Education"

Effective Date: 8/25/09

Public Act: 96-0678

House Bill: 2322

Synopsis:

Amends the Illinois Vehicle Code. Establishes a prelicensing education program for used vehicle dealers. Requires at least one person who is associated with a used vehicle dealer to complete a minimum of 8 hours of prelicensing education program courses prior to the dealership applying for a license with the Secretary of State..

Excerpt from the Public Act

Sec. 5-102.5. Used vehicle dealer prelicensing education program courses.

(a) An applicant for a license as a used vehicle dealer shall complete a minimum of 8 hours of prelicensing education program courses pursuant to this Section prior to submitting an application to the Secretary of State.

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(b) To meet the requirements of this Section, at least one individual who is associated with the used vehicle dealer as an owner, principal, corporate officer, director, or member or partner of a limited liability company or limited liability partnership shall complete the education program courses.

(c) The education program courses shall be provided by public or private entities with an expertise in the area as approved by the Secretary of State. The Secretary of State must approve course curricula and instruction, in consultation with the Illinois Department of Transportation and any private entity with expertise in the area in the Secretary of State's discretion.

(d) Each person who successfully completes an approved prelicensing education program under this Section shall be issued a certificate by the education program provider of the course. The current certificate of completion, or a copy of the certificate, shall be posted conspicuously in the principal office of the licensee.

(e) The provisions of this Section apply to all used vehicle dealers including, but not limited to, individuals, corporations, and partnerships, except for the following:

- (1) Motor vehicle rental companies having a national franchise;
- (2) National motor vehicle auction companies;
- (3) Wholesale dealer-only auction companies;
- (4) Used vehicle dealerships owned by a franchise motor vehicle dealer; and
- (5) Banks, credit unions, and savings and loan associations.

625 ILCS 5/11-1301.2, 625 ILCS 5/11-1301.3 **"Special Decals"**

Effective Date: 1/1/10

Public Act: 96-0072

Senate Bill: 1541

Synopsis:

Amends the Illinois Vehicle Code. Provides that a special parking decal or device for a person with disabilities may be used by the authorized holder, rather than the special parking decal or device being the property of the person with disabilities. Removes language concerning the revocation or suspension of a person's driving privileges and revocation of disability license plates or parking decals or devices for violation of provisions concerning the unauthorized use of parking places reserved for persons with disabilities because similar language appears

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elsewhere in those provisions. Provides that a **police officer may seize** the parking decal or device from any person who commits a violation of the unauthorized use of parking places reserved for persons with disabilities provision, may request that the Secretary of State revoke the parking decal or device or the disability license plate of any person who commits a violation of that provision, and may seize the disability license plate upon authorization from the Secretary of State.

Excerpt from the Public Act

(g) Any police officer may seize the parking decal or device from any person who commits a violation of this Section. Any police officer may seize the disability license plate upon authorization from the Secretary of State. Any police officer may request that the Secretary of State revoke the parking decal or device or the disability license plate of any person who commits a violation of this Section.

625 ILCS 5/3-707

"Uninsured Operation of Vehicle – Michael Dean Law"

Effective Date: 01/01/10

Public Act: 96-0143

House Bill: 0370

Synopsis:

Amends the Illinois Vehicle Code. Provides that a person commits the offense of operation of an uninsured motor vehicle causing bodily harm (a Class A misdemeanor) when the person (i) operates a motor vehicle in violation of the mandatory insurance provisions of the Illinois Vehicle Code requiring certain motor vehicles operated on public highways to be covered by a liability insurance policy, and (ii) causes bodily harm to another person as a proximate result of the driver's uninsured operation of the motor vehicle.

Excerpt from the Public Act

(a-5) A person commits the offense of operation of uninsured motor vehicle causing bodily harm when the person:

- (1) operates a motor vehicle in violation of Section 7-601 of this Code; and
- (2) causes, as a proximate result of the person's operation of the motor vehicle, bodily harm to another person.

(a-6) Uninsured operation of a motor vehicle under subsection (a-5) is a Class A misdemeanor.

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625 ILCS 5/1-140.10 new, 625 ILCS 5/1-140.15 new, 625 ILCS 5/1-146, 625 ILCS 5/11-1516 new "Low Speed Electric Bike"

Effective Date: 01/01/10

Public Act: 96-0125

Senate Bill: 0236

Synopsis:

Amends the Illinois Vehicle Code. Defines a low-speed electric bicycle as a 2 or 3-wheeled device with fully operable pedals and an electric motor of less than 750 watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Excludes low-speed electric bicycles from the definition of "motor vehicle". Prohibits operation of a low-speed electric bicycle at a speed greater than 20 miles per hour upon any highway, street, or roadway. Prohibits operation of a low-speed electric bicycle on a sidewalk. Provides that, except as otherwise provided, the provisions of the Article of the Code dealing with bicycles also apply to low-speed electric bicycles.

Adds a definition for a "low-speed gas bicycle" and treats a low-speed gas bicycle the same as a low-speed electric bicycle in a provision regulating the use of low-speed bicycles and a provision excluding low-speed bicycles from the definition of a motor vehicle. Removes the requirement that a person have a valid current Illinois driver's license to operate an electric bicycle.

Excerpt from the Public Act

(625 ILCS 5/1-140.10 new)

Sec. 1-140.10. Low-speed electric bicycle. The term "low-speed electric bicycle" has the same meaning ascribed to it by Section 38 of the Consumer Product Safety Act (15 U.S.C. Sec. 2085).

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(625 ILCS 5/1-140.15 new)

Sec. 1-140.15. Low-speed gas bicycle. A 2 or 3-wheeled device with fully operable pedals and a gasoline motor of less than one horsepower, whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.

(625 ILCS 5/1-146) (from Ch. 95 1/2, par. 1-146)

Sec. 1-146. Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated

upon rails, except for vehicles moved solely by human power, ~~and~~ motorized wheelchairs, low-speed electric bicycles, and low-speed gas bicycles. For this Act, motor vehicles are

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divided into two divisions:

First Division: Those motor vehicles which are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles which are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division.

(Source: P.A. 85-1010.)

(625 ILCS 5/11-1516 new)

Sec. 11-1516. Low-speed bicycles.

(a) A person may operate a low-speed electric bicycle or low-speed gas bicycle only if the person is at least 16 years of age.

(b) A person may not operate a low-speed electric bicycle or low-speed gas bicycle at a speed greater than 20 miles per hour upon any highway, street, or roadway.

(c) A person may not operate a low-speed electric bicycle or low-speed gas bicycle on a sidewalk.

(d) Except as otherwise provided in this Section, the provisions of this Article XV that apply to bicycles also apply to low-speed electric bicycles and low-speed gas bicycles.

625 ILCS 5/1-140.7 new, 3-101, 3-412, 3-805.5 new, 3-821, 11-1426.2 new **"Low Speed Vehicle"**

Effective Date: 01/01/10

Public Act: 96-0653

Senate Bill: 1866

Synopsis:

Amends the Illinois Vehicle Code. Defines a "low-speed vehicle" as any 4-wheeled vehicle with a maximum speed greater than 20 miles per hour but not greater than 25 miles per hour, that conforms with federal motor vehicle safety standards set forth for that vehicle. Provides the fee for a certificate of title for a low-speed vehicle is \$30 and the registration fee is \$18. Removes the requirement that the Secretary of State issue distinctive license plates for electric vehicles and adds the requirement the Secretary of State issue distinctive license plates for low-speed vehicles. Provides rules for the

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operation of a low-speed vehicle on streets. Provides that it is lawful for any person to drive or operate a low-speed vehicle upon any street in this State where the posted speed limit is 30 miles per hour or less and cross a street that has a posted speed limit of 45 mph or less, unless the Department of Transportation or a unit of local government prohibits the operation of low-speed vehicles on streets by regulation, resolution, or ordinance. Provides that operators of low-speed vehicles operated on streets must have a driver's license and are subject to the mandatory insurance provisions of the Illinois Vehicle Code. Makes other changes. Specifies that the signs posted to prohibit the use of low-speed vehicles on streets must be in conformance with the State Manual on Uniform Traffic Control Devices.

Effective January 1, 2010.

Excerpt from the Public Act

Sec. 1-140.7. Low-speed vehicle. Any 4-wheeled vehicle with a maximum speed greater than 20 miles per hour but not greater than 25 miles per hour that conforms with the federal motor vehicle safety standards set forth in 49 C.F.R. Part 571.500.

Sec. 3-101. Certificate of title required.

(e) Every owner of a low-speed vehicle shall make application to the Secretary of State for a certificate of title.

Sec. 3-805.5. Low-speed vehicles. Every owner of a low-speed vehicle shall make application to the Secretary of State for registration, or renewal of registration, at the annual fee of \$18.

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Sec. 11-1426.2. Operation of low-speed vehicles on streets.

(a) Except as otherwise provided in this Section, it is lawful for any person to drive or operate a low-speed vehicle upon any street in this State where the posted speed limit is 30 miles per hour or less.

(b) Low-speed vehicles may cross a street at an intersection where the street being crossed has a posted speed limit of not more than 45 miles per hour. Low-speed vehicles may not cross a street with a speed limit in excess of 45 miles per hour unless the crossing is at an intersection controlled by a traffic light or 4-way stop sign.

(c) The Department of Transportation or a municipality, township, county, or other unit of local government may prohibit, by regulation, ordinance, or resolution, the operation of low-speed vehicles on streets under its jurisdiction if the Department of Transportation or unit of local government determines that the public safety would be jeopardized.

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(d) Before prohibiting the operation of low-speed vehicles on a street, the Department of Transportation or unit of local government must consider the volume, speed, and character of traffic on the street and determine whether allowing low-speed vehicles to operate on that street would jeopardize public safety. Upon determining that low-speed vehicles may not safely operate on a street, and upon the adoption of an ordinance or resolution by a unit of local government, or regulation by the Department of Transportation, appropriate signs shall be posted in conformance with the State Manual on Uniform Traffic Control Devices adopted pursuant to Section 11-301 of this Code.

(e) If a street is under the jurisdiction of more than one unit of local government, or under the jurisdiction of the Department of Transportation and one or more units of local government, low-speed vehicles may be operated on the street unless each unit of local government and the Department of Transportation agree and take action to prohibit such operation as provided in this Section.

(f) No low-speed vehicle may be operated on any street unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a street, a low-speed vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code. The low-speed vehicle shall also have signs or decals permanently and conspicuously affixed to the rear of the vehicle and the dashboard of the vehicle stating "This Vehicle May Not Be Operated on Streets With Speed Limits in Excess of 30 m.p.h." The lettering of the sign or decal on the rear of the vehicle shall be not less than 2 inches in height. The lettering on the sign or decal on the dashboard shall be not less than one-half inch in height.

(g) A person may not operate a low-speed vehicle upon any street in this State unless he or she has a valid driver's license issued in his or her name by the Secretary of State or a foreign jurisdiction.

(h) The operation of a low-speed vehicle upon any street is subject to the provisions of Chapter 11 of this Code concerning the Rules of the Road, and applicable local ordinances.

(i) Every owner of a low-speed vehicle is subject to the mandatory insurance requirements specified in Article VI of

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Chapter 7 of this Code.

(j) Any person engaged in the retail sale of low-speed vehicles are required to comply with the motor vehicle dealer licensing, registration, and bonding laws of this State, as specified in Sections 5-101 and 5-102 of this Code.

625 ILCS 5/1-148.2, 2-119, 3-104, 3-412, 3-806.3, 3-821, 3-1001, 6-104, 11-1403.1, 11-1403.2, 11-1404, 11-1507.1, 11-1510, 12-603.1, 625 ILCS 35/2.01, 625 ILCS 35/6
"Secretary of State"

Effective Date: 01/01/10

Public Act: 96-0554

House Bill: 1181

Synopsis:

Renames a "motorized pedalcycle" as a "moped" throughout the Illinois Vehicle Code and 2 Sections of the Cycle Rider Safety Training Act. Redefines "moped" as a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 mph but not greater than 30 mph, and is equipped with a motor that produces 2 brake horsepower or less. (rather than a motor-driven cycle whose speed attainable in one mile is 30 mph or less, which is equipped with a motor that produces 2 brake horsepower or less). Provides that the Secretary may provide an expedited process for the issuance of vehicle titles. Provides that expedited title applications must be delivered to the Secretary of State's Vehicle Services Department in Springfield and provides time requirements for processing those applications. Provides that the cost for expedited title services is \$30 and all fees collected by the Secretary of State for expedited services will be deposited into the Motor Vehicle License Plate Fund. Provides that the registration fee paid by any vehicle owner who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, or who has claimed and received a grant under that Act, or who is the spouse of such a person shall be \$24 instead of the fee otherwise provided for specified types of vehicles. Deletes outdated language referring to senior citizen vehicle registration fees. Increases fee of duplicate registration sticker or stickers from \$5 to \$20 each.

Excerpt from the Public Act

Sec. 1-148.2. Moped ~~Motorized Pedalcycle~~. A moped ~~motorized pedalcycle~~ is a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 mph but not greater than 30 mph, and ~~or less, which~~ is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears.

Sec. 3-104. Application for certificate of title.

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(k) The Secretary may provide an expedited process for the issuance of vehicle titles. Expedited title applications must be delivered to the Secretary of State's Vehicle Services Department in Springfield by express mail service or hand delivery. Applications must be complete, including necessary forms, fees, and taxes. Applications received before noon on a business day will be processed and shipped that same day. Applications received after noon on a business day will be processed and shipped the next business day. The Secretary shall charge an additional fee of \$30 for this service, and that fee shall cover the cost of return shipping via an express mail service. All fees collected by the Secretary of State for expedited services shall be deposited into the Motor Vehicle License Plate Fund. In the event the Vehicle Services Department determines that the volume of expedited title requests received on a given day exceeds the ability of the Vehicle Services Department to process those requests in an expedited manner, the Vehicle Services Department may decline to provide expedited services, and the additional fee for the expedited service shall be refunded to the applicant.

625 ILCS 5/1-101.8, 625 ILCS 5/1-168.8 new "Off Highway Vehicles"

Effective Date: 8/13/09

Public Act: 96-0428

Senate Bill: 1897

Synopsis:

Amends the Illinois Vehicle Code. Changes the definition of an all-terrain vehicle to any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less (rather than 900 pounds or less), traveling on 3 or more non-highway tires (rather than low-pressure tires), designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers. Defines "recreational off-road vehicle" as any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers. Provides that all provisions of the Illinois Vehicle Code that apply to an all-terrain vehicle shall apply the same to a recreational off-highway vehicle.

Excerpt from the Public Act

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(625 ILCS 5/1-101.8) (from Ch. 95 1/2, par. 1-102.02)

Sec. 1-101.8. All-terrain vehicle. Any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 ~~900~~ pounds or less, traveling on 3 or more non-highway low pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.

(Source: P.A. 92-812, eff. 8-21-02.)

(625 ILCS 5/1-168.8 new)

Sec. 1-168.8. Recreational off-highway vehicle. Any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers.

(625 ILCS 5/11-1427.5 new)

Sec. 11-1427.5. Recreational off-highway vehicles. All provisions of this Code that apply to an all-terrain vehicle shall apply the same to a recreational off-highway vehicle.

625 ILCS 5/1-123.9 new, 625 ILCS 5/1-148.3m new, 625 ILCS 5/11-1426.1, 625 ILCS 5/11-1427.2, 625 ILCS 5/11-1427.3, 625 ILCS 5/11-1426 (repealed), 625 ILCS 5/11-1428 (repealed)

"Non-Highway Vehicles"

Effective Date: 1/1/10

Public Act: 96-0279

House Bill: 2455

Synopsis:

Amends the Illinois Vehicle Code. Defines a "non-highway vehicle" as a motor vehicle not specifically designed to be used on a public highway, including, as defined by the Illinois Vehicle Code: an all-terrain vehicle, a golf cart, a neighborhood vehicle, and an off-highway motorcycle. Provides that the same set of standards that currently apply to the operation of a neighborhood vehicle on a street, road, or highway apply to all non-highway vehicles. Provides that non-highway vehicles are subject to the mandatory insurance provisions of the Illinois Vehicle Code when operated on a street, road, or highway. Repeals 2 provisions regarding the operation of all-terrain vehicles, off-highway motorcycles, and golf carts on streets and removes cross-references to those provisions in the Illinois Vehicle Code and Recreational Trails of Illinois Act.

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Excerpt from the Public Act

(625 ILCS 5/1-123.9 new)

Sec. 1-123.9. Golf cart. A vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.

(625 ILCS 5/1-148.3m new)

Sec. 1-148.3m. Neighborhood vehicle. A self-propelled, electric-powered, four-wheeled motor vehicle (or a self-propelled, gasoline-powered, four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) that is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500.

(625 ILCS 5/11-1426.1)

Sec. 11-1426.1. Operation of non-highway ~~neighborhood~~ vehicles on streets, roads, and highways.

(a) As used in this Section, "non-highway vehicle" means a motor vehicle not specifically designed to be used on a public highway, including:

- (1) an all-terrain vehicle, as defined by Section 1-101.8 of this Code;
- (2) a golf cart, as defined by Section 1-123.9;
- (3) a neighborhood vehicle, as defined by Section 1-148.3m; and
- (4) an off-highway motorcycle, as defined by Section 1-153.1.

~~"neighborhood vehicle" means a self-propelled, electronically powered four wheeled motor vehicle (or a self propelled, gasoline powered four wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) which is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500.~~

(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a non-highway ~~neighborhood~~ vehicle upon any street, highway, or roadway in this State. If the operation of a non-highway ~~neighborhood~~ vehicle is authorized under subsection (d), the non-highway ~~neighborhood~~ vehicle may be operated only on streets where the

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posted speed limit is 35 miles per hour or less. This subsection (b) does not prohibit a non-highway ~~neighborhood~~ vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b-5) A person may not operate a non-highway ~~neighborhood~~ vehicle upon any street, highway, or roadway in this State unless he or she has a valid Illinois driver's license issued in his or her name by the Secretary of State.

(c) Except as otherwise provided in subsection (c-5), no person operating a non-highway ~~neighborhood~~ 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.

(c-5) 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.

(d) A municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of non-highway ~~neighborhood~~ vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. The Department may authorize the operation of non-highway ~~neighborhood~~ vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized.

Before permitting the operation of non-highway ~~neighborhood~~ vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether non-highway ~~neighborhood~~ vehicles may safely travel on or cross the roadway. Upon determining that non-highway ~~neighborhood~~ vehicles may safely operate on a roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be posted.

If a roadway is under the jurisdiction of more than one unit of government, non-highway ~~neighborhood~~ vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.

(e) No non-highway ~~neighborhood~~ vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a

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steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code) on the rear of the non-highway neighborhood vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a non-highway neighborhood vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code.

(f) A person who drives or is in actual physical control of a non-highway neighborhood vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of this Code.

(g) Any person who operates a non-highway vehicle on a street, highway, or roadway shall be subject to the mandatory insurance requirements under Article VI of Chapter 7 of this Code.

(Source: P.A. 94-298, eff. 1-1-06; 95-150, 8-14-07; 95-414, eff. 8-24-07; 95-575, eff. 8-31-07; 95-876, eff. 8-21-08.)

(625 ILCS 5/11-1427.2)

Sec. 11-1427.2. Special all-terrain vehicle or off-highway motorcycle event. Nothing contained in Section ~~11-1426~~, 11-1427~~7~~ or 11-1427.1 shall be construed to prohibit any local authority of this State from designating a special all-terrain vehicle or off-highway motorcycle event. In such case the provisions of Sections ~~11-1426~~, 11-1427~~7~~ and 11-1427.1 shall not apply to areas or highways under the jurisdiction of that local authority.

(Source: P.A. 90-287, eff. 1-1-98.)

(625 ILCS 5/11-1427.3)

Sec. 11-1427.3. Rules for all-terrain vehicles and off-highway motorcycles. The Department of Natural Resources may adopt rules to implement and administer the provisions of Sections ~~11-1426~~, 11-1427, 11-1427.1, and 11-1427.2.

(Source: P.A. 94-47, eff. 1-1-06.)

(625 ILCS 5/11-1426 rep.)

(625 ILCS 5/11-1428 rep.)

Section 15. The Illinois Vehicle Code is amended by repealing Sections 11-1426 and 11-1428.

625 ILCS 5/1-105, 625 ILCS 5/12-215

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"Mine Rescue Vehicles"

Effective Date: 08/10/09

Public Act: 96-0214

Senate Bill: 1297

Synopsis:

Amends the Illinois Vehicle Code. Adds a mine rescue emergency response vehicle of the Department of Natural Resources to the definition of "authorized emergency vehicle". Provides the mine rescue emergency vehicles of the Department of Natural Resources are permitted to use the blue oscillating, rotating, or flashing lights, in combination with red oscillating, rotating, or flashing lights, when responding to an emergency call. Provides that vehicles of the Illinois Department of Natural Resources that are used for mine rescue emergency response are allowed to use red or white oscillating, rotating or flashing lights.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/11-501, 625 ILCS 5/11-501.2, 625 ILCS 5/11-201.4, 625 ILCS 40/5-7.4, 625 ILCS 45/5-16a

"DUI – Reckless Homicide"

Effective Date: 8/11/09

Public Act: 96-0289

House Bill: 2649

Synopsis:

Amends the Illinois Vehicle Code. Provides that a person is guilty of a non-probationary Class 3 felony (rather than a Class 4 felony) when the person is convicted of driving under the influence (DUI) of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof (prohibited substances), (rather than the person being convicted of a DUI violation for a second time) and has previously been convicted of reckless homicide or a similar provision of a law of another state in which the person was determined to have been under the influence of prohibited substances as an element of the offense, or in committing a DUI violation, the person was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the DUI violation was a proximate cause of the death. Provides that evidence of a person's blood, urine, breath or other bodily substance concentration of prohibited substances is admissible when gathered by a trained phlebotomist (rather than a trained phlebotomist acting under the direction of a licensed physician) in any civil or criminal action or proceeding arising out of an DUI arrest. Provides that blood or urine tests (rather than only blood tests) performed for the purpose of determining the concentration of prohibited substances are admissible evidence as a business record exception to the hearsay rule in prosecutions for a DUI violation or a similar provision of a local ordinance, or in prosecutions for reckless homicide and makes corresponding changes in the Boat Registration and Safety Act and Snowmobile Registration and Safety Act. Effective immediately.

Excerpt from the Public Act Not Necessary.

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625 ILCS 5/2-118, 625 ILCS 5/6-206.1

"DUI – BAIID Hearing"

Effective Date: 08/10/09

Public Act: 96-0184

House Bill: 0914

Synopsis:

Amend the Illinois Vehicle Code. Provides that the decision whether to rescind (rather than the decision to rescind) an implied consent suspension is based upon the totality of the evidence in a hearing which the Secretary of State has jurisdiction based on implied consent to testing of the person's blood, breath, or urine for the presence of alcohol, drugs, or intoxicating compounds. Adds the offense of aggravated fleeing or attempt to elude a peace officer to the list of violations that if the holder of a Monitoring Device Driving Permit (MDDP) is convicted of or receives court supervision for that violation, the MDDP will be cancelled. Provides that a person who has received a statutory summary suspension and also had a MDDP cancelled, or would have been cancelled had notification of a violation been received prior to expiration of the MDDP, will have their driving privileges suspended for a period of not less than twice the original summary suspension period, or for another specified time period, and during the period of suspension, the person may apply for a restricted driving permit, which must comply with the standards set forth in the Secretary of State's Blood Alcohol Ignition Interlock Device (BAIID) program (instead of only being allowed to operate vehicles equipped with an ignition interlock device). Effective immediately.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/12-612

"Secret Compartment"

Effective Date: 01/01/10

Public Act: 96-0202

Senate Bill: 0243

Synopsis:

Amends the Illinois Vehicle Code. Provides that it is unlawful for any person to (1) own or operate with criminal intent any vehicle (rather than motor vehicle) he or she knows to contain a false or secret compartment that is used or has been used to conceal a firearm as prohibited by the Criminal Code of 1961, or controlled substance as prohibited by the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act; or (2) to install, create, build, or fabricate in any vehicle (rather than motor vehicle) a false or secret compartment knowing that another person intends to use the compartment to conceal a firearm as prohibited by the Criminal Code of 1961, or controlled substance as prohibited by the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act. Defines the term "false or secret compartment" to mean an enclosure integrated into the vehicle that is a modification of the vehicle as built by the original manufacturer (rather than any enclosure integrated into the vehicle that is intended and designed to be used to conceal, hide, and prevent

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discovery by law enforcement officers of the compartment or its contents.) Establishes that the term "vehicle" means, but is not limited to, any private or commercial car, truck, bus, aircraft or watercraft. Makes other changes regarding forfeiture and sentencing. Provides that the vehicle that contains a false or secret compartment and the items within the compartment may only be seized by the law enforcement agency if the compartment is used in violation of this section of law.

Excerpt from the Public Act

(625 ILCS 5/12-612)

Sec. 12-612. False or secret compartment in a ~~motor~~ vehicle.

(a) Offenses. It is unlawful for any person:

(1) to own or operate with criminal intent any motor vehicle he or she knows to contain a false or secret compartment that is used or has been used to conceal a firearm as prohibited by paragraph (a)(4) of Section 24-1 or paragraph (a)(1) of Section 24-1.6 of the Criminal Code of 1961, or controlled substance as prohibited by the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act; or . It is unlawful for any person to knowingly

(2) to install, create, build, or fabricate in any motor vehicle a false or secret compartment knowing that another person intends to use the compartment to conceal a firearm as prohibited by paragraph (a)(4) of Section 24-1 of the Criminal Code of 1961, or controlled substance as prohibited by the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act.

(b) Definitions. For purposes of this Section: ~~a "false~~

(1) "False or secret compartment" means an enclosure integrated into a vehicle that is a modification of the vehicle as built by the original manufacturer.

(2) "Vehicle" means any of the following vehicles without regard to whether the vehicles are private or commercial, including, but not limited to, cars, trucks, buses, aircraft, and watercraft ~~any enclosure that is intended and designed to be used to conceal, hide, and prevent discovery by law enforcement officers of the false or secret compartment, or its contents, and which is integrated into a vehicle. For purpose of this Section, a person's intention to use a false or secret compartment to conceal the contents of the compartment from a law enforcement officer may be inferred from factors including, but not limited to, the discovery of a person,~~

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~~firearm, controlled substance, or other contraband within the false or secret compartment, or from the discovery of evidence of the previous placement of a person, firearm, controlled substance, or other contraband within the false or secret compartment.~~

(c) Forfeiture. Any ~~motor~~ vehicle containing a false or secret compartment used in violation of this Section, as well as any items within that compartment, shall be subject to seizure by the Department of State Police or by any municipal or other local law enforcement agency within whose jurisdiction that property is found as provided in Sections 36-1 and 36-2 of the Criminal Code of 1961 (720 ILCS 5/36-1 and 5/36-2). The removal of the false or secret compartment from the ~~motor~~ vehicle, or the promise to do so, shall not be the basis for a defense to forfeiture of the motor vehicle under Section 36-2 of the Criminal Code of 1961 and shall not be the basis for the court to release the vehicle to the owner.

(d) Sentence. A violation of this Section is a Class 4 felony. The sentence imposed for violation of this Section shall be served consecutively to any other sentence imposed in connection with the firearm, controlled substance, or other contraband concealed in the false or secret compartment.

(e) For purposes of this Section, a new owner is not responsible for any conduct that occurred or knowledge of conduct that occurred prior to transfer of title.

(Source: P.A. 93-276, eff. 1-1-04.)

625 ILCS 5/6-507, 625 ILCS 5/6-514, 625 ILCS 5/6-524 "CDL – Out of Service Order"

Effective Date: 1/1/10

Public Act: 96-0544

House Bill: 0931

Synopsis:

Amends the Illinois Vehicle Code. Provides that no person may drive a commercial motor vehicle on a highway if such person's driving privilege, license, or permit is, among other things, subject to, or in violation of, a "driver or vehicle out of service order" (rather than "out of service order") while operating a vehicle designed to transport "16 or more passengers" (rather than "passengers"), including the driver, or while transporting "hazardous materials required to be placarded" (rather than "hazardous materials"). Exempts the drivers of commercial motor vehicles used primarily in the transportation of propane winter heating fuel and the drivers of motor vehicles used to respond to pipeline emergencies from the commercial driver's license requirements, but only if such requirements would prevent the driver from responding to an emergency condition requiring immediate response, as defined by federal regulation. Disqualifies

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a person from driving a commercial motor vehicle if that person has been convicted more than once of violating certain combinations of provisions related to out-of-service orders. Increases the minimum and maximum penalties for certain violations of the Uniform Commercial Driver's License Act.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/18d-117 (new)

"Commercial Vehicle Safety Relocators - Tower"

Effective Date: 01/01/10

Public Act: 96-0309

House Bill: 3889

Synopsis:

Amends the Illinois Vehicle Code. Replaces the term "commercial vehicle safety relocater" with the term "tower", as defined by the Illinois Vehicle Code. Provides that a "tower" legally residing in a county not subject to the provisions of the Illinois Commercial Safety Law may operate in a county that is subject to that law for the limited purpose of removing a damaged or disabled vehicle upon the request of the owner or operator to remove the vehicle and tow the vehicle across county lines to the county where the "tower" and owner or operator resides without being subject to the provisions of the Illinois Commercial Safety Law. Provides that the exemption does not apply to "towers" that legally reside in both counties.

Excerpt from the Public Act.

Sec. 18d-117. Exemption.

(a) A tower, as defined by Section 1-205.2 of this Code, legally residing in a county not subject to this Chapter pursuant to Section 18d-180 of this Chapter may operate in a county that is subject to this Chapter pursuant to Section 18d-180 for the limited purpose of removing a damaged or disabled vehicle upon the request of the owner or operator legally residing in a county not subject to this Chapter to remove the vehicle and tow the vehicle across county lines to the county where the tower and owner or operator resides.

(b) A tower operating for the limited purpose in subsection (a) is not subject to the provisions of this Chapter.

(c) Subsection (a) does not apply to towers that legally reside in both counties.

625 ILCS 5/18c-7401

"RR Crossing Stop Signs"

Effective Date: 08/14/09

Public Act: 96-0470

House Bill: 3730

Synopsis:

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Amends the Illinois Vehicle Code. Provides that, except where train crews provide flagging of the crossing to road users, yield signs shall be installed at all highway intersections with every grade crossing in this State that is not equipped with automatic warning devices, such as luminous flashing signals or crossing gate devices. Provides that a stop sign may be used in lieu of the yield sign when an engineering study conducted in cooperation with the highway authority and the Illinois Department of Transportation has determined that a stop sign is warranted. Restores language requiring temporary stop signs at grade crossings under specified circumstances. Provides that, if the Illinois Commerce Commission has ordered the installation of luminous flashing signal or crossing gate devices at a grade crossing not equipped with active warning devices, the Commission shall order the installation of temporary stop signs at the highway intersection with the grade crossing unless an engineering study has determined that a stop sign is not appropriate. Provides that, if a stop sign is not appropriate, the Commission may order the installation of other appropriate supplemental signing as determined by an engineering study. Requires permanent signs to be in place by July 1, 2011. Effective immediately.
Excerpt from the Public Act Not Necessary.

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 5/11-1201.1, 625 ILCS 5/11-1201.5 (repealed) "RR Crossings"

Effective Date: 1/1/10

Public Act: 96-0478

Senate Bill: 0148

Synopsis:

Amends the Illinois Vehicle Code. Provides that the Illinois Commerce Commission, in cooperation with a local law enforcement agency, may establish in any county or municipality a system for automated enforcement of railroad crossing violations for any railroad grade crossing equipped with a crossing gate. Establishes requirements for the system. Provides that local authorities desiring the establishment of an automated railroad crossing enforcement system must initiate the process by enacting a local ordinance requesting the creation of such a system. Provides that local authorities and the Commission must agree to a plan for obtaining, from any combination of federal, State, and local funding sources, the moneys required for the purchase and installation of any necessary equipment. Deletes language pertaining to a pilot project to establish such a system. Provides for the issuance of a notice of violation to the owner of the recorded vehicle. Establishes procedures for contesting the violation. Provides for civil adjudication of violations, in the same manner as automated red light violations. Provides that a civil fine of \$250 shall be imposed for a first violation. Provides that a civil fine of \$500 shall be imposed for a second or subsequent violation. Provides that the Secretary of State shall suspend the driving privileges of the registered owner of a vehicle that is involved in 5 of these violations for which the fine imposed has not been paid. Repeals the provision currently providing for the establishment of these systems. In provisions allowing a municipality to provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations, vehicle compliance violations, and automated traffic law violations, changes the maximum permitted fine from \$250 to \$500.

Excerpt from the Public Act Not Necessary.

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625 ILCS 5/6-303

"Vehicle Forfeiture"

Effective Date: 01/01/2010

Public Act: 96-0502

House Bill: 0253

Synopsis:

Amends provisions of the Illinois Vehicle Code making vehicles subject to seizure and forfeiture under specified circumstances. Deletes a reference to a provision that was eliminated from the statutes by Public Act 95-377. Corrects a reference to a provision that was renumbered by Public Act 95-377. Provides that a person's vehicle is subject to seizure and forfeiture when the person is cited for the offense of driving while driving privileges are revoked or suspended, and the person's driving privileges were revoked or suspended due to the offense of reckless homicide.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/12-503

"Tinted Windows - Install"

Effective Date: 01/01/10

Public Act: 96-0530

House Bill: 4327

Synopsis:

Amends the Illinois Vehicle Code. Provides that a person may not install or repair any sign, poster, window application, reflective material, nonreflective material, or tinted film upon the front windshield, sidewings or side windows immediately adjacent to each side of the driver. Provides that a first violation is a petty offense with a fine between \$50 and \$500, and a second or subsequent offense is a Class C misdemeanor with a fine between \$100 and \$500. Provides that an installer may install window treatment for who is legally permitted, due to medical reasons, to drive with window treatment that would otherwise be illegal and provides that the installer must obtain and store a copy of a doctor's certificate or letter from the person with medical condition in the installer's permanent records. Provides that the Secretary of State shall provide a notice of the requirements of a provision prohibiting driving a motor vehicle with any sign, poster, window application, reflective material, nonreflective material, or tinted film upon the

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front windshield, sidewings or side windows immediately adjacent to each side of the driver, unless an exception applies, to a new resident applying for vehicle registration. The Secretary of State may comply with the new resident notice requirements by posting the window tinting requirements on the Secretary of State's website.

(a-5) No person shall install or repair any material prohibited by subsection (a) of this Section.

(1) Nothing in this subsection shall prohibit a person from removing or altering any material prohibited by subsection (a) to make a motor vehicle comply with the requirements of this Section.

(2) Nothing in this subsection shall prohibit a person from installing window treatment for a person with a medical condition described in subsection (g) of this Section. An installer who installs window treatment for a person with a medical condition described in subsection (g) must obtain a copy of the certified statement or letter written by a physician described in subsection (g) from the person with the medical condition prior to installing the window treatment. The copy of the certified statement or letter must be kept in the installer's permanent records.

(k) The Secretary of State shall provide a notice of the requirements of this Section to a new resident applying for vehicle registration in this State pursuant to Section 3-801 of this Code. The Secretary of State may comply with this subsection by posting the requirements of this Section on the Secretary of State's website.

15 ILCS 335/4c new, 625 ILCS 5/3-422 new, 625 ILCS 5/6-121 new

"SOS – Confidential ID/DL/Plates"

Effective Date: 8/17/09

Public Act: 96-0549

Senate Bill: 1512

Synopsis:

Amends the Illinois Identification Card Act and the Illinois Vehicle Code to provide procedures for the issuance and cancellation of confidential State identification cards, drivers' licenses, and license plates and registrations to local, state, and federal government agencies for bona fide law enforcement purposes. Provides that those confidential materials may be issued with fictitious names and addresses, and may be used only for confidential, investigative, or undercover law

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enforcement operations. Provides that the Secretary of State Police Department may cancel or refuse to renew those confidential materials when they have reasonable cause to believe they are being used for purposes other than those set forth in the application form or authorized by this Act. Effective immediately.

Excerpt from the Public Act Not Necessary.

30 ILCS 105/5.719 new, 625 ILCS 5/11-1429, 705 ILCS 105/27.5, 705 ILCS 105/27.6, 705 ILCS 105/8h **"Excessive Idling – Fines"**

Effective Date: 8/18/09

Public Act: 96-0576

House Bill: 2664

Synopsis:

Amends the Vehicle Code, State Finance Act, and Clerks of Courts Act. Provides that a person convicted of excessive idling shall be fined \$90 for a first offense and from \$150 to \$500 for a second or subsequent conviction within a 12 month period. Also changes the distribution formula for violations for excessive idling. Specifies how the fines collected shall be distributed and provides alternate distribution procedures for circuit clerks for excess idling violations. Creates the Trucking Environmental and Education Fund as a special fund in the State Treasury. Provides that all money deposited into the Trucking Environmental and Education Fund shall be paid, subject to appropriation by the General Assembly, to the Illinois Environmental Protection Agency for the purpose of educating the trucking industry on air pollution and preventative measures specifically related to idling.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/1-111.1a, 1-197.5, 6-102, 6-103, 6-107, 6-110, 6-110, 6-203.1, 6-205, 6-206, 6-208, 6-303, 6-601, 11-500, 625 ILCS 25/4b

"Secretary of State - Various"

Effective Date: 8/24/09

Public Act: 96-0607

House Bill: 3697

Synopsis:

Amends the Illinois Vehicle Code. Provides that a graduated license may not be issued, renewed, or continued to be used by a person who has been convicted of driving without a license in another state or has been convicted under the Use of Intoxicating Compounds Act. Provides that upon a second conviction of driving while the person's driving privileges were revoked or suspended and the revocation or suspension was for the offense of reckless homicide or a similar out-of-state offense, the Secretary of State shall immediately revoke that person's driving privileges for 5 years, and for a third or subsequent conviction of the same, the revocation is permanent. Amends the definition of "first-time offender" in relation to driving under the influence

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offenses to include any person who has not had his or her driver's license suspended in this State as the result of refusal of chemical testing in another state. Makes other changes. Amends the Child Passenger Protection Act to provide that a Section requiring every person under the age of 18 years to secure a child between 8 and 18 years old in a properly adjusted and fastened seat safety belt or an appropriate child restraint system also applies to each driver over the age of 18 years who was convicted certain traffic violations in the 6 months prior to the driver's 18th birthday (rather than within 6 months of the birthday), until 6 consecutive months have elapsed without an additional violation. Effective immediately.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/6-118, 625 ILCS 5/6-206.1

"Court Costs - Fines"

Effective Date: 1/1/10

Public Act: 96-0625

Senate Bill: 1341

Synopsis:

Amends the Illinois Vehicle Code, Clerks of Courts Act, and the Unified Code of Corrections to provide that any person who receives court supervision shall pay an additional fee of \$30 (instead of \$20). Provides that as to the additional court supervision fee of \$30, \$20 of the \$30 shall be deposited into the State Police Vehicle Fund in the State treasury, \$9 of the \$30 shall be deposited into the Driver's Education Fund and \$1 of the \$30 shall be deposited into the Circuit Court Clerk Operation and Administrative Fund (instead of \$10 of the \$30 shall be deposited into the Driver's Education Fund). Amends provisions of the Illinois Vehicle Code and Unified Code of Corrections to eliminate a requirement that a person make a court appearance in order for certain fees to apply when a person receives a disposition of court supervision for a violation of the Illinois Vehicle Code.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/11-212

"Traffic Stop Study"

Effective Date: 01/01/10

Public Act: 96-0658

House Bill: 0648

Synopsis:

Changes the year of the repeal for a provision concerning a traffic stop statistical study to 2015 (instead of 2020 in the engrossed bill and 2010 in current law).

Excerpt from the Public Act Not Necessary.

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625 ILCS 5/3-809, 3-684 new, 3-713 new "Exempt Vehicle - Towing"

Effective Date: 01/01/10

Public Act: 96-0665

House Bill: 0797

Synopsis:

Amends provisions of the Illinois Vehicle Code exempting vehicles meeting certain criteria from registration. Provides that those provisions do not prohibit the exempt vehicle from towing another vehicle if the towed vehicle does not exceed the registered weight of 8,000 pounds, is used exclusively for transportation to and from the work site, is not used for carrying counter weights or other material related to the operation of the exempt vehicle while under tow, and displays proper and current registration plates.

Amends the Illinois Vehicle Code to allow the Secretary of State to issue special registration plates to county officials. Defines county official as any county board member or commissioner, county executive, chairman or president of the county board, and county officer, including the auditor, clerk, circuit clerk, coroner or medical examiner, public defender, recorder, sheriff, State's Attorney, and treasurer of a county of this State. Provides for increased fees for these plates, to be deposited into the Secretary of State Special License Plate Fund.

Provides that a person charged with operating a vehicle without registering, operating a vehicle with an expired registration, or operating a vehicle without proper evidence of registration for a first time may request and receive relief from penalties imposed for violation upon presenting acceptable proof of current registration. Provides that acceptable proof shall include, but not be limited to, proof of payment of all applicable registration fees, as well as delinquent registration renewal fees. Provides that a person who registers a motor vehicle after 30 days of the day from which the person was required by law to register a motor vehicle shall not be eligible for relief. Provides that the chief judge of any circuit may designate an officer of the court to review the documentation demonstrating eligibility for relief from fines, and provides that the officer of the court may submit a recommendation for dismissal of the citation to the prosecuting authority.

Excerpt from the Public Act.

"(625 ILCS 5/3-713 new)

Sec. 3-713. Relief from fines for certain offenses against registration.

(a) Except as provided in subsection (b) of this Section, the owner of a motor vehicle, subject to registration under this Chapter, who is charged with a violation of Sections 3-401, 3-413(f) and 3-701 of this Code, shall be required to pay any fines for a violation upon conviction.

(b) If a person charged with a violation of Sections 3-401, 3-413(f), and 3-701 of this Code for a first time provides

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proof of a current and valid registration sticker dated within 30 days of the expiration of the registration for which the citation was issued, that person may, upon presenting acceptable proof of current registration, request and receive relief from the penalties imposed for a violation. Acceptable proof shall include, but not be limited to, proof of payment of all applicable registration fees, as well as delinquent registration renewal fees under Section 3-821.2 of this Code. A person charged with a second or subsequent violation of Sections 3-401, 3-413(f), and 3-701 of this Code or a person who registers a motor vehicle after 30 days of the day from which the person was required by this Code to register a motor vehicle shall not be eligible for relief under this Section.

(c) The chief judge of any circuit may designate an officer of the court to review the documentation demonstrating eligibility for relief from fines imposed for a violation of Sections 3-401, 3-413 (f) and 3-701 of this Code as provided in subsection (b) of this Section. The officer of the court, upon confirmation of the violator's compliance with the conditions set forth in this Section, may submit a recommendation for dismissal of the instant citation to the prosecuting authority."

625 ILCS 5/3-405 "Vehicle Registration"

Effective Date: 01/01/10

Public Act: 96-0580

House Bill: 4048

Synopsis:

Amends the Illinois Vehicle Code. Provides that a state's attorney, assistant state's attorney, and state's attorney special investigators may elect to use the address of their place of employment instead of their domicile address when registering a motor vehicle under their name.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/12-821, 20-204, 3-684 new "School Bus Driving Sign"

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Effective Date: 1/1/10

Public Act: 96-0655

House Bill: 0353

Synopsis:

Amends the Illinois Vehicle Code. Provides that each school bus must display at the rear of the bus a sign indicating the telephone number of the owner of the school bus. Deletes language providing that the sign shall indicate that the number is to be called to report erratic driving by the school bus driver. Adds language requiring that the sign shall be in the form "TO COMMENT ON MY DRIVING, CALL (area code and telephone number of school bus owner)". Provides that existing school busses carrying the sign conforming to the former requirements are not required to update the sign to the new requirements until the school bus owner replaces the sign. Effective January 1, 2010. Provides that a county may adopt all or any portion of the Illinois Vehicle Code by reference. Provides for the issuance of Distinguished Flying Cross license plates. Provides that in addition to the appropriate registration fees, an applicant for the special plate shall be charged a fee of \$15 at original issuance. Provides that the \$15 issuance fee shall be deposited into the Secretary of State Special License Plate Fund.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/1-182, 625 ILCS 5/11-1414.1

"School Bus-Transport Students"

Effective Date: 07/01/10

Public Act: 96-0410

House Bill: 3982

Synopsis:

In the Illinois Vehicle Code, makes changes with regard to the definition of "school bus" and the requirement that every student enrolled in grade 12 or below in a public or private nursery, primary, or secondary school be transported in specified types of vehicles for certain activities.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/3-609

"Disabled Vet Plates"

Effective Date: 7/27/09

Public Act: 96-0079

House Bill: 0052

Synopsis:

Amends the Illinois Vehicle Code. Deletes provisions requiring a 100% disability and eligibility for the purchase of a vehicle by the federal government as conditions for eligibility for disabled veterans' registration plates. Replaces the deleted provisions with provisions requiring that the veteran hold proof of a service-connected disability from the United States Department of Veterans Affairs and that a licensed physician, physician assistant, or advanced practice nurse has certified that the veteran qualifies for issuance of registration plates or decals to a person with disabilities. Repeals a provision that authorized the issuance of handicapped veterans'

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registration plates to disabled veterans who have less than 100% disability and are eligible for the purchase of a vehicle by the federal government. Deletes cross-references to the repealed provision.

Excerpt from the Public Act Not Necessary

30 ILCS 105/5.719 new, 625 ILCS 5/3-684 new "EMS Memorial Plates"

Effective Date: 8/18/09

Public Act: 96-0591

House Bill: 2433

Synopsis:

Amends the Illinois Vehicle Code and State Finance Act. Creates the Illinois EMS Memorial Scholarship and Training Fund as a special fund in the State treasury. Provides for the issuance of Illinois EMS Memorial Scholarship and Training license plates. Provides that in addition to the appropriate registration fees, an applicant for the special plate shall be charged a fee of \$27 at original issuance and \$17 at renewal. Provides that \$12 of the additional original issuance fee and \$15 the renewal fee shall be deposited into the Illinois EMS Memorial Scholarship and Training 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 by the General Assembly and approval by the Secretary of State, all money in the Illinois EMS Memorial Scholarship and Training Fund will be paid as grants to the EMS Memorial Scholarship and Training Council, a not-for profit corporation, for the purposes of providing scholarships for graduate study, undergraduate study, or both, to children and spouses of emergency medical services personnel killed in the course of their employment, and for grants for the training of EMS personnel. Effective immediately.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/3-684 new, 30 ILCS 105/5.719 new, 625 ILCS 5/3-685 new, 30 ILCS 105/5.720 new "Teamsters Plates/UAW Plates"

Effective Date: 1/1/10

Public Act: 96-0687

House Bill: 2625

Synopsis:

Amends the Illinois Vehicle Code and the State Finance Act. Creates the International Brotherhood of Teamsters Fund as a special fund in the State treasury. Provides for the issuance of International Brotherhood of Teamsters license plates. Provides that in addition to the appropriate registration fees, an applicant for the special plate shall be charged a fee of \$40 at original issuance and \$27 at renewal. Provides that \$25 of the additional original issuance fee and the renewal fee shall be deposited into the International Brotherhood of Teamsters 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 by the

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General Assembly and approval by the Secretary of State, the moneys in the International Brotherhood of Teamsters Fund shall be paid as grants to the Teamsters Joint Council 25 Charitable Trust, an independent organization established and registered as a tax exempt entity under Section 501(c)(3) of the Internal Revenue Code.

Provides that the design and color of the plates is wholly within the discretion of the Secretary of State (rather than developed by the International Brotherhood of Teamsters). Provides purposes for the grants made from the International Brotherhood of Teamsters Fund to the Teamsters Joint Council 25 Charitable Trust.

Creates the United Auto Workers' Fund as a special fund in the State treasury. Provides for the issuance of United Auto Workers 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 United Auto Workers' 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 by the General Assembly and approval by the Secretary of State, the moneys in the United Auto Workers' Fund shall be paid as grants for charitable purposes supported by the Illinois local unions affiliated with the United Auto Workers.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/3-684 new, 625 ILCS 5/3-806, 625 ILCS 5/3-807.7 new, 625 ILCS 5/3-414, 625 ILCS 5/3-415 **"Iraqi Freedom Plates"**

Effective Date: 1/1/10

Public Act: 96-0747

House Bill: 0853

Synopsis:

Provides for issuance of Operation Iraqi Freedom license plates, at an additional initial charge of \$15 with eligibility requirements to be determined by the Secretary of State. Provides that the design, color, and format of the plates is wholly within the discretion of the Secretary of State. Provides that the \$15 additional initial charge shall be deposited into the Secretary of State Special License Plate Fund. Provides that, beginning with the 2011 registration year, the registration fee for passenger and certain other motor vehicles shall be reduced by 50% for any vehicle owner who was on active duty as a member of the armed forces of the United States and stationed outside of the United States for a period of 90 days or longer during the preceding registration year. Provides for a credit for the unused portion of a motor vehicle registration for a vehicle owner who is a member of the armed forces of the United States and has been stationed outside of the United States for a period of 6 months or longer and who placed his or her registered motor vehicle in storage during the time that he or she served abroad. Provides that

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the credit shall be one month for each month or part of a month that the vehicle was in storage and had current registration. Provides that the Secretary of State may enter into an agreement with an owner of a rental car fleet who registers a fleet of motor vehicles of the first division to provide for the issuance of multi-year registration plates with a new registration card issued up to every 3 years. Provides that an owner engaged in operating a fleet of motor vehicles may be issued multi-year registration cards by the Secretary of State. Provides that each motor vehicle of the registered fleet must carry an unique multi-year registration card that displays vehicle identification number of the registered motor vehicle. Provides that the Secretary of State shall promulgate rules in order to implement multi-year registrations.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/3-645, 625 ILCS 5/1-103

"Approved Driver Education"

Effective Date: 01/01/10

Public Act: 96-0740

Senate Bill: 2217

Synopsis:

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning Vietnam Veteran license plates. Amends the Illinois Vehicle Code. Includes, in the definition of "approved driver education course", a driver education course given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer. Renames the term currently referred to as "driver training school" to "driver exam training school" throughout the Illinois Vehicle Code. Defines an "enhanced skills driving school" as a school for teaching advanced driving skills, such as emergency braking, crash avoidance, and defensive driving techniques to licensed drivers for a fee, and provides that the definition does not mean a school for preparing students for examinations given by Secretary of State. Provides that no person, firm, association, partnership or corporation may operate an enhanced skills driving school unless they have been issued a license by the Secretary of State. Provides that all behind-the-wheel instructions, practice, and experience offered by enhanced skills driving schools shall be on private property, such as race course facilities, and no behind-the-wheel instructions, practice, or experience may be given on public roadways. Sets forth requirements to operate an enhanced skills driving facility and standards for the Secretary of State to deny, cancel, suspend or revoke, renew, or refuse to renew enhanced skills driving school licenses. Makes other changes. Makes corresponding changes in the Department of Transportation Law of the Civil Administrative Code of Illinois and the Criminal Code of 1961.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/16-106.3 new

"Appearance Date"

Effective Date: 01/01/10

Public Act: 96-0694

House Bill: 3681

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Synopsis:

Amends the Illinois Vehicle Code to provide that in any case alleging a violation of the Illinois Vehicle Code or similar local ordinance which would be chargeable as a misdemeanor, a case shall not be dismissed due to an error by the arresting officer or the clerk of the court, or both, in setting a person's first appearance date, subject to the right of speedy trial.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/18c-4105 new "Motor Carrier Indemnity "

Effective Date: 8/25/09

Public Act: 96-0697

House Bill: 3832

Synopsis:

Amends the Illinois Vehicle Code. Provides that notwithstanding any other provision of law, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend or hold harmless, or has the effect of indemnifying, defending or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against the public policy of this State and is void and unenforceable. Defines "motor carrier transportation contract" and "promisee".

Creates exceptions to the provisions of the engrossed bill for the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis or other intermodal equipment.

Excerpt from the Public Act Not Necessary.

Other Statutes

720 ILCS 5/12-4.2 "Agg Batt w/ Firearm"

Effective Date: 01/01/10

Public Act: 96-0041

House Bill: 0867

Synopsis:

Amends the Criminal Code of 1961. Provides that the offense of aggravated battery with a firearm is also committed if the firearm is discharged on school grounds at a person known to be a student and causes injury to that student. Provides for enhanced penalties for carrying or possessing firearms or other dangerous weapons in a conveyance owned, leased, or contracted by a public transportation agency or on a public way within 1,000 feet of the real property comprising a public transportation facility. Amends the Unified Code of Corrections. Provides that it is an aggravating factor in sentencing that the defendant committed an offense while the defendant or the victim was in a train, bus, or other vehicle used for public transportation.

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Excerpt from the Public Act Not Necessary.

430 ILCS 65/5

"FOID"

Effective Date: 7/27/09

Public Act: 96-0091

House Bill: 4198

Synopsis:

Amends the Firearm Owners Identification Card Act. Provides that an applicant for a Firearm Owner's Identification Card who is an active duty member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of the Reserve Forces of the United States is exempt from the application fee. Effective immediately.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/11-9.4

"Sex Offenders Vehicles"

Effective Date: 08/04/09

Public Act: 96-0118

Senate Bill: 0062

Synopsis:

Amends the Criminal Code of 1961. Provides that it is unlawful for a child sex offender to knowingly operate, whether authorized to do so or not, any of the following vehicles: (1) a vehicle which is specifically designed, constructed or modified and equipped to be used for the retail sale of food or beverages, including but not limited to an ice cream truck; (2) an authorized emergency vehicle; or (3) a rescue vehicle.

Excerpt from the Public Act.

(c-8) It is unlawful for a child sex offender to knowingly operate, whether authorized to do so or not, any of the following vehicles: (1) a vehicle which is specifically designed, constructed or modified and equipped to be used for the retail sale of food or beverages, including but not limited

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to an ice cream truck; (2) an authorized emergency vehicle; or
(3) a rescue vehicle.

20 ILCS 2605/2605-485 new, 50 ILCS 722/10

"State Police Missing Seniors"

Effective Date: 01/01/10

Public Act: 96-0149

Senate Bill: 0027

Synopsis:

Creates the Endangered Missing Person Advisory. The Endangered Missing Person Advisory provides for the rapid dissemination of information regarding a missing person who is believed to be a "high-risk missing person". Provides that the Endangered Missing Person Advisory is a regional system. Specifies the requirements of the alert system. Provides that the AMBER Plan Task Force shall serve as the task force for the Endangered Missing Person Advisory. Amends the Missing Persons Identification Act. In a Section defining "high-risk missing person", provides that the definition includes persons with dementia-like symptoms. Contains other provisions.

Excerpt from the Public Act Not Necessary.

430 ILCS 85/2-10, 430 ILCS 85/2-15, 430 ILCS 85/2-16, 430 ILCS 85/2-19, 430 ILCS 85/2-20, 430 ILCS 85/2-21 new

"Carnival Ride Safety Penalties"

Effective Date: 08/07/09

Public Act: 96-0151

Senate Bill: 1408

Synopsis:

Amends the Carnival and Amusement Rides Safety Act. Makes various changes regarding: applying for a permit to operate an amusement ride or amusement attraction at a carnival or fair; penalties for violation of the Act; notices and fact-finding conferences; procedures relating to criminal history records checks and checks of the National Sex Offender Public Registry; exemption of an amusement ride or amusement attraction that is subject to inspection by a political division of the State from the provisions of the Act; Makes other changes. Changes the definition of the term "carnival worker" to provide that a carnival worker is not a volunteer. Defines "volunteer" to mean a person who operates or assists in the operation of an amusement ride or amusement attraction for an owner or operator without pay or lodging, but is not an individual otherwise employed by the same owner or operator to perform the same type of service as those for which the individual proposes to volunteer.

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Provides that criminal background checks of carnival workers performed by the Illinois State Police shall be pursuant to the Illinois Uniform Conviction Information Act and that criminal background checks of volunteers, who manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public, shall be left to the discretion of local law enforcement which has jurisdictional authority in the community in which the event is being held. Effective immediately.
Excerpt from the Public Act Not Necessary.

15 ILCS 335/1A

"ID Card-Homeless Person"

Effective Date: 07/01/10

Public Act: 96-0183

House Bill: 0897

Synopsis:

Amends the Illinois Identification Card Act to authorize identification cards for homeless persons at no fee.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/12-36

"Felons - Dogs"

Effective Date: 01/01/10

Public Act: 96-0185

House Bill: 0934

Synopsis:

Amends the Criminal Code of 1961. Provides that the prohibition on the possession of an unsterilized or vicious dog by a person convicted of specified felonies applies to a person convicted of felony dog fighting.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/24-3, 720 ILCS 5/24-3.7 new

"Use of Stolen Firearms"

Effective Date: 01/01/10

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Public Act: 96-0190

House Bill: 1032

Synopsis:

Amends the Criminal Code of 1961. Provides that a person who sells or gives any firearm to any person who has been convicted of a felony under the laws of this State or any other jurisdiction is guilty of a Class 3 (rather than a Class 4) felony. Creates the offense of use of a stolen firearm in the commission of an offense. Provides that a person commits the offense when he or she knowingly uses a stolen firearm in the commission of any offense and the person knows that the firearm was stolen. Provides that a violation is a Class 2 felony.

Provides that the court shall impose a consecutive sentence to the underlying offense if the defendant was convicted of use of a stolen firearm in the commission of an offense.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/12-6.4

"Gang Recruitment of Minor"

Effective Date: 01/01/10

Public Act: 96-0199

Senate Bill: 0141

Synopsis:

Amends the Criminal Code of 1961. Creates the offense of criminal street gang recruitment of a minor. Provides that a person commits the offense when he or she threatens the use of physical force to coerce, solicit, recruit, or induce another person to join or remain a member of a criminal street gang, or conspires to do so, whether or not such threat is communicated in person, by means of the Internet, or by means of a telecommunications device. Provides that the penalty is a Class 1 felony.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/12-2, 720 ILCS 12-4, 720ILCS 5535/7

"Air Rifle"

Effective Date: 08/10/09

Public Act: 96-0201

Senate Bill: 0211

Synopsis:

Amends the Criminal Code of 1961. Provides that an assault using an air rifle constitutes aggravated assault. Provides that the penalty for aggravated battery involving the use of a firearm does not include an air rifle as defined by the Air Rifle Act. Amends the Air Rifle Act. Eliminates the maximum \$50 fine that may be imposed for violation of the Act by a person who is not a dealer of air rifles. Effective immediately.

Excerpt from the Public Act Not Necessary.

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720 ILCS 5/3-6, 720 ILCS 5/12-12, 720 ILCS 5/11-11 **"Family Member"**

Effective Date: 01/01/2010

Public Act: 96-0233

House Bill: 0224

Synopsis:

Amends the Criminal Code of 1961. Provides that, except as otherwise provided in the Code, a prosecution for any offense involving sexual conduct or sexual penetration where the victim and defendant are family members may be commenced within 10 years (rather than one year) of the victim attaining the age of 18 years. Provides that for the purposes of the offenses of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, and aggravated criminal sexual abuse, "family member" includes a brother, sister, aunt, uncle, great-aunt, great-uncle, niece, nephew, cousin of the first degree, step-brother, or step-sister, and where the victim is a child under 18 years of age, an accused who has resided in the household with such child continuously for at least 6 months (rather than one year).

Provides that the offense of sexual relations within families includes sexual penetration with (1) an aunt or uncle, when the niece or nephew was 18 years of age or over when the act was committed; or (2) a great-aunt or great-uncle, when the grand-niece or grand-nephew was 18 years of age or over when the act was committed; or (3) a grandparent or step-grandparent, when the grandchild or step-grandchild was 18 years of age or over when the act was committed. Provides that a prosecution for felony criminal sexual abuse when the victim was under 18 years of age at the time of the offense may be commenced within 20 years after the victim attains 18 years of age and for misdemeanor criminal sexual abuse within 10 years after the victim attains 18 years of age. Deletes from expanded definition of "family member" the following: "brother, sister", "step-brother, step-sister", "niece, nephew", and "cousin of the first degree".

Excerpt from the Public Act Not Necessary.

720 ILCS 5/16G-20 **"Aggravated ID Theft"**

Effective Date: 08/11/09

Public Act: 96-0243

House Bill: 0597

Synopsis:

Amends the Criminal Code of 1961. Enhances the penalties for aggravated identity theft. Effective immediately.

Excerpt from the Public Act

720 ILCS 5/16D-2, 720 ILCS 5/3-3-7, 720 ILCS 5-6-3, 720 **ILCS 5-6-3.1**

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"Sex Offenders – No social networking"

Effective Date: 01/01/10

Public Act: 96-0262

House Bill: 1314

Synopsis:

Amends the Criminal Code of 1961. Provides that it is a Class 4 felony for a person required to register as a sex offender under the Sex Offender Registration Act to access or use a social networking website during the period for which the sex offender is required to register under that Act. Amends the Unified Code of Corrections. Requires as a condition of parole, mandatory supervised release, probation, conditional discharge, or supervision that a sex offender refrain from accessing or using a social networking website.

Excerpt from the Public Act Not Necessary.

740 ILCS 45/2, 740 ILCS 45/2.5

"Crime Victims Compensation – Leaving Scene"

Effective Date: 8/11/09

Public Act: 96-0267

House Bill: 2245

Synopsis:

Amends the Crime Victims Compensation Act. Includes in the definition of "crime of violence" leaving the scene of a motor vehicle accident involving death or personal injury if the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact. Provides that claims for compensation under the Act by a felon who has died while the felon was serving a term of parole, probation, or mandatory supervised release apply to claims pending on or after the effective date of the amendatory Act. Effective immediately.

Excerpt from the Public Act Not Necessary.

110 ILCS 805/3-30, 110 ILCS 805/3-42.1, 110 ILCS 805/3-42.2

"Community College – Police – Public Safety"

Effective Date: 8/11/09

Public Act: 96-0269

House Bill: 2253

Synopsis:

Amends the Public Community College Act. Provides for the appointment of law enforcement officer and non-law enforcement officer members of a community college district police department or department of public safety (instead of sworn and non-sworn members of a

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community college district police department, department of public safety, or security department). Makes related changes. Provides that sworn members of a community college district police department must complete the minimum basic training requirements of a police training school under the Illinois Police Training Act.

Effective immediately.

Excerpt from the Public Act Not Necessary.

110 ILCS 1020/1

“Private College Campus Police”

Effective Date: 01/01/10

Public Act: 96-0594

House Bill: 2507

Synopsis:

Amends the Private College Campus Police Act. With respect to the members of a campus police department having the powers of municipal peace officers and county sheriffs, provides that the powers are for the protection of students, employees, visitors and their property, and the property, branches, and interests of the college or university in the county where the college or university is located (instead of requiring that these powers be exercised only on college or university property); makes related changes. Also gives members of the campus police department the ability to regulate and control traffic on the public way contiguous to the college or university property. Provides that the uniforms, vehicles, and badges of the campus police department officers shall be distinctive from those of the local law enforcement agency where the main campus (instead of just campus) is located.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/24-2, 730 ILCS 5/3-14-1.5 (new)

“Probation Officer - Training”

Effective Date: 1/1/10

Public Act: 96-0230

House Bill: 0202

Synopsis:

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

Excerpt from the Public Act Not Necessary.

720 ILCS 5/29B-1

“Money Laundering”

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Effective Date: 08/11/09

Public Act: 96-0275

House Bill: 2353

Synopsis:

Amends the Criminal Code of 1961 relating to the offense of money laundering. Changes the definition of "criminally derived property" to: (1) any property, real or personal, constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law; or (2) any property represented to be property constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law (rather than a violation of the Criminal Code of 1961, the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act). Establishes penalties for laundering of property by transporting, transmitting, or transferring, or attempting to transport, transmit, or transfer a monetary instrument knowing, or having reason to know, that the financial transaction is designed in whole or in part to avoid a transaction reporting requirement under State law. Effective immediately.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/11-21

"Minors-Harmful Materials"

Effective Date: 01/01/10

Public Act: 96-0280

House Bill: 2513

Synopsis:

Amends the Criminal Code of 1961. Provides that the exhibition to or depiction to a minor of harmful materials is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/12-3.2

"Domestic Battery – Advise"

Effective Date: 08/11/09

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Public Act: 96-0287

House Bill: 2610

Synopsis:

Amends the Criminal Code of 1961. Provides that upon conviction of domestic battery or aggravated domestic battery, the court shall advise the defendant orally or in writing that an individual convicted of domestic battery or aggravated domestic battery may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition in violation of the federal Gun Control Act of 1968. Provides that a notation shall be made in the court file that the admonition was given. Effective immediately.

Excerpt from the Public Act Not Necessary.

730 ILCS 5/5-5.6

"Restitution - DUI"

Effective Date: 08/11/09

Public Act: 96-0290

House Bill: 2650

Synopsis:

Amends the Unified Code of Corrections. Provides that in all convictions for driving under the influence in which the person received any injury to his or her person or damage to his or her real or personal property as a result of the criminal act of the defendant, the court shall order restitution. Effective immediately.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/3-5

"Child Pornography Penalties"

Effective Date: 01/01/10

Public Act: 96-0292

House Bill: 2670

Synopsis:

Amends the Criminal Code of 1961. Provides that a prosecution for child pornography that involves filming, videotaping, photographing, or otherwise depicting by computer a child under 18 years of age or a severely or profoundly mentally retarded person engaging in certain sexual acts may be commenced at any time. Provides that child pornography or aggravated child pornography that does not involve mere possession shall be deemed crimes of violence. Amends the Bill of Rights for Children. Provides that the right of a parent or legal guardian of a child victim upon his or her request, at the time of the sentencing or the disposition hearing, to address the court regarding the impact which the defendant's criminal conduct or the juvenile's delinquent conduct has had upon the child applies in cases of indecent solicitation of a child, child pornography, and aggravated child pornography. Amends the Rights of Crime Victims and Witnesses Act. Provides that the offenses of child pornography and aggravated child pornography are violent crimes. Amends the Sexually Violent Persons Commitment Act. Provides that a "sexually violent offense" includes child pornography and aggravated child pornography.

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Amends the Unified Code of Corrections. Provides that the commission of the offense of child pornography or aggravated child pornography is an aggravating factor in sentencing.
Excerpt from the Public Act Not Necessary.

730 ILCS 150/2

"Sex Offender Registration - Grooming"

Effective Date: 8/11/09

Public Act: 96-0301

House Bill: 3676

Synopsis:

Amends the Sex Offender Registration Act. Includes in the definition of "sex offense" the offenses of grooming and traveling to meet a minor. Effective immediately.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/36-1

"Vehicle Forfeiture"

Effective Date: 01/01/10

Public Act: 96-0313

House Bill: 4013

Synopsis:

Amends the Criminal Code of 1961. Provides that any vessel, vehicle, or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit, theft if the theft is of precious metal or of scrap metal is subject to seizure and forfeiture.

Excerpt from the Public Act Not Necessary.

410 ILCS 70/5

"Sexual Assault Evidence"

Effective Date: 1/1/10

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Public Act: 96-0318

House Bill: 2051

Synopsis:

Amends the Sexual Assault Survivors Emergency Treatment Act. Provides that any person (instead of minor) who is a sexual assault survivor who seeks emergency hospital services and forensic services or follow-up healthcare under the Act shall be provided such services without the consent of any parent, guardian, custodian, surrogate, or agent. Provides that if the survivor is an adult who has a guardian of the person, a health care surrogate, or an agent acting under a health care power of attorney, then consent of the guardian, surrogate, or agent is not required to release evidence and information concerning the sexual assault. Provides that if the adult is unable to provide consent for the release of evidence and information and a guardian, surrogate, or agent under a health care power of attorney is unavailable or unwilling to release the information, then an investigating law enforcement officer may authorize the release. Effective January 1, 2010.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/31-4.5 new **"Obstructing ID"**

Effective Date: 1/1/10

Public Act: 96-0335

Senate Bill: 1655

Synopsis:

Amends the Criminal Code of 1961. Creates the offense of obstructing identification. Provides that a person commits the offense when he or she intentionally or knowingly furnishes a false or fictitious name, residence address, or date of birth to a peace officer who has: (1) lawfully arrested the person; (2) lawfully detained the person; or (3) requested the information from a person that the peace officer has good cause to believe is a witness to a criminal offense. Provides that a violation is a Class A misdemeanor.

Excerpt from the Public Act Not Necessary.

725 ILCS 5/115-10.7 new **"Prior Statements"**

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Effective Date: 8/11/09

Public Act: 96-0337

Senate Bill: 1668

Synopsis:

Amends the Code of Criminal Procedure of 1963. Provides that a statement of a witness is not excluded at the trial or hearing of any defendant by the hearsay rule or as a violation of any right to confront witnesses if the witness was killed, bribed, kidnapped, secreted, intimidated, or otherwise induced by a party, or one for whose conduct such party is legally responsible, to prevent the witness from being available to testify at such trial or hearing. Provides that the party seeking to introduce the statement shall disclose the statement sufficiently in advance of trial or hearing to provide the opposing party with a fair opportunity to meet it. Provides that the disclosure shall include notice of an intent to offer the statement, including the identity of the declarant. Provides that prior to ruling on the admissibility of a statement under this provision, the court shall conduct a hearing outside the presence of the jury. Provides that except in cases where a preponderance of the evidence establishes that the defendant killed the declarant, the party seeking to introduce the statement shall be required to show by a preponderance of the evidence that the party who caused the unavailability of the witness did so with the intent or motive that the witness be unavailable for trial or hearing. Provides that the court is not required to find that the conduct or wrongdoing amounts to a criminal act. Provides that nothing in this provision shall be construed to prevent the admissibility of statements under existing hearsay exceptions. Effective immediately.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/31-1a

"Disarm a Peace Officer"

Effective Date: 08/12/09

Public Act: 96-0348

House Bill: 0584

Synopsis:

Amends the Criminal Code of 1961 and the Unified Code of Corrections. Provides that disarming a peace officer or correctional institution employee is a non-probationable Class 1 felony. Provides that an attempt to disarm a peace officer or correction institution employee is a Class 2 felony. Effective immediately.

(720 ILCS 5/31-1a) (from Ch. 38, par. 31-1a)

Sec. 31-1a. Disarming a peace officer or correctional institution employee.

~~(a) Disarming a peace officer or correctional institution employee.~~ A person who, without the consent of a peace officer or correctional institution employee as defined in subsection (b) of Section 31-1, takes ~~or attempts to take~~ a weapon from a

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person known to him or her to be a peace officer or correctional institution employee, while the peace officer or correctional institution employee is engaged in the performance of his or her official duties or from an area within the peace officer's or correctional institution employee's immediate presence is guilty of a Class 1 2 felony.

(b) A person who, without the consent of a peace officer or correctional institution employee as defined in subsection (b) of Section 31-1, attempts to take a weapon from a person known to him or her to be a peace officer or correctional institution employee, while the peace officer or correctional institution employee is engaged in the performance of his or her official duties or from an area within the peace officer's or correctional institution employee's immediate presence is guilty of a Class 2 felony.

605 ILCS 5/4-105 new "Naming of Highways - Troopers"

Effective Date: 8/13/09

Public Act: 96-0358

House Bill: 0457

Synopsis:

Amends the Illinois Highway Code. Requires, upon written request by the Director of State Police, an interstate highway, State highway, or segment of an interstate highway or State highway to be named in honor and memory of one or more Illinois State Troopers killed in the line of duty. Requires the Director of State Police to submit a request to the Secretary of the Illinois Department of Transportation to erect one or more signs containing certain information about each memorialized Trooper. Requires the Secretary of the Illinois Department of Transportation to consult with the Director of the State Police on the design of the signs and to erect the signs by an agreed upon date. Requires the costs associated with the signs to be borne by the labor organization representing the Trooper. Requires the Secretary of the Illinois Department of Transportation and the labor organization to enter into an agreement regarding payment of those costs before those costs are incurred. Specifies that if the road segment identified in the request has already been named for another individual or organization, then the Secretary of the Illinois Department of Transportation and the Director of State Police shall consult on and determine an alternate location that is acceptable to both agencies. Effective immediately.

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Excerpt from the Public Act Not Necessary.

720 ILCS 5/12-3.3

"Strangulation"

Effective Date: 8/13/09

Public Act: 96-0363

House Bill: 0594

Synopsis:

Amends the Criminal Code of 1961. Provides that a person who, in committing a domestic battery, strangles another individual commits aggravated domestic battery. Provides that a person commits aggravated battery when he or she, in committing a battery, strangles another individual. Defines "strangle". Effective immediately.

Provides that aggravated battery by strangulation is a Class 1 felony if: (1) the person used or attempted use a dangerous instrument while committing the offense; or (2) the person caused great bodily harm or permanent disability or disfigurement to the other person while committing the offense; or (3) the person has been previously convicted of aggravated battery by strangulation under the laws of this State or similar laws of any other state.

Excerpt from the Public Act Not Necessary.

720 5/32-14 new

"Judicial Sale"

Effective Date: 8/13/09

Public Act: 96-0408

House Bill: 3885

Synopsis:

Amends the Criminal Code of 1961. Creates the offense of unlawful manipulation of a judicial sale. Provides that a person commits the offense when he or she knowingly and by any means makes any contract with or engages in any combination or conspiracy with any other person who is, or but for a prior agreement is, a competitor of such person for the purpose of or with the effect of fixing, controlling, limiting, or otherwise manipulating (1) the participation of any person in, or (2) the making of bids, at any judicial sale. Provides that unlawful manipulation of a judicial sale is a Class 3 felony. Provides that a mandatory fine shall be imposed for a violation, not to exceed \$1,000,000 if the violator is a corporation, or, if the violator is any other person, \$100,000.

Provides that a second or subsequent violation is a Class 2 felony. Establishes injunctive relief and a private right of action for damages or injunctive relief. Effective immediately.

Excerpt from the Public Act Not Necessary.

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720 ILCS 5/26-1, 720 ILCS 5/29d-20, 720 ILCS 5/29d-25 "Disorderly Conduct"

Effective Date: 8/13/09

Public Act: 96-0413

House Bill: 4049

Synopsis:

Amends the Criminal Code of 1961 relating to the offenses of disorderly conduct, making a terrorist threat, and falsely making a terrorist threat. Provides that a person who makes a threat that a bomb or explosive device has been placed in a school, whether such threat is true or false, shall be required by the court, in addition to any other sentence imposed, to reimburse the unit of government that employs the emergency response officer or officers that were dispatched to the school for the cost of the search for a bomb or explosive device. Effective immediately.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/26-1 "Disorderly Conduct"

Effective Date: 01/01/10

Public Act: 96-0772

House Bill: 1105

Synopsis:

Provides that a person also commits disorderly conduct when he or she knowingly transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session. Provides that a violation is a Class 4 felony (rather than a Class C misdemeanor). Deletes amendatory changes to the Harassing and Obscene Communications Act.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/26-4 "Unauthorized Videotaping"

Effective Date: 1/1/10

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Public Act: 96-0416

House Bill: 4173

Synopsis:

Amends the Criminal Code of 1961. Provides that it is unlawful for any person to knowingly make a video record or transmit live video of another person in that other person's residence without that person's consent when the recording or transmission is made outside that person's residence by use of an audio or video device that records or transmits from a remote location. Establishes penalties and exemptions.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/14-3

"Eavesdropping – Exempt UUW"

Effective Date: 8/13/09

Public Act: 96-0425

Senate Bill: 1814

Synopsis:

Amends the Criminal Code of 1961. Exempts from an eavesdropping violation, with prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a felony offense involving any weapon listed in the statute concerning unlawful use of weapons. Effective immediately.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/14-3

"Eavesdropping – Exempt Child Sex Offenses"

Effective Date: 01/01/10

Public Act: 96-0547

House Bill: 1348

Synopsis:

Amends the Criminal Code of 1961. Provides that it is an exemption to the statute concerning eavesdropping with approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of aggravated child pornography, indecent solicitation of a child, child abduction, luring of a minor, sexual exploitation of a child, predatory criminal sexual assault of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, criminal sexual abuse by force or threat of force in which the victim of the offense was at the time

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of the commission of the offense under 18 years of age, or aggravated criminal sexual assault in which the victim of the offense was at the time of the commission of the offense under 18 years of age (rather than only an investigation of child pornography).

Excerpt from the Public Act Not Necessary.

720 ILCS 5/14-3

"Eavesdropping – Exempt Barricade Situations"

Effective Date: 1/1/10

Public Act: 96-0643

Senate Bill: 2026

Synopsis:

Amends the Criminal Code of 1961. Provides that any law enforcement officer or individual acting on behalf of a law enforcement officer may use an eavesdropping camera or audio device during an ongoing hostage or barricade situation when the use of such devices is necessary to protect the safety of the general public, hostages, or law enforcement officers or anyone acting on their behalf.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/14-3

"Eavesdropping – Exempt Police Video"

Effective Date: 8/25/09

Public Act: 96-0670

House Bill: 1057

Synopsis:

Amends the Criminal Code of 1961. Provides exemptions from an eavesdropping violation: (1) recordings made simultaneously with the use of an in-car video camera recording of an oral conversation between a uniformed peace officer, who has identified his or her office, and a person in the presence of the peace officer whenever (i) an officer assigned a patrol vehicle is conducting an enforcement stop; (ii) patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement. (2) recordings of utterances made by a person while in the presence of a uniformed peace officer and while an occupant of a police vehicle including, but not limited to, (i) recordings made simultaneously with the use of an in-car video camera and (ii) recordings made in the presence of the peace officer utilizing video or audio systems, or both, authorized by the law enforcement agency; and (3) recordings made simultaneously with a video camera recording during the use of a taser or similar weapon or device by a peace officer if the weapon or device is equipped with such camera. Provides that the law enforcement agency shall retain such recordings for a storage period of 90 days, unless the recordings are made as a part of an arrest or the

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recordings are deemed evidence in any criminal, civil, or administrative proceeding and then the recordings must only be destroyed upon a final disposition and an order from the court. Provides that under no circumstances shall any recording be altered or erased prior to the expiration of the designated storage period. Provides that upon completion of the storage period, the recording medium may be erased and reissued for operational use.

Excerpt from the Public Act Not Necessary.

20 ILCS 2605/2605-5, 50 ILCS 705/10.10

"Police – Alzheimer's Disease"

Effective Date: 01/01/2010

Public Act: 96-0442

House Bill: 0282

Synopsis:

Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Adds to the definition of "missing endangered senior" a person with Alzheimer's disease or related dementias who is reported missing. Amends the Illinois Police Training Act. Provides that the Illinois Law Enforcement Training Standards Board shall conduct training programs (instead of a program) for law enforcement personnel of local governmental agencies in the statewide coordinated child abduction alert system and missing endangered senior alert system. Effective January 1, 2010.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/16-1

"Theft - Rent"

Effective Date: 01/01/10

Public Act: 96-0496

House Bill: 3934

Synopsis:

Amends the Criminal Code of 1961. Enhances the penalty for theft by one class higher if the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/16-20

"Inmates - Communications"

Effective Date: 01/01/10

Public Act: 96-0497

House Bill: 4066

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Synopsis:

Amends the Criminal Code of 1961. Provides for enhanced penalties if the defendant at the time of the commission of the offense is a pre-trial detainee at a penal institution or is serving a sentence at a penal institution and obtains or uses a communication service without the authorization of, or compensation paid to, the communication service provider, or assists or instructs any other person in doing so with intent to defraud the communication service provider.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/21-1.3

"Defacement - Felony"

Effective Date: 8/14/09

Public Act: 96-0499

House Bill: 0192

Synopsis:

Amends the Criminal Code of 1961. Provides that for the purpose of determining the penalty for criminal defacement of property, the aggregate value of the properties defaced shall be added together when the offenses were committed as part of a single course of conduct. Effective immediately.

Excerpt from the Public Act Not Necessary.

5 ILCS 490/125 new

"Peace Officers Memorial Day"

Effective Date: 01/01/10

Public Act: 96-0518

House Bill: 2644

Synopsis:

Amends the State Commemorative Dates Act. Designates the first Thursday in May of each year as Peace Officers Memorial Day. Recognizes each May 15th as National Peace Officers Memorial Day.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/21-1

"Civil Damages - Crops"

Effective Date: 8/14/09

Public Act: 96-0529

House Bill: 4177

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Synopsis:

Amends the Criminal Code of 1961. Provides that in addition to any criminal penalties imposed for criminal damage to property, if a person is convicted of or placed on supervision for knowingly damaging or destroying crops of another, including crops intended for personal, commercial, research, or developmental purposes, the person is liable in a civil action to the owner of any crops damaged or destroyed for money damages up to twice the market value of the crops damaged or destroyed.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/16-1, 720 ILCS 5/16h-60 "Financial Crime"

Effective Date: 8/14/09

Public Act: 96-0534

Senate Bill: 1818

Synopsis:

Amends the Criminal Code of 1961. Provides that theft of property exceeding \$1,000,000 in value is a Class X felony. In the Illinois Financial Crime Law, deletes provision that a financial crime which is loan fraud in connection with a loan secured by residential real estate is a Class 4 felony. Effective immediately.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/2-5.1 new, 720 ILCS 5/18-1, 720 ILCS 19-1, 720 ILCS 5/2-5.2 new, 720 ILCS 5/2-8.1 new, 720 ILCS 5/2-12.1 new

"Day Care – Robbery - Burglary"

Effective Date: 01/01/10

Public Act: 96-0556

House Bill: 0010

Synopsis:

Amends the Criminal Code of 1961. Defines "day care center". Provides that the penalty for a robbery or burglary committed in a day care center is a Class 1 (rather than a Class 2) felony. Provides that for the penalty for a robbery or burglary committed in a day care center, the time of day, time of year, and whether children under 18 years of age were present in the day care center at the time of the offense are irrelevant.

Adds definitions of "day care home", "group day care home", and "part day child care facility" to the bill. Provides that the enhanced penalties apply to a robbery and burglary committed in a "day care home", "group day care home", or "part day child care facility" as well as a "day care center". Exempts from a burglary violation, a burglary committed in a day care center, day care home, group day care home, or part day child care facility operated in a private residence used as a dwelling.

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Excerpt from the Public Act Not Necessary.

720 ILCS 5/33-7

"Public Contractor"

Effective Date: 08/18/09

Public Act: 96-0575

House Bill: 2651

Synopsis:

Amends the Criminal Code of 1961. Provides that a public contractor, employee of a public contractor, or a person seeking a public contract also commits the offense of public contractor misconduct when he or she knowingly or intentionally seeks or receives compensation or reimbursement for goods and services he or she purported to deliver or render, but failed to do so pursuant to the terms of the contract, to the unit of State or local government or school district. Provides that any person convicted of the offense or a similar offense in any state of the United States which contains the same elements of public contractor misconduct shall be barred for 10 years from the date of conviction from contracting with, employment by, or holding public office with the State or any unit of local government or school district. Provides that the Attorney General or the State's Attorney in the county where the principal office of the unit of local government or school district is located may bring a civil action on behalf of any unit of State or local government to recover a civil penalty from any person who knowingly engages in conduct which violates the statute in treble the amount of the monetary cost to the unit of State or local government or school district involved in the violation. Effective immediately.

Excerpt from the Public Act Not Necessary.

30 ILCS 105/5.719 new, 30 ILCS 105/8h, 605 ILCS 125/20, 730 ILCS 5/5-9-1.17 new, 705 ILCS 105/27.5, 705 ILCS 105/27.6

"DUI – Fee – Roadside Memorial Fund"

Effective Date: 8/25/09

Public Act: 96-0667

House Bill: 0881

Synopsis:

Amends the State Finance Act, the Roadside Memorial Act, and the Unified Code of Corrections. Provides that a person who is convicted or receives a disposition of court supervision for a violation of certain DUI provisions of the Illinois Vehicle Code shall, in addition to any other disposition, penalty, or fine imposed, pay a fee of \$50 which shall be deposited into the Roadside Memorial Fund. Creates the Roadside Memorial Fund as a special fund in the State treasury. Provides that, subject to appropriation, all money in the Roadside Memorial Fund shall be used by the Department of Transportation to pay fees for DUI memorial markers under the Roadside Memorial Act. Effective immediately. Provides that money in the Roadside Memorial Fund shall not be used for any other purpose. Effective immediately.

Excerpt from the Public Act Not Necessary.

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

"Stalking - Cyberstalking"

Effective Date: 1/1/10

Public Act: 96-0686

House Bill: 2542

Synopsis:

Amends the Criminal Code of 1961. Adds elements to the offenses of stalking, aggravated stalking, and cyberstalking. Provides that a person also commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress. Provides that if the conduct is committed using electronic communication, the offense is cyberstalking. Provides that a person also commits aggravated stalking when he or she, in conjunction with committing the offense of stalking, violates a stalking no contact order or a civil no contact order. Provides that the provisions relating to stalking and aggravated stalking do not apply to any individual or organization monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements. Provides that telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under these provisions, 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 these provisions. Retains the same penalties for the offenses.

Excerpt from the Public Act Not Necessary.

430 ILCS 65/8, 430 ILCS 65/8.2 new, 725 ILCS 5/112a-14, 750 ILCS 60/214, 750 ILCS 60/217

"FOID Card Revocation"

Effective Date: 01/01/10

Public Act: 96-0701

House Bill: 3991

Synopsis:

Amends the Firearm Owner Identification Card Act. Requires (instead of permits) the Department of State Police to deny an application or to revoke and seize a Firearm Owner's Identification Card previously issued under the Act if the Department finds that the applicant or person to whom such card was issued is or was at the time of issuance the subject to an existing order of protection. Amends the Domestic Violence Article of the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that if the court is satisfied that there is any danger of the illegal use of firearms, it shall include in the order of protection the requirement that any Firearm Owner's Identification Card of the respondent be turned over to the local law enforcement agency for safekeeping. Provides that upon expiration of the period of safekeeping,

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if the firearms or Firearms Owner's Identification Card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency; or that the firearms be turned over to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent. In the amendatory changes to the Illinois Domestic Violence Act of 1986, provides that an emergency order of protection may be granted if there is good cause to prohibit the respondent from possessing firearms. Provides that the court may prohibit the respondent from entering or remaining in any household or premises of the petitioner.

Excerpt from the Public Act Not Necessary.

625 ILCS 5/24-1, 625 ILCS 5/24-1.6, 625 ILCS 5/24-2 "Unlawful Use of Weapons"

Effective Date: 8/25/09

Public Act: 96-0742

House Bill: 0182

Synopsis:

Amends the Criminal Code of 1961. Provides that it is not a violation of the statutes concerning unlawful use of weapons and aggravated unlawful use of a weapon to carry or possess any pistol, revolver, stun gun or taser or other firearm in a legal dwelling or place where the person is an invitee with that person's permission. Effective immediately.

Excerpt from the Public Act Not Necessary.

720 ILCS 675/2 "Tobacco-Possession-Minors"

Effective Date: 8/10/09

Public Act: 96-0179

House Bill: 0799

Synopsis:

Amends the Juvenile Court Act of 1987. Provides that, if a minor violates the provisions prohibiting minors from possessing any cigars, cigarettes, smokeless tobacco, or tobacco in any of its forms, the court may in its discretion, and upon recommendation by the State's Attorney, order the minor and his or her parents or legal guardian to attend a smoker's education or youth diversion program if that program is available in the jurisdiction where the offender resides. Provides that attendance at a smoker's education or youth diversion program shall be time-credited against any community service time imposed for a violation of the provision prohibiting tobacco possession by a minor. Imposes several penalties for a violation of the provision prohibiting tobacco possession by a minor. Amends the Sale of Tobacco to Minors Act. Changes the short title of the Act to the Prevention of Tobacco Use by Minors Act. Prohibits the possession of tobacco by minors and makes violation a petty offense. Amends other Acts to change references to the short title of the Prevention of Tobacco Use by Minors Act. Makes other changes. Effective immediately.

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Excerpt from the Public Act Not Necessary.

725 ILCS 5/115-17

"Subpoena Issuance"

Effective Date: 01/01/10

Public Act: 96-485

Senate Bill: 1832

Synopsis:

Amends the Code of Criminal Procedure of 1963. Provides that an attorney admitted to practice in the State of Illinois, as an officer of the court, may also issue subpoenas in a pending action.

Excerpt from the Public Act Not Necessary.

720 ILCS 5/10-5.5

"Unlawful Visitation or Parenting Time Interference"

Effective Date: 8/11/09

Public Act: 96-0333

Senate Bill: 1628

Synopsis:

Changes the name of the offense "unlawful visitation interference" to "unlawful visitation or parenting time interference" in the Criminal Code of 1961.

Excerpt from the Public Act Not Necessary.