

Illinois Legislative News

New year to bring new laws in Illinois

Elimination of cash bail one of many changes taking effect Jan. 1

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By now, almost everyone in Illinois has heard that Jan. 1 will mark the beginning of a significant change in the state's criminal justice system – the elimination of cash bail.

It's an issue that dominated the 2022 campaigns and has been both praised and criticized on editorial pages in newspapers across the state. It essentially means that starting Jan. 1, the decision as to whether a criminal suspect should be held in jail while awaiting trial will be based on public safety and the likelihood the suspect will flee rather than their financial ability to post bond.

And while that criminal justice reform has received widespread attention, it is by no means the only new law that will take effect when the calendar turns over to 2023.

For most people who work a minimum wage job, the new year will bring a pay raise to \$13 per hour, a \$1 increase over the current wage. That's the result of a law Gov. JB Pritzker signed in 2019, his first major legislative victory after being sworn into office a month earlier. The law will eventually raise the wage to \$15 an hour on Jan. 1, 2025.

The new \$13 hourly rate does not apply to all minimum wage earners. People who receive tips at work will see their base wage rise to \$7.80 an hour. And people younger than 18 who work fewer than 650 hours per year will see their wage go up to \$10.50 an hour.

The higher wage will probably come as welcome news for those who drive a car to and from work. That's because the new year will also bring higher motor fuel taxes.

The same year Pritzker signed the minimum wage bill, he also signed a multi-year, \$45 billion transportation and capital improvements bill known as "Rebuild Illinois," which is funded in part with higher motor fuel taxes that are scheduled to increase with inflation each year.

The adjustment in the tax rate is supposed to take effect on July 1 of each year, the first day of the state's fiscal year. But last spring, in the face of rising inflation and healthy state revenues, lawmakers authorized a six-month delay in the scheduled increase, putting it off until Jan. 1.

As a result, starting Jan. 1, the motor fuel tax people pay at the pump will go up 3.1 cents per gallon, and then it will increase again when the next regular adjustment date comes around on July 1, 2023.

Criminal law

Several new criminal laws will go into effect Jan. 1, including three that deal with sex offenses.

One of those prevents people who solicit sex from a minor or a person with a severe or profound intellectual disability from asserting a defense that they simply did not know the person was underage or intellectually disabled. House Bill 4593, signed into law May 27, puts the burden of proof on the defendant that they did not know the age or disability status of the other person, rather than the other way around.

Another new law changes the definition of when a person is "unable to give knowing consent." Under current law, a person cannot give knowing consent when the accused person "administers any intoxicating or anesthetic substance or any controlled substance" that causes the victim to lose consciousness of the nature of the act.

House Bill 5441, signed June 16, broadens that definition to include when the victim has taken any intoxicating or controlled substance causing them to lose consciousness of the nature of the act, even if the substances were administered by someone else.

Another bill expands certain employment restrictions that apply to convicted child sex offenders. Currently, they are prohibited from being employed by, or even being present at, child day care centers, schools that provide before- and after-school programs for children or any facility that provides programs or services exclusively for people under age 18.

Senate Bill 3019, signed May 27, expands that to prohibit convicted child sex offenders from working at carnivals, amusement enterprises, county fairs and the State Fair when people under age 18 are present.

Another new law expands the list of professionals who are required to report suspicions of child abuse or neglect. Starting Jan. 1, under Senate Bill 3833, signed May 13, occupational therapists and assistants, physical therapists and assistants, and athletic trainers will be added to that list.

Carjacking

Three new laws taking effect Jan. 1 are intended to address a spike in carjackings around the state. All were signed on May 26.

House Bill 601 expands the crime

of possession of burglary tools to include possession, with the intention to enter and steal a vehicle, of devices to unlock or start a vehicle without the key to that vehicle, or devices that capture or duplicate a signal from a key fob to unlock or start the vehicle.

House Bill 3699 expands an existing state council charged with providing grants and financial support to law enforcement agencies to aid in identifying, apprehending and prosecuting carjackers and recover stolen vehicles.

And House Bill 3772 ensures that victims of carjackings are not liable for costs and fines associated with impounding a vehicle that was stolen or hijacked, provided the owner files a police report in a timely manner.

Education

To address a shortage of substitute teachers throughout the state, House Bill 4798, signed April 27, allows students enrolled in approved teacher training programs who have earned at least 90 credit hours to obtain a substitute teaching license. Before, applicants had to hold a bachelor's degree or higher from an accredited institution of higher education.

House Bill 4716, signed May 27, calls on the Illinois State Board of Education to adopt "rigorous learning standards" for classroom and laboratory phases of driver education programs for novice teen drivers. Those will include, at a minimum, the Novice Teen Driver Education and Training Administrative Standards developed by the Association of National Stakeholders in Traffic Safety Education in association with the National Highway Transportation Safety Administration.

Higher education

In an effort to get more people to pursue careers in human services, Senate Bill 3925, signed June 10, establishes a student loan repayment program. Subject to appropriations, the Illinois Student Assistance Commission will award loan repayment grants to qualified individuals with an associate degree or higher who works for a human services agency that contracts with or is grant-funded by a state agency that provides "direct or indirect services that ensure that individuals have essential elements to build and maintain physical, emotional, and economic well-being at every phase of life."

Awards can be made for a maximum of four years. Maximum amounts are \$3,000 per year for someone with an associate degree, \$15,000 per year for a person with a bachelor's degree and \$25,000 per year for a person with

a master's degree or higher, with a \$5,000 per-year add-on if the applicant holds certain professional licenses.

Meanwhile, students currently enrolled in any program at a public university or community college will have access to trained individuals who can help them apply for federal, state or local assistance based on their financial need. House Bill 4201, signed June 7, requires those institutions to designate a "benefits navigator" to help students identify and determine their eligibility for various benefit programs.

Alzheimer's care

Senate Bill 3707, signed May 27, requires all employees and people who work for agencies that contract with the Illinois Department on Aging who provide direct services to individuals participating in its Community Care Program to receive at least two hours of training in Alzheimer's disease and dementia, as well as safety risks, communication and behavior associated with the disease.

Hunting

Starting Jan. 1, deer hunters in Illinois will have a new option for the type of firearm they use. House Bill 4386, signed May 27, authorizes the use of single-shot centerfire rifles – guns that can fire only a single round of ammunition that contains primer in the center of the cartridge and not in the rim of the cartridge. Before, only shotguns, handguns and muzzleloading rifles were allowed.

State symbols

Illinois will have two new official state symbols effective Jan. 1. House Bill 4821 establishes the eastern milksnake as the official state snake. That was an initiative of Gentry Heiple, a snake enthusiast and Carterville Junior High School seventh grader. And House Bill 4261 establishes dolostone as the official state rock. That was an initiative of a group of students from Pleasantdale Middle School and Maplebrook Elementary School.

Vehicles

People who own vehicles that were manufactured in Illinois will be able to apply for a slight break on their registration fees starting Jan. 1. Senate Bill 3609 allows those drivers to apply for a one-time \$25 rebate, "if the vehicle is manufactured in this state and the application for title is made no more than one year after the month in which the vehicle was manufactured."

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Updates to One Day Rest in Seven Act, Illinois minimum wage increase took effect Jan. 1

With the start of a new year, employers should be aware of changes to the One Day Rest in Seven Act that took effect on Jan. 1, 2023.

The One Day Rest in Seven Act (ODRISA) gives workers the right to a day of rest every workweek and breaks for meals or rest during daily work shifts. Changes to ODRISA under Public Act 102-0828 and Public Act 102-1012 taking effect on January 1 include:

New meal and rest break requirements: Requires employees be given a 20-minute break if working a 12-hour shift or longer, and at least 24 consecutive hours of rest in every consecutive 7-day period, clarifying the day of rest requirements for workers whose schedules don't align with a Sunday to Saturday calendar week.

Notice posting requirements: All employers covered by ODRISA must post a notice at the workplace

notifying employees of their rights under the Act. IDOL will provide this notice on its website for employers to download and post.

"The One Day Rest in Seven Act is a critical law that protects the well-being of workers in our State," said Jane R. Flanagan, Director of the Illinois Department of Labor. "If employees are being asked to work longer hours by their employer, it is only

fair to ensure that these employees also get additional break time."

An increase in Illinois' minimum wage from \$12 to \$13, also took effect on January 1.

More about the new ODRISA requirements taking effect on January 1 can be found online at <https://www2.illinois.gov/idol/Laws-Rules/FLS/Documents/odrisa-amendments-01-01-2023.pdf>