



# HGSUW News & Views

Hasselberg Grebe Snodgrass  
Urban & Wentworth  
Attorneys and Counselors

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## MEET OUR NEW PARTNER



John G. Dundas

We are pleased to announce that John G. Dundas has been named a partner of the law firm of Hasselberg Grebe Snodgrass Urban & Wentworth. John joined our firm in 2007, and primarily practices in the areas of civil litigation, tax law, and workers compensation. We look forward to John's continued service to our clients in this new position.

John grew up in Park Forest, a suburb of Chicago. He received his Bachelor of Arts in the Teaching of Social Studies from the University of Illinois in 1997 and his Juris Doctorate from the University of Illinois College of Law in 2000, and began his legal career in Peoria that same year. He is a resident of West Peoria, and serves on the Board of Directors for Goodwill of Central Illinois.

## NEW BOATING LAWS AIM FOR SAFER ILLINOIS WATERWAYS

Earlier this year, Illinois implemented new boating laws in an effort to increase safety on Illinois waterways. Specifically, the new laws, which took effect on January 1, 2016, impose age restrictions and certification requirements on drivers of motorized boats. Under subsection (a) of the new legislation, no person born on or after January 1, 1998, may operate a motorboat with over 10 horse power, unless they possess a valid Boating Safety Certificate issued by the Illinois Department of Natural Resources or an approved organization, or fall under one of the 11 exemptions identified in the Act. Individuals at least 10 years of age, but less than 12 years of age, may only operate a motorboat with over 10 horse power if they are under the direct on-board supervision of a parent, guardian, or person at least 18 years old who meets the requirements of subsection (a) and is designated by a parent or guardian.

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### CHANGES IN ILLINOIS CANNABIS POLICY

Effective June 30, 2016, the Illinois General Assembly and Governor Rauner have given final approval of a bill that will have a significant impact on Illinois cannabis policy. Senate Bill 10 (Public Act 99-0519) amends the Compassionate Use of Medical Cannabis Pilot Program Act, extending the expiration of the State’s medical cannabis pilot program until July 1, 2020. The Bill also adds post-traumatic stress disorder (PTSD) and terminal illness, with a prognosis of six months or less to live, to the list of conditions that qualify for medical cannabis use. Additionally, under the proposed amendment, doctors will no longer need to specifically “recommend” medical cannabis to patients. Instead, physicians will now “certify” that there is a bonafide doctor-patient relationship and certify that the patient suffers from a qualifying condition under the Act. Senate Bill 10 further makes patient and caregiver identification cards valid for three years, eliminates a fingerprinting requirement for patients and caregivers when renewing their registration cards, allows minor patients to have two registered caregivers, and establishes a new procedure for patients to petition the State to consider new qualifying conditions. Democrat Lou Lang, co-sponsor of the bill, thanked Governor Rauner and House Minority Leader Jim Durkin “for their cooperation to find a bi-partisan legislative compromise on improving a program designed to ease the pain and suffering of seriously ill individuals, including children.” There are currently 39 dispensaries in Illinois providing qualifying patients access to medical cannabis.

Senate Bill 2228, which was approved by the General Assembly on June 16, 2016, seeks to amend the Cannabis Control Act. Under the proposed legislation, possession of 10 grams or less of cannabis would become a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200. The Bill eliminates arrest, jail time, and criminal record documentation for such an offense. In addition to other modifications of the Cannabis Control Act, Senate Bill 2228 also notably amends the Illinois Vehicle Code, prohibiting an individual from driving or being in actual physical control of any vehicle, snowmobile, or watercraft when the person has, within 2 hours thereof, a tetrahydrocannabinol (THC) concentration of 5 nanograms or more per milliliter of whole blood or 10 nanograms or more per milliliter of other

bodily substance. Governor Rauner has until August 15, 2016 to sign or veto the Bill. If the Bill becomes law, it would take effect immediately.

If you have any questions regarding the Compassionate Use of Medical Cannabis Pilot Program Act, please contact David L. Wentworth II at (309) 637-1400.

If you have any questions regarding any criminal law issues, please contact Boyd O. Roberts III at (309) 637-1400.

### ILLINOIS LAW REGULATES EXPOSURE OF PETS TO THE ELEMENTS

Illinois’ Humane Care for Animals Act has recently been amended to provide for penalties to owners who leave their pets exposed to extreme conditions. If a pet is injured or dies due to prolonged exposure to extreme temperatures for a prolonged period of time, the owner can be charged with a Class A misdemeanor which is punishable by up to a year in jail and a \$2,500.00 fine. A second offense can be a Class 4 felony, punishable by up to three years in jail, two and a half years of probation, and a \$50,000.00 fine. The Act does not specify temperatures or conditions that could give rise to a violation, and enforcement will likely be based upon the specific facts of each case. The facts looked at may include the type and breed of the animal involved, and the shelter and other amenities available to the animal.

If you have any questions regarding any criminal law issues, please contact Boyd O. Roberts III at (309) 637-1400.





## CHANGES MADE TO ILLINOIS FAMILY LAW

Major revisions to the Illinois Marriage and Dissolution of Marriage Act that went into effect on January 1, 2016 have altered how divorce and related family law matters are handled in the state. One area of change is the grounds parties can cite for a divorce. Illinois has long been a “no fault” state, and “irreconcilable differences” has been the most common basis parties have asserted when seeking a divorce. However, the Act previously allowed parties to cite “fault” based grounds as well or instead, which included claims such as physical and mental cruelty, adultery, habitual drunkenness, excessive drug use, and desertion. Under the revised Act, “fault” based grounds have been eliminated, and the only grounds for divorce in Illinois is now “irreconcilable differences”. The revised Act also changes the waiting period for divorces based upon “irreconcilable differences”. Under the prior law “irreconcilable differences” required a showing that the couple had been living separate and apart for two years, or if the parties agreed, they could waive the two year period if they had been living separate and apart for six months. Under the revised Act, the separation period is six months with no need for the agreement of both parties.

The Act also no longer uses the terms “custody” or “visitation” for issues relating to children. The Act now refers to “allocation of parenting duties” and “parenting time”, and how parents will determine matters relating to issues such as education, health care, religion, and other activities will be decided separately.

Parents with at least fifty percent parenting time can also now move up to 25 miles without providing notice in Cook and the collar counties, and can move up to 50 miles without notice if they live in any other county in the state. However, if the move is out of state, it cannot be more than 25 miles and Illinois will retain jurisdiction. If a parent with at least fifty percent of parenting time wishes to move further than these distances, notice must be filed with the court and provided to the other parent. If the other parent does not agree to the move by signing the notice, the parent wishing to move must petition the court to do so.

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## BOBCAT HUNTING RESUMES IN ILLINOIS

Over a century ago bobcats were common in Illinois. However, their population in the state severely declined due in part to habitat changes and overhunting. In 1972 the state prohibited the hunting of bobcats, and in 1977 bobcats were placed on the state’s threatened species list.

Illinois’ bobcat population has since made a significant recovery, and they were removed from the threatened species list in 1999. Although the estimated 5,000 bobcats living in Illinois are primarily in the southern portions of the state, there have been recent reliable bobcat sightings in 99 of Illinois’ 103 counties.

Due to the recovery of the bobcat population, limited bobcat hunting will be allowed in Illinois beginning in 2016. The inaugural bobcat hunting season will run from November 1, 2016 to February 15, 2017, and there is a seasonal limit of one bobcat per person. Additionally, there is a statewide limit of 300 bobcats, which will end the season if it is met. A bobcat hunting permit will be required, and 500 permits will be issued in the first season.

If you have any questions regarding any licensing issues, please contact John G. Dundas at (309) 637-1400.

## UNDERAGE DRINKERS PROVIDED LIMITED IMMUNITY WHEN CALLING FOR ASSISTANCE

Recognizing that fear of criminal consequences may cause underage drinkers to be reluctant to call for help when they or others are in need of medical care relating to alcohol consumption, Illinois has provided limited immunity to those who seek such help. Under the recently enacted law, when a call for medical assistance is made, the person who needs assistance and those who call for the assistance are granted immunity from criminal prosecution. However, if the parties do not fully cooperate with the emergency responders when they arrive, the immunity can be revoked. Immunity is also not provided if law enforcement arrives for reasons other than a call for medical assistance.

If you have any questions regarding any criminal law issues, please contact Boyd O. Roberts III at (309) 637-1400.



## NEW ILLINOIS DRIVER'S LICENSES AND ID CARDS

The State of Illinois is beginning to implement changes to Illinois driver's licenses and ID cards in an effort to meet the requirements of the federal REAL ID Act. By the end of July, individuals applying for licenses and IDs at Illinois driver services facilities will no longer receive a permanent license or ID card at the end of the application process. Rather, applicants will receive a temporary license, valid for 45 days, which will serve for both identification and driving purposes. Like current ID cards, the temporary and secure identification card will include the individual's photo and basic information. In addition, applicants will also receive their old identification card or driver's license with a hole punched in it.

After completing the application process, the individual's information will be sent to a centralized, secure facility within the state where fraud checks will be conducted to ensure the applicant's identity. Once this process is complete, a higher quality, more secure, license or identification card will be printed and sent via U.S. mail to the applicant's address within 15 business days. The updated cards will contain a variety of enhanced security features, including laser perforation in the shape of Illinois, which will appear when held up to a light, a portrait of Abraham Lincoln and the state seal, and an ultraviolet feature on the back of the card that duplicates the individual's photo and birth date.

Late last year, the federal Department of Homeland Security said Illinois' licenses and ID cards did not meet federal Real ID standards, which will eventually need to be met in order to board an airplane, among other things. However, federal officials have indicated that current Illinois licenses and ID cards will be accepted by airports for domestic travel until at least 2018.

According to the Secretary of State's Office, the new process will make Illinois approximately 84 percent compliant with the federal REAL ID Act. In order to reach full compliance, Illinois will also need to make additional changes, including changing the time period in which certain IDs and licenses expire.

Despite the changes discussed above, Illinois citizens do not need to rush out and get a new license immediately. According to Secretary of State Spokesman Henry Haupt, it will take about four years for all current IDs and licenses to be replaced as citizens cycle through the renewal process.

If you have any questions regarding any traffic related issues, please contact Boyd O. Roberts III at (309) 637-1400.







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**NEW BOATING LAWS AIM FOR SAFER ILLINOIS WATERWAYS**

Children under 10 years of age may not operate a motorboat.

Although the Illinois Boating Education Course required to obtain a Boating Safety Certificate is primarily designed for younger boat enthusiasts, over the age of 12, the Department of Natural Resources encourages all individuals, both novice and experienced, to take the course. The course, which consists of a minimum of eight hours of instruction and a final examination, covers the basics of boating safety, boating equipment, navigation, boating registration and titling, emergency measures, and Illinois boating laws. According to the Department of Natural Resources, individuals interested in the course may attend an in-person, instructor lead course or participate in an online self-study course. Students under the age of 11 may not participate in the exam to receive certification. However, 11 year-old students who complete the course and exam will receive their Boating Safety Certificate on their 12<sup>th</sup> birthday.

If you have any questions regarding any licensing issues, please contact John G. Dundas at (309) 637-1400.



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**CHANGES MADE TO ILLINOIS FAMILY LAW**

The revised Act also limits parents' responsibilities for post-high school education costs. The amount that a parent can be ordered to contribute to such expenses is now limited to the cost of in-state attendance at the University of Illinois Champaign-Urbana, not including living or medical expenses. Such expenses can only be ordered up to a child's twenty-third birthday unless good cause is shown, and cannot be ordered beyond a child's twenty-fifth birthday regardless of good cause. A parent's obligation to pay such expenses can also be terminated based upon certain grounds, including a failure to maintain at least a "C" grade point average.

If you have any questions regarding any family law issues, please contact Michael R. Hasselberg or Charles J. Urban at (309) 637-1400.

**RECENT JUDGMENT ACTS AS WARNING TO EMPLOYERS CONCERNING WAGE WITHHOLDINGS FOR CHILD SUPPORT ORDERS**

A failure to withhold less than \$10,000.00 of wages for child support payments has led to a judgment of almost \$2,300,000.00 against an Illinois employer. The plaintiff's original claim was for \$7,820.00 of past due payments the employer had been ordered to withhold for child support. However, the Illinois Income Withholding for Support Act provides that an employer can be fined \$100.00 per day for failing to withhold child support payments when ordered to do so, which the court assessed against the employer. Additionally, the plaintiff has a claim for attorneys' fees of over \$850,000.00 still pending before the court.

This judgment is thought to be the largest ever in Illinois for a failure to withhold child support payments from an employee's wages. Although judgments of this size may be rare, it should serve as a warning to employers of the importance of complying with child support withholding orders.

If you have any questions regarding any employment or family law issues, please contact Charles J. Urban at (309) 637-1400.



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