



HGSUW News & Views

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Attorneys and Counselors

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ILLINOIS IS CLOSE TO BECOMING FINAL STATE TO LEGALIZE CONCEALED CARRY OF HANDGUNS

In December of 2012 the Seventh Circuit Federal Court of Appeals ruled that Illinois' prohibition on the carrying of concealed weapons handguns was unconstitutional. Facing a deadline of June 9, 2013 to pass legislation that complied with the Court's ruling, the Illinois Legislature has recently passed a Bill that would make Illinois the final state in the country to allow some form of the concealed carry of handguns. However, Governor Quinn has issued an amendatory veto which added restrictions to the Bill. These restrictions include limiting the number of guns and rounds that can be carried, and banning the carrying of firearms in any place that serves alcohol. At the time of printing this newsletter it is not known if the Legislature will override this amendatory veto, or how the Bill may otherwise be changed prior to enactment. The Bill as passed by the Legislature and as amended by Governor Quinn falls under the category of a "shall issue" concealed carry law. This means that individuals applying for a concealed carry permit will not have to demonstrate a special need in order for a permit to be issued. The Bill would also require applicants to take sixteen hours of training in order to qualify for a permit.

If you have any questions regarding any governmental or licensing issues, please contact Charles J. Urban, John G. Dundas, or David L. Wentworth at (309) 637-1400.

POSSIBLE FURTHER RESTRICTIONS ON CELL PHONE USE

Illinois may soon further restrict drivers' use of cell phones while driving. Illinois law currently forbids talking on handheld cell phones while driving in construction and school zones, as well as by those under the age of nineteen at any time while driving. Illinois also currently prohibits electronic communications while driving, including text messaging, e-mailing, and accessing the Internet. A new Bill recently passed by the Illinois Legislature would expand the restriction on cell phone use to all times while driving. Hands free cell phone use would be permitted, however. The Bill has been sent to Governor Quinn, but it is not known if he supports this legislation.

If you have any questions regarding any traffic or criminal matters, please contact Boyd O. Roberts at (309) 637-1400.

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Special Points of Interest:

- Requirements for Estates Under \$100,000
- NTSB Recommends Lower Blood Alcohol Concentration Levels



PEORIA OFFERS PREMISE ALERT PROGRAM FOR THOSE WITH SPECIAL NEEDS

At Hasselberg Grebe Snodgrass Urban & Wentworth we pride ourselves on being a full service law firm, providing a wide array of legal services to people with a diverse set of needs. We strive to get to know all of our clients in order to best be able to assist them on personal and business matters. We believe that by doing so we can provide value to our clients beyond what most anticipate from their legal counsel.

One thing outside of the general legal area that we have identified as being a potential benefit to many of our clients is the Premise Alert Program offered by the County of Peoria and the City of Peoria. This program allows people to inform first responders with information regarding certain special needs they or their loved ones may have so as to assist them in the provision of emergency services. It allows people to identify the person or people at a premise that may need special assistance, alert the first responders as to what special assistance may be necessary, and inform the first responders as to the location in the premise the individual or individuals are most likely to be found. The form and instructions for this program can be obtained at the Peoria County website, www.co.peoria.il.us, or at the City of Peoria website, www.peoriagov.org. Those outside of the County of Peoria who are interested in such a program should contact their city or county government to determine whether one is available in their area.

If you have any questions regarding special needs trusts or other issues relating to the care of those with special needs, please contact James R. Grebe,



LEGISLATURE CONSIDERS CHANGES TO LAW GOVERNING SMALL ESTATES

In Illinois, families can use a technique to avoid going to probate court when a loved one passes away. When a person has less than \$100,000 in personal property—which does not include real estate—Illinois law allows family members or friends to access the decedent’s funds by using a Small Estate Affidavit. The following example shows how Small Estate Affidavits work:

A widow dies, leaving \$55,000 in a bank account titled in her name alone. This is the only personal property the decedent owns. Her Last Will and Testament directed that her property pass to her three children equally. The family needs a legal document to access these funds at the bank. The family could go to probate court, open a formal estate, and obtain court authority to access the money.

Instead of going through probate, the family can hire a lawyer to draft a Small Estate Affidavit stating what funds the decedent owned and who is entitled to receive them. In this example, there is \$55,000 in a bank account and the Will states that the three children share the funds equally. The family would take the Small Estate Affidavit to the bank, and the bank would distribute the funds to pay any remaining expenses and claims and transfer the balance to the three children as the decedent wished and the Small Estate Affidavit instructs.

Small Estate Affidavits can often provide families a degree of savings and help them avoid probate. The Illinois Legislature is considering changes that could make the Small Estate Affidavit process more cumbersome. For instance, the Legislature may require witnesses to sign the Small Estate Affidavit, an unnecessary requirement considering the Affidavit is already signed under oath. It may also require more detailed accounting of assets and liabilities that will take more time and expense to complete.

Our law firm can help you, your friends, or family members navigate the process after the death of a loved one—either by helping draft a Small Estate Affidavit or by probating the estate. We can also help you avoid probate and the Small Estate Affidavit process altogether, by drafting a living trust. Living trusts are an attractive estate planning option for many people. If you would like more information about probate, trust administration or estate planning, please contact James R. Grebe, David B. Wiest, or John G. Dundas at (309) 637-



LOWER BLOOD ALCOHOL CONCENTRATION LIMITS MAY BE ON THE HORIZON

The National Transportation Safety Board (NTSB) has voted to encourage the states to lower their Blood Alcohol Concentration (BAC) limits for drivers to 0.05 percent. Currently the limit for all fifty states is 0.08 percent. Each state sets its own BAC limits, and thus the NTSB's vote does not change any state's law by itself. However, the federal government can put pressure on the states to follow the NTSB's recommendations, such as cutting funding to the states that refuse to do so. Following the NTSB's previous recommendation to lower the BAC limit from 0.10% to 0.08%, all 50 states eventually adopted the lower recommended limit.

Regardless of whether Illinois adopts the NTSB's recommendation, it should be noted that drivers can still be guilty of Driving Under the Influence even if their BAC is below 0.08%. A driver with a BAC of 0.08% or above is automatically considered to be under the influence of alcohol under the law without any need for additional evidence of intoxication. However, even if a person's BAC is below that amount they can be guilty of Driving Under the Influence if the evidence shows that they were actually intoxicated.

If you have any questions regarding any traffic or criminal matters, please contact Boyd O. Roberts at (309) 637-1400.



ILLINOIS GOES FROM NO LAW REGARDING "FRACKING" TO POSSIBLE NATIONAL LEADER IN REGULATION

"Politics," "compromise," and "Illinois" are three words that rarely seem to be used together. However, those three things came together recently on the controversial issue of "fracking" and may have created a template for future regulation of the practice by states nationwide.

"Fracking" is a process that uses a high-pressure mixture of water, chemicals, and sand to extract deposits of oil and gas that are not accessible through more traditional methods of extraction. Many have concerns about the environmental impacts of the process, which have led movements to keep the process from being practiced in some states. Illinois had no restriction on the process in place, and it is known that "fracking" has been conducted in the state. However, as there has been no regulation of the activity in the state, it is not known how much has been taking place. Due in part to the current lack of any regulation of the process at all, environmentalists joined with members of the oil industry and legislators to draft regulations that may be the strictest in the nation, and may become a model for other states. Among other regulations, the new Bill requires companies to test area water before, during and after "fracking," and holds the companies liable if contamination is found. This Bill may have a particular impact on farmers and others who live in rural areas.

The "fracking" Bill has recently passed the Legislature, and was quickly signed by Governor Quinn. However, it may take some time before necessary rules are set forth, and thus there will likely be a delay before "fracking" begins in full.

If you have any questions regarding any environmental, governmental, or regulatory matters, please contact David L. Wentworth, James R. Grebe, or William P. Streeter at (309) 637-1400.



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THE PUPPY LEMON LAW

For many years Illinois law has provided protection to purchasers of new automobiles under what is commonly known as the "Lemon Law." If Governor Quinn signs a Bill recently passed by the Illinois Legislature, purchasers of pets in the state will soon have similar protections. Under what is being called the "Puppy Lemon Law," those who purchase pets from pet stores that have certain defects will have three potential remedies to choose from. They may keep the animal and be reimbursed for veterinarian fees up to the amount of the purchase price, they may return the animal for a full refund, or they may exchange the animal for a pet of similar value. In order to be entitled to these remedies a purchaser generally must act with 21 days of the purchase. However, for certain more serious congenital or hereditary conditions the purchaser will have up to a year to act. The Bill does not apply to purchases made directly from breeders or animal shelters.

Protection for the consumer is the most obvious purpose for this proposed law. Proponents of the Bill also argue that it is for the protection of animals also. They assert that the Bill will cause pet shops to deal with more reputable breeders in order to avoid the costs the Act will impose for sickly animals. It is believed that Governor Quinn is supportive of this Bill, and will likely sign it into law.

If you have any questions regarding any consumer related matters, please contact Kenneth M. Snodgrass, Alison E. McLaughlin, or James P. Lawson at (309) 637-1400.

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