

Newly Enacted Legislation from the 100th General Assembly - 2017

Public Act	Effective Date	Summary	Link to Full-Text Version
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Civil Law & Procedure

100-0001	January 1, 2018	This Act makes numerous amendments to the Code of Criminal Procedure, implementing various reforms to the bail system in Illinois, including: a) creation of a right to counsel in bail hearings; b) presumption against monetary bail; c) automatic second look bail hearings for certain defendants unable to make bail, d) bail credit for time served in pretrial detention; e) encourages the AOIC to adopt a statewide pretrial risk assessment tool. PA 100-001 also contains two amendments to the Criminal Code of 2012, extending the sunset date of the RICO Article and amending the definition of "public official" in the criminal offense of threatening a public official. The RICO sunset extension became effective June 9, 2017; all other provisions in PA 100-001, including all the modifications to the bail system, will not become effective until January 1, 2018.	PA 100-0001
100-0015	July 1, 2017	Amends the Illinois Marriage and Dissolution of Marriage Act. Combines the changes made to the Section concerning child support by Public Act 99-90, Public Act 99-763, and Public Act 99-764. Adds provisions concerning the computation of the basic child support obligation. Makes changes concerning the child support guidelines, the duty of support, income calculation, presumptions in favor of the child support guidelines, minimum child support obligations, income greater than the support schedule, child care expenses, shared and split physical care, and health care. Replaces references to "supporting parent" and "payor" with references to "obligor".	PA 100-0015
100-0072	January 1, 2018	Amends the Notice By Publication Act and the Newspaper Legal Notice Act, providing that, if notice is required to be published in a newspaper that is published in a particular unit of local government or school district, and if there is no newspaper published in that unit of local government or school district, then the notice may be published in a secular newspaper having general circulation within the unit of local government or school district. The newspaper shall cause the notice to be placed on the statewide website established and maintained as a joint venture of the majority of Illinois newspapers as a repository for such notices.	PA 100-0072
100-0075	January 1, 2018	Creates the Parental Rights for the Blind Act. Provides that a person's blindness shall not serve as a basis for denial or restriction of parenting time, the allocation of parental responsibilities, participation in adoption proceedings, foster care placement, or guardianship appointment. If a person's blindness is alleged to have a detrimental impact on a child, the party raising the allegation bears the burden of proving by clear and convincing evidence that the blindness endangers or will likely endanger the health, safety, or welfare of the child. If the burden is met, the person with blindness shall have the opportunity to demonstrate that the implementation of supportive parenting services will alleviate any concerns that have been raised. The court may require that the supportive parenting services be put in place, with an opportunity to review the need for continuation of the services within a reasonable period of time. If a court determines that a blind person's parental rights should be denied or limited in any manner, the court shall make specific written findings stating the basis for such a determination and why the provision of supportive parenting services is not a reasonable accommodation that must be made to prevent such denial or limitation.	PA 100-0075

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100-0173	January 1, 2018	Amends the Forcible Entry and Detainer Article of the Code of Civil Procedure. Changes references to forcible entry and detainer actions and actions for possession to references to eviction actions. Changes references to orders of possession and judgment of possession to references to eviction orders. Makes corresponding changes to various other statutes. Provides that a standardized residential eviction order form, as determined by the Supreme Court, shall be used statewide. If the tenant does not pay the rent due within the time stated in a specified notice, the landlord may consider the lease ended and commence an eviction or ejectment action without further notice or demand.	PA 100-0173
100-0205	January 1, 2018	Creates the Collaborative Process Act, which applies to collaborative process participation agreements that meet the requirements of the Act signed on or after the effective date of the Act. Contains provisions concerning: requirements of collaborative process participation agreements; the beginning and conclusion of the collaborative process; proceedings before the court; disclosure of information; standards of professional responsibility and mandatory reporting; confidentiality; and privileges. Provides that the Act is subject to the supervisory authority of the Illinois Supreme Court.	PA 100-0205
100-0212	August 18, 2017	Amends the Illinois Administrative Procedure Act, providing that, in a contested case, the notice required to be provided to all parties may be served by electronic mail if agreed to by the parties. Requires every final order to contain a list of all parties of record to the case including the name and address of the agency or officer entering the order and the addresses of each party as known to the agency where the parties may be served with pleadings, notices, or service of process for any review or further proceedings. No action for administrative review shall be dismissed for lack of jurisdiction for failure to name an employee, agent, or member, who acted in his or her official capacity, of an administrative agency, board, committee, or government entity where a timely action for administrative review has been filed that identifies the final administrative decision under review and that makes a good faith effort to properly name the administrative agency, board, committee, or government entity. Gives the Circuit Court the power to correct misnomers, including any erroneous identification of an administrative agency that was made in good faith.	PA 100-0212
100-0291	January 1, 2018	Amends the Code of Civil Procedure. A party filing any other pleading or motion prior to the filing of a motion objecting to a court's jurisdiction over the party's person waives all objections to the court's jurisdiction over the party's person prospectively unless the initial motion filed is a motion for an extension of time to answer or otherwise plead or a motion requesting a judgment, relief from a judgment, or relief from a default judgment.	PA 100-0291
100-0370	January 1, 2018	Amends the Code of Civil Procedure. Requires a petitioner seeking a legal name change to include in the petition a statement under oath and subject to the penalty of perjury whether or not he/she: (1) has been adjudicated or convicted of a felony or misdemeanor offense for which a pardon has not been granted; or (2) has an arrest for which a charge has not been filed or a pending charge on a felony or misdemeanor offense. If the statement indicates the petitioner has been adjudicated or convicted of a felony or misdemeanor offense for which a pardon has not been granted, or has an arrest for which a charge has not been filed or a pending charge, the State's Attorney may request or the court on its own motion may require the person to initiate an update of his or her criminal history transcript with the Department of State Police. Requires the circuit court clerk to promptly serve a copy of the petition on the Department of State Police. If the court grants the name change the circuit court clerk must also forward a copy to the Department of State Police.	PA 100-0370

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100-0407	August 25, 2017	Amends the Mortgage Foreclosure Article of the Code of Civil Procedure, extending the sunset date for the additional fee paid by residential foreclosure plaintiffs until 1/1/20 (currently 1/1/18). Also extends the sunset of the additional fee paid by purchasers at a judicial sale until 1/1/20 (currently 1/1/17). Repeals the entire Section on 3/2/20 (currently 3/2/17). Also specifies that actions taken before the effective date of the amendatory Act are ratified, validated, and confirmed.	PA 100-0407
100-0427	January 1, 2018	Amends the Probate Act of 1975. In a provision requiring a summons to be served on the respondent prior to an adult guardianship hearing, requires the summons to include a notice that if the respondent is unable to attend the hearing in person, the Judge can decide to hold the hearing at a place that is convenient and can also follow the rule of the Illinois Supreme Court, or its local equivalent, and decide if a video conference is appropriate. Provides that any circuit court of the State may adopt rules consistent with the rules of the Illinois Supreme Court permitting the use of video conferencing equipment in any adult guardianship hearing; and that no rule shall preclude a party from seeking the presentation of testimony in accordance with a specified Supreme Court Rule.	PA 100-0427
100-0483	September 1, 2018	Amends the Guardianship and Advocacy Act, requiring the State Guardian to provide a training program that outlines the duties and responsibilities of guardians appointed for adults with disabilities under the Probate Act of 1975, which shall be offered to courts at no cost. Also provides that any order appointing a guardian of the person outside Cook County shall include the requirement that the guardian complete the training program and file with the court a certificate of completion one year from the date of issuance of the letters of guardianship. Also allows a chief judge to implement an alternate guardianship training program that provides substantially similar content, and allows certain individuals to be exempted from the guardianship training requirement.	PA 100-0483
100-0516	September 22, 2017	Amends the Illinois Public Labor Relations Act, providing that the filing of an appeal to the Appellate Court of a final order by the Illinois Labor Relations Board concerning unfair labor practices shall not automatically stay the enforcement of the Board's order. An aggrieved party may apply to the Appellate Court for a stay of the enforcement of the Board's order after the aggrieved party has followed the procedure prescribed by Supreme Court Rule 335.	PA 100-0516

Criminal Law & Procedure

100-0027	January 1, 2018	Amends the Code of Criminal Procedure of 1963 and the Unified Code of Corrections regarding treatment for defendants found unfit to stand trial or not guilty by reason of insanity. Requires the clerk of the circuit court to transmit the placement/evaluation order along with the required supporting documentation to the Illinois Department of Human Services within 5 days of entry of the order (current law provides no time frame for clerk transmittal). Also provides that whenever the court receives a progress report indicating that the defendant has attained fitness, the court shall immediately enter an order directing the sheriff to return the defendant to the county jail and set the matter for trial.	PA 100-0027
100-0074	August 11, 2017	Amends the Illinois Vehicle Code, requiring reporting of violations of a provision in the Snowmobile Registration and Safety Act or the Boat Registration and Safety Act relating to the offense of operating a snowmobile or a watercraft while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof to the Secretary of State.	PA 100-0074

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100-0199	January 1, 2018	Amends the Code of Criminal Procedure of 1963. Revises and consolidates provisions regarding obtaining and issuing orders of protection, protective orders, and no contact orders. Repeals various provisions in the domestic violence order of protection provisions as part of the revision and consolidation. Creates a criminal offense for violation of a civil no contact order and for violation of a stalking no contact order. Makes a first violation a Class A misdemeanor and a second or subsequent a Class 4 felony. A civil no contact order or stalking no contact order issued by a state, tribal, or territorial court shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe or territory. A defendant who directed the actions of a third party to violate a civil no contact order or stalking no contact order under the principles of accountability under the Criminal Code of 2012 as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant. A petitioner or the State's Attorney on the petitioner's behalf may file a motion to vacate or modify a permanent stalking no contact order 2 years or more after the expiration of the defendant's sentence.	PA 100-0199
100-0388	January 1, 2018	Amends the Illinois Domestic Violence Act of 1986 and the Code of Criminal Procedure of 1963. Provides that, with exceptions, the court may, upon request by a petitioner for an order of protection, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers. The petitioner may request transfer of each telephone number that the petitioner, or a minor child in his or her custody, uses. Requires the clerk of the circuit court to serve a copy of any such order on the wireless service provider's agent for service of process as listed with the Illinois Commerce Commission.	PA 100-0388

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Expungement & Sealing

100-0282	January 1, 2018	Amends the Criminal Identification Act. Provides that records of charges that result in an acquittal or dismissal with prejudice, except for minor traffic offenses, may be immediately sealed after the final disposition of the case. Provides that upon entry of judgment, the defendant shall be informed of this right and the proper procedures to follow to have records that are eligible be immediately sealed. The petition may be filed on behalf of the defendant by his or her attorney at the final disposition hearing, or by the defendant at any time. Any fee imposed by the circuit court clerk and Department of State Police shall comply with current law. The petitioner, State's Attorney, or the Department of State Police may file a motion to vacate, modify, or reconsider the order denying the petition to immediately seal within 60 days of service of the order.	PA 100-0282
100-0284	August 24, 2017	Amends the Criminal Identification Act. Provides that the court may order the sealing of the records of arrests or charges not initiated by arrest which result in an order of supervision or a conviction for a misdemeanor violation of public indecency. The court may not order the sealing of the records of arrests or charges not initiated by arrest which result in an order of supervision or conviction for Class A misdemeanors or felony offenses under the Humane Care for Animals Act (rather than Class A misdemeanors under the Act only). Eliminates multiple offenses and circumstances of the charge where records may currently be sealed. Provides that various records identified as eligible for sealing 3 years after the termination of the petitioner's last sentence may not be sealed until the petitioner is no longer required to register under the Arsonist Registration Act, Sex Offender Registration Act, or the Murderer and Violent Offender Against Youth Registration Act.	PA 100-0284
100-0287	August 24, 2017	Amends the Criminal Identification Act. Extends the sunset date from 1/1/18 to 1/1/19 for a pilot program in Cook County waiving the fee to be paid for a petition to expunge or seal records of arrests resulting in release without charging or arrests or charges not initiated by arrest resulting in acquittal, dismissal, or conviction when the conviction was reversed or vacated.	PA 100-0287

Juvenile Law

100-0045	August 11, 2017	Amends the Juvenile Court Act, providing that if, after reviewing the evidence, including evidence from the Department of Children and Family Services, the court determines that the minor's current or planned placement is not necessary or appropriate to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting its determination and enter specific findings based on the evidence. If the court finds that the minor's current or planned placement is not necessary or appropriate, the court may enter an order directing the Department to implement a recommendation by the minor's treating clinician or a clinician contracted by the Department to evaluate the minor or a recommendation made by the Department. If the Department determines removal is necessary, the Department shall notify the parties (rather than minor's counsel or guardian ad litem) of the planned placement change in writing no later than 10 days prior to the implementation of its determination unless remaining in the placement poses an imminent risk of harm to the minor, in which case the Department shall notify the parties (rather than the minor's counsel or guardian ad litem) of the placement change in writing immediately following the implementation of its decision.	PA 100-0045
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Public Act	Effective Date	Summary	Link to Full-Text Version
100-0136	August 8, 2017	Amends the Juvenile Court Act of 1987. Provides that the court may approve the placement of a minor in an out of state residential treatment center upon application by the Department of Children and Family Services when the court determines that the placement of the minor in an out-of-state residential treatment center is in the best interest and is the least restrictive, most family-like setting for the minor. The Department's application shall include an explanation of what in-State resources, if any, the Department considered for the minor and why the minor cannot be placed in a residential treatment center or other placement in this State, an explanation as to how the out-of-state residential treatment center will impact the minor's relationships with family and other individuals important to the minor and what steps the Department will take to preserve those relationships, an explanation as to how the Department will ensure the safety and well-being of the minor in the out-of-state residential treatment center and an explanation as to why it is in the minor's best interest to be placed in the out-of-state residential treatment center, including a description of the minor's treatment needs and how those needs will be met in the proposed placement. This provision does not apply to an out-of-state placement of a minor in a family foster home, relative foster home, a home of a parent, or a dormitory or independent living setting of a minor attending a post-secondary educational institution.	PA 100-0136
100-0162	January 1, 2018	Amends the Emancipation of Minors Act. Removes language pertaining to homeless minors from provisions governing: purpose and policy; jurisdiction; rights and responsibilities of an emancipated minor; petitions; and hearings. Repeals the definition of "homeless minor" and "youth transitional housing program". Amends the Children and Family Services Act. Provides that services provided by youth transitional housing programs may include a service assessment, individualized case management, and life skills training. Also provides that an eligible homeless minor is deemed to have the legal capacity to consent to receiving housing and services from a licensed youth transitional housing program.	PA 100-0162
100-0229	January 1, 2018	Amends the Juvenile Court Act of 1987. Provides that the public agency that is the custodian or guardian of the minor shall file a written report with the court no later than 15 days after a minor in the agency's care remains: (1) in a shelter placement beyond 30 days; (2) in a psychiatric hospital past the time when the minor is clinically ready for discharge or beyond medical necessity for the minor's health; or (3) in a detention center or Department of Juvenile Justice facility solely because the public agency cannot find an appropriate placement for the minor.	PA 100-0229
100-0431	August 25, 2017	Amends the Juvenile Drug Treatment Act. The drug court treatment program may also, subject to the approval of the Chief Judge of the Circuit, establish a program for electronic monitoring of juveniles subject to the jurisdiction of the juvenile drug court program as a less restrictive alternative to detention, consistent with any available evidence-based risk assessment or substance abuse treatment eligibility screening.	PA 100-0431

Problem Solving Courts

100-0088	January 1, 2018	Amends the Veterans and Servicemembers Court Treatment Act, providing that at the discretion of the Chief Judge, the Veterans and Servicemembers Court program may be operated in one or more counties in the Circuit, and allow veteran and servicemember defendants from all counties within the Circuit to participate.	PA 100-0088
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100-0426	January 1, 2018	Amends the Veterans and Servicemembers Court Treatment Act, deleting a provision requiring a defendant to have the agreement of the prosecutor to be admitted into a Veterans and Servicemembers Court program. Also deletes a provision that excludes a defendant from the program if the defendant was within the past 10 years convicted of an offense involving serious bodily injury or death to any person. Amends the Mental Health Court Treatment Act to delete a provision that required defendant to have the agreement of the prosecutor to be admitted into a mental health court program. Includes in the definition of "crime of violence", aggravated battery resulting in great bodily harm or permanent disability.	PA 100-0426

Sentencing

100-0003	January 1, 2018	Amends the Criminal Identification Act to require that the sentencing information furnished to the Department of State Police by circuit court clerks shall include statutory citations to the relevant sentencing provisions. Amends the Unified Code of Corrections, providing new sentencing guidelines for individuals with prior felony firearms-related offenses. Allows a court to deviate from the sentencing guidelines under certain specified circumstances. For an offense committed on or after the effective date of this PA, the court, with the consent of the defendant and the State's Attorney, may, without entering a judgment, sentence a defendant who pleads guilty to a Class 4 Felony or lower weapons offense, to complete the newly-created First Time Weapon Offender Program. When a defendant is placed the Program, the court shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of the Program. Upon violation of a term or condition of the Program the court may enter a judgment on its original finding of guilt and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions the Program, the court shall discharge the person and dismiss the proceedings.	PA 100-0003
100-0260	January 1, 2018	Amends the Criminal Code of 2012, revising the hate crime statute sentencing enhancement to include offenses committed on the exterior or grounds of a church, mosque, synagogue, or a building or structure used for a religious purpose. Removes the cap on restitution for hate crimes. Specifies that public or community service can only be required if an appropriate organization is established in the county where the offender was convicted of the hate crime.	PA 100-0260

Miscellaneous

100-0034	January 1, 2018	Amends the Circuit Courts Act, requiring each circuit court clerk to post in the common areas of the courthouse a notice that a person may file a complaint against a judge that includes contact information for the Judicial Inquiry Board. Provides that the Judicial Inquiry Board shall develop a uniform statewide notice and provide the format of the notice to each clerk.	PA 100-0034
100-0098	January 1, 2018	Amends the Judicial Privacy Act, defining the term "judicial officer" to include actively employed and former or deceased justices and judges (rather than actively employed and retired justices and judges only).	PA 100-0098

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100-0151	August 18, 2017	Amends the Supreme Court Act. Provides that marshals of the Supreme Court are peace officers and have all the powers possessed by police officers in cities and by sheriffs. Marshalls may exercise these powers throughout the State. No marshal has peace officer status or may exercise police powers unless: (i) he or she successfully completes the basic police training course mandated and approved by the Illinois Law Enforcement Training Standards Board; or (ii) the Illinois Law Enforcement Training Standards Board waives the training requirement by reason of the marshal's prior law enforcement experience or training or both.	PA 100-0151
100-0228	January 1, 2018	Amends the Jury Act. Except as otherwise specifically provided by statute, no person who is qualified and able to serve as a juror may be excluded from jury service in any court of this State on the basis of race, color, religion, sex, national origin, or economic status.	PA 100-0228
100-0512	July 1, 2018	Creates the Seizure and Forfeiture Reporting Act, making various forfeiture statutes subject to reporting by law enforcement agencies of the name of the law enforcement agency that seized the property, the date of the seizure, the type of property seized, and the estimated value. Requires State Police to establish and maintain a public database that includes annual aggregate data for each law enforcement agency that reports seizures of property that receives distributions of forfeiture proceeds subject to reporting under the Act, or reports expenditures. Also establishes new procedures, standards of proof, and evidentiary rules for civil forfeiture actions brought by law enforcement.	PA 100-0512