

Chapter 3 Statutes

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What Is a Statute?

In the United States, a statute, also called an act, is a written law passed by a legislature or other lawmaking body.⁵ “Legislature” refers to those elected bodies we commonly associate with lawmaking, such as the U.S. Congress or the Illinois General Assembly. Other enactments are sometimes referred to as statutes—for example, legislation enacted by administrative boards, the constitution adopted by the people of the United States or a given state, and ratified treaties.⁶ For purposes of this discussion, we will focus on the most common statutes: the enactments of legislatures.

After a statute is passed by a legislature and signed by the executive (*i.e.*, the President of the United States or the governor of a state), it is compiled and integrated with all of the outstanding laws of the jurisdiction. These compiled sets of laws are often called codes. For example, the compiled set of laws passed by the U.S. Congress is called the *United States Code* and the full body of laws passed by the Illinois General Assembly is collected in the *Illinois Compiled Statutes*.

How Are Statutes Created?

Do you remember the old “How a Bill Becomes a Law” poster from your junior high classroom? Despite its frayed edges and yellowed borders, this old standby encompasses most of what a layperson needs to know about the process of enacting legislation. In very broad strokes, here is how the process works in the U.S. Congress and the Illinois General Assembly:

- A. Federal Law (*For an interactive diagram of the process, see this [flowchart from LexisNexis.](#)*)
 1. Introduction of Legislation. A member of Congress, either a U.S. Representative or Senator, introduces a proposed, written piece of legislation, called a bill. It is assigned an identifying number (*e.g.*, H.R. 1 for the House or S. 1 for the Senate).
 2. The Bill is Referred to Committee. The Speaker of the House of Representatives or the presiding officer of the Senate refers the bill to the appropriate committee, where it is analyzed and amended. Ultimately, the committee votes on whether or not to send the bill back to the House or Senate. If the bill fails to get out of committee, it is most often dead.

⁵ BLACK’S LAW DICTIONARY 1703–06 (Bryan A. Garner, ed., 11th ed., West 2019).

⁶ *Id.*

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3. Debate and Vote. When a bill returns to the full House or Senate, legislators in that body debate the bill and vote on whether or not to pass it.
 4. Referral to Other Chamber. If the bill passes one chamber of Congress, it then goes to the other chamber (*e.g.*, if the bill passes in the House, it would then go to the Senate). The other chamber goes through a similar process—referral to committee, approval by committee, debate and vote. Often, separate House and Senate versions of a bill make their way through the process at the same time.
 5. Conference Committee. With major legislation, it is common for the House and Senate to pass different versions of the bill. When this happens, a Conference Committee consisting of members of both chambers meets to reach a compromise on the bill's final language.
 6. The Bill Goes to the President. After both chambers pass the bill or approve the Conference Committee's version, the bill goes to the President for signature. If the President signs the bill, it becomes a law. The President may veto a bill, in which case it does not become a law, unless the veto is overridden by Congress.
- B. Illinois Law (*For a diagram of the process in Illinois, see this [chart maintained by the Illinois Commission on Government Forecasting and Accountability's Research Unit.](#)*)
1. Introduction of Legislation. As with federal laws, Illinois laws begin their journey to enactment when a bill is introduced in either the Illinois House or Senate. Upon introduction, there is a first reading of the bill in the chamber in which it is proposed. (The Illinois Constitution requires three readings in each chamber.)
 2. The Bill is Referred to Committee. Following introduction, the bill is referred to the applicable committee where hearings may be held and amendments made to the text of the bill. The committee recommends whether or not to pass the bill. If it recommends passage or the full house overrides a "do not pass" recommendation, the bill goes back to the chamber in which it originated.
 3. Additional Readings; Vote. When the bill comes out of committee, it is read a second time, during which floor amendments may be proposed. It will then be read a third time and voted upon. Any debate on the bill occurs at the third reading, prior to the vote.
 4. Referral to Other Chamber. If the bill passes the first chamber, it is sent to the second chamber. A similar process is followed: the bill is read a first time, referred to committee for analysis and amendment, read a second time with the possibility of floor amendments and finally read a third time and voted upon.

5. Conference Committee. If a bill passes the second chamber in a different version than that passed in the first, a conference committee may be convened to recommend a compromise version.
6. The Bill Goes to the Governor. After both chambers pass the bill or approve the conference committee's compromise, the bill goes to the governor for signature. If the governor signs the bill, it becomes a law. The governor may veto the bill in total, make an item or reduction veto or an amendatory veto. If the General Assembly fails to override the governor's veto action, the bill may be dead (following a total veto) or passed in the reduced or amended form suggested by the governor.

How Are Laws Organized?

Myriad bills have successfully wended their way through the legislative process and been signed into law by the president or governor; taken together, they comprise the laws of the nation or state. How do you find the laws you are interested in? To answer this question, it helps to understand how laws are organized and published.

Public Laws and Public Acts

After becoming law, a statute is assigned an identifying number. With U.S. laws, these identifiers are called Public Law numbers (*e.g.*, P.L. 101-73); in Illinois, they are called Public Act numbers (*e.g.*, P.A. 87-1226). In both cases, the numbers provide the same information: the first digits refer to the number of the Congress or General Assembly and the second set of digits refers to the chronological order of that law's passage. So, in the foregoing examples, P.L. 101-73 refers to the 73rd law passed by the 101st U.S. Congress, and P.A. 87-1226 refers to the 1226th law passed by the 87th Illinois General Assembly. The number of the Congress and General Assembly tells you when the law was passed. For example, the 101st U.S. Congress sat in 1989–1990 and the 87th Illinois General Assembly sat in 1991–1992.

Session Laws

Eventually, all of the laws are published in chronological order as what are called session laws. For U.S. laws, this publication is called the *Statutes at Large*. In the *Statutes at Large*, P.L. 101-73 would be followed by P.L. 101-74, etc. Illinois session laws are published as the *Laws of Illinois*, and P.A. 87-1226 would be followed by P.A. 87-1227. These sets contain every law passed by a particular legislature, including laws that have subsequently been repealed or amended.

Codes

Most people don't look for laws in the order in which they were passed; they look for them by subject matter. Consequently, researching federal or Illinois statutes using solely the *Statutes at Large* or *Laws of Illinois* would be a difficult task. To make the laws more accessible, U.S. and

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state governments also organize their laws by subject, integrating the Public Laws and Public Acts into an existing structure that contains all laws currently in effect. These subject-based arrangements of the law are called codes, and codes are what most researchers rely on when trying to analyze the law. The U.S. code is called the *United States Code*, and the Illinois code is called the *Illinois Compiled Statutes*.

A. *United States Code*

The *United States Code* is organized into titles, which are divided into chapters, which are further subdivided into sections. For example, [Title 17, “Copyrights,”](#) is subdivided into 14 chapters. Chapter 1 of Title 17, “Subject Matter and Scope of Copyright,” is subdivided into Sections 101 through 122. Each section contains statutory text addressing a distinct issue. For instance, Section 107 addresses “fair use,” and Section 108 addresses reproduction by libraries and archives.”

References to the *United States Code* in legal documents, called citations, commonly take the form of [Title] U.S.C. [Section]. Thus, a citation to the fair use section of the Copyright Act would be cited as 17 U.S.C. § 107. (The year of the code volume is often provided in parentheses after the section number.) See Chapter 2: Legal Citations for more information.

B. *Illinois Compiled Statutes*

The *Illinois Compiled Statutes* are organized into chapters that are grouped according to subject matter. For instance, Chapters 805, 810, 815, and 820 consist of laws on the topic of business. Chapters are divided into acts (*e.g.*, Act 5 of Chapter 805 is the [Business Corporation Act of 1983](#)), acts further divided into articles (*e.g.*, Article 2 of Act 5 of Chapter 805 is titled “[Formation of Corporations](#)”), and sections delineated by decimal places after the article number. Each section consists of statutory text on a given issue. For example, the statutory language dealing with Articles of Incorporation is found in Section 2.10 of Chapter 805, Act 5, Article 2 of the *Illinois Compiled Statutes*.

Citations to the *Illinois Compiled Statutes* take a similar form to *United States Code* citations: [Chapter] ILCS [Act/Section]. So, a citation to the section dealing with Articles of Incorporation would take the form of 805 ILCS 5/2.10. As with the *United States Code*, the year of the code volume is often given in parentheses after the section number.

C. Annotated Codes

Commercial legal publishers produce annotated versions of codes for most jurisdictions, including the United States and Illinois. Such publications are distinguished by their annotations, which supply information on the legislative history of the law (*e.g.*, citations to prior laws, Public Act or Public Law numbers for the initial enactment and amendments, etc.), lists of law review, journal, legal encyclopedia and treatise entries discussing the law, and notes of judicial decisions

interpreting the law. Such information can help provide additional insight into the meaning of a particular law, particularly when the text itself is vague.

West and LexisNexis are the two major publishers of annotated codes. Applicable publications include:

- *United States Code Annotated* (West)
- *United States Code Service* (LexisNexis)
- *West's Smith-Hurd Illinois Compiled Statutes Annotated* (West)
- *Illinois Compiled Statutes Annotated* (LexisNexis)

Where Are Statutes Found?

The annotated codes listed above are published in multi-volume print sets. Many public libraries and law libraries carry them. When using print resources, make sure you are using the most recently published edition and always check for either a “pocket part” in the back of the hardbound volume or a stand-alone softcover supplement. Such supplements contain amendments and updates to the law.

Over the last 20 years, online legal research has grown significantly in popularity. Most practicing attorneys have access to one of the two major online legal research platforms: Westlaw and Lexis. Both contain annotated versions of the *United States Code* and *Illinois Compiled Statutes* and can be searched using a full-text search engine as well as browsed by title, chapter and section. A major advantage of the established commercial platforms is that they can generally be relied upon to provide the latest version of a given law and to notify the researcher of any repeal or other action that affects a law's validity. Newer commercial competitors of Westlaw and Lexis, such as Bloomberg Law and Fastcase, also provide access to these statutes.

Free versions of the *United States Code* and *Illinois Compiled Statutes* are now available online from governmental and other websites:

- Legal Information Institute (at Cornell University Law School): [United States Code](#)
- U.S. House of Representatives: [United States Code](#)
- Illinois General Assembly: [Illinois Compiled Statutes](#)

Free websites are a very helpful, cost effective place to begin researching statutes but should not be relied upon to provide the most current text of the law. See [Chapter 9: Free and Low-Cost Legal Research Resources](#) for more information.