



Sen. Kirk W. Dillard

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LRB096 19311 DRJ 41391 a

1 AMENDMENT TO HOUSE BILL 6195

2 AMENDMENT NO. _____. Amend House Bill 6195, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Article 1.

6 Section 5. The Criminal Code of 1961 is amended by adding
7 headings for Subdivisions 1, 5, 10, 15, 20, and 25 of Article
8 12, by adding Section 12-0.1, by changing Sections 12-1, 12-2,
9 12-3, 12-3.1, 12-3.2, 12-3.3, 12-4.5, 12-5, 12-5.1, 12-5.2,
10 12-5.5, 12-6, 12-6.2, 12-6.4, 12-7, 12-7.1, 12-7.3, 12-7.4,
11 12-7.5, 12-7.6, 12-9, 12-10.2, 12-20, 12-20.5, 12-32, 12-33,
12 12-34, and 12-35, and by changing and renumbering Sections
13 12-2.5, 12-2.6, 12-4, 12-5.15, 12-6.1, 12-6.3, 12-16.2, 12-30,
14 12-31, 45-1, and 45-2 as follows:

15 (720 ILCS 5/Art. 12, Subdiv. 1 heading new)

1 caregivers as defined in Section 12-4.4a of this Code. For
2 purposes of this Article, neither a casual acquaintanceship nor
3 ordinary fraternization between 2 individuals in business or
4 social contexts shall be deemed to constitute a dating
5 relationship.

6 "In the presence of a child" means in the physical presence
7 of a child or knowing or having reason to know that a child is
8 present and may see or hear an act constituting an offense.

9 "Park district employee" means a supervisor, director,
10 instructor, or other person employed by a park district.

11 "Physically handicapped person" means a person who suffers
12 from a permanent and disabling physical characteristic,
13 resulting from disease, injury, functional disorder, or
14 congenital condition.

15 "Private security officer" means a registered employee of a
16 private security contractor agency under the Private
17 Detective, Private Alarm, Private Security, Fingerprint
18 Vendor, and Locksmith Act of 2004.

19 "Sports official" means a person at an athletic contest who
20 enforces the rules of the contest, such as an umpire or
21 referee.

22 "Sports venue" means a publicly or privately owned sports
23 or entertainment arena, stadium, community or convention hall,
24 special event center, or amusement facility, or a special event
25 center in a public park, during the 12 hours before or after
26 the sanctioned sporting event.

1 "Streetgang", "streetgang member", and "criminal street
2 gang" have the meanings ascribed to those terms in Section 10
3 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

4 "Transit employee" means a driver, operator, or employee of
5 any transportation facility or system engaged in the business
6 of transporting the public for hire.

7 "Transit passenger" means a passenger of any
8 transportation facility or system engaged in the business of
9 transporting the public for hire, including a passenger using
10 any area designated by a transportation facility or system as a
11 vehicle boarding, departure, or transfer location.

12 "Utility worker" means any of the following:

13 (1) A person employed by a public utility as defined in
14 Section 3-105 of the Public Utilities Act.

15 (2) An employee of a municipally owned utility.

16 (3) An employee of a cable television company.

17 (4) An employee of an electric cooperative as defined
18 in Section 3-119 of the Public Utilities Act.

19 (5) An independent contractor or an employee of an
20 independent contractor working on behalf of a cable
21 television company, public utility, municipally owned
22 utility, or electric cooperative.

23 (6) An employee of a telecommunications carrier as
24 defined in Section 13-202 of the Public Utilities Act, or
25 an independent contractor or an employee of an independent
26 contractor working on behalf of a telecommunications

1 carrier.

2 (7) An employee of a telephone or telecommunications
3 cooperative as defined in Section 13-212 of the Public
4 Utilities Act, or an independent contractor or an employee
5 of an independent contractor working on behalf of a
6 telephone or telecommunications cooperative.

7 (720 ILCS 5/Art. 12, Subdiv. 5 heading new)

8 SUBDIVISION 5. ASSAULT AND BATTERY

9 (720 ILCS 5/12-1) (from Ch. 38, par. 12-1)

10 Sec. 12-1. Assault.

11 (a) A person commits an assault when, without lawful
12 authority, he or she knowingly engages in conduct which places
13 another in reasonable apprehension of receiving a battery.

14 (b) Sentence. Assault is a Class C misdemeanor.

15 (c) In addition to any other sentence that may be imposed,
16 a court shall order any person convicted of assault to perform
17 community service for not less than 30 and not more than 120
18 hours, if community service is available in the jurisdiction
19 and is funded and approved by the county board of the county
20 where the offense was committed. In addition, whenever any
21 person is placed on supervision for an alleged offense under
22 this Section, the supervision shall be conditioned upon the
23 performance of the community service.

24 This subsection does not apply when the court imposes a

1 sentence of incarceration.

2 (Source: P.A. 88-558, eff. 1-1-95; 89-8, eff. 3-21-95.)

3 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

4 Sec. 12-2. Aggravated assault.

5 (a) Offense based on location of conduct. A person commits
6 aggravated assault when he or she commits an assault against an
7 individual who is on or about a public way, public property, a
8 public place of accommodation or amusement, or a sports venue.

9 (b) Offense based on status of victim. A person commits
10 aggravated assault when, in committing an assault, he or she
11 knows the individual assaulted to be any of the following:

12 (1) A physically handicapped person or a person 60
13 years of age or older and the assault is without legal
14 justification.

15 (2) A teacher or school employee upon school grounds or
16 grounds adjacent to a school or in any part of a building
17 used for school purposes.

18 (3) A park district employee upon park grounds or
19 grounds adjacent to a park or in any part of a building
20 used for park purposes.

21 (4) A peace officer, community policing volunteer,
22 fireman, private security officer, emergency management
23 worker, emergency medical technician, or utility worker:

24 (i) performing his or her official duties;

25 (ii) assaulted to prevent performance of his or her

1 official duties; or

2 (iii) assaulted in retaliation for performing his
3 or her official duties.

4 (5) A correctional officer:

5 (i) performing his or her official duties;

6 (ii) assaulted to prevent performance of his or her
7 official duties; or

8 (iii) assaulted in retaliation for performing his
9 or her official duties.

10 (6) A correctional institution employee or Department
11 of Human Services employee supervising or controlling
12 sexually dangerous persons or sexually violent persons:

13 (i) performing his or her official duties;

14 (ii) assaulted to prevent performance of his or her
15 official duties; or

16 (iii) assaulted in retaliation for performing his
17 or her official duties.

18 (7) An employee of the State of Illinois, a municipal
19 corporation therein, or a political subdivision thereof,
20 performing his or her official duties.

21 (8) A transit employee performing his or her official
22 duties, or a transit passenger.

23 (9) A sports official or coach actively participating
24 in any level of athletic competition within a sports venue,
25 on an indoor playing field or outdoor playing field, or
26 within the immediate vicinity of such a facility or field.

1 (c) Offense based on use of firearm or device. A person
2 commits aggravated assault when, in committing an assault, he
3 or she does any of the following:

4 (1) Uses a deadly weapon or any device manufactured and
5 designed to be substantially similar in appearance to a
6 firearm, other than by discharging a firearm.

7 (2) Discharges a firearm, other than from a motor
8 vehicle.

9 (3) Discharges a firearm from a motor vehicle.

10 (4) Wears a hood, robe, or mask to conceal his or her
11 identity.

12 (5) Knowingly and without lawful justification shines
13 or flashes a laser gun sight or other laser device attached
14 to a firearm, or used in concert with a firearm, so that
15 the laser beam strikes near or in the immediate vicinity of
16 any person.

17 (6) Uses a firearm, other than by discharging the
18 firearm, against a peace officer, community policing
19 volunteer, fireman, private security officer, emergency
20 management worker, emergency medical technician, employee
21 of a police department, employee of a sheriff's department,
22 or traffic control municipal employee:

23 (i) performing his or her official duties;

24 (ii) assaulted to prevent performance of his or her
25 official duties; or

26 (iii) assaulted in retaliation for performing his

1 or her official duties.

2 (d) Sentence. Aggravated assault as defined in subdivision
3 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
4 (c) (1), or (c) (4) is a Class A misdemeanor. Aggravated assault
5 as defined in subdivision (b) (5), (b) (6), (c) (2), (c) (5), or
6 (c) (6) is a Class 4 felony. Aggravated assault as defined in
7 subdivision (c) (3) is a Class 3 felony.

8 ~~(a) A person commits an aggravated assault, when, in~~
9 ~~committing an assault, he:~~

10 ~~(1) Uses a deadly weapon, an air rifle as defined in~~
11 ~~the Air Rifle Act, or any device manufactured and designed~~
12 ~~to be substantially similar in appearance to a firearm,~~
13 ~~other than by discharging a firearm in the direction of~~
14 ~~another person, a peace officer, a person summoned or~~
15 ~~directed by a peace officer, a correctional officer, a~~
16 ~~private security officer, or a fireman or in the direction~~
17 ~~of a vehicle occupied by another person, a peace officer, a~~
18 ~~person summoned or directed by a peace officer, a~~
19 ~~correctional officer, a private security officer, or a~~
20 ~~fireman while the officer or fireman is engaged in the~~
21 ~~execution of any of his official duties, or to prevent the~~
22 ~~officer or fireman from performing his official duties, or~~
23 ~~in retaliation for the officer or fireman performing his~~
24 ~~official duties;~~

25 ~~(2) Is hooded, robed or masked in such manner as to~~
26 ~~conceal his identity or any device manufactured and~~

1 ~~designed to be substantially similar in appearance to a~~
2 ~~firearm;~~

3 ~~(3) Knows the individual assaulted to be a teacher or~~
4 ~~other person employed in any school and such teacher or~~
5 ~~other employee is upon the grounds of a school or grounds~~
6 ~~adjacent thereto, or is in any part of a building used for~~
7 ~~school purposes;~~

8 ~~(4) Knows the individual assaulted to be a supervisor,~~
9 ~~director, instructor or other person employed in any park~~
10 ~~district and such supervisor, director, instructor or~~
11 ~~other employee is upon the grounds of the park or grounds~~
12 ~~adjacent thereto, or is in any part of a building used for~~
13 ~~park purposes;~~

14 ~~(5) Knows the individual assaulted to be a caseworker,~~
15 ~~investigator, or other person employed by the Department of~~
16 ~~Healthcare and Family Services (formerly State Department~~
17 ~~of Public Aid), a County Department of Public Aid, or the~~
18 ~~Department of Human Services (acting as successor to the~~
19 ~~Illinois Department of Public Aid under the Department of~~
20 ~~Human Services Act) and such caseworker, investigator, or~~
21 ~~other person is upon the grounds of a public aid office or~~
22 ~~grounds adjacent thereto, or is in any part of a building~~
23 ~~used for public aid purposes, or upon the grounds of a home~~
24 ~~of a public aid applicant, recipient or any other person~~
25 ~~being interviewed or investigated in the employees'~~
26 ~~discharge of his duties, or on grounds adjacent thereto, or~~

1 ~~is in any part of a building in which the applicant,~~
2 ~~recipient, or other such person resides or is located;~~

3 ~~(6) Knows the individual assaulted to be a peace~~
4 ~~officer, a community policing volunteer, a private~~
5 ~~security officer, or a fireman while the officer or fireman~~
6 ~~is engaged in the execution of any of his official duties,~~
7 ~~or to prevent the officer, community policing volunteer, or~~
8 ~~fireman from performing his official duties, or in~~
9 ~~retaliation for the officer, community policing volunteer,~~
10 ~~or fireman performing his official duties, and the assault~~
11 ~~is committed other than by the discharge of a firearm in~~
12 ~~the direction of the officer or fireman or in the direction~~
13 ~~of a vehicle occupied by the officer or fireman;~~

14 ~~(7) Knows the individual assaulted to be an emergency~~
15 ~~medical technician — ambulance, emergency medical~~
16 ~~technician — intermediate, emergency medical technician —~~
17 ~~paramedic, ambulance driver or other medical assistance or~~
18 ~~first aid personnel engaged in the execution of any of his~~
19 ~~official duties, or to prevent the emergency medical~~
20 ~~technician — ambulance, emergency medical technician —~~
21 ~~intermediate, emergency medical technician — paramedic,~~
22 ~~ambulance driver, or other medical assistance or first aid~~
23 ~~personnel from performing his official duties, or in~~
24 ~~retaliation for the emergency medical technician —~~
25 ~~ambulance, emergency medical technician — intermediate,~~
26 ~~emergency medical technician — paramedic, ambulance~~

1 ~~driver, or other medical assistance or first aid personnel~~
2 ~~performing his official duties;~~

3 ~~(8) Knows the individual assaulted to be the driver,~~
4 ~~operator, employee or passenger of any transportation~~
5 ~~facility or system engaged in the business of~~
6 ~~transportation of the public for hire and the individual~~
7 ~~assaulted is then performing in such capacity or then using~~
8 ~~such public transportation as a passenger or using any area~~
9 ~~of any description designated by the transportation~~
10 ~~facility or system as a vehicle boarding, departure, or~~
11 ~~transfer location;~~

12 ~~(9) Or the individual assaulted is on or about a public~~
13 ~~way, public property, or public place of accommodation or~~
14 ~~amusement;~~

15 ~~(9.5) Is, or the individual assaulted is, in or about a~~
16 ~~publicly or privately owned sports or entertainment arena,~~
17 ~~stadium, community or convention hall, special event~~
18 ~~center, amusement facility, or a special event center in a~~
19 ~~public park during any 24 hour period when a professional~~
20 ~~sporting event, National Collegiate Athletic Association~~
21 ~~(NCAA) sanctioned sporting event, United States Olympic~~
22 ~~Committee sanctioned sporting event, or International~~
23 ~~Olympic Committee sanctioned sporting event is taking~~
24 ~~place in this venue;~~

25 ~~(10) Knows the individual assaulted to be an employee~~
26 ~~of the State of Illinois, a municipal corporation therein~~

1 ~~or a political subdivision thereof, engaged in the~~
2 ~~performance of his authorized duties as such employee;~~

3 ~~(11) Knowingly and without legal justification,~~
4 ~~commits an assault on a physically handicapped person;~~

5 ~~(12) Knowingly and without legal justification,~~
6 ~~commits an assault on a person 60 years of age or older;~~

7 ~~(13) Discharges a firearm, other than from a motor~~
8 ~~vehicle;~~

9 ~~(13.5) Discharges a firearm from a motor vehicle;~~

10 ~~(14) Knows the individual assaulted to be a~~
11 ~~correctional officer, while the officer is engaged in the~~
12 ~~execution of any of his or her official duties, or to~~
13 ~~prevent the officer from performing his or her official~~
14 ~~duties, or in retaliation for the officer performing his or~~
15 ~~her official duties;~~

16 ~~(15) Knows the individual assaulted to be a~~
17 ~~correctional employee or an employee of the Department of~~
18 ~~Human Services supervising or controlling sexually~~
19 ~~dangerous persons or sexually violent persons, while the~~
20 ~~employee is engaged in the execution of any of his or her~~
21 ~~official duties, or to prevent the employee from performing~~
22 ~~his or her official duties, or in retaliation for the~~
23 ~~employee performing his or her official duties, and the~~
24 ~~assault is committed other than by the discharge of a~~
25 ~~firearm in the direction of the employee or in the~~
26 ~~direction of a vehicle occupied by the employee;~~

1 ~~(16) Knows the individual assaulted to be an employee~~
2 ~~of a police or sheriff's department, or a person who is~~
3 ~~employed by a municipality and whose duties include traffic~~
4 ~~control, engaged in the performance of his or her official~~
5 ~~duties as such employee;~~

6 ~~(17) Knows the individual assaulted to be a sports~~
7 ~~official or coach at any level of competition and the act~~
8 ~~causing the assault to the sports official or coach~~
9 ~~occurred within an athletic facility or an indoor or~~
10 ~~outdoor playing field or within the immediate vicinity of~~
11 ~~the athletic facility or an indoor or outdoor playing field~~
12 ~~at which the sports official or coach was an active~~
13 ~~participant in the athletic contest held at the athletic~~
14 ~~facility. For the purposes of this paragraph (17), "sports~~
15 ~~official" means a person at an athletic contest who~~
16 ~~enforces the rules of the contest, such as an umpire or~~
17 ~~referee; and "coach" means a person recognized as a coach~~
18 ~~by the sanctioning authority that conducted the athletic~~
19 ~~contest;~~

20 ~~(18) Knows the individual assaulted to be an emergency~~
21 ~~management worker, while the emergency management worker~~
22 ~~is engaged in the execution of any of his or her official~~
23 ~~duties, or to prevent the emergency management worker from~~
24 ~~performing his or her official duties, or in retaliation~~
25 ~~for the emergency management worker performing his or her~~
26 ~~official duties, and the assault is committed other than by~~

1 ~~the discharge of a firearm in the direction of the~~
2 ~~emergency management worker or in the direction of a~~
3 ~~vehicle occupied by the emergency management worker; or~~

4 ~~(19) Knows the individual assaulted to be a utility~~
5 ~~worker, while the utility worker is engaged in the~~
6 ~~execution of his or her duties, or to prevent the utility~~
7 ~~worker from performing his or her duties, or in retaliation~~
8 ~~for the utility worker performing his or her duties. In~~
9 ~~this paragraph (19), "utility worker" means a person~~
10 ~~employed by a public utility as defined in Section 3-105 of~~
11 ~~the Public Utilities Act and also includes an employee of a~~
12 ~~municipally owned utility, an employee of a cable~~
13 ~~television company, an employee of an electric cooperative~~
14 ~~as defined in Section 3-119 of the Public Utilities Act, an~~
15 ~~independent contractor or an employee of an independent~~
16 ~~contractor working on behalf of a cable television company,~~
17 ~~public utility, municipally owned utility, or an electric~~
18 ~~cooperative, or an employee of a telecommunications~~
19 ~~carrier as defined in Section 13-202 of the Public~~
20 ~~Utilities Act, an independent contractor or an employee of~~
21 ~~an independent contractor working on behalf of a~~
22 ~~telecommunications carrier, or an employee of a telephone~~
23 ~~or telecommunications cooperative as defined in Section~~
24 ~~13-212 of the Public Utilities Act, or an independent~~
25 ~~contractor or an employee of an independent contractor~~
26 ~~working on behalf of a telephone or telecommunications~~

1 ~~cooperative.~~

2 ~~(a-5) A person commits an aggravated assault when he or she~~
3 ~~knowingly and without lawful justification shines or flashes a~~
4 ~~laser gunsight or other laser device that is attached or~~
5 ~~affixed to a firearm, or used in concert with a firearm, so~~
6 ~~that the laser beam strikes near or in the immediate vicinity~~
7 ~~of any person.~~

8 ~~(b) Sentence.~~

9 ~~Aggravated assault as defined in paragraphs (1) through (5)~~
10 ~~and (8) through (12) and (17) and (19) of subsection (a) of~~
11 ~~this Section is a Class A misdemeanor. Aggravated assault as~~
12 ~~defined in paragraphs (13), (14), and (15) of subsection (a) of~~
13 ~~this Section and as defined in subsection (a-5) of this Section~~
14 ~~is a Class 4 felony. Aggravated assault as defined in~~
15 ~~paragraphs (6), (7), (16), and (18) of subsection (a) of this~~
16 ~~Section is a Class A misdemeanor if a firearm is not used in~~
17 ~~the commission of the assault. Aggravated assault as defined in~~
18 ~~paragraphs (6), (7), (16), and (18) of subsection (a) of this~~
19 ~~Section is a Class 4 felony if a firearm is used in the~~
20 ~~commission of the assault. Aggravated assault as defined in~~
21 ~~paragraph (13.5) of subsection (a) is a Class 3 felony.~~

22 ~~(c) For the purposes of paragraphs (1) and (6) of~~
23 ~~subsection (a), "private security officer" means a registered~~
24 ~~employee of a private security contractor agency under the~~
25 ~~Private Detective, Private Alarm, Private Security,~~
26 ~~Fingerprint Vendor, and Locksmith Act of 2004.~~

1 (Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;
2 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.
3 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; revised
4 11-4-09.)

5 (720 ILCS 5/12-3) (from Ch. 38, par. 12-3)
6 Sec. 12-3. Battery.

7 (a) A person commits battery if he or she ~~intentionally or~~
8 knowingly without legal justification ~~and~~ by any means, (1)
9 causes bodily harm to an individual or (2) makes physical
10 contact of an insulting or provoking nature with an individual.

11 (b) Sentence.

12 Battery is a Class A misdemeanor.

13 (Source: P.A. 77-2638.)

14 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)
15 Sec. 12-3.05 ~~12-4~~. Aggravated battery ~~Battery~~.

16 (a) Offense based on injury. A person commits aggravated
17 battery when, in committing a battery, other than by the
18 discharge of a firearm, he or she knowingly does any of the
19 following:

20 (1) Causes great bodily harm or permanent disability or
21 disfigurement.

22 (2) Causes severe and permanent disability, great
23 bodily harm, or disfigurement by means of a caustic or
24 flammable substance, a poisonous gas, a deadly biological

1 or chemical contaminant or agent, a radioactive substance,
2 or a bomb or explosive compound.

3 (3) Causes great bodily harm or permanent disability or
4 disfigurement to an individual whom the person knows to be
5 a peace officer, community policing volunteer, fireman,
6 private security officer, correctional institution
7 employee, or Department of Human Services employee
8 supervising or controlling sexually dangerous persons or
9 sexually violent persons:

10 (i) performing his or her official duties;

11 (ii) battered to prevent performance of his or her
12 official duties; or

13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (4) Causes great bodily harm or permanent disability or
16 disfigurement to an individual 60 years of age or older.

17 (b) Offense based on injury to a child or mentally retarded
18 person. A person who is at least 18 years of age commits
19 aggravated battery when, in committing a battery, he or she
20 knowingly and without legal justification by any means:

21 (1) causes great bodily harm or permanent disability or
22 disfigurement to any child under the age of 13 years, or to
23 any severely or profoundly mentally retarded person; or

24 (2) causes bodily harm or disability or disfigurement
25 to any child under the age of 13 years or to any severely
26 or profoundly mentally retarded person.

1 (c) Offense based on location of conduct. A person commits
2 aggravated battery when, in committing a battery, other than by
3 the discharge of a firearm, he or she is or the person battered
4 is on or about a public way, public property, a public place of
5 accommodation or amusement, a sports venue, or a domestic
6 violence shelter.

7 (d) Offense based on status of victim. A person commits
8 aggravated battery when, in committing a battery, other than by
9 discharge of a firearm, he or she knows the individual battered
10 to be any of the following:

11 (1) A person 60 years of age or older.

12 (2) A person who is pregnant or physically handicapped.

13 (3) A teacher or school employee upon school grounds or
14 grounds adjacent to a school or in any part of a building
15 used for school purposes.

16 (4) A peace officer, community policing volunteer,
17 fireman, private security officer, correctional
18 institution employee, or Department of Human Services
19 employee supervising or controlling sexually dangerous
20 persons or sexually violent persons:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (5) A judge, emergency management worker, emergency

1 medical technician, or utility worker:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (6) An officer or employee of the State of Illinois, a
8 unit of local government, or a school district, while
9 performing his or her official duties.

10 (7) A transit employee performing his or her official
11 duties, or a transit passenger.

12 (8) A taxi driver on duty.

13 (9) A merchant who detains the person for an alleged
14 commission of retail theft under Section 16A-5 of this Code
15 and the person without legal justification by any means
16 causes bodily harm to the merchant.

17 (e) Offense based on use of a firearm. A person commits
18 aggravated battery when, in committing a battery, he or she
19 knowingly does any of the following:

20 (1) Discharges a firearm, other than a machine gun or a
21 firearm equipped with a silencer, and causes any injury to
22 another person.

23 (2) Discharges a firearm, other than a machine gun or a
24 firearm equipped with a silencer, and causes any injury to
25 a person he or she knows to be a peace officer, community
26 policing volunteer, person summoned by a police officer,

1 fireman, private security officer, correctional
2 institution employee, or emergency management worker:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (3) Discharges a firearm, other than a machine gun or a
9 firearm equipped with a silencer, and causes any injury to
10 a person he or she knows to be an emergency medical
11 technician employed by a municipality or other
12 governmental unit:

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her
15 official duties; or

16 (iii) battered in retaliation for performing his
17 or her official duties.

18 (4) Discharges a firearm and causes any injury to a
19 person he or she knows to be a teacher or school employee
20 upon school grounds or grounds adjacent to a school or in
21 any part of a building used for school purposes.

22 (5) Discharges a machine gun or a firearm equipped with
23 a silencer, and causes any injury to another person.

24 (6) Discharges a machine gun or a firearm equipped with
25 a silencer, and causes any injury to a person he or she
26 knows to be a peace officer, community policing volunteer,

1 person summoned by a police officer, fireman, private
2 security officer, correctional institution employee or
3 emergency management worker:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her
6 official duties; or

7 (iii) battered in retaliation for performing his
8 or her official duties.

9 (7) Discharges a machine gun or a firearm equipped with
10 a silencer, and causes any injury to a person he or she
11 knows to be an emergency medical technician employed by a
12 municipality or other governmental unit:

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her
15 official duties; or

16 (iii) battered in retaliation for performing his
17 or her official duties.

18 (8) Discharges a machine gun or a firearm equipped with
19 a silencer, and causes any injury to a person he or she
20 knows to be a teacher or school employee upon school
21 grounds or grounds adjacent to a school or in any part of a
22 building used for school purposes.

23 (f) Offense based on use of a weapon or device. A person
24 commits aggravated battery when, in committing a battery, he or
25 she does any of the following:

26 (1) Uses a deadly weapon other than by discharge of a

1 firearm.

2 (2) Wears a hood, robe, or mask to conceal his or her
3 identity.

4 (3) Knowingly and without lawful justification shines
5 or flashes a laser gunsight or other laser device attached
6 to a firearm, or used in concert with a firearm, so that
7 the laser beam strikes upon or against the person of
8 another.

9 (g) Offense based on certain conduct. A person commits
10 aggravated battery when, other than by discharge of a firearm,
11 he or she does any of the following:

12 (1) Violates Section 401 of the Illinois Controlled
13 Substances Act by unlawfully delivering a controlled
14 substance to another and any user experiences great bodily
15 harm or permanent disability as a result of the injection,
16 inhalation, or ingestion of any amount of the controlled
17 substance.

18 (2) Knowingly administers to an individual or causes
19 him or her to take, without his or her consent or by threat
20 or deception, and for other than medical purposes, any
21 intoxicating, poisonous, stupefying, narcotic, anesthetic,
22 or controlled substance, or gives to another person any
23 food containing any substance or object intended to cause
24 physical injury if eaten.

25 (3) Knowingly causes or attempts to cause a
26 correctional institution employee or Department of Human

1 Services employee to come into contact with blood, seminal
2 fluid, urine, or feces by throwing, tossing, or expelling
3 the fluid or material, and the person is an inmate of a
4 penal institution or is a sexually dangerous person or
5 sexually violent person in the custody of the Department of
6 Human Services.

7 (h) Sentence. Unless otherwise provided, aggravated
8 battery is a Class 3 felony.

9 Aggravated battery as defined in subdivision (a)(4),
10 (d)(4), or (g)(3) is a Class 2 felony.

11 Aggravated battery as defined in subdivision (a)(3) or
12 (g)(1) is a Class 1 felony.

13 Aggravated battery as defined in subdivision (e)(1) is a
14 Class X felony.

15 Aggravated battery as defined in subdivision (a)(2) is a
16 Class X felony for which a person shall be sentenced to a term
17 of imprisonment of a minimum of 6 years and a maximum of 45
18 years.

19 Aggravated battery as defined in subdivision (e)(5) is a
20 Class X felony for which a person shall be sentenced to a term
21 of imprisonment of a minimum of 12 years and a maximum of 45
22 years.

23 Aggravated battery as defined in subdivision (e)(2),
24 (e)(3), or (e)(4) is a Class X felony for which a person shall
25 be sentenced to a term of imprisonment of a minimum of 15 years
26 and a maximum of 60 years.

1 Aggravated battery as defined in subdivision (e) (6),
2 (e) (7), or (e) (8) is a Class X felony for which a person shall
3 be sentenced to a term of imprisonment of a minimum of 20 years
4 and a maximum of 60 years.

5 Aggravated battery as defined in subdivision (b) (1) is a
6 Class X felony, except that:

7 (1) if the person committed the offense while armed
8 with a firearm, 15 years shall be added to the term of
9 imprisonment imposed by the court;

10 (2) if, during the commission of the offense, the
11 person personally discharged a firearm, 20 years shall be
12 added to the term of imprisonment imposed by the court;

13 (3) if, during the commission of the offense, the
14 person personally discharged a firearm that proximately
15 caused great bodily harm, permanent disability, permanent
16 disfigurement, or death to another person, 25 years or up
17 to a term of natural life shall be added to the term of
18 imprisonment imposed by the court.

19 (i) Definitions. For the purposes of this Section:

20 "Building or other structure used to provide shelter" has
21 the meaning ascribed to "shelter" in Section 1 of the Domestic
22 Violence Shelters Act.

23 "Domestic violence shelter" means any building or other
24 structure used to provide shelter or other services to victims
25 or to the dependent children of victims of domestic violence
26 pursuant to the Illinois Domestic Violence Act of 1986 or the

1 Domestic Violence Shelters Act, or any place within 500 feet of
2 such a building or other structure in the case of a person who
3 is going to or from such a building or other structure.

4 "Domestic violence" has the meaning ascribed to it in
5 Section 103 of the Illinois Domestic Violence Act of 1986.

6 "Machine gun" has the meaning ascribed to it in Section
7 24-1 of this Code.

8 "Merchant" has the meaning ascribed to it in Section
9 16A-2.4 of this Code.

10 ~~(a) A person who, in committing a battery, intentionally or~~
11 ~~knowingly causes great bodily harm, or permanent disability or~~
12 ~~disfigurement commits aggravated battery.~~

13 ~~(b) In committing a battery, a person commits aggravated~~
14 ~~battery if he or she:~~

15 ~~(1) Uses a deadly weapon other than by the discharge of~~
16 ~~a firearm;~~

17 ~~(2) Is hooded, robed or masked, in such manner as to~~
18 ~~conceal his identity;~~

19 ~~(3) Knows the individual harmed to be a teacher or~~
20 ~~other person employed in any school and such teacher or~~
21 ~~other employee is upon the grounds of a school or grounds~~
22 ~~adjacent thereto, or is in any part of a building used for~~
23 ~~school purposes;~~

24 ~~(4) (Blank);~~

25 ~~(5) (Blank);~~

26 ~~(6) Knows the individual harmed to be a community~~

1 ~~policing volunteer while such volunteer is engaged in the~~
2 ~~execution of any official duties, or to prevent the~~
3 ~~volunteer from performing official duties, or in~~
4 ~~retaliation for the volunteer performing official duties,~~
5 ~~and the battery is committed other than by the discharge of~~
6 ~~a firearm;~~

7 ~~(7) Knows the individual harmed to be an emergency~~
8 ~~medical technician ambulance, emergency medical~~
9 ~~technician intermediate, emergency medical technician~~
10 ~~paramedic, ambulance driver, other medical assistance,~~
11 ~~first aid personnel, or hospital personnel engaged in the~~
12 ~~performance of any of his or her official duties, or to~~
13 ~~prevent the emergency medical technician ambulance,~~
14 ~~emergency medical technician intermediate, emergency~~
15 ~~medical technician paramedic, ambulance driver, other~~
16 ~~medical assistance, first aid personnel, or hospital~~
17 ~~personnel from performing official duties, or in~~
18 ~~retaliation for performing official duties;~~

19 ~~(8) Is, or the person battered is, on or about a public~~
20 ~~way, public property or public place of accommodation or~~
21 ~~amusement;~~

22 ~~(8.5) Is, or the person battered is, on a publicly or~~
23 ~~privately owned sports or entertainment arena, stadium,~~
24 ~~community or convention hall, special event center,~~
25 ~~amusement facility, or a special event center in a public~~
26 ~~park during any 24 hour period when a professional sporting~~

1 ~~event, National Collegiate Athletic Association~~
2 ~~(NCAA) sanctioned sporting event, United States Olympic~~
3 ~~Committee sanctioned sporting event, or International~~
4 ~~Olympic Committee sanctioned sporting event is taking~~
5 ~~place in this venue;~~

6 ~~(9) Knows the individual harmed to be the driver,~~
7 ~~operator, employee or passenger of any transportation~~
8 ~~facility or system engaged in the business of~~
9 ~~transportation of the public for hire and the individual~~
10 ~~assaulted is then performing in such capacity or then using~~
11 ~~such public transportation as a passenger or using any area~~
12 ~~of any description designated by the transportation~~
13 ~~facility or system as a vehicle boarding, departure, or~~
14 ~~transfer location;~~

15 ~~(10) Knows the individual harmed to be an individual of~~
16 ~~60 years of age or older;~~

17 ~~(11) Knows the individual harmed is pregnant;~~

18 ~~(12) Knows the individual harmed to be a judge whom the~~
19 ~~person intended to harm as a result of the judge's~~
20 ~~performance of his or her official duties as a judge;~~

21 ~~(13) (Blank);~~

22 ~~(14) Knows the individual harmed to be a person who is~~
23 ~~physically handicapped;~~

24 ~~(15) Knowingly and without legal justification and by~~
25 ~~any means causes bodily harm to a merchant who detains the~~
26 ~~person for an alleged commission of retail theft under~~

1 ~~Section 16A-5 of this Code. In this item (15), "merchant"~~
2 ~~has the meaning ascribed to it in Section 16A-2.4 of this~~
3 ~~Code;~~

4 ~~(16) Is, or the person battered is, in any building or~~
5 ~~other structure used to provide shelter or other services~~
6 ~~to victims or to the dependent children of victims of~~
7 ~~domestic violence pursuant to the Illinois Domestic~~
8 ~~Violence Act of 1986 or the Domestic Violence Shelters Act,~~
9 ~~or the person battered is within 500 feet of such a~~
10 ~~building or other structure while going to or from such a~~
11 ~~building or other structure. "Domestic violence" has the~~
12 ~~meaning ascribed to it in Section 103 of the Illinois~~
13 ~~Domestic Violence Act of 1986. "Building or other structure~~
14 ~~used to provide shelter" has the meaning ascribed to~~
15 ~~"shelter" in Section 1 of the Domestic Violence Shelters~~
16 ~~Act;~~

17 ~~(17) (Blank);~~

18 ~~(18) Knows the individual harmed to be an officer or~~
19 ~~employee of the State of Illinois, a unit of local~~
20 ~~government, or school district engaged in the performance~~
21 ~~of his or her authorized duties as such officer or~~
22 ~~employee;~~

23 ~~(19) Knows the individual harmed to be an emergency~~
24 ~~management worker engaged in the performance of any of his~~
25 ~~or her official duties, or to prevent the emergency~~
26 ~~management worker from performing official duties, or in~~

1 ~~retaliation for the emergency management worker performing~~
2 ~~official duties;~~

3 ~~(20) Knows the individual harmed to be a private~~
4 ~~security officer engaged in the performance of any of his~~
5 ~~or her official duties, or to prevent the private security~~
6 ~~officer from performing official duties, or in retaliation~~
7 ~~for the private security officer performing official~~
8 ~~duties; or~~

9 ~~(21) Knows the individual harmed to be a taxi driver~~
10 ~~and the battery is committed while the taxi driver is on~~
11 ~~duty; or~~

12 ~~(22) Knows the individual harmed to be a utility~~
13 ~~worker, while the utility worker is engaged in the~~
14 ~~execution of his or her duties, or to prevent the utility~~
15 ~~worker from performing his or her duties, or in retaliation~~
16 ~~for the utility worker performing his or her duties. In~~
17 ~~this paragraph (22), "utility worker" means a person~~
18 ~~employed by a public utility as defined in Section 3-105 of~~
19 ~~the Public Utilities Act and also includes an employee of a~~
20 ~~municipally owned utility, an employee of a cable~~
21 ~~television company, an employee of an electric cooperative~~
22 ~~as defined in Section 3-119 of the Public Utilities Act, an~~
23 ~~independent contractor or an employee of an independent~~
24 ~~contractor working on behalf of a cable television company,~~
25 ~~public utility, municipally owned utility, or an electric~~
26 ~~cooperative, or an employee of a telecommunications~~

1 ~~carrier as defined in Section 13-202 of the Public~~
2 ~~Utilities Act, an independent contractor or an employee of~~
3 ~~an independent contractor working on behalf of a~~
4 ~~telecommunications carrier, or an employee of a telephone~~
5 ~~or telecommunications cooperative as defined in Section~~
6 ~~13-212 of the Public Utilities Act, or an independent~~
7 ~~contractor or an employee of an independent contractor~~
8 ~~working on behalf of a telephone or telecommunications~~
9 ~~cooperative.~~

10 ~~For the purpose of paragraph (14) of subsection (b) of this~~
11 ~~Section, a physically handicapped person is a person who~~
12 ~~suffers from a permanent and disabling physical~~
13 ~~characteristic, resulting from disease, injury, functional~~
14 ~~disorder or congenital condition.~~

15 ~~For the purpose of paragraph (20) of subsection (b) and~~
16 ~~subsection (c) of this Section, "private security officer"~~
17 ~~means a registered employee of a private security contractor~~
18 ~~agency under the Private Detective, Private Alarm, Private~~
19 ~~Security, Fingerprint Vendor, and Locksmith Act of 2004.~~

20 ~~(c) A person who administers to an individual or causes him~~
21 ~~to take, without his consent or by threat or deception, and for~~
22 ~~other than medical purposes, any intoxicating, poisonous,~~
23 ~~stupefying, narcotic, anesthetic, or controlled substance~~
24 ~~commits aggravated battery.~~

25 ~~(d) A person who knowingly gives to another person any food~~
26 ~~that contains any substance or object that is intended to cause~~

1 ~~physical injury if eaten, commits aggravated battery.~~

2 ~~(d-3) A person commits aggravated battery when he or she~~
3 ~~knowingly and without lawful justification shines or flashes a~~
4 ~~laser gunsight or other laser device that is attached or~~
5 ~~affixed to a firearm, or used in concert with a firearm, so~~
6 ~~that the laser beam strikes upon or against the person of~~
7 ~~another.~~

8 ~~(d-5) An inmate of a penal institution or a sexually~~
9 ~~dangerous person or a sexually violent person in the custody of~~
10 ~~the Department of Human Services who causes or attempts to~~
11 ~~cause a correctional employee of the penal institution or an~~
12 ~~employee of the Department of Human Services to come into~~
13 ~~contact with blood, seminal fluid, urine, or feces, by~~
14 ~~throwing, tossing, or expelling that fluid or material commits~~
15 ~~aggravated battery. For purposes of this subsection (d-5),~~
16 ~~"correctional employee" means a person who is employed by a~~
17 ~~penal institution.~~

18 ~~(e) Sentence.~~

19 ~~(1) Except as otherwise provided in paragraphs (2),~~
20 ~~(3), and (4) aggravated battery is a Class 3 felony.~~

21 ~~(2) Aggravated battery that does not cause great bodily~~
22 ~~harm or permanent disability or disfigurement is a Class 2~~
23 ~~felony when the person knows the individual harmed to be a~~
24 ~~peace officer, a community policing volunteer, a private~~
25 ~~security officer, a correctional institution employee, an~~
26 ~~employee of the Department of Human Services supervising or~~

1 ~~controlling sexually dangerous persons or sexually violent~~
2 ~~persons, or a fireman while such officer, volunteer,~~
3 ~~employee, or fireman is engaged in the execution of any~~
4 ~~official duties including arrest or attempted arrest, or to~~
5 ~~prevent the officer, volunteer, employee, or fireman from~~
6 ~~performing official duties, or in retaliation for the~~
7 ~~officer, volunteer, employee, or fireman performing~~
8 ~~official duties, and the battery is committed other than by~~
9 ~~the discharge of a firearm.~~

10 ~~(3) Aggravated battery that causes great bodily harm or~~
11 ~~permanent disability or disfigurement in violation of~~
12 ~~subsection (a) is a Class 1 felony when the person knows~~
13 ~~the individual harmed to be a peace officer, a community~~
14 ~~policing volunteer, a private security officer, a~~
15 ~~correctional institution employee, an employee of the~~
16 ~~Department of Human Services supervising or controlling~~
17 ~~sexually dangerous persons or sexually violent persons, or~~
18 ~~a fireman while such officer, volunteer, employee, or~~
19 ~~fireman is engaged in the execution of any official duties~~
20 ~~including arrest or attempted arrest, or to prevent the~~
21 ~~officer, volunteer, employee, or fireman from performing~~
22 ~~official duties, or in retaliation for the officer,~~
23 ~~volunteer, employee, or fireman performing official~~
24 ~~duties, and the battery is committed other than by the~~
25 ~~discharge of a firearm.~~

26 ~~(4) Aggravated battery under subsection (d 5) is a~~

1 ~~Class 2 felony.~~

2 (Source: P.A. 94-243, eff. 1-1-06; 94-327, eff. 1-1-06; 94-333,
3 eff. 7-26-05; 94-363, eff. 7-29-05; 94-482, eff. 1-1-06;
4 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331, eff. 8-21-07;
5 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876, eff.
6 8-21-08.)

7 (720 ILCS 5/12-3.1) (from Ch. 38, par. 12-3.1)

8 Sec. 12-3.1. Battery of an unborn child; aggravated battery
9 of an unborn child ~~Unborn Child.~~

10 (a) A person commits battery of an unborn child if he or
11 she ~~intentionally or~~ knowingly without legal justification and
12 by any means causes bodily harm to an unborn child.

13 (a-5) A person commits aggravated battery of an unborn
14 child when, in committing a battery of an unborn child, he or
15 she knowingly causes great bodily harm or permanent disability
16 or disfigurement to an unborn child.

17 (b) For purposes of this Section, (1) "unborn child" shall
18 mean any individual of the human species from fertilization
19 until birth, and (2) "person" shall not include the pregnant
20 woman whose unborn child is harmed.

21 (c) Sentence. Battery of an unborn child is a Class A
22 misdemeanor. Aggravated battery of an unborn child is a Class 2
23 felony.

24 (d) This Section shall not apply to acts which cause bodily
25 harm to an unborn child if those acts were committed during any

1 abortion, as defined in Section 2 of the Illinois Abortion Law
2 of 1975, as amended, to which the pregnant woman has consented.
3 This Section shall not apply to acts which were committed
4 pursuant to usual and customary standards of medical practice
5 during diagnostic testing or therapeutic treatment.

6 (Source: P.A. 84-1414.)

7 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

8 Sec. 12-3.2. Domestic battery ~~Battery~~.

9 (a) A person commits domestic battery if he or she
10 ~~intentionally or~~ knowingly without legal justification by any
11 means:

12 (1) Causes bodily harm to any family or household
13 member ~~as defined in subsection (3) of Section 112A-3 of~~
14 ~~the Code of Criminal Procedure of 1963, as amended;~~

15 (2) Makes physical contact of an insulting or provoking
16 nature with any family or household member ~~as defined in~~
17 ~~subsection (3) of Section 112A-3 of the Code of Criminal~~
18 ~~Procedure of 1963, as amended.~~

19 (b) Sentence. Domestic battery is a Class A misdemeanor.
20 Domestic battery is a Class 4 felony if the defendant has any
21 prior conviction under this Code for domestic battery (Section
22 12-3.2) or violation of an order of protection (Section 12-3.4
23 or 12-30), or any prior conviction under the law of another
24 jurisdiction for an offense which is substantially similar.
25 Domestic battery is a Class 4 felony if the defendant has any

1 prior conviction under this Code for first degree murder
2 (Section 9-1), attempt to commit first degree murder (Section
3 8-4), aggravated domestic battery (Section 12-3.3), aggravated
4 battery (Section 12-3.05 or 12-4), heinous battery (Section
5 12-4.1), aggravated battery with a firearm (Section 12-4.2),
6 aggravated battery with a machine gun or a firearm equipped
7 with a silencer (Section 12-4.2-5), aggravated battery of a
8 child (Section 12-4.3), aggravated battery of an unborn child
9 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
10 aggravated battery of a senior citizen (Section 12-4.6),
11 stalking (Section 12-7.3), aggravated stalking (Section
12 12-7.4), criminal sexual assault (Section 12-13), aggravated
13 criminal sexual assault (12-14), kidnapping (Section 10-1),
14 aggravated kidnapping (Section 10-2), predatory criminal
15 sexual assault of a child (Section 12-14.1), aggravated
16 criminal sexual abuse (Section 12-16), unlawful restraint
17 (Section 10-3), aggravated unlawful restraint (Section
18 10-3.1), aggravated arson (Section 20-1.1), or aggravated
19 discharge of a firearm (Section 24-1.2), or any prior
20 conviction under the law of another jurisdiction for any
21 offense that is substantially similar to the offenses listed in
22 this Section, when any of these offenses have been committed
23 against a family or household member ~~as defined in Section~~
24 ~~112A-3 of the Code of Criminal Procedure of 1963~~. In addition
25 to any other sentencing alternatives, for any second or
26 subsequent conviction of violating this Section, the offender

1 shall be mandatorily sentenced to a minimum of 72 consecutive
2 hours of imprisonment. The imprisonment shall not be subject to
3 suspension, nor shall the person be eligible for probation in
4 order to reduce the sentence.

5 (c) Domestic battery committed in the presence of a child.
6 In addition to any other sentencing alternatives, a defendant
7 who commits, in the presence of a child, a felony domestic
8 battery (enhanced under subsection (b)), aggravated domestic
9 battery (Section 12-3.3), aggravated battery (Section 12-3.05
10 or 12-4), unlawful restraint (Section 10-3), or aggravated
11 unlawful restraint (Section 10-3.1) against a family or
12 household member, ~~as defined in Section 112A-3 of the Code of~~
13 ~~Criminal Procedure of 1963,~~ shall be required to serve a
14 mandatory minimum imprisonment of 10 days or perform 300 hours
15 of community service, or both. The defendant shall further be
16 liable for the cost of any counseling required for the child at
17 the discretion of the court in accordance with subsection (b)
18 of Section 5-5-6 of the Unified Code of Corrections. For
19 purposes of this Section, "child" means a person under 18 years
20 of age who is the defendant's or victim's child or step-child
21 or who is a minor child residing within or visiting the
22 household of the defendant or victim. ~~For purposes of this~~
23 ~~Section, "in the presence of a child" means in the physical~~
24 ~~presence of a child or knowing or having reason to know that a~~
25 ~~child is present and may see or hear an act constituting one of~~
26 ~~the offenses listed in this subsection.~~

1 (d) Upon conviction of domestic battery, the court shall
2 advise the defendant orally or in writing, substantially as
3 follows: "An individual convicted of domestic battery may be
4 subject to federal criminal penalties for possessing,
5 transporting, shipping, or receiving any firearm or ammunition
6 in violation of the federal Gun Control Act of 1968 (18 U.S.C.
7 922(g)(8) and (9))." A notation shall be made in the court file
8 that the admonition was given.

9 (Source: P.A. 96-287, eff. 8-11-09.)

10 (720 ILCS 5/12-3.3)

11 Sec. 12-3.3. Aggravated domestic battery.

12 (a) A person who, in committing a domestic battery,
13 ~~intentionally or~~ knowingly causes great bodily harm, or
14 permanent disability or disfigurement commits aggravated
15 domestic battery.

16 (a-5) A person who, in committing a domestic battery,
17 strangles another individual commits aggravated domestic
18 battery. For the purposes of this subsection (a-5), "strangle"
19 means intentionally impeding the normal breathing or
20 circulation of the blood of an individual by applying pressure
21 on the throat or neck of that individual or by blocking the
22 nose or mouth of that individual.

23 (b) Sentence. Aggravated domestic battery is a Class 2
24 felony. Any order of probation or conditional discharge entered
25 following a conviction for an offense under this Section must

1 include, in addition to any other condition of probation or
2 conditional discharge, a condition that the offender serve a
3 mandatory term of imprisonment of not less than 60 consecutive
4 days. A person convicted of a second or subsequent violation of
5 this Section must be sentenced to a mandatory term of
6 imprisonment of not less than 3 years and not more than 7 years
7 or an extended term of imprisonment of not less than 7 years
8 and not more than 14 years.

9 (c) Upon conviction of aggravated domestic battery, the
10 court shall advise the defendant orally or in writing,
11 substantially as follows: "An individual convicted of
12 aggravated domestic battery may be subject to federal criminal
13 penalties for possessing, transporting, shipping, or receiving
14 any firearm or ammunition in violation of the federal Gun
15 Control Act of 1968 (18 U.S.C. 922(g) (8) and (9))." A notation
16 shall be made in the court file that the admonition was given.

17 (Source: P.A. 96-287, eff. 8-11-09; 96-363, eff. 8-13-09;
18 revised 9-4-09.)

19 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

20 Sec. 12-3.4 ~~12-30~~. Violation of an order of protection.

21 (a) A person commits violation of an order of protection
22 if:

23 (1) He or she knowingly commits an act which was
24 prohibited by a court or fails to commit an act which was
25 ordered by a court in violation of:

1 (i) a remedy in a valid order of protection
2 authorized under paragraphs (1), (2), (3), (14), or
3 (14.5) of subsection (b) of Section 214 of the Illinois
4 Domestic Violence Act of 1986,

5 (ii) a remedy, which is substantially similar to
6 the remedies authorized under paragraphs (1), (2),
7 (3), (14) or (14.5) of subsection (b) of Section 214 of
8 the Illinois Domestic Violence Act of 1986, in a valid
9 order of protection, which is authorized under the laws
10 of another state, tribe or United States territory,

11 (iii) any other remedy when the act constitutes a
12 crime against the protected parties as the term
13 protected parties is defined in Section 112A-4 of the
14 Code of Criminal Procedure of 1963; and

15 (2) Such violation occurs after the offender has been
16 served notice of the contents of the order, pursuant to the
17 Illinois Domestic Violence Act of 1986 or any substantially
18 similar statute of another state, tribe or United States
19 territory, or otherwise has acquired actual knowledge of
20 the contents of the order.

21 An order of protection issued by a state, tribal or
22 territorial court related to domestic or family violence shall
23 be deemed valid if the issuing court had jurisdiction over the
24 parties and matter under the law of the state, tribe or
25 territory. There shall be a presumption of validity where an
26 order is certified and appears authentic on its face. For

1 purposes of this Section, an "order of protection" may have
2 been issued in a criminal or civil proceeding.

3 (a-5) Failure to provide reasonable notice and opportunity
4 to be heard shall be an affirmative defense to any charge or
5 process filed seeking enforcement of a foreign order of
6 protection.

7 (b) Nothing in this Section shall be construed to diminish
8 the inherent authority of the courts to enforce their lawful
9 orders through civil or criminal contempt proceedings. ~~For~~
10 ~~purposes of this Section, an "order of protection" may have~~
11 ~~been issued in a criminal or civil proceeding.~~

12 (c) The limitations placed on law enforcement liability by
13 Section 305 of the Illinois Domestic Violence Act of 1986 apply
14 to actions taken under this Section. ~~Nothing in this Section~~
15 ~~shall be construed to diminish the inherent authority of the~~
16 ~~courts to enforce their lawful orders through civil or criminal~~
17 ~~contempt proceedings.~~

18 (d) Violation of an order of protection ~~under subsection~~
19 ~~(a) of this Section~~ is a Class A misdemeanor. Violation of an
20 order of protection ~~under subsection (a) of this Section~~ is a
21 Class 4 felony if the defendant has any prior conviction under
22 this Code for domestic battery (Section 12-3.2) or violation of
23 an order of protection (Section 12-3.4 or 12-30). Violation of
24 an order of protection is a Class 4 felony if the defendant has
25 any prior conviction under this Code for first degree murder
26 (Section 9-1), attempt to commit first degree murder (Section

1 8-4), aggravated domestic battery (Section 12-3.3), aggravated
2 battery (Section 12-3.05 or 12-4), heinous battery (Section
3 12-4.1), aggravated battery with a firearm (Section 12-4.2),
4 aggravated battery with a machine gun or a firearm equipped
5 with a silencer (Section 12-4.2-5) aggravated battery of a
6 child (Section 12-4.3), aggravated battery of an unborn child
7 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
8 aggravated battery of a senior citizen (Section 12-4.6),
9 stalking (Section 12-7.3), aggravated stalking (Section
10 12-7.4), criminal sexual assault (Section 12-13), aggravated
11 criminal sexual assault (12-14), kidnapping (Section 10-1),
12 aggravated kidnapping (Section 10-2), predatory criminal
13 sexual assault of a child (Section 12-14.1), aggravated
14 criminal sexual abuse (Section 12-16), unlawful restraint
15 (Section 10-3), aggravated unlawful restraint (Section
16 10-3.1), aggravated arson (Section 20-1.1), ~~or~~ aggravated
17 discharge of a firearm (Section 24-1.2), or a violation of any
18 former law of this State that is substantially similar to any
19 listed offense, when any of these offenses have been committed
20 against a family or household member as defined in Section
21 112A-3 of the Code of Criminal Procedure of 1963. The court
22 shall impose a minimum penalty of 24 hours imprisonment for
23 defendant's second or subsequent violation of any order of
24 protection; unless the court explicitly finds that an increased
25 penalty or such period of imprisonment would be manifestly
26 unjust. In addition to any other penalties, the court may order

1 the defendant to pay a fine as authorized under Section 5-9-1
2 of the Unified Code of Corrections or to make restitution to
3 the victim under Section 5-5-6 of the Unified Code of
4 Corrections. In addition to any other penalties, including
5 those imposed by Section 5-9-1.5 of the Unified Code of
6 Corrections, the court shall impose an additional fine of \$20
7 as authorized by Section 5-9-1.11 of the Unified Code of
8 Corrections upon any person convicted of or placed on
9 supervision for a violation of this Section. The additional
10 fine shall be imposed for each violation of this Section.

11 (e) (Blank). ~~The limitations placed on law enforcement~~
12 ~~liability by Section 305 of the Illinois Domestic Violence Act~~
13 ~~of 1986 apply to actions taken under this Section.~~

14 (Source: P.A. 91-112, eff. 10-1-99; 91-357, eff. 7-29-99;
15 92-827, eff. 8-22-02.)

16 (720 ILCS 5/12-3.5) (was 720 ILCS 5/12-6.3)

17 Sec. 12-3.5 ~~12-6.3~~. Interfering with the reporting of
18 domestic violence.

19 (a) A person commits ~~the offense of~~ interfering with the
20 reporting of domestic violence when, after having committed an
21 act of domestic violence, he or she knowingly prevents or
22 attempts to prevent the victim of or a witness to the act of
23 domestic violence from calling a 9-1-1 emergency telephone
24 system, obtaining medical assistance, or making a report to any
25 law enforcement official.

1 (b) For the purposes of this Section, ~~the following terms~~
2 ~~shall have the indicated meanings:~~

3 ~~(1) "Domestic violence" shall have the meaning ascribed to~~
4 ~~it in Section 112A-3 of the Code of Criminal Procedure of 1963.~~

5 ~~(2) "Family or household members" shall have the meaning~~
6 ~~ascribed to it in Section 112A-3 of the Code of Criminal~~
7 ~~Procedure of 1963.~~

8 (c) Sentence. Interfering with the reporting of domestic
9 violence is a Class A misdemeanor.

10 (Source: P.A. 90-118, eff. 1-1-98.)

11 (720 ILCS 5/12-3.6) (was 720 ILCS 5/45-1 and 5/45-2)

12 Sec. 12-3.6 ~~45-1~~. Disclosing location of domestic violence
13 victim Definitions.

14 (a) As used in this Section ~~Article~~:

15 ~~(a)~~ "Domestic violence" means attempting to cause or
16 causing abuse of a family or household member or high-risk
17 adult with disabilities, or attempting to cause or causing
18 neglect or exploitation of a high-risk adult with disabilities
19 which threatens the adult's health and safety.

20 ~~(b)~~ "Family or household member" means a spouse, person
21 living as a spouse, parent, or other adult person related by
22 consanguinity or affinity, who is residing or has resided with
23 the person committing domestic violence. "Family or household
24 member" includes a high-risk adult with disabilities who
25 resides with or receives care from any person who has the

1 responsibility for a high-risk adult as a result of a family
2 relationship or who has assumed responsibility for all or a
3 portion of the care of an adult with disabilities voluntarily,
4 by express or implied contract, or by court order.

5 ~~(c)~~ "High-risk adult with disabilities" means a person aged
6 18 or over whose physical or mental disability impairs his or
7 her ability to seek or obtain protection from abuse, neglect,
8 or exploitation.

9 ~~(d)~~ "Abuse", "exploitation", and "neglect" have the
10 meanings ascribed to those terms in Section 103 of the Illinois
11 Domestic Violence Act of 1986.

12 ~~(b) A Sec. 45-2. Disclosure of location of domestic~~
13 ~~violence victim. Any person commits disclosure of location of~~
14 ~~domestic violence victim when he or she ~~who~~ publishes,~~
15 disseminates or otherwise discloses the location of any
16 domestic violence victim, without that person's ~~the~~
17 authorization ~~of that domestic violence victim~~, knowing the
18 ~~that such~~ disclosure will result in, or has the substantial
19 likelihood of resulting in, the threat of bodily harm, ~~is~~
20 ~~guilty of a Class A misdemeanor.~~

21 (c) Nothing in this Section shall apply to confidential
22 communications between an attorney and his or her client.

23 (d) Sentence. Disclosure of location of domestic violence
24 victim is a Class A misdemeanor.

25 (Source: P.A. 87-441; 88-45.)

1 (720 ILCS 5/Art. 12, Subdiv. 10 heading new)

2 SUBDIVISION 10. ENDANGERMENT

3 (720 ILCS 5/12-4.4a new)

4 Sec. 12-4.4a. Abuse or criminal neglect of a long term care
5 facility resident; criminal abuse or neglect of an elderly
6 person or person with a disability.

7 (a) Abuse or criminal neglect of a long term care facility
8 resident.

9 (1) A person or an owner or licensee commits abuse of a
10 long term care facility resident when he or she knowingly
11 causes any physical or mental injury to, or commits any
12 sexual offense in this Code against, a resident.

13 (2) A person or an owner or licensee commits criminal
14 neglect of a long term care facility resident when he or
15 she recklessly:

16 (A) performs acts that cause a resident's life to
17 be endangered, health to be injured, or pre-existing
18 physical or mental condition to deteriorate;

19 (B) fails to perform acts that he or she knows or
20 reasonably should know are necessary to maintain or
21 preserve the life or health of a resident, and that
22 failure causes the resident's life to be endangered,
23 health to be injured, or pre-existing physical or
24 mental condition to deteriorate; or

25 (C) abandons a resident.

1 (3) A person or an owner or licensee commits neglect of
2 a long term care facility resident when he or she
3 negligently fails to provide adequate medical care,
4 personal care, or maintenance to the resident which results
5 in physical or mental injury or deterioration of the
6 resident's physical or mental condition. An owner or
7 licensee is guilty under this subdivision (a) (3), however,
8 only if the owner or licensee failed to exercise reasonable
9 care in the hiring, training, supervising, or providing of
10 staff or other related routine administrative
11 responsibilities.

12 (b) Criminal abuse or neglect of an elderly person or
13 person with a disability.

14 (1) A caregiver commits criminal abuse or neglect of an
15 elderly person or person with a disability when he or she
16 knowingly does any of the following:

17 (A) performs acts that cause the person's life to
18 be endangered, health to be injured, or pre-existing
19 physical or mental condition to deteriorate;

20 (B) fails to perform acts that he or she knows or
21 reasonably should know are necessary to maintain or
22 preserve the life or health of the person, and that
23 failure causes the person's life to be endangered,
24 health to be injured, or pre-existing physical or
25 mental condition to deteriorate;

26 (C) abandons the person;

1 (D) physically abuses, harasses, intimidates, or
2 interferes with the personal liberty of the person; or

3 (E) exposes the person to willful deprivation.

4 (2) It is not a defense to criminal abuse or neglect of
5 an elderly person or person with a disability that the
6 caregiver reasonably believed that the victim was not an
7 elderly person or person with a disability.

8 (c) Offense not applicable.

9 (1) Nothing in this Section applies to a physician
10 licensed to practice medicine in all its branches or a duly
11 licensed nurse providing care within the scope of his or
12 her professional judgment and within the accepted
13 standards of care within the community.

14 (2) Nothing in this Section imposes criminal liability
15 on a caregiver who made a good faith effort to provide for
16 the health and personal care of an elderly person or person
17 with a disability, but through no fault of his or her own
18 was unable to provide such care.

19 (3) Nothing in this Section applies to the medical
20 supervision, regulation, or control of the remedial care or
21 treatment of residents in a long term care facility
22 conducted for those who rely upon treatment by prayer or
23 spiritual means in accordance with the creed or tenets of
24 any well-recognized church or religious denomination as
25 described in Section 3-803 of the Nursing Home Care Act.

26 (4) Nothing in this Section prohibits a caregiver from

1 providing treatment to an elderly person or person with a
2 disability by spiritual means through prayer alone and care
3 consistent therewith in lieu of medical care and treatment
4 in accordance with the tenets and practices of any church
5 or religious denomination of which the elderly person or
6 person with a disability is a member.

7 (5) Nothing in this Section limits the remedies
8 available to the victim under the Illinois Domestic
9 Violence Act of 1986.

10 (d) Sentence.

11 (1) Long term care facility. Abuse of a long term care
12 facility resident is a Class 3 felony. Criminal neglect of
13 a long term care facility resident is a Class 4 felony,
14 unless it results in the resident's death in which case it
15 is a Class 3 felony. Neglect of a long term care facility
16 resident is a petty offense.

17 (2) Caregiver. Criminal abuse or neglect of an elderly
18 person or person with a disability is a Class 3 felony,
19 unless it results in the person's death in which case it is
20 a Class 2 felony, and if imprisonment is imposed it shall
21 be for a minimum term of 3 years and a maximum term of 14
22 years.

23 (e) Definitions. For the purposes of this Section:

24 "Abandon" means to desert or knowingly forsake a resident
25 or an elderly person or person with a disability under
26 circumstances in which a reasonable person would continue to

1 provide care and custody.

2 "Caregiver" means a person who has a duty to provide for an
3 elderly person or person with a disability's health and
4 personal care, at the elderly person or person with a
5 disability's place of residence, including, but not limited to,
6 food and nutrition, shelter, hygiene, prescribed medication,
7 and medical care and treatment, and includes any of the
8 following:

9 (1) A parent, spouse, adult child, or other relative by
10 blood or marriage who resides with or resides in the same
11 building with or regularly visits the elderly person or
12 person with a disability, knows or reasonably should know
13 of such person's physical or mental impairment, and knows
14 or reasonably should know that such person is unable to
15 adequately provide for his or her own health and personal
16 care.

17 (2) A person who is employed by the elderly person or
18 person with a disability or by another to reside with or
19 regularly visit the elderly person or person with a
20 disability and provide for such person's health and
21 personal care.

22 (3) A person who has agreed for consideration to reside
23 with or regularly visit the elderly person or person with a
24 disability and provide for such person's health and
25 personal care.

26 (4) A person who has been appointed by a private or

1 public agency or by a court of competent jurisdiction to
2 provide for the elderly person or person with a
3 disability's health and personal care.

4 "Caregiver" does not include a long-term care facility
5 licensed or certified under the Nursing Home Care Act or any
6 administrative, medical, or other personnel of such a facility,
7 or a health care provider who is licensed under the Medical
8 Practice Act of 1987 and renders care in the ordinary course of
9 his or her profession.

10 "Elderly person" means a person 60 years of age or older
11 who is incapable of adequately providing for his or her own
12 health and personal care.

13 "Licensee" means the individual or entity licensed to
14 operate a facility under the Nursing Home Care Act or the
15 Assisted Living and Shared Housing Act.

16 "Long term care facility" means a private home,
17 institution, building, residence, or other place, whether
18 operated for profit or not, or a county home for the infirm and
19 chronically ill operated pursuant to Division 5-21 or 5-22 of
20 the Counties Code, or any similar institution operated by the
21 State of Illinois or a political subdivision thereof, which
22 provides, through its ownership or management, personal care,
23 sheltered care, or nursing for 3 or more persons not related to
24 the owner by blood or marriage. The term also includes skilled
25 nursing facilities and intermediate care facilities as defined
26 in Titles XVIII and XIX of the federal Social Security Act and

1 assisted living establishments and shared housing
2 establishments licensed under the Assisted Living and Shared
3 Housing Act.

4 "Owner" means the owner a long term care facility as
5 provided in the Nursing Home Care Act or the owner of an
6 assisted living or shared housing establishment as provided in
7 the Assisted Living and Shared Housing Act.

8 "Person with a disability" means a person who suffers from
9 a permanent physical or mental impairment, resulting from
10 disease, injury, functional disorder, or congenital condition,
11 which renders the person incapable of adequately providing for
12 his or her own health and personal care.

13 "Resident" means a person residing in a long term care
14 facility.

15 "Willful deprivation" has the meaning ascribed to it in
16 paragraph (15) of Section 103 of the Illinois Domestic Violence
17 Act of 1986.

18 (720 ILCS 5/12-4.5) (from Ch. 38, par. 12-4.5)

19 Sec. 12-4.5. Tampering with food, drugs or cosmetics.

20 (a) ~~A~~ Any person who knowingly puts any substance capable
21 of causing death or great bodily harm to a human being into any
22 food, drug or cosmetic offered for sale or consumption commits
23 ~~the offense of~~ tampering with food, drugs or cosmetics.

24 (b) Sentence. Tampering with food, drugs or cosmetics is a
25 Class 2 felony.

1 (Source: P.A. 84-1428; 84-1438.)

2 (720 ILCS 5/12-5) (from Ch. 38, par. 12-5)

3 Sec. 12-5. Reckless conduct.

4 (a) A person commits reckless conduct when he or she, by
5 any means lawful or unlawful, recklessly performs an act or
6 acts that:

7 (1) cause ~~who causes~~ bodily harm to or endanger
8 ~~endangers~~ the ~~bodily~~ safety of another person; or an
9 ~~individual by any means, commits reckless conduct if he or~~
10 ~~she performs recklessly the acts that cause the harm or~~
11 ~~endanger safety, whether they otherwise are lawful or~~
12 ~~unlawful.~~

13 (2) cause ~~(a-5) A person who causes great bodily harm~~
14 ~~or permanent disability or disfigurement~~ to another person
15 ~~by any means, commits reckless conduct if he or she~~
16 ~~performs recklessly the acts that cause the harm, whether~~
17 ~~they otherwise are lawful or unlawful.~~

18 (b) Sentence.

19 Reckless conduct under subdivision (a)(1) ~~subsection (a)~~
20 is a Class A misdemeanor. Reckless conduct under subdivision
21 (a)(2) ~~subsection (a-5)~~ is a Class 4 felony.

22 (Source: P.A. 93-710, eff. 1-1-05.)

23 (720 ILCS 5/12-5.01) (was 720 ILCS 5/12-16.2)

24 Sec. 12-5.01 ~~12-16.2~~. Criminal transmission ~~Transmission~~

1 of HIV.

2 (a) A person commits criminal transmission of HIV when he
3 or she, knowing that he or she is infected with HIV:

4 (1) engages in intimate contact with another;

5 (2) transfers, donates, or provides his or her blood,
6 tissue, semen, organs, or other potentially infectious
7 body fluids for transfusion, transplantation,
8 insemination, or other administration to another; or

9 (3) dispenses, delivers, exchanges, sells, or in any
10 other way transfers to another any nonsterile intravenous
11 or intramuscular drug paraphernalia.

12 (b) For purposes of this Section:

13 "HIV" means the human immunodeficiency virus or any other
14 identified causative agent of acquired immunodeficiency
15 syndrome.

16 "Intimate contact with another" means the exposure of the
17 body of one person to a bodily fluid of another person in a
18 manner that could result in the transmission of HIV.

19 "Intravenous or intramuscular drug paraphernalia" means
20 any equipment, product, or material of any kind which is
21 peculiar to and marketed for use in injecting a substance into
22 the human body.

23 (c) Nothing in this Section shall be construed to require
24 that an infection with HIV has occurred in order for a person
25 to have committed criminal transmission of HIV.

26 (d) It shall be an affirmative defense that the person

1 exposed knew that the infected person was infected with HIV,
2 knew that the action could result in infection with HIV, and
3 consented to the action with that knowledge.

4 (e) A person who commits criminal transmission of HIV
5 commits a Class 2 felony.

6 (Source: P.A. 86-897.)

7 (720 ILCS 5/12-5.02) (was 720 ILCS 5/12-2.5)

8 Sec. 12-5.02 ~~12-2.5~~. Vehicular endangerment ~~Endangerment~~.

9 (a) A person commits vehicular endangerment when he or she
10 strikes ~~Any person who with the intent to strike~~ a motor
11 vehicle ~~causes~~ by causing ~~any means~~ an object to fall from an
12 overpass in the direction of a moving motor vehicle with the
13 intent to strike a motor vehicle while it is traveling upon a
14 any highway in this State, ~~if that object strikes a motor~~
15 ~~vehicle, is guilty of vehicular endangerment.~~

16 (b) Sentence. Vehicular endangerment is a Class 2 felony,
17 unless ~~except when~~ death results, in which case. ~~If death~~
18 ~~results,~~ vehicular endangerment is a Class 1 felony.

19 (c) Definitions. For purposes of this Section:

20 "Object" means any object or substance that by its size,
21 weight, or consistency is likely to cause great bodily harm to
22 any occupant of a motor vehicle.

23 "Overpass" means any structure that passes over a highway.

24 "Motor vehicle" and "highway" have the meanings as defined
25 in the Illinois Vehicle Code.

1 (Source: P.A. 88-467.)

2 (720 ILCS 5/12-5.1) (from Ch. 38, par. 12-5.1)

3 Sec. 12-5.1. Criminal housing management.

4 (a) A person commits ~~the offense of~~ criminal housing
5 management when, having personal management or control of
6 residential real estate, whether as a legal or equitable owner
7 or as a managing agent or otherwise, he or she recklessly
8 permits the physical condition or facilities of the residential
9 real estate to become or remain in any condition which
10 endangers the health or safety of a any person other than the
11 defendant.

12 (b) Sentence.

13 Criminal housing management is a Class A misdemeanor, and
14 a. ~~A subsequent conviction for a violation of subsection (a) is~~
15 a Class 4 felony.

16 (Source: P.A. 85-341.)

17 (720 ILCS 5/12-5.1a) (was 720 ILCS 5/12-5.15)

18 Sec. 12-5.1a ~~12-5.15~~. Aggravated criminal housing
19 management.

20 (a) A person commits ~~the offense of~~ aggravated criminal
21 housing management when he or she commits ~~the offense of~~
22 criminal housing management, and:

23 (1) the condition endangering the health or safety of a
24 person other than the defendant is determined to be a

1 contributing factor in the death of that person; and

2 (2) the person recklessly ~~also~~ conceals or attempts to
3 conceal the condition that endangered the health or safety
4 of the person other than the defendant that is found to be
5 a contributing factor in that death.

6 (b) Sentence. Aggravated criminal housing management is a
7 Class 4 felony.

8 (Source: P.A. 93-852, eff. 8-2-04.)

9 (720 ILCS 5/12-5.2) (from Ch. 38, par. 12-5.2)

10 Sec. 12-5.2. Injunction in connection with criminal
11 housing management or aggravated criminal housing management.

12 (a) In addition to any other remedies, the State's Attorney
13 of the county where the residential property which endangers
14 the health or safety of any person exists is authorized to file
15 a complaint and apply to the circuit court for a temporary
16 restraining order, and such circuit court shall upon hearing
17 grant a temporary restraining order or a preliminary or
18 permanent injunction, without bond, restraining any person who
19 owns, manages, or has any equitable interest in the property,
20 from collecting, receiving or benefiting from any rents or
21 other monies available from the property, so long as the
22 property remains in a condition which endangers the health or
23 safety of any person.

24 (b) The court may order any rents or other monies owed to
25 be paid into an escrow account. The funds are to be paid out of

1 the escrow account only to satisfy the reasonable cost of
2 necessary repairs of the property which had been incurred or
3 will be incurred in ameliorating the condition of the property
4 as described in subsection (a), payment of delinquent real
5 estate taxes on the property or payment of other legal debts
6 relating to the property. The court may order that funds remain
7 in escrow for a reasonable time after the completion of all
8 necessary repairs to assure continued upkeep of the property
9 and satisfaction of other outstanding legal debts of the
10 property.

11 (c) The owner shall be responsible for contracting to have
12 necessary repairs completed and shall be required to submit all
13 bills, together with certificates of completion, to the manager
14 of the escrow account within 30 days after their receipt by the
15 owner.

16 (d) In contracting for any repairs required pursuant to
17 this Section the owner of the property shall enter into a
18 contract only after receiving bids from at least 3 independent
19 contractors capable of making the necessary repairs. If the
20 owner does not contract for the repairs with the lowest bidder,
21 he shall file an affidavit with the court explaining why the
22 lowest bid was not acceptable. At no time, under the provisions
23 of this Section Act, shall the owner contract with anyone who
24 is not a licensed contractor, except that a contractor need not
25 be licensed if neither the State nor the county, township, or
26 municipality where the residential real estate is located

1 requires that the contractor be licensed. The court may order
2 release of those funds in the escrow account that are in excess
3 of the monies that the court determines to its satisfaction are
4 needed to correct the condition of the property as described in
5 subsection (a).

6 For the purposes of this Section, "licensed contractor"
7 means: (i) a contractor licensed by the State, if the State
8 requires the licensure of the contractor; or (ii) a contractor
9 licensed by the county, township, or municipality where the
10 residential real estate is located, if that jurisdiction
11 requires the licensure of the contractor.

12 (e) The Clerk of the Circuit Court shall maintain a
13 separate trust account entitled "Property Improvement Trust
14 Account", which shall serve as the depository for the escrowed
15 funds prescribed by this Section. The Clerk of the Court shall
16 be responsible for the receipt, disbursement, monitoring and
17 maintenance of all funds entrusted to this account, and shall
18 provide to the court a quarterly accounting of the activities
19 for any property, with funds in such account, unless the court
20 orders accountings on a more frequent basis.

21 The Clerk of the Circuit Court shall promulgate rules and
22 procedures to administer the provisions of this Act.

23 (f) Nothing in this Section shall in any way be construed
24 to limit or alter any existing liability incurred, or to be
25 incurred, by the owner or manager except as expressly provided
26 in this Act. Nor shall anything in this Section be construed to

1 create any liability on behalf of the Clerk of the Court, the
2 State's Attorney's office or any other governmental agency
3 involved in this action.

4 Nor shall anything in this Section be construed to
5 authorize tenants to refrain from paying rent.

6 (g) Costs. As part of the costs of an action under this
7 Section, the court shall assess a reasonable fee against the
8 defendant to be paid to the Clerk of the Circuit Court. This
9 amount is to be used solely for the maintenance of the Property
10 Improvement Trust Account. No money obtained directly or
11 indirectly from the property subject to the case may be used to
12 satisfy this cost.

13 (h) The municipal building department or other entity
14 responsible for inspection of property and the enforcement of
15 such local requirements shall, within 5 business days of a
16 request by the State's Attorney, provide all documents
17 requested, which shall include, but not be limited to, all
18 records of inspections, permits and other information relating
19 to any property.

20 (Source: P.A. 88-240.)

21 (720 ILCS 5/12-5.3) (was 720 ILCS 5/12-2.6)

22 Sec. 12-5.3 ~~12-2.6~~. Use of a dangerous place for the
23 commission of a controlled substance or cannabis offense.

24 (a) A person commits ~~the offense of~~ use of a dangerous
25 place for the commission of a controlled substance or cannabis

1 offense when that person knowingly exercises control over any
2 place with the intent to use that place to manufacture,
3 produce, deliver, or possess with intent to deliver a
4 controlled or counterfeit substance or controlled substance
5 analog in violation of Section 401 of the Illinois Controlled
6 Substances Act or to manufacture, produce, deliver, or possess
7 with intent to deliver cannabis in violation of Section 5, 5.1,
8 5.2, 7, or 8 of the Cannabis Control Act and:

9 (1) the place, by virtue of the presence of the
10 substance or substances used or intended to be used to
11 manufacture a controlled or counterfeit substance,
12 controlled substance analog, or cannabis, presents a
13 substantial risk of injury to any person from fire,
14 explosion, or exposure to toxic or noxious chemicals or
15 gas; or

16 (2) the place used or intended to be used to
17 manufacture, produce, deliver, or possess with intent to
18 deliver a controlled or counterfeit substance, controlled
19 substance analog, or cannabis has located within it or
20 surrounding it devices, weapons, chemicals, or explosives
21 designed, hidden, or arranged in a manner that would cause
22 a person to be exposed to a substantial risk of great
23 bodily harm.

24 (b) It may be inferred that a place was intended to be used
25 to manufacture a controlled or counterfeit substance or
26 controlled substance analog if a substance containing a

1 controlled or counterfeit substance or controlled substance
2 analog or a substance containing a chemical important to the
3 manufacture of a controlled or counterfeit substance or
4 controlled substance analog is found at the place of the
5 alleged illegal controlled substance manufacturing in close
6 proximity to equipment or a chemical used for facilitating the
7 manufacture of the controlled or counterfeit substance or
8 controlled substance analog that is alleged to have been
9 intended to be manufactured.

10 (c) As used in this Section, "place" means a premises,
11 conveyance, or location that offers seclusion, shelter, means,
12 or facilitation for manufacturing, producing, possessing, or
13 possessing with intent to deliver a controlled or counterfeit
14 substance, controlled substance analog, or cannabis.

15 (d) Use of a dangerous place for the commission of a
16 controlled substance or cannabis offense is a Class 1 felony.
17 (Source: P.A. 93-516, eff. 1-1-04; 94-743, eff. 5-8-06.)

18 (720 ILCS 5/12-5.5)

19 Sec. 12-5.5. Common carrier recklessness ~~carriers; gross~~
20 ~~neglect.~~

21 (a) A person commits common carrier recklessness when he or
22 she, ~~whoever,~~ having personal management or control of or over
23 a ~~steamboat or other~~ public conveyance used for the common
24 carriage of persons, recklessly endangers the safety of others.

25 (b) Sentence. Common carrier recklessness is ~~is guilty of~~

1 ~~gross carelessness or neglect in, or in relation to, the~~
2 ~~conduct, management, or control of the steamboat or other~~
3 ~~public conveyance, while being so used for the common carriage~~
4 ~~of persons, in which the safety of any person is endangered is~~
5 ~~guilty of a Class 4 felony.~~

6 (Source: P.A. 89-234, eff. 1-1-96.)

7 (720 ILCS 5/Art.12, Subdiv. 15 heading new)

8 SUBDIVISION 15. INTIMIDATION

9 (720 ILCS 5/12-6) (from Ch. 38, par. 12-6)

10 Sec. 12-6. Intimidation.

11 (a) A person commits intimidation when, with intent to
12 cause another to perform or to omit the performance of any act,
13 he or she communicates to another, directly or indirectly by
14 any means ~~whether in person, by telephone or by mail~~, a threat
15 to perform without lawful authority any of the following acts:

16 (1) Inflict physical harm on the person threatened or
17 any other person or on property; or

18 (2) Subject any person to physical confinement or
19 restraint; or

20 (3) Commit a felony or Class A misdemeanor ~~any criminal~~
21 ~~offense~~; or

22 (4) Accuse any person of an offense; or

23 (5) Expose any person to hatred, contempt or ridicule;

24 or

1 (6) Take action as a public official against anyone or
2 anything, or withhold official action, or cause such action
3 or withholding; or

4 (7) Bring about or continue a strike, boycott or other
5 collective action.

6 (b) Sentence.

7 Intimidation is a Class 3 felony for which an offender may
8 be sentenced to a term of imprisonment of not less than 2 years
9 and not more than 10 years.

10 (Source: P.A. 91-696, eff. 4-13-00.)

11 (720 ILCS 5/12-6.2)

12 Sec. 12-6.2. Aggravated intimidation.

13 (a) A person commits ~~the offense of~~ aggravated intimidation
14 when he or she commits ~~the offense of~~ intimidation and:

15 (1) the person committed the offense in furtherance of
16 the activities of an organized gang or because of ~~by~~ the
17 person's membership in or allegiance to an organized gang;
18 or

19 (2) the offense is committed with the intent to prevent
20 any person from becoming a community policing volunteer; or

21 (3) the following conditions are met:

22 (A) the person knew that the victim was: ~~(i)~~ a
23 peace officer, ~~(ii)~~ a correctional institution
24 employee, ~~(iii)~~ a fireman, ~~or~~ ~~(iv)~~ a community
25 policing volunteer; and

1 (B) the offense was committed:

2 (i) while the victim was engaged in the
3 execution of his or her official duties; or

4 (ii) to prevent the victim from performing his
5 or her official duties;

6 (iii) in retaliation for the victim's
7 performance of his or her official duties; or

8 (iv) by reason of any person's activity as a
9 community policing volunteer.

10 (b) Sentence. Aggravated intimidation as defined in
11 paragraph (a)(1) is a Class 1 felony. Aggravated intimidation
12 as defined in paragraph (a)(2) or (a)(3) is a Class 2 felony
13 for which the offender may be sentenced to a term of
14 imprisonment of not less than 3 years nor more than 14 years.

15 (c) (Blank). ~~For the purposes of this Section,~~
16 ~~"streetgang", "streetgang member", and "organized gang" have~~
17 ~~the meanings ascribed to them in Section 10 of the Illinois~~
18 ~~Streetgang Terrorism Omnibus Prevention Act.~~

19 (Source: P.A. 89-631, eff. 1-1-97; 90-651, eff. 1-1-99; 90-655,
20 eff. 7-30-98.)

21 (720 ILCS 5/12-6.4)

22 Sec. 12-6.4. Criminal street gang recruitment on school
23 grounds or public property adjacent to school grounds and
24 criminal street gang recruitment of a minor.

25 (a) A person commits ~~the offense of~~ criminal street gang

1 recruitment on school grounds or public property adjacent to
2 school grounds when on school grounds or public property
3 adjacent to school grounds, he or she knowingly threatens the
4 use of physical force to coerce, solicit, recruit, or induce
5 another person to join or remain a member of a criminal street
6 gang, or conspires to do so.

7 (a-5) A person commits the offense of criminal street gang
8 recruitment of a minor when he or she threatens the use of
9 physical force to coerce, solicit, recruit, or induce another
10 person to join or remain a member of a criminal street gang, or
11 conspires to do so, whether or not such threat is communicated
12 in person, by means of the Internet, or by means of a
13 telecommunications device.

14 (b) Sentence. Criminal street gang recruitment on school
15 grounds or public property adjacent to school grounds is a
16 Class 1 felony and criminal street gang recruitment of a minor
17 is a Class 1 felony.

18 (c) In this Section:

19 ~~"Criminal street gang" has the meaning ascribed to it~~
20 ~~in Section 10 of the Illinois Streetgang Terrorism Omnibus~~
21 ~~Prevention Act.~~

22 "School grounds" means the building or buildings or
23 real property comprising a public or private elementary or
24 secondary school, community college, college, or
25 university and includes a school yard, school playing
26 field, or school playground.

1 "Minor" means any person under 18 years of age.

2 "Internet" means an interactive computer service or
3 system or an information service, system, or access
4 software provider that provides or enables computer access
5 by multiple users to a computer server, and includes, but
6 is not limited to, an information service, system, or
7 access software provider that provides access to a network
8 system commonly known as the Internet, or any comparable
9 system or service and also includes, but is not limited to,
10 a World Wide Web page, newsgroup, message board, mailing
11 list, or chat area on any interactive computer service or
12 system or other online service.

13 "Telecommunications device" means a device that is
14 capable of receiving or transmitting speech, data,
15 signals, text, images, sounds, codes, or other information
16 including, but not limited to, paging devices, telephones,
17 and cellular and mobile telephones.

18 (Source: P.A. 96-199, eff. 1-1-10.)

19 (720 ILCS 5/12-6.5) (was 720 ILCS 5/12-6.1)

20 Sec. 12-6.5 ~~12-6.1~~. Compelling organization membership of
21 persons. A person who knowingly, expressly or impliedly,
22 threatens to do bodily harm or does bodily harm to an
23 individual or to that individual's family or uses any other
24 criminally unlawful means to solicit or cause any person to
25 join, or deter any person from leaving, any organization or

1 association regardless of the nature of such organization or
2 association, is guilty of a Class 2 felony.

3 Any person of the age of 18 years or older who knowingly,
4 expressly or impliedly, threatens to do bodily harm or does
5 bodily harm to a person under 18 years of age or uses any other
6 criminally unlawful means to solicit or cause any person under
7 18 years of age to join, or deter any person under 18 years of
8 age from leaving, any organization or association regardless of
9 the nature of such organization or association is guilty of a
10 Class 1 felony.

11 A person convicted of an offense under this Section shall
12 not be eligible to receive a sentence of probation, conditional
13 discharge, or periodic imprisonment.

14 (Source: P.A. 91-696, eff. 4-13-00.)

15 (720 ILCS 5/12-7) (from Ch. 38, par. 12-7)

16 Sec. 12-7. Compelling confession or information by force or
17 threat.

18 (a) A person who, with intent to obtain a confession,
19 statement or information regarding any offense, knowingly
20 inflicts or threatens imminent bodily harm upon the person
21 threatened or upon any other person commits ~~the offense of~~
22 compelling a confession or information by force or threat.

23 (b) Sentence.

24 Compelling a confession or information is a: (1) Class 4
25 felony if the defendant threatens imminent bodily harm to

1 obtain a confession, statement, or information but does not
2 inflict bodily harm on the victim, (2) Class 3 felony if the
3 defendant inflicts bodily harm on the victim to obtain a
4 confession, statement, or information, and (3) Class 2 felony
5 if the defendant inflicts great bodily harm to obtain a
6 confession, statement, or information.

7 (Source: P.A. 94-1113, eff. 1-1-08.)

8 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

9 Sec. 12-7.1. Hate crime.

10 (a) A person commits hate crime when, by reason of the
11 actual or perceived race, color, creed, religion, ancestry,
12 gender, sexual orientation, physical or mental disability, or
13 national origin of another individual or group of individuals,
14 regardless of the existence of any other motivating factor or
15 factors, he commits assault, battery, aggravated assault,
16 misdemeanor theft, criminal trespass to residence, misdemeanor
17 criminal damage to property, criminal trespass to vehicle,
18 criminal trespass to real property, mob action or disorderly
19 conduct as these crimes are defined in Sections 12-1, 12-2,
20 12-3(a) ~~12-3~~, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, and 26-1 of
21 this Code, respectively, or harassment by telephone as defined
22 in Section 1-1 of the Harassing and Obscene Communications Act,
23 or harassment through electronic communications as defined in
24 clauses (a) (2) and (a) (4) of Section 1-2 of the Harassing and
25 Obscene Communications Act.

1 (b) Except as provided in subsection (b-5), hate crime is a
2 Class 4 felony for a first offense and a Class 2 felony for a
3 second or subsequent offense.

4 (b-5) Hate crime is a Class 3 felony for a first offense
5 and a Class 2 felony for a second or subsequent offense if
6 committed:

7 (1) in a church, synagogue, mosque, or other building,
8 structure, or place used for religious worship or other
9 religious purpose;

10 (2) in a cemetery, mortuary, or other facility used for
11 the purpose of burial or memorializing the dead;

12 (3) in a school or other educational facility,
13 including an administrative facility or public or private
14 dormitory facility of or associated with the school or
15 other educational facility;

16 (4) in a public park or an ethnic or religious
17 community center;

18 (5) on the real property comprising any location
19 specified in clauses (1) through (4) of this subsection
20 (b-5); or

21 (6) on a public way within 1,000 feet of the real
22 property comprising any location specified in clauses (1)
23 through (4) of this subsection (b-5).

24 (b-10) Upon imposition of any sentence, the trial court
25 shall also either order restitution paid to the victim or
26 impose a fine up to \$1,000. In addition, any order of probation

1 or conditional discharge entered following a conviction or an
2 adjudication of delinquency shall include a condition that the
3 offender perform public or community service of no less than
4 200 hours if that service is established in the county where
5 the offender was convicted of hate crime. The court may also
6 impose any other condition of probation or conditional
7 discharge under this Section.

8 (c) Independent of any criminal prosecution or the result
9 thereof, any person suffering injury to his person or damage to
10 his property as a result of hate crime may bring a civil action
11 for damages, injunction or other appropriate relief. The court
12 may award actual damages, including damages for emotional
13 distress, or punitive damages. A judgment may include
14 attorney's fees and costs. The parents or legal guardians,
15 other than guardians appointed pursuant to the Juvenile Court
16 Act or the Juvenile Court Act of 1987, of an unemancipated
17 minor shall be liable for the amount of any judgment for actual
18 damages rendered against such minor under this subsection (c)
19 in any amount not exceeding the amount provided under Section 5
20 of the Parental Responsibility Law.

21 (d) "Sexual orientation" means heterosexuality,
22 homosexuality, or bisexuality.

23 (Source: P.A. 93-463, eff. 8-8-03; 93-765, eff. 7-19-04; 94-80,
24 eff. 6-27-05.)

1 Sec. 12-7.3. Stalking.

2 (a) A person commits stalking when he or she knowingly
3 engages in a course of conduct directed at a specific person,
4 and he or she knows or should know that this course of conduct
5 would cause a reasonable person to:

6 (1) fear for his or her safety or the safety of a third
7 person; or

8 (2) suffer other emotional distress.

9 (a-3) A person commits stalking when he or she, knowingly
10 and without lawful justification, on at least 2 separate
11 occasions follows another person or places the person under
12 surveillance or any combination thereof and:

13 (1) at any time transmits a threat of immediate or
14 future bodily harm, sexual assault, confinement or
15 restraint and the threat is directed towards that person or
16 a family member of that person; or

17 (2) places that person in reasonable apprehension of
18 immediate or future bodily harm, sexual assault,
19 confinement or restraint to or of that person or a family
20 member of that person. ~~or~~

21 ~~(3) places that person in reasonable apprehension that~~
22 ~~a family member will receive immediate or future bodily~~
23 ~~harm, sexual assault, confinement, or restraint.~~

24 (a-5) A person commits stalking when he or she has
25 previously been convicted of stalking another person and
26 knowingly and without lawful justification on one occasion:

1 (1) follows that same person or places that same person
2 under surveillance; and

3 (2) transmits a threat of immediate or future bodily
4 harm, sexual assault, confinement or restraint to that
5 person or a family member of that person.; and

6 ~~(3) the threat is directed towards that person or a~~
7 ~~family member of that person.~~

8 (b) Sentence. Stalking is a Class 4 felony; ~~a.~~ A second or
9 subsequent conviction ~~for stalking~~ is a Class 3 felony.

10 (c) Definitions. For purposes of this Section:

11 (1) "Course of conduct" means 2 or more acts, including
12 but not limited to acts in which a defendant directly,
13 indirectly, or through third parties, by any action,
14 method, device, or means follows, monitors, observes,
15 surveils, threatens, or communicates to or about, a person,
16 engages in other non-consensual contact, or interferes
17 with or damages a person's property or pet. A course of
18 conduct may include contact via electronic communications.

19 (2) "Electronic communication" means any transfer of
20 signs, signals, writings, sounds, data, or intelligence of
21 any nature transmitted in whole or in part by a wire,
22 radio, electromagnetic, photoelectric, or photo-optical
23 system. "Electronic communication" includes transmissions
24 by a computer through the Internet to another computer.

25 (3) "Emotional distress" means significant mental
26 suffering, anxiety or alarm.

1 (4) "Family member" means a parent, grandparent,
2 brother, sister, or child, whether by whole blood,
3 half-blood, or adoption and includes a step-grandparent,
4 step-parent, step-brother, step-sister or step-child.
5 "Family member" also means any other person who regularly
6 resides in the household, or who, within the prior 6
7 months, regularly resided in the household.

8 (5) "Follows another person" means (i) to move in
9 relative proximity to a person as that person moves from
10 place to place or (ii) to remain in relative proximity to a
11 person who is stationary or whose movements are confined to
12 a small area. "Follows another person" does not include a
13 following within the residence of the defendant.

14 (6) "Non-consensual contact" means any contact with
15 the victim that is initiated or continued without the
16 victim's consent, including but not limited to being in the
17 physical presence of the victim; appearing within the sight
18 of the victim; approaching or confronting the victim in a
19 public place or on private property; appearing at the
20 workplace or residence of the victim; entering onto or
21 remaining on property owned, leased, or occupied by the
22 victim; or placing an object on, or delivering an object
23 to, property owned, leased, or occupied by the victim.

24 (7) "Places a person under surveillance" means: (1)
25 remaining present outside the person's school, place of
26 employment, vehicle, other place occupied by the person, or

1 residence other than the residence of the defendant; or (2)
2 placing an electronic tracking device on the person or the
3 person's property.

4 (8) "Reasonable person" means a person in the victim's
5 situation.

6 (9) "Transmits a threat" means a verbal or written
7 threat or a threat implied by a pattern of conduct or a
8 combination of verbal or written statements or conduct.

9 (d) Exemptions.

10 (1) This Section does not apply to any individual or
11 organization (i) monitoring or attentive to compliance
12 with public or worker safety laws, wage and hour
13 requirements, or other statutory requirements, or (ii)
14 picketing occurring at the workplace that is otherwise
15 lawful and arises out of a bona fide labor dispute,
16 including any controversy concerning wages, salaries,
17 hours, working conditions or benefits, including health
18 and welfare, sick leave, insurance, and pension or
19 retirement provisions, the making or maintaining of
20 collective bargaining agreements, and the terms to be
21 included in those agreements.

22 (2) This Section does not apply to an exercise of the
23 right to free speech or assembly that is otherwise lawful.

24 (3) Telecommunications carriers, commercial mobile
25 service providers, and providers of information services,
26 including, but not limited to, Internet service providers

1 and hosting service providers, are not liable under this
2 Section, except for willful and wanton misconduct, by
3 virtue of the transmission, storage, or caching of
4 electronic communications or messages of others or by
5 virtue of the provision of other related
6 telecommunications, commercial mobile services, or
7 information services used by others in violation of this
8 Section.

9 (d-5) The incarceration of a person in a penal institution
10 who commits the course of conduct or transmits a threat is not
11 a bar to prosecution under this Section.

12 (Source: P.A. 95-33, eff. 1-1-08; 96-686, eff. 1-1-10.)

13 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

14 Sec. 12-7.4. Aggravated stalking.

15 (a) A person commits aggravated stalking when he or she
16 ~~commits, in conjunction with committing the offense of~~ stalking
17 ~~and, also does any of the following:~~

18 (1) causes bodily harm to the victim;

19 (2) confines or restrains the victim; or

20 (3) violates a temporary restraining order, an order of
21 protection, a stalking no contact order, a civil no contact
22 order, or an injunction prohibiting the behavior described
23 in subsection (b) (1) of Section 214 of the Illinois
24 Domestic Violence Act of 1986.

25 (b) Sentence. Aggravated stalking is a Class 3 felony; ~~a. A~~

1 second or subsequent conviction ~~for aggravated stalking~~ is a
2 Class 2 felony.

3 (c) Exemptions.

4 (1) This Section does not apply to any individual or
5 organization (i) monitoring or attentive to compliance
6 with public or worker safety laws, wage and hour
7 requirements, or other statutory requirements, or (ii)
8 picketing occurring at the workplace that is otherwise
9 lawful and arises out of a bona fide labor dispute
10 including any controversy concerning wages, salaries,
11 hours, working conditions or benefits, including health
12 and welfare, sick leave, insurance, and pension or
13 retirement provisions, the managing or maintenance of
14 collective bargaining agreements, and the terms to be
15 included in those agreements.

16 (2) This Section does not apply to an exercise of the
17 right of free speech or assembly that is otherwise lawful.

18 (3) Telecommunications carriers, commercial mobile
19 service providers, and providers of information services,
20 including, but not limited to, Internet service providers
21 and hosting service providers, are not liable under this
22 Section, except for willful and wanton misconduct, by
23 virtue of the transmission, storage, or caching of
24 electronic communications or messages of others or by
25 virtue of the provision of other related
26 telecommunications, commercial mobile services, or

1 information services used by others in violation of this
2 Section.

3 (Source: P.A. 96-686, eff. 1-1-10.)

4 (720 ILCS 5/12-7.5)

5 Sec. 12-7.5. Cyberstalking.

6 (a) A person commits cyberstalking when he or she engages
7 in a course of conduct using electronic communication directed
8 at a specific person, and he or she knows or should know that
9 would cause a reasonable person to:

10 (1) fear for his or her safety or the safety of a third
11 person; or

12 (2) suffer other emotional distress.

13 (a-3) A person commits cyberstalking when he or she,
14 knowingly and without lawful justification, on at least 2
15 separate occasions, harasses another person through the use of
16 electronic communication and:

17 (1) at any time transmits a threat of immediate or
18 future bodily harm, sexual assault, confinement, or
19 restraint and the threat is directed towards that person or
20 a family member of that person; or

21 (2) places that person or a family member of that
22 person in reasonable apprehension of immediate or future
23 bodily harm, sexual assault, confinement, or restraint; or

24 (3) at any time knowingly solicits the commission of an
25 act by any person which would be a violation of this Code

1 directed towards that person or a family member of that
2 person.

3 (a-5) A person commits cyberstalking when he or she,
4 knowingly and without lawful justification, creates and
5 maintains an Internet website or webpage which is accessible to
6 one or more third parties for a period of at least 24 hours,
7 and which contains statements harassing another person and:

8 (1) which communicates a threat of immediate or future
9 bodily harm, sexual assault, confinement, or restraint,
10 where the threat is directed towards that person or a
11 family member of that person, or

12 (2) which places that person or a family member of that
13 person in reasonable apprehension of immediate or future
14 bodily harm, sexual assault, confinement, or restraint, or

15 (3) which knowingly solicits the commission of an act
16 by any person which would be a violation of this Code
17 directed towards that person or a family member of that
18 person.

19 (b) Sentence. Cyberstalking is a Class 4 felony; ~~a. A~~
20 second or subsequent conviction ~~for cyberstalking~~ is a Class 3
21 felony.

22 (c) For purposes of this Section:

23 (1) "Course of conduct" means 2 or more acts, including
24 but not limited to acts in which a defendant directly,
25 indirectly, or through third parties, by any action,
26 method, device, or means follows, monitors, observes,

1 surveils, threatens, or communicates to or about, a person,
2 engages in other non-consensual contact, or interferes
3 with or damages a person's property or pet. The
4 incarceration in a penal institution of a person who
5 commits the course of conduct is not a bar to prosecution
6 under this Section.

7 (2) "Electronic communication" means any transfer of
8 signs, signals, writings, sounds, data, or intelligence of
9 any nature transmitted in whole or in part by a wire,
10 radio, electromagnetic, photoelectric, or photo-optical
11 system. "Electronic communication" includes transmissions
12 by a computer through the Internet to another computer.

13 (3) "Emotional distress" means significant mental
14 suffering, anxiety or alarm.

15 (4) "Harass" means to engage in a knowing and willful
16 course of conduct directed at a specific person that
17 alarms, torments, or terrorizes that person.

18 (5) "Non-consensual contact" means any contact with
19 the victim that is initiated or continued without the
20 victim's consent, including but not limited to being in the
21 physical presence of the victim; appearing within the sight
22 of the victim; approaching or confronting the victim in a
23 public place or on private property; appearing at the
24 workplace or residence of the victim; entering onto or
25 remaining on property owned, leased, or occupied by the
26 victim; or placing an object on, or delivering an object

1 to, property owned, leased, or occupied by the victim.

2 (6) "Reasonable person" means a person in the victim's
3 circumstances, with the victim's knowledge of the
4 defendant and the defendant's prior acts.

5 (7) "Third party" means any person other than the
6 person violating these provisions and the person or persons
7 towards whom the violator's actions are directed.

8 (d) Telecommunications carriers, commercial mobile service
9 providers, and providers of information services, including,
10 but not limited to, Internet service providers and hosting
11 service providers, are not liable under this Section, except
12 for willful and wanton misconduct, by virtue of the
13 transmission, storage, or caching of electronic communications
14 or messages of others or by virtue of the provision of other
15 related telecommunications, commercial mobile services, or
16 information services used by others in violation of this
17 Section.

18 (Source: P.A. 95-849, eff. 1-1-09; 96-328, eff. 8-11-09;
19 96-686, eff. 1-1-10; revised 10-20-09.)

20 (720 ILCS 5/12-7.6)

21 Sec. 12-7.6. Cross burning.

22 (a) A person commits ~~the offense of~~ cross burning when he
23 or she ~~who~~, with the intent to intimidate any other person or
24 group of persons, burns or causes to be burned a cross.

25 (b) Sentence. Cross burning is a Class A misdemeanor for a

1 first offense and a Class 4 felony for a second or subsequent
2 offense.

3 (c) For the purposes of this Section, a person acts with
4 the "intent to intimidate" when he or she intentionally places
5 or attempts to place another person in fear of physical injury
6 or fear of damage to that other person's property.

7 (Source: P.A. 93-764, eff. 1-1-05.)

8 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

9 Sec. 12-9. Threatening public officials.

10 (a) A person commits ~~the offense of~~ threatening a public
11 official when:

12 (1) that person knowingly ~~and willfully~~ delivers or
13 conveys, directly or indirectly, to a public official by
14 any means a communication:

15 (i) containing a threat that would place the public
16 official or a member of his or her immediate family in
17 reasonable apprehension of immediate or future bodily
18 harm, sexual assault, confinement, or restraint; or

19 (ii) containing a threat that would place the
20 public official or a member of his or her immediate
21 family in reasonable apprehension that damage will
22 occur to property in the custody, care, or control of
23 the public official or his or her immediate family; and

24 (2) the threat was conveyed because of the performance
25 or nonperformance of some public duty, because of hostility

1 of the person making the threat toward the status or
2 position of the public official, or because of any other
3 factor related to the official's public existence.

4 (a-5) For purposes of a threat to a sworn law enforcement
5 officer, the threat must contain specific facts indicative of a
6 unique threat to the person, family or property of the officer
7 and not a generalized threat of harm.

8 (b) For purposes of this Section:

9 (1) "Public official" means a person who is elected to
10 office in accordance with a statute or who is appointed to
11 an office which is established, and the qualifications and
12 duties of which are prescribed, by statute, to discharge a
13 public duty for the State or any of its political
14 subdivisions or in the case of an elective office any
15 person who has filed the required documents for nomination
16 or election to such office. "Public official" includes a
17 duly appointed assistant State's Attorney, assistant
18 Attorney General, or Appellate Prosecutor, and a sworn law
19 enforcement or peace officer.

20 (2) "Immediate family" means a public official's
21 spouse or child or children.

22 (c) Threatening a public official is a Class 3 felony for a
23 first offense and a Class 2 felony for a second or subsequent
24 offense.

25 (Source: P.A. 95-466, eff. 6-1-08.)

1 (720 ILCS 5/Art.12, Subdiv. 20 heading new)

2 SUBDIVISION 20. MUTILATION

3 (720 ILCS 5/12-10.2)

4 Sec. 12-10.2. Tongue splitting.

5 (a) In this Section, "tongue splitting" means the cutting
6 of a human tongue into 2 or more parts.

7 (b) A person may not knowingly perform tongue splitting on
8 another person unless the person performing the tongue
9 splitting is licensed to practice medicine in all its branches
10 under the Medical Practice Act of 1987 or licensed under the
11 Illinois Dental Practice Act.

12 (c) Sentence. Tongue splitting performed in violation of
13 this Section is a Class A misdemeanor for a first offense and a
14 Class 4 felony for a second or subsequent offense.

15 (Source: P.A. 93-449, eff. 1-1-04.)

16 (720 ILCS 5/12-20) (from Ch. 38, par. 12-20)

17 Sec. 12-20. Sale of body parts.

18 (a) Except as provided in subsection (b), any person who
19 knowingly buys or sells, or offers to buy or sell, a human body
20 or any part of a human body, is guilty of a Class A misdemeanor
21 for the first conviction and a Class 4 felony for subsequent
22 convictions.

23 (b) This Section does not prohibit:

24 (1) An anatomical gift made in accordance with the

1 Illinois Anatomical Gift Act.

2 (2) (Blank). ~~The removal and use of a human cornea in~~
3 ~~accordance with the Illinois Anatomical Gift Act.~~

4 (3) Reimbursement of actual expenses incurred by a
5 living person in donating an organ, tissue or other body
6 part or fluid for transplantation, implantation, infusion,
7 injection, or other medical or scientific purpose,
8 including medical costs, loss of income, and travel
9 expenses.

10 (4) Payments provided under a plan of insurance or
11 other health care coverage.

12 (5) Reimbursement of reasonable costs associated with
13 the removal, storage or transportation of a human body or
14 part thereof donated for medical or scientific purposes.

15 (6) Purchase or sale of blood, plasma, blood products
16 or derivatives, other body fluids, or human hair.

17 (7) Purchase or sale of drugs, reagents or other
18 substances made from human bodies or body parts, for use in
19 medical or scientific research, treatment or diagnosis.

20 (Source: P.A. 93-794, eff. 7-22-04.)

21 (720 ILCS 5/12-20.5)

22 Sec. 12-20.5. Dismembering a human body.

23 (a) A person commits ~~the offense of~~ dismembering a human
24 body when he or she knowingly dismembers, severs, separates,
25 dissects, or mutilates any body part of a deceased's body.

1 (b) This Section does not apply to:

2 (1) an anatomical gift made in accordance with the
3 Illinois Anatomical Gift Act;

4 (2) (blank); ~~the removal and use of a human cornea in~~
5 ~~accordance with the Illinois Anatomical Gift Act;~~

6 (3) the purchase or sale of drugs, reagents, or other
7 substances made from human body parts, for the use in
8 medical or scientific research, treatment, or diagnosis;

9 (4) persons employed by a county medical examiner's
10 office or coroner's office acting within the scope of their
11 employment while performing an autopsy;

12 (5) the acts of a licensed funeral director or embalmer
13 while performing acts authorized by the Funeral Directors
14 and Embalmers Licensing Code;

15 (6) the acts of emergency medical personnel or
16 physicians performed in good faith and according to the
17 usual and customary standards of medical practice in an
18 attempt to resuscitate a life; or

19 (7) physicians licensed to practice medicine in all of
20 its branches or holding a visiting professor, physician, or
21 resident permit under the Medical Practice Act of 1987,
22 performing acts in accordance with usual and customary
23 standards of medical practice, or a currently enrolled
24 student in an accredited medical school in furtherance of
25 his or her education at the accredited medical school.

26 (c) It is not a defense to a violation of this Section that

1 the decedent died due to natural, accidental, or suicidal
2 causes.

3 (d) Sentence. Dismembering a human body is a Class X
4 felony.

5 (Source: P.A. 95-331, eff. 8-21-07.)

6 (720 ILCS 5/12-32) (from Ch. 38, par. 12-32)

7 Sec. 12-32. Ritual ~~mutilation~~ Mutilation.

8 (a) A person commits ~~the offense of~~ ritual mutilation~~7~~, when
9 he or she knowingly mutilates, dismembers or tortures another
10 person as part of a ceremony, rite, initiation, observance,
11 performance or practice, and the victim did not consent or
12 under such circumstances that the defendant knew or should have
13 known that the victim was unable to render effective consent.

14 (b) Ritual mutilation does not include the practice of male
15 circumcision or a ceremony, rite, initiation, observance, or
16 performance related thereto. ~~Sentence. Ritual mutilation is a~~
17 ~~Class 2 felony.~~

18 (c) Sentence. Ritual mutilation is a Class 2 felony. ~~The~~
19 ~~offense ritual mutilation does not include the practice of male~~
20 ~~circumcision or a ceremony, rite, initiation, observance, or~~
21 ~~performance related thereto.~~

22 (Source: P.A. 90-88, eff. 1-1-98.)

23 (720 ILCS 5/12-33) (from Ch. 38, par. 12-33)

24 Sec. 12-33. Ritualized abuse of a child.

1 (a) A person commits ~~is guilty of~~ ritualized abuse of a
2 child when he or she knowingly commits any of the following
3 acts with, upon, or in the presence of a child as part of a
4 ceremony, rite or any similar observance:

5 (1) actually or in simulation, tortures, mutilates, or
6 sacrifices any warm-blooded animal or human being;

7 (2) forces ingestion, injection or other application
8 of any narcotic, drug, hallucinogen or anaesthetic for the
9 purpose of dulling sensitivity, cognition, recollection
10 of, or resistance to any criminal activity;

11 (3) forces ingestion, or external application, of
12 human or animal urine, feces, flesh, blood, bones, body
13 secretions, nonprescribed drugs or chemical compounds;

14 (4) involves the child in a mock, unauthorized or
15 unlawful marriage ceremony with another person or
16 representation of any force or deity, followed by sexual
17 contact with the child;

18 (5) places a living child into a coffin or open grave
19 containing a human corpse or remains;

20 (6) threatens death or serious harm to a child, his or
21 her parents, family, pets, or friends that instills a
22 well-founded fear in the child that the threat will be
23 carried out; or

24 (7) unlawfully dissects, mutilates, or incinerates a
25 human corpse.

26 (b) The provisions of this Section shall not be construed

1 to apply to:

2 (1) lawful agricultural, animal husbandry, food
3 preparation, or wild game hunting and fishing practices and
4 specifically the branding or identification of livestock;

5 (2) the lawful medical practice of male circumcision or
6 any ceremony related to male circumcision;

7 (3) any state or federally approved, licensed, or
8 funded research project; or

9 (4) the ingestion of animal flesh or blood in the
10 performance of a religious service or ceremony.

11 (b-5) For the purposes of this Section, "child" means any
12 person under 18 years of age.

13 (c) Ritualized abuse of a child is a Class 1 felony for a
14 first offense. A second or subsequent conviction for ritualized
15 abuse of a child is a Class X felony for which the offender may
16 be sentenced to a term of natural life imprisonment.

17 (d) (Blank). ~~For the purposes of this Section, "child"~~
18 ~~means any person under 18 years of age.~~

19 (Source: P.A. 90-88, eff. 1-1-98.)

20 (720 ILCS 5/12-34)

21 Sec. 12-34. Female genital mutilation.

22 (a) Except as otherwise permitted in subsection (b),
23 whoever knowingly circumcises, excises, or infibulates, in
24 whole or in part, the labia majora, labia minora, or clitoris
25 of another commits ~~the offense of~~ female genital mutilation.

1 Consent to the procedure by a minor on whom it is performed or
2 by the minor's parent or guardian is not a defense to a
3 violation of this Section.

4 (b) A surgical procedure is not a violation of subsection
5 (a) if the procedure is performed by a physician licensed to
6 practice medicine in all its branches and:

7 (1) is necessary to the health of the person on whom it
8 is performed ~~and is performed by a physician licensed to~~
9 ~~practice medicine in all of its branches;~~ or

10 (2) is performed on a person who is in labor or who has
11 just given birth and is performed for medical purposes
12 connected with that labor or birth ~~by a physician licensed~~
13 ~~to practice medicine in all of its branches.~~

14 (c) Sentence. Female genital mutilation is a Class X
15 felony.

16 (Source: P.A. 90-88, eff. 1-1-98.)

17 (720 ILCS 5/Art. 12, Subdiv. 25 heading new)

18 SUBDIVISION 25. OTHER HARM OFFENSES

19 (720 ILCS 5/12-34.5) (was 720 ILCS 5/12-31)

20 Sec. 12-34.5 ~~12-31~~. Inducement to commit suicide ~~Commit~~
21 ~~Suicide~~.

22 (a) A person commits ~~the offense of~~ inducement to commit
23 suicide when he or she does either of the following:

24 (1) Knowingly coerces ~~Coerces~~ another to commit

1 suicide and the other person commits or attempts to commit
2 suicide as a direct result of the coercion, and he or she
3 exercises substantial control over the other person
4 through (i) control of the other person's physical location
5 or circumstances; (ii) use of psychological pressure; or
6 (iii) use of actual or ostensible religious, political,
7 social, philosophical or other principles.

8 (2) With knowledge that another person intends to
9 commit or attempt to commit suicide, intentionally (i)
10 offers and provides the physical means by which another
11 person commits or attempts to commit suicide, or (ii)
12 participates in a physical act by which another person
13 commits or attempts to commit suicide.

14 For the purposes of this Section, "attempts to commit
15 suicide" means any act done with the intent to commit suicide
16 and which constitutes a substantial step toward commission of
17 suicide.

18 (b) Sentence. Inducement to commit suicide under paragraph
19 (a) (1) when the other person commits suicide as a direct result
20 of the coercion is a Class 2 felony. Inducement to commit
21 suicide under paragraph (a) (2) when the other person commits
22 suicide as a direct result of the assistance provided is a
23 Class 4 felony. Inducement to commit suicide under paragraph
24 (a) (1) when the other person attempts to commit suicide as a
25 direct result of the coercion is a Class 3 felony. Inducement
26 to commit suicide under paragraph (a) (2) when the other person

1 attempts to commit suicide as a direct result of the assistance
2 provided is a Class A misdemeanor.

3 (c) The lawful compliance or a good-faith attempt at lawful
4 compliance with the Illinois Living Will Act, the Health Care
5 Surrogate Act, or the Powers of Attorney for Health Care Law is
6 not inducement to commit suicide under paragraph (a) (2) of this
7 Section.

8 (Source: P.A. 87-1167; 88-392.)

9 (720 ILCS 5/12-35)

10 Sec. 12-35. Sexual conduct or sexual contact with an
11 animal.

12 (a) A person may not knowingly engage in any sexual conduct
13 or sexual contact with an animal.

14 (b) (Blank). ~~A person may not knowingly cause, aid, or abet~~
15 ~~another person to engage in any sexual conduct or sexual~~
16 ~~contact with an animal.~~

17 (c) (Blank). ~~A person may not knowingly permit any sexual~~
18 ~~conduct or sexual contact with an animal to be conducted on any~~
19 ~~premises under his or her charge or control.~~

20 (d) (Blank). ~~A person may not knowingly engage in, promote,~~
21 ~~aid, or abet any activity involving any sexual conduct or~~
22 ~~sexual contact with an animal for a commercial or recreational~~
23 ~~purpose.~~

24 (e) Sentence. A person who violates this Section is guilty
25 of a Class 4 felony. A person who violates this Section in the

1 presence of a person under 18 years of age or causes the animal
2 serious physical injury or death is guilty of a Class 3 felony.

3 (f) In addition to the penalty imposed in subsection (e),
4 the court may order that the defendant do any of the following:

5 (1) Not harbor animals or reside in any household where
6 animals are present for a reasonable period of time or
7 permanently, if necessary.

8 (2) Relinquish and permanently forfeit all animals
9 residing in the household to a recognized or duly organized
10 animal shelter or humane society.

11 (3) Undergo a psychological evaluation and counseling
12 at defendant's expense.

13 (4) Reimburse the animal shelter or humane society for
14 any reasonable costs incurred for the care and maintenance
15 of the animal involved in the sexual conduct or sexual
16 contact in addition to any animals relinquished to the
17 animal shelter or humane society.

18 (g) Nothing in this Section shall be construed to prohibit
19 accepted animal husbandry practices or accepted veterinary
20 medical practices by a licensed veterinarian or certified
21 veterinary technician.

22 (h) If the court has reasonable grounds to believe that a
23 violation of this Section has occurred, the court may order the
24 seizure of all animals involved in the alleged violation as a
25 condition of bond of a person charged with a violation of this
26 Section.

1 (i) In this Section:

2 "Animal" means every creature, either alive or dead, other
3 than a human being.

4 "Sexual conduct" means any knowing touching or fondling by
5 a person, either directly or through clothing, of the sex
6 organs or anus of an animal or any transfer or transmission of
7 semen by the person upon any part of the animal, for the
8 purpose of sexual gratification or arousal of the person.

9 "Sexual contact" means any contact, however slight,
10 between the sex organ or anus of a person and the sex organ,
11 mouth, or anus of an animal, or any intrusion, however slight,
12 of any part of the body of the person into the sex organ or anus
13 of an animal, for the purpose of sexual gratification or
14 arousal of the person. Evidence of emission of semen is not
15 required to prove sexual contact.

16 (Source: P.A. 92-721, eff. 1-1-03.)

17 (720 ILCS 5/12-4.1 rep.)

18 (720 ILCS 5/12-4.2 rep.)

19 (720 ILCS 5/12-4.2-5 rep.)

20 (720 ILCS 5/12-4.3 rep.)

21 (720 ILCS 5/12-4.4 rep.)

22 (720 ILCS 5/12-4.6 rep.)

23 (720 ILCS 5/12-4.7 rep.)

24 (720 ILCS 5/12-4.8 rep.)

25 (720 ILCS 5/12-19 rep.)

1 (720 ILCS 5/12-21 rep.)

2 (720 ILCS 5/Art. 45 heading rep.)

3 Section 10. The Criminal Code of 1961 is amended by
4 repealing Sections 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
5 12-4.6, 12-4.7, 12-4.8, 12-19, and 12-21 and the heading of
6 Article 45.

7 Section 900. The Children and Family Services Act is
8 amended by changing Section 7 as follows:

9 (20 ILCS 505/7) (from Ch. 23, par. 5007)

10 Sec. 7. Placement of children; considerations.

11 (a) In placing any child under this Act, the Department
12 shall place such child, as far as possible, in the care and
13 custody of some individual holding the same religious belief as
14 the parents of the child, or with some child care facility
15 which is operated by persons of like religious faith as the
16 parents of such child.

17 (b) In placing a child under this Act, the Department may
18 place a child with a relative if the Department determines that
19 the relative will be able to adequately provide for the child's
20 safety and welfare based on the factors set forth in the
21 Department's rules governing relative placements, and that the
22 placement is consistent with the child's best interests, taking
23 into consideration the factors set out in subsection (4.05) of
24 Section 1-3 of the Juvenile Court Act of 1987.

1 When the Department first assumes custody of a child, in
2 placing that child under this Act, the Department shall make
3 reasonable efforts to identify and locate a relative who is
4 ready, willing, and able to care for the child. At a minimum,
5 these efforts shall be renewed each time the child requires a
6 placement change and it is appropriate for the child to be
7 cared for in a home environment. The Department must document
8 its efforts to identify and locate such a relative placement
9 and maintain the documentation in the child's case file.

10 If the Department determines that a placement with any
11 identified relative is not in the child's best interests or
12 that the relative does not meet the requirements to be a
13 relative caregiver, as set forth in Department rules or by
14 statute, the Department must document the basis for that
15 decision and maintain the documentation in the child's case
16 file.

17 If, pursuant to the Department's rules, any person files an
18 administrative appeal of the Department's decision not to place
19 a child with a relative, it is the Department's burden to prove
20 that the decision is consistent with the child's best
21 interests.

22 When the Department determines that the child requires
23 placement in an environment, other than a home environment, the
24 Department shall continue to make reasonable efforts to
25 identify and locate relatives to serve as visitation resources
26 for the child and potential future placement resources, except

1 when the Department determines that those efforts would be
2 futile or inconsistent with the child's best interests.

3 If the Department determines that efforts to identify and
4 locate relatives would be futile or inconsistent with the
5 child's best interests, the Department shall document the basis
6 of its determination and maintain the documentation in the
7 child's case file.

8 If the Department determines that an individual or a group
9 of relatives are inappropriate to serve as visitation resources
10 or possible placement resources, the Department shall document
11 the basis of its determination and maintain the documentation
12 in the child's case file.

13 When the Department determines that an individual or a
14 group of relatives are appropriate to serve as visitation
15 resources or possible future placement resources, the
16 Department shall document the basis of its determination,
17 maintain the documentation in the child's case file, create a
18 visitation or transition plan, or both, and incorporate the
19 visitation or transition plan, or both, into the child's case
20 plan. For the purpose of this subsection, any determination as
21 to the child's best interests shall include consideration of
22 the factors set out in subsection (4.05) of Section 1-3 of the
23 Juvenile Court Act of 1987.

24 The Department may not place a child with a relative, with
25 the exception of certain circumstances which may be waived as
26 defined by the Department in rules, if the results of a check

1 of the Law Enforcement Agencies Data System (LEADS) identifies
2 a prior criminal conviction of the relative or any adult member
3 of the relative's household for any of the following offenses
4 under the Criminal Code of 1961:

5 (1) murder;

6 (1.1) solicitation of murder;

7 (1.2) solicitation of murder for hire;

8 (1.3) intentional homicide of an unborn child;

9 (1.4) voluntary manslaughter of an unborn child;

10 (1.5) involuntary manslaughter;

11 (1.6) reckless homicide;

12 (1.7) concealment of a homicidal death;

13 (1.8) involuntary manslaughter of an unborn child;

14 (1.9) reckless homicide of an unborn child;

15 (1.10) drug-induced homicide;

16 (2) a sex offense under Article 11, except offenses
17 described in Sections 11-7, 11-8, 11-12, and 11-13;

18 (3) kidnapping;

19 (3.1) aggravated unlawful restraint;

20 (3.2) forcible detention;

21 (3.3) aiding and abetting child abduction;

22 (4) aggravated kidnapping;

23 (5) child abduction;

24 (6) aggravated battery of a child as described in
25 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

26 (7) criminal sexual assault;

1 (8) aggravated criminal sexual assault;

2 (8.1) predatory criminal sexual assault of a child;

3 (9) criminal sexual abuse;

4 (10) aggravated sexual abuse;

5 (11) heinous battery as described in Section 12-4.1 or
6 subdivision (a) (2) of Section 12-3.05;

7 (12) aggravated battery with a firearm as described in
8 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
9 (e) (4) of Section 12-3.05;

10 (13) tampering with food, drugs, or cosmetics;

11 (14) drug-induced infliction of great bodily harm as
12 described in Section 12-4.7 or subdivision (g) (1) of
13 Section 12-3.05;

14 (15) aggravated stalking;

15 (16) home invasion;

16 (17) vehicular invasion;

17 (18) criminal transmission of HIV;

18 (19) criminal abuse or neglect of an elderly or
19 disabled person as described in Section 12-21 or subsection
20 (b) of Section 12-4.4a;

21 (20) child abandonment;

22 (21) endangering the life or health of a child;

23 (22) ritual mutilation;

24 (23) ritualized abuse of a child;

25 (24) an offense in any other state the elements of
26 which are similar and bear a substantial relationship to

1 any of the foregoing offenses.

2 For the purpose of this subsection, "relative" shall include
3 any person, 21 years of age or over, other than the parent, who
4 (i) is currently related to the child in any of the following
5 ways by blood or adoption: grandparent, sibling,
6 great-grandparent, uncle, aunt, nephew, niece, first cousin,
7 second cousin, godparent, great-uncle, or great-aunt; or (ii)
8 is the spouse of such a relative; or (iii) is the child's
9 step-father, step-mother, or adult step-brother or
10 step-sister; "relative" also includes a person related in any
11 of the foregoing ways to a sibling of a child, even though the
12 person is not related to the child, when the child and its
13 sibling are placed together with that person. For children who
14 have been in the guardianship of the Department, have been
15 adopted, and are subsequently returned to the temporary custody
16 or guardianship of the Department, a "relative" may also
17 include any person who would have qualified as a relative under
18 this paragraph prior to the adoption, but only if the
19 Department determines, and documents, that it would be in the
20 child's best interests to consider this person a relative,
21 based upon the factors for determining best interests set forth
22 in subsection (4.05) of Section 1-3 of the Juvenile Court Act
23 of 1987. A relative with whom a child is placed pursuant to
24 this subsection may, but is not required to, apply for
25 licensure as a foster family home pursuant to the Child Care
26 Act of 1969; provided, however, that as of July 1, 1995, foster

1 care payments shall be made only to licensed foster family
2 homes pursuant to the terms of Section 5 of this Act.

3 (c) In placing a child under this Act, the Department shall
4 ensure that the child's health, safety, and best interests are
5 met. In rejecting placement of a child with an identified
6 relative, the Department shall ensure that the child's health,
7 safety, and best interests are met. In evaluating the best
8 interests of the child, the Department shall take into
9 consideration the factors set forth in subsection (4.05) of
10 Section 1-3 of the Juvenile Court Act of 1987.

11 The Department shall consider the individual needs of the
12 child and the capacity of the prospective foster or adoptive
13 parents to meet the needs of the child. When a child must be
14 placed outside his or her home and cannot be immediately
15 returned to his or her parents or guardian, a comprehensive,
16 individualized assessment shall be performed of that child at
17 which time the needs of the child shall be determined. Only if
18 race, color, or national origin is identified as a legitimate
19 factor in advancing the child's best interests shall it be
20 considered. Race, color, or national origin shall not be
21 routinely considered in making a placement decision. The
22 Department shall make special efforts for the diligent
23 recruitment of potential foster and adoptive families that
24 reflect the ethnic and racial diversity of the children for
25 whom foster and adoptive homes are needed. "Special efforts"
26 shall include contacting and working with community

1 organizations and religious organizations and may include
2 contracting with those organizations, utilizing local media
3 and other local resources, and conducting outreach activities.

4 (c-1) At the time of placement, the Department shall
5 consider concurrent planning, as described in subsection (1-1)
6 of Section 5, so that permanency may occur at the earliest
7 opportunity. Consideration should be given so that if
8 reunification fails or is delayed, the placement made is the
9 best available placement to provide permanency for the child.

10 (d) The Department may accept gifts, grants, offers of
11 services, and other contributions to use in making special
12 recruitment efforts.

13 (e) The Department in placing children in adoptive or
14 foster care homes may not, in any policy or practice relating
15 to the placement of children for adoption or foster care,
16 discriminate against any child or prospective adoptive or
17 foster parent on the basis of race.

18 (Source: P.A. 94-880, eff. 8-1-06.)

19 Section 905. The Criminal Identification Act is amended by
20 changing Sections 2.1 and 5.2 as follows:

21 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

22 Sec. 2.1. For the purpose of maintaining complete and
23 accurate criminal records of the Department of State Police, it
24 is necessary for all policing bodies of this State, the clerk

1 of the circuit court, the Illinois Department of Corrections,
2 the sheriff of each county, and State's Attorney of each county
3 to submit certain criminal arrest, charge, and disposition
4 information to the Department for filing at the earliest time
5 possible. Unless otherwise noted herein, it shall be the duty
6 of all policing bodies of this State, the clerk of the circuit
7 court, the Illinois Department of Corrections, the sheriff of
8 each county, and the State's Attorney of each county to report
9 such information as provided in this Section, both in the form
10 and manner required by the Department and within 30 days of the
11 criminal history event. Specifically:

12 (a) Arrest Information. All agencies making arrests for
13 offenses which are required by statute to be collected,
14 maintained or disseminated by the Department of State Police
15 shall be responsible for furnishing daily to the Department
16 fingerprints, charges and descriptions of all persons who are
17 arrested for such offenses. All such agencies shall also notify
18 the Department of all decisions by the arresting agency not to
19 refer such arrests for prosecution. With approval of the
20 Department, an agency making such arrests may enter into
21 arrangements with other agencies for the purpose of furnishing
22 daily such fingerprints, charges and descriptions to the
23 Department upon its behalf.

24 (b) Charge Information. The State's Attorney of each county
25 shall notify the Department of all charges filed and all
26 petitions filed alleging that a minor is delinquent, including

1 all those added subsequent to the filing of a case, and whether
2 charges were not filed in cases for which the Department has
3 received information required to be reported pursuant to
4 paragraph (a) of this Section. With approval of the Department,
5 the State's Attorney may enter into arrangements with other
6 agencies for the purpose of furnishing the information required
7 by this subsection (b) to the Department upon the State's
8 Attorney's behalf.

9 (c) Disposition Information. The clerk of the circuit court
10 of each county shall furnish the Department, in the form and
11 manner required by the Supreme Court, with all final
12 dispositions of cases for which the Department has received
13 information required to be reported pursuant to paragraph (a)
14 or (d) of this Section. Such information shall include, for
15 each charge, all (1) judgments of not guilty, judgments of
16 guilty including the sentence pronounced by the court, findings
17 that a minor is delinquent and any sentence made based on those
18 findings, discharges and dismissals in the court; (2) reviewing
19 court orders filed with the clerk of the circuit court which
20 reverse or remand a reported conviction or findings that a
21 minor is delinquent or that vacate or modify a sentence or
22 sentence made following a trial that a minor is delinquent; (3)
23 continuances to a date certain in furtherance of an order of
24 supervision granted under Section 5-6-1 of the Unified Code of
25 Corrections or an order of probation granted under Section 10
26 of the Cannabis Control Act, Section 410 of the Illinois

1 Controlled Substances Act, Section 70 of the Methamphetamine
2 Control and Community Protection Act, Section 12-4.3 or
3 subdivision (b) (1) of Section 12-3.05 of the Criminal Code of
4 1961, Section 10-102 of the Illinois Alcoholism and Other Drug
5 Dependency Act, Section 40-10 of the Alcoholism and Other Drug
6 Abuse and Dependency Act, Section 10 of the Steroid Control
7 Act, or Section 5-615 of the Juvenile Court Act of 1987; and
8 (4) judgments or court orders terminating or revoking a
9 sentence to or juvenile disposition of probation, supervision
10 or conditional discharge and any resentencing or new court
11 orders entered by a juvenile court relating to the disposition
12 of a minor's case involving delinquency after such revocation.

13 (d) Fingerprints After Sentencing.

14 (1) After the court pronounces sentence, sentences a
15 minor following a trial in which a minor was found to be
16 delinquent or issues an order of supervision or an order of
17 probation granted under Section 10 of the Cannabis Control
18 Act, Section 410 of the Illinois Controlled Substances Act,
19 Section 70 of the Methamphetamine Control and Community
20 Protection Act, Section 12-4.3 or subdivision (b) (1) of
21 Section 12-3.05 of the Criminal Code of 1961, Section
22 10-102 of the Illinois Alcoholism and Other Drug Dependency
23 Act, Section 40-10 of the Alcoholism and Other Drug Abuse
24 and Dependency Act, Section 10 of the Steroid Control Act,
25 or Section 5-615 of the Juvenile Court Act of 1987 for any
26 offense which is required by statute to be collected,

1 maintained, or disseminated by the Department of State
2 Police, the State's Attorney of each county shall ask the
3 court to order a law enforcement agency to fingerprint
4 immediately all persons appearing before the court who have
5 not previously been fingerprinted for the same case. The
6 court shall so order the requested fingerprinting, if it
7 determines that any such person has not previously been
8 fingerprinted for the same case. The law enforcement agency
9 shall submit such fingerprints to the Department daily.

10 (2) After the court pronounces sentence or makes a
11 disposition of a case following a finding of delinquency
12 for any offense which is not required by statute to be
13 collected, maintained, or disseminated by the Department
14 of State Police, the prosecuting attorney may ask the court
15 to order a law enforcement agency to fingerprint
16 immediately all persons appearing before the court who have
17 not previously been fingerprinted for the same case. The
18 court may so order the requested fingerprinting, if it
19 determines that any so sentenced person has not previously
20 been fingerprinted for the same case. The law enforcement
21 agency may retain such fingerprints in its files.

22 (e) Corrections Information. The Illinois Department of
23 Corrections and the sheriff of each county shall furnish the
24 Department with all information concerning the receipt,
25 escape, execution, death, release, pardon, parole, commutation
26 of sentence, granting of executive clemency or discharge of an

1 individual who has been sentenced or committed to the agency's
2 custody for any offenses which are mandated by statute to be
3 collected, maintained or disseminated by the Department of
4 State Police. For an individual who has been charged with any
5 such offense and who escapes from custody or dies while in
6 custody, all information concerning the receipt and escape or
7 death, whichever is appropriate, shall also be so furnished to
8 the Department.

9 (Source: P.A. 94-556, eff. 9-11-05.)

10 (20 ILCS 2630/5.2)

11 Sec. 5.2. Expungement and sealing.

12 (a) General Provisions.

13 (1) Definitions. In this Act, words and phrases have
14 the meanings set forth in this subsection, except when a
15 particular context clearly requires a different meaning.

16 (A) The following terms shall have the meanings
17 ascribed to them in the Unified Code of Corrections,
18 730 ILCS 5/5-1-2 through 5/5-1-22:

19 (i) Business Offense (730 ILCS 5/5-1-2),

20 (ii) Charge (730 ILCS 5/5-1-3),

21 (iii) Court (730 ILCS 5/5-1-6),

22 (iv) Defendant (730 ILCS 5/5-1-7),

23 (v) Felony (730 ILCS 5/5-1-9),

24 (vi) Imprisonment (730 ILCS 5/5-1-10),

25 (vii) Judgment (730 ILCS 5/5-1-12),

1 (viii) Misdemeanor (730 ILCS 5/5-1-14),
2 (ix) Offense (730 ILCS 5/5-1-15),
3 (x) Parole (730 ILCS 5/5-1-16),
4 (xi) Petty Offense (730 ILCS 5/5-1-17),
5 (xii) Probation (730 ILCS 5/5-1-18),
6 (xiii) Sentence (730 ILCS 5/5-1-19),
7 (xiv) Supervision (730 ILCS 5/5-1-21), and
8 (xv) Victim (730 ILCS 5/5-1-22).

9 (B) As used in this Section, "charge not initiated
10 by arrest" means a charge (as defined by 730 ILCS
11 5/5-1-3) brought against a defendant where the
12 defendant is not arrested prior to or as a direct
13 result of the charge.

14 (C) "Conviction" means a judgment of conviction or
15 sentence entered upon a plea of guilty or upon a
16 verdict or finding of guilty of an offense, rendered by
17 a legally constituted jury or by a court of competent
18 jurisdiction authorized to try the case without a jury.
19 An order of supervision successfully completed by the
20 petitioner is not a conviction. An order of qualified
21 probation (as defined in subsection (a)(1)(J))
22 successfully completed by the petitioner is not a
23 conviction. An order of supervision or an order of
24 qualified probation that is terminated
25 unsatisfactorily is a conviction, unless the
26 unsatisfactory termination is reversed, vacated, or

1 modified and the judgment of conviction, if any, is
2 reversed or vacated.

3 (D) "Criminal offense" means a petty offense,
4 business offense, misdemeanor, felony, or municipal
5 ordinance violation (as defined in subsection
6 (a)(1)(H)). As used in this Section, a minor traffic
7 offense (as defined in subsection (a)(1)(G)) shall not
8 be considered a criminal offense.

9 (E) "Expunge" means to physically destroy the
10 records or return them to the petitioner and to
11 obliterate the petitioner's name from any official
12 index or public record, or both. Nothing in this Act
13 shall require the physical destruction of the circuit
14 court file, but such records relating to arrests or
15 charges, or both, ordered expunged shall be impounded
16 as required by subsections (d)(9)(A)(ii) and
17 (d)(9)(B)(ii).

18 (F) As used in this Section, "last sentence" means
19 the sentence, order of supervision, or order of
20 qualified probation (as defined by subsection
21 (a)(1)(J)), for a criminal offense (as defined by
22 subsection (a)(1)(D)) that terminates last in time in
23 any jurisdiction, regardless of whether the petitioner
24 has included the criminal offense for which the
25 sentence or order of supervision or qualified
26 probation was imposed in his or her petition. If

1 multiple sentences, orders of supervision, or orders
2 of qualified probation terminate on the same day and
3 are last in time, they shall be collectively considered
4 the "last sentence" regardless of whether they were
5 ordered to run concurrently.

6 (G) "Minor traffic offense" means a petty offense,
7 business offense, or Class C misdemeanor under the
8 Illinois Vehicle Code or a similar provision of a
9 municipal or local ordinance.

10 (H) "Municipal ordinance violation" means an
11 offense defined by a municipal or local ordinance that
12 is criminal in nature and with which the petitioner was
13 charged or for which the petitioner was arrested and
14 released without charging.

15 (I) "Petitioner" means an adult or a minor
16 prosecuted as an adult who has applied for relief under
17 this Section.

18 (J) "Qualified probation" means an order of
19 probation under Section 10 of the Cannabis Control Act,
20 Section 410 of the Illinois Controlled Substances Act,
21 Section 70 of the Methamphetamine Control and
22 Community Protection Act, Section 12-4.3(b)(1) and (2)
23 of the Criminal Code of 1961 (as those provisions
24 existed before their deletion by Public Act 89-313),
25 Section 10-102 of the Illinois Alcoholism and Other
26 Drug Dependency Act, Section 40-10 of the Alcoholism

1 and Other Drug Abuse and Dependency Act, or Section 10
2 of the Steroid Control Act. For the purpose of this
3 Section, "successful completion" of an order of
4 qualified probation under Section 10-102 of the
5 Illinois Alcoholism and Other Drug Dependency Act and
6 Section 40-10 of the Alcoholism and Other Drug Abuse
7 and Dependency Act means that the probation was
8 terminated satisfactorily and the judgment of
9 conviction was vacated.

10 (K) "Seal" means to physically and electronically
11 maintain the records, unless the records would
12 otherwise be destroyed due to age, but to make the
13 records unavailable without a court order, subject to
14 the exceptions in Sections 12 and 13 of this Act. The
15 petitioner's name shall also be obliterated from the
16 official index required to be kept by the circuit court
17 clerk under Section 16 of the Clerks of Courts Act, but
18 any index issued by the circuit court clerk before the
19 entry of the order to seal shall not be affected.

20 (L) "Sexual offense committed against a minor"
21 includes but is not limited to the offenses of indecent
22 solicitation of a child or criminal sexual abuse when
23 the victim of such offense is under 18 years of age.

24 (M) "Terminate" as it relates to a sentence or
25 order of supervision or qualified probation includes
26 either satisfactory or unsatisfactory termination of

1 the sentence, unless otherwise specified in this
2 Section.

3 (2) Minor Traffic Offenses. Orders of supervision or
4 convictions for minor traffic offenses shall not affect a
5 petitioner's eligibility to expunge or seal records
6 pursuant to this Section.

7 (3) Exclusions. Except as otherwise provided in
8 subsections (b) (5), (b) (6), and (e) of this Section, the
9 court shall not order:

10 (A) the sealing or expungement of the records of
11 arrests or charges not initiated by arrest that result
12 in an order of supervision for or conviction of: (i)
13 any sexual offense committed against a minor; (ii)
14 Section 11-501 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance; or (iii)
16 Section 11-503 of the Illinois Vehicle Code or a
17 similar provision of a local ordinance.

18 (B) the sealing or expungement of records of minor
19 traffic offenses (as defined in subsection (a) (1) (G)),
20 unless the petitioner was arrested and released
21 without charging.

22 (C) the sealing of the records of arrests or
23 charges not initiated by arrest which result in an
24 order of supervision, an order of qualified probation
25 (as defined in subsection (a) (1) (J)), or a conviction
26 for the following offenses:

1 (i) offenses included in Article 11 of the
2 Criminal Code of 1961 or a similar provision of a
3 local ordinance, except Section 11-14 of the
4 Criminal Code of 1961 or a similar provision of a
5 local ordinance;

6 (ii) Section 12-3.4, 12-15, 12-30, or 26-5 of
7 the Criminal Code of 1961 or a similar provision of
8 a local ordinance;

9 (iii) offenses defined as "crimes of violence"
10 in Section 2 of the Crime Victims Compensation Act
11 or a similar provision of a local ordinance;

12 (iv) offenses which are Class A misdemeanors
13 under the Humane Care for Animals Act; or

14 (v) any offense or attempted offense that
15 would subject a person to registration under the
16 Sex Offender Registration Act.

17 (D) the sealing of the records of an arrest which
18 results in the petitioner being charged with a felony
19 offense or records of a charge not initiated by arrest
20 for a felony offense, regardless of the disposition,
21 unless:

22 (i) the charge is amended to a misdemeanor and
23 is otherwise eligible to be sealed pursuant to
24 subsection (c);

25 (ii) the charge results in first offender
26 probation as set forth in subsection (c) (2) (E); or

1 (iii) the charge is for a Class 4 felony
2 offense listed in subsection (c)(2)(F) or the
3 charge is amended to a Class 4 felony offense
4 listed in subsection (c)(2)(F). Records of arrests
5 which result in the petitioner being charged with a
6 Class 4 felony offense listed in subsection
7 (c)(2)(F), records of charges not initiated by
8 arrest for Class 4 felony offenses listed in
9 subsection (c)(2)(F), and records of charges
10 amended to a Class 4 felony offense listed in
11 (c)(2)(F) may be sealed, regardless of the
12 disposition, subject to any waiting periods set
13 forth in subsection (c)(3).

14 (b) Expungement.

15 (1) A petitioner may petition the circuit court to
16 expunge the records of his or her arrests and charges not
17 initiated by arrest when:

18 (A) He or she has never been convicted of a
19 criminal offense; and

20 (B) Each arrest or charge not initiated by arrest
21 sought to be expunged resulted in: (i) acquittal,
22 dismissal, or the petitioner's release without
23 charging, unless excluded by subsection (a)(3)(B);
24 (ii) a conviction which was vacated or reversed, unless
25 excluded by subsection (a)(3)(B); (iii) an order of
26 supervision and such supervision was successfully

1 completed by the petitioner, unless excluded by
2 subsection (a) (3) (A) or (a) (3) (B); or (iv) an order of
3 qualified probation (as defined in subsection
4 (a) (1) (J)) and such probation was successfully
5 completed by the petitioner.

6 (2) Time frame for filing a petition to expunge.

7 (A) When the arrest or charge not initiated by
8 arrest sought to be expunged resulted in an acquittal,
9 dismissal, the petitioner's release without charging,
10 or the reversal or vacation of a conviction, there is
11 no waiting period to petition for the expungement of
12 such records.

13 (B) When the arrest or charge not initiated by
14 arrest sought to be expunged resulted in an order of
15 supervision, successfully completed by the petitioner,
16 the following time frames will apply:

17 (i) Those arrests or charges that resulted in
18 orders of supervision under Section 3-707, 3-708,
19 3-710, or 5-401.3 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance, or under
21 Section 12-3.2, 12-15 or 16A-3 of the Criminal Code
22 of 1961, shall not be eligible for expungement
23 until 5 years have passed following the
24 satisfactory termination of the supervision.

25 (ii) Those arrests or charges that resulted in
26 orders of supervision for any other offenses shall

1 not be eligible for expungement until 2 years have
2 passed following the satisfactory termination of
3 the supervision.

4 (C) When the arrest or charge not initiated by
5 arrest sought to be expunged resulted in an order of
6 qualified probation, successfully completed by the
7 petitioner, such records shall not be eligible for
8 expungement until 5 years have passed following the
9 satisfactory termination of the probation.

10 (3) Those records maintained by the Department for
11 persons arrested prior to their 17th birthday shall be
12 expunged as provided in Section 5-915 of the Juvenile Court
13 Act of 1987.

14 (4) Whenever a person has been arrested for or
15 convicted of any offense, in the name of a person whose
16 identity he or she has stolen or otherwise come into
17 possession of, the aggrieved person from whom the identity
18 was stolen or otherwise obtained without authorization,
19 upon learning of the person having been arrested using his
20 or her identity, may, upon verified petition to the chief
21 judge of the circuit wherein the arrest was made, have a
22 court order entered nunc pro tunc by the Chief Judge to
23 correct the arrest record, conviction record, if any, and
24 all official records of the arresting authority, the
25 Department, other criminal justice agencies, the
26 prosecutor, and the trial court concerning such arrest, if

1 any, by removing his or her name from all such records in
2 connection with the arrest and conviction, if any, and by
3 inserting in the records the name of the offender, if known
4 or ascertainable, in lieu of the aggrieved's name. The
5 records of the circuit court clerk shall be sealed until
6 further order of the court upon good cause shown and the
7 name of the aggrieved person obliterated on the official
8 index required to be kept by the circuit court clerk under
9 Section 16 of the Clerks of Courts Act, but the order shall
10 not affect any index issued by the circuit court clerk
11 before the entry of the order. Nothing in this Section
12 shall limit the Department of State Police or other
13 criminal justice agencies or prosecutors from listing
14 under an offender's name the false names he or she has
15 used.

16 (5) Whenever a person has been convicted of criminal
17 sexual assault, aggravated criminal sexual assault,
18 predatory criminal sexual assault of a child, criminal
19 sexual abuse, or aggravated criminal sexual abuse, the
20 victim of that offense may request that the State's
21 Attorney of the county in which the conviction occurred
22 file a verified petition with the presiding trial judge at
23 the petitioner's trial to have a court order entered to
24 seal the records of the circuit court clerk in connection
25 with the proceedings of the trial court concerning that
26 offense. However, the records of the arresting authority

1 and the Department of State Police concerning the offense
2 shall not be sealed. The court, upon good cause shown,
3 shall make the records of the circuit court clerk in
4 connection with the proceedings of the trial court
5 concerning the offense available for public inspection.

6 (6) If a conviction has been set aside on direct review
7 or on collateral attack and the court determines by clear
8 and convincing evidence that the petitioner was factually
9 innocent of the charge, the court shall enter an
10 expungement order as provided in subsection (b) of Section
11 5-5-4 of the Unified Code of Corrections.

12 (7) Nothing in this Section shall prevent the
13 Department of State Police from maintaining all records of
14 any person who is admitted to probation upon terms and
15 conditions and who fulfills those terms and conditions
16 pursuant to Section 10 of the Cannabis Control Act, Section
17 410 of the Illinois Controlled Substances Act, Section 70
18 of the Methamphetamine Control and Community Protection
19 Act, Section 12-4.3 or subdivision (b)(1) of Section
20 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
21 Illinois Alcoholism and Other Drug Dependency Act, Section
22 40-10 of the Alcoholism and Other Drug Abuse and Dependency
23 Act, or Section 10 of the Steroid Control Act.

24 (c) Sealing.

25 (1) Applicability. Notwithstanding any other provision
26 of this Act to the contrary, and cumulative with any rights

1 to expungement of criminal records, this subsection
2 authorizes the sealing of criminal records of adults and of
3 minors prosecuted as adults.

4 (2) Eligible Records. The following records may be
5 sealed:

6 (A) All arrests resulting in release without
7 charging;

8 (B) Arrests or charges not initiated by arrest
9 resulting in acquittal, dismissal, or conviction when
10 the conviction was reversed or vacated, except as
11 excluded by subsection (a) (3) (B) or (a) (3) (D);

12 (C) Arrests or charges not initiated by arrest
13 resulting in orders of supervision successfully
14 completed by the petitioner, unless excluded by
15 subsection (a) (3);

16 (D) Arrests or charges not initiated by arrest
17 resulting in convictions unless excluded by subsection
18 (a) (3);

19 (E) Arrests or charges not initiated by arrest
20 resulting in orders of first offender probation under
21 Section 10 of the Cannabis Control Act, Section 410 of
22 the Illinois Controlled Substances Act, or Section 70
23 of the Methamphetamine Control and Community
24 Protection Act; and

25 (F) Arrests or charges not initiated by arrest
26 resulting in Class 4 felony convictions for the

1 following offenses:

2 (i) Section 11-14 of the Criminal Code of 1961;

3 (ii) Section 4 of the Cannabis Control Act;

4 (iii) Section 402 of the Illinois Controlled
5 Substances Act;

6 (iv) the Methamphetamine Precursor Control
7 Act; and

8 (v) the Steroid Control Act.

9 (3) When Records Are Eligible to Be Sealed. Records
10 identified as eligible under subsection (c)(2) may be
11 sealed as follows:

12 (A) Records identified as eligible under
13 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
14 time.

15 (B) Records identified as eligible under
16 subsection (c)(2)(C) may be sealed (i) 3 years after
17 the termination of petitioner's last sentence (as
18 defined in subsection (a)(1)(F)) if the petitioner has
19 never been convicted of a criminal offense (as defined
20 in subsection (a)(1)(D)); or (ii) 4 years after the
21 termination of the petitioner's last sentence (as
22 defined in subsection (a)(1)(F)) if the petitioner has
23 ever been convicted of a criminal offense (as defined
24 in subsection (a)(1)(D)).

25 (C) Records identified as eligible under
26 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be

1 sealed 4 years after the termination of the
2 petitioner's last sentence (as defined in subsection
3 (a) (1) (F)).

4 (4) Subsequent felony convictions. A person may not
5 have subsequent felony conviction records sealed as
6 provided in this subsection (c) if he or she is convicted
7 of any felony offense after the date of the sealing of
8 prior felony convictions as provided in this subsection
9 (c). The court may, upon conviction for a subsequent felony
10 offense, order the unsealing of prior felony conviction
11 records previously ordered sealed by the court.

12 (5) Notice of eligibility for sealing. Upon entry of a
13 disposition for an eligible record under this subsection
14 (c), the petitioner shall be informed by the court of the
15 right to have the records sealed and the procedures for the
16 sealing of the records.

17 (d) Procedure. The following procedures apply to
18 expungement under subsections (b) and (e), and sealing under
19 subsection (c):

20 (1) Filing the petition. Upon becoming eligible to
21 petition for the expungement or sealing of records under
22 this Section, the petitioner shall file a petition
23 requesting the expungement or sealing of records with the
24 clerk of the court where the arrests occurred or the
25 charges were brought, or both. If arrests occurred or
26 charges were brought in multiple jurisdictions, a petition

1 must be filed in each such jurisdiction. The petitioner
2 shall pay the applicable fee, if not waived.

3 (2) Contents of petition. The petition shall be
4 verified and shall contain the petitioner's name, date of
5 birth, current address and, for each arrest or charge not
6 initiated by arrest sought to be sealed or expunged, the
7 case number, the date of arrest (if any), the identity of
8 the arresting authority, and such other information as the
9 court may require. During the pendency of the proceeding,
10 the petitioner shall promptly notify the circuit court
11 clerk of any change of his or her address.

12 (3) Drug test. The petitioner must attach to the
13 petition proof that the petitioner has passed a test taken
14 within 30 days before the filing of the petition showing
15 the absence within his or her body of all illegal
16 substances as defined by the Illinois Controlled
17 Substances Act, the Methamphetamine Control and Community
18 Protection Act, and the Cannabis Control Act if he or she
19 is petitioning to seal felony records pursuant to clause
20 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is
21 petitioning to expunge felony records of a qualified
22 probation pursuant to clause (b) (1) (B) (iv).

23 (4) Service of petition. The circuit court clerk shall
24 promptly serve a copy of the petition on the State's
25 Attorney or prosecutor charged with the duty of prosecuting
26 the offense, the Department of State Police, the arresting

1 agency and the chief legal officer of the unit of local
2 government effecting the arrest.

3 (5) Objections.

4 (A) Any party entitled to notice of the petition
5 may file an objection to the petition. All objections
6 shall be in writing, shall be filed with the circuit
7 court clerk, and shall state with specificity the basis
8 of the objection.

9 (B) Objections to a petition to expunge or seal
10 must be filed within 60 days of the date of service of
11 the petition.

12 (6) Entry of order.

13 (A) The Chief Judge of the circuit wherein the
14 charge was brought, any judge of that circuit
15 designated by the Chief Judge, or in counties of less
16 than 3,000,000 inhabitants, the presiding trial judge
17 at the petitioner's trial, if any, shall rule on the
18 petition to expunge or seal as set forth in this
19 subsection (d) (6).

20 (B) Unless the State's Attorney or prosecutor, the
21 Department of State Police, the arresting agency, or
22 the chief legal officer files an objection to the
23 petition to expunge or seal within 60 days from the
24 date of service of the petition, the court shall enter
25 an order granting or denying the petition.

26 (7) Hearings. If an objection is filed, the court shall

1 set a date for a hearing and notify the petitioner and all
2 parties entitled to notice of the petition of the hearing
3 date at least 30 days prior to the hearing, and shall hear
4 evidence on whether the petition should or should not be
5 granted, and shall grant or deny the petition to expunge or
6 seal the records based on the evidence presented at the
7 hearing.

8 (8) Service of order. After entering an order to
9 expunge or seal records, the court must provide copies of
10 the order to the Department, in a form and manner
11 prescribed by the Department, to the petitioner, to the
12 State's Attorney or prosecutor charged with the duty of
13 prosecuting the offense, to the arresting agency, to the
14 chief legal officer of the unit of local government
15 effecting the arrest, and to such other criminal justice
16 agencies as may be ordered by the court.

17 (9) Effect of order.

18 (A) Upon entry of an order to expunge records
19 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

20 (i) the records shall be expunged (as defined
21 in subsection (a) (1) (E)) by the arresting agency,
22 the Department, and any other agency as ordered by
23 the court, within 60 days of the date of service of
24 the order, unless a motion to vacate, modify, or
25 reconsider the order is filed pursuant to
26 paragraph (12) of subsection (d) of this Section;

1 (ii) the records of the circuit court clerk
2 shall be impounded until further order of the court
3 upon good cause shown and the name of the
4 petitioner obliterated on the official index
5 required to be kept by the circuit court clerk
6 under Section 16 of the Clerks of Courts Act, but
7 the order shall not affect any index issued by the
8 circuit court clerk before the entry of the order;
9 and

10 (iii) in response to an inquiry for expunged
11 records, the court, the Department, or the agency
12 receiving such inquiry, shall reply as it does in
13 response to inquiries when no records ever
14 existed.

15 (B) Upon entry of an order to expunge records
16 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

17 (i) the records shall be expunged (as defined
18 in subsection (a) (1) (E)) by the arresting agency
19 and any other agency as ordered by the court,
20 within 60 days of the date of service of the order,
21 unless a motion to vacate, modify, or reconsider
22 the order is filed pursuant to paragraph (12) of
23 subsection (d) of this Section;

24 (ii) the records of the circuit court clerk
25 shall be impounded until further order of the court
26 upon good cause shown and the name of the

1 petitioner obliterated on the official index
2 required to be kept by the circuit court clerk
3 under Section 16 of the Clerks of Courts Act, but
4 the order shall not affect any index issued by the
5 circuit court clerk before the entry of the order;

6 (iii) the records shall be impounded by the
7 Department within 60 days of the date of service of
8 the order as ordered by the court, unless a motion
9 to vacate, modify, or reconsider the order is filed
10 pursuant to paragraph (12) of subsection (d) of
11 this Section;

12 (iv) records impounded by the Department may
13 be disseminated by the Department only to the
14 arresting authority, the State's Attorney, and the
15 court upon a later arrest for the same or a similar
16 offense or for the purpose of sentencing for any
17 subsequent felony, and to the Department of
18 Corrections upon conviction for any offense; and

19 (v) in response to an inquiry for such records
20 from anyone not authorized by law to access such
21 records the court, the Department, or the agency
22 receiving such inquiry shall reply as it does in
23 response to inquiries when no records ever
24 existed.

25 (C) Upon entry of an order to seal records under
26 subsection (c), the arresting agency, any other agency

1 as ordered by the court, the Department, and the court
2 shall seal the records (as defined in subsection
3 (a)(1)(K)). In response to an inquiry for such records
4 from anyone not authorized by law to access such
5 records the court, the Department, or the agency
6 receiving such inquiry shall reply as it does in
7 response to inquiries when no records ever existed.

8 (10) Fees. The Department may charge the petitioner a
9 fee equivalent to the cost of processing any order to
10 expunge or seal records. Notwithstanding any provision of
11 the Clerks of Courts Act to the contrary, the circuit court
12 clerk may charge a fee equivalent to the cost associated
13 with the sealing or expungement of records by the circuit
14 court clerk. From the total filing fee collected for the
15 petition to seal or expunge, the circuit court clerk shall
16 deposit \$10 into the Circuit Court Clerk Operation and
17 Administrative Fund, to be used to offset the costs
18 incurred by the circuit court clerk in performing the
19 additional duties required to serve the petition to seal or
20 expunge on all parties. The circuit court clerk shall
21 collect and forward the Department of State Police portion
22 of the fee to the Department and it shall be deposited in
23 the State Police Services Fund.

24 (11) Final Order. No court order issued under the
25 expungement or sealing provisions of this Section shall
26 become final for purposes of appeal until 30 days after

1 service of the order on the petitioner and all parties
2 entitled to notice of the petition.

3 (12) Motion to Vacate, Modify, or Reconsider. The
4 petitioner or any party entitled to notice may file a
5 motion to vacate, modify, or reconsider the order granting
6 or denying the petition to expunge or seal within 60 days
7 of service of the order.

8 (e) Whenever a person who has been convicted of an offense
9 is granted a pardon by the Governor which specifically
10 authorizes expungement, he or she may, upon verified petition
11 to the Chief Judge of the circuit where the person had been
12 convicted, any judge of the circuit designated by the Chief
13 Judge, or in counties of less than 3,000,000 inhabitants, the
14 presiding trial judge at the defendant's trial, have a court
15 order entered expunging the record of arrest from the official
16 records of the arresting authority and order that the records
17 of the circuit court clerk and the Department be sealed until
18 further order of the court upon good cause shown or as
19 otherwise provided herein, and the name of the defendant
20 obliterated from the official index requested to be kept by the
21 circuit court clerk under Section 16 of the Clerks of Courts
22 Act in connection with the arrest and conviction for the
23 offense for which he or she had been pardoned but the order
24 shall not affect any index issued by the circuit court clerk
25 before the entry of the order. All records sealed by the
26 Department may be disseminated by the Department only as

1 required by law or to the arresting authority, the State's
2 Attorney, and the court upon a later arrest for the same or
3 similar offense or for the purpose of sentencing for any
4 subsequent felony. Upon conviction for any subsequent offense,
5 the Department of Corrections shall have access to all sealed
6 records of the Department pertaining to that individual. Upon
7 entry of the order of expungement, the circuit court clerk
8 shall promptly mail a copy of the order to the person who was
9 pardoned.

10 (f) Subject to available funding, the Illinois Department
11 of Corrections shall conduct a study of the impact of sealing,
12 especially on employment and recidivism rates, utilizing a
13 random sample of those who apply for the sealing of their
14 criminal records under Public Act 93-211. At the request of the
15 Illinois Department of Corrections, records of the Illinois
16 Department of Employment Security shall be utilized as
17 appropriate to assist in the study. The study shall not
18 disclose any data in a manner that would allow the
19 identification of any particular individual or employing unit.
20 The study shall be made available to the General Assembly no
21 later than September 1, 2010.

22 (Source: P.A. 96-409, eff. 1-1-10.)

23 Section 910. The Illinois Uniform Conviction Information
24 Act is amended by changing Section 3 as follows:

1 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

2 Sec. 3. Definitions. Whenever used in this Act, and for the
3 purposes of this Act, unless the context clearly indicates
4 otherwise:

5 (A) "Accurate" means factually correct, containing no
6 mistake or error of a material nature.

7 (B) The phrase "administer the criminal laws" includes any
8 of the following activities: intelligence gathering,
9 surveillance, criminal investigation, crime detection and
10 prevention (including research), apprehension, detention,
11 pretrial or post-trial release, prosecution, the correctional
12 supervision or rehabilitation of accused persons or criminal
13 offenders, criminal identification activities, or the
14 collection, maintenance or dissemination of criminal history
15 record information.

16 (C) "The Authority" means the Illinois Criminal Justice
17 Information Authority.

18 (D) "Automated" means the utilization of computers,
19 telecommunication lines, or other automatic data processing
20 equipment for data collection or storage, analysis,
21 processing, preservation, maintenance, dissemination, or
22 display and is distinguished from a system in which such
23 activities are performed manually.

24 (E) "Complete" means accurately reflecting all the
25 criminal history record information about an individual that is
26 required to be reported to the Department pursuant to Section

1 2.1 of the Criminal Identification Act.

2 (F) "Conviction information" means data reflecting a
3 judgment of guilt or nolo contendere. The term includes all
4 prior and subsequent criminal history events directly relating
5 to such judgments, such as, but not limited to: (1) the
6 notation of arrest; (2) the notation of charges filed; (3) the
7 sentence imposed; (4) the fine imposed; and (5) all related
8 probation, parole, and release information. Information ceases
9 to be "conviction information" when a judgment of guilt is
10 reversed or vacated.

11 For purposes of this Act, continuances to a date certain in
12 furtherance of an order of supervision granted under Section
13 5-6-1 of the Unified Code of Corrections or an order of
14 probation granted under either Section 10 of the Cannabis
15 Control Act, Section 410 of the Illinois Controlled Substances
16 Act, Section 70 of the Methamphetamine Control and Community
17 Protection Act, Section 12-4.3 or subdivision (b) (1) of Section
18 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
19 Illinois Alcoholism and Other Drug Dependency Act, Section
20 40-10 of the Alcoholism and Other Drug Abuse and Dependency
21 Act, or Section 10 of the Steroid Control Act shall not be
22 deemed "conviction information".

23 (G) "Criminal history record information" means data
24 identifiable to an individual and consisting of descriptions or
25 notations of arrests, detentions, indictments, informations,
26 pretrial proceedings, trials, or other formal events in the

1 criminal justice system or descriptions or notations of
2 criminal charges (including criminal violations of local
3 municipal ordinances) and the nature of any disposition arising
4 therefrom, including sentencing, court or correctional
5 supervision, rehabilitation and release. The term does not
6 apply to statistical records and reports in which individual
7 are not identified and from which their identities are not
8 ascertainable, or to information that is for criminal
9 investigative or intelligence purposes.

10 (H) "Criminal justice agency" means (1) a government agency
11 or any subunit thereof which is authorized to administer the
12 criminal laws and which allocates a substantial part of its
13 annual budget for that purpose, or (2) an agency supported by
14 public funds which is authorized as its principal function to
15 administer the criminal laws and which is officially designated
16 by the Department as a criminal justice agency for purposes of
17 this Act.

18 (I) "The Department" means the Illinois Department of State
19 Police.

20 (J) "Director" means the Director of the Illinois
21 Department of State Police.

22 (K) "Disseminate" means to disclose or transmit conviction
23 information in any form, oral, written, or otherwise.

24 (L) "Exigency" means pending danger or the threat of
25 pending danger to an individual or property.

26 (M) "Non-criminal justice agency" means a State agency,

1 Federal agency, or unit of local government that is not a
2 criminal justice agency. The term does not refer to private
3 individuals, corporations, or non-governmental agencies or
4 organizations.

5 (M-5) "Request" means the submission to the Department, in
6 the form and manner required, the necessary data elements or
7 fingerprints, or both, to allow the Department to initiate a
8 search of its criminal history record information files.

9 (N) "Requester" means any private individual, corporation,
10 organization, employer, employment agency, labor organization,
11 or non-criminal justice agency that has made a request pursuant
12 to this Act to obtain conviction information maintained in the
13 files of the Department of State Police regarding a particular
14 individual.

15 (O) "Statistical information" means data from which the
16 identity of an individual cannot be ascertained,
17 reconstructed, or verified and to which the identity of an
18 individual cannot be linked by the recipient of the
19 information.

20 (Source: P.A. 94-556, eff. 9-11-05.)

21 Section 915. The Counties Code is amended by changing
22 Section 5-1103 as follows:

23 (55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

24 Sec. 5-1103. Court services fee. A county board may enact

1 by ordinance or resolution a court services fee dedicated to
2 defraying court security expenses incurred by the sheriff in
3 providing court services or for any other court services deemed
4 necessary by the sheriff to provide for court security,
5 including without limitation court services provided pursuant
6 to Section 3-6023, as now or hereafter amended. Such fee shall
7 be paid in civil cases by each party at the time of filing the
8 first pleading, paper or other appearance; provided that no
9 additional fee shall be required if more than one party is
10 represented in a single pleading, paper or other appearance. In
11 criminal, local ordinance, county ordinance, traffic and
12 conservation cases, such fee shall be assessed against the
13 defendant upon a plea of guilty, stipulation of facts or
14 findings of guilty, resulting in a judgment of conviction, or
15 order of supervision, or sentence of probation without entry of
16 judgment pursuant to Section 10 of the Cannabis Control Act,
17 Section 410 of the Illinois Controlled Substances Act, Section
18 70 of the Methamphetamine Control and Community Protection Act,
19 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of the
20 Criminal Code of 1961, Section 10-102 of the Illinois
21 Alcoholism and Other Drug Dependency Act, Section 40-10 of the
22 Alcoholism and Other Drug Abuse and Dependency Act, or Section
23 10 of the Steroid Control Act. In setting such fee, the county
24 board may impose, with the concurrence of the Chief Judge of
25 the judicial circuit in which the county is located by
26 administrative order entered by the Chief Judge, differential

1 rates for the various types or categories of criminal and civil
2 cases, but the maximum rate shall not exceed \$25. All proceeds
3 from this fee must be used to defray court security expenses
4 incurred by the sheriff in providing court services. No fee
5 shall be imposed or collected, however, in traffic,
6 conservation, and ordinance cases in which fines are paid
7 without a court appearance. The fees shall be collected in the
8 manner in which all other court fees or costs are collected and
9 shall be deposited into the county general fund for payment
10 solely of costs incurred by the sheriff in providing court
11 security or for any other court services deemed necessary by
12 the sheriff to provide for court security.

13 (Source: P.A. 93-558, eff. 12-1-03; 94-556, eff. 9-11-05.)

14 Section 920. The Metropolitan Transit Authority Act is
15 amended by changing Section 28b as follows:

16 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

17 Sec. 28b. Any person applying for a position as a driver of
18 a vehicle owned by a private carrier company which provides
19 public transportation pursuant to an agreement with the
20 Authority shall be required to authorize an investigation by
21 the private carrier company to determine if the applicant has
22 been convicted of any of the following offenses: (i) those
23 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
24 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-14, 11-15, 11-15.1,

1 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
2 11-21, 11-22, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-7.1, 12-11,
3 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.1, 18-1, 18-2, 20-1,
4 20-1.1, 31A-1, 31A-1.1, and 33A-2, ~~and~~ in subsection (a) and
5 subsection (b), clause (1), of Section 12-4, in subdivisions
6 (a)(1), (b)(1), and (f)(1) of Section 12-3.05, and in
7 subsection (a-5) of Section 12-3.1 of the Criminal Code of
8 1961; (ii) those offenses defined in the Cannabis Control Act
9 except those offenses defined in subsections (a) and (b) of
10 Section 4, and subsection (a) of Section 5 of the Cannabis
11 Control Act (iii) those offenses defined in the Illinois
12 Controlled Substances Act; (iv) those offenses defined in the
13 Methamphetamine Control and Community Protection Act; and (v)
14 any offense committed or attempted in any other state or
15 against the laws of the United States, which if committed or
16 attempted in this State would be punishable as one or more of
17 the foregoing offenses. Upon receipt of this authorization, the
18 private carrier company shall submit the applicant's name, sex,
19 race, date of birth, fingerprints and social security number to
20 the Department of State Police on forms prescribed by the
21 Department. The Department of State Police shall conduct an
22 investigation to ascertain if the applicant has been convicted
23 of any of the above enumerated offenses. The Department shall
24 charge the private carrier company a fee for conducting the
25 investigation, which fee shall be deposited in the State Police
26 Services Fund and shall not exceed the cost of the inquiry; and

1 the applicant shall not be charged a fee for such investigation
2 by the private carrier company. The Department of State Police
3 shall furnish, pursuant to positive identification, records of
4 convictions, until expunged, to the private carrier company
5 which requested the investigation. A copy of the record of
6 convictions obtained from the Department shall be provided to
7 the applicant. Any record of conviction received by the private
8 carrier company shall be confidential. Any person who releases
9 any confidential information concerning any criminal
10 convictions of an applicant shall be guilty of a Class A
11 misdemeanor, unless authorized by this Section.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 Section 925. The Child Care Act of 1969 is amended by
14 changing Section 4.2 as follows:

15 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

16 Sec. 4.2. (a) No applicant may receive a license from the
17 Department and no person may be employed by a licensed child
18 care facility who refuses to authorize an investigation as
19 required by Section 4.1.

20 (b) In addition to the other provisions of this Section, no
21 applicant may receive a license from the Department and no
22 person may be employed by a child care facility licensed by the
23 Department who has been declared a sexually dangerous person
24 under "An Act in relation to sexually dangerous persons, and

1 providing for their commitment, detention and supervision",
2 approved July 6, 1938, as amended, or convicted of committing
3 or attempting to commit any of the following offenses
4 stipulated under the Criminal Code of 1961:

5 (1) murder;

6 (1.1) solicitation of murder;

7 (1.2) solicitation of murder for hire;

8 (1.3) intentional homicide of an unborn child;

9 (1.4) voluntary manslaughter of an unborn child;

10 (1.5) involuntary manslaughter;

11 (1.6) reckless homicide;

12 (1.7) concealment of a homicidal death;

13 (1.8) involuntary manslaughter of an unborn child;

14 (1.9) reckless homicide of an unborn child;

15 (1.10) drug-induced homicide;

16 (2) a sex offense under Article 11, except offenses
17 described in Sections 11-7, 11-8, 11-12, and 11-13;

18 (3) kidnapping;

19 (3.1) aggravated unlawful restraint;

20 (3.2) forcible detention;

21 (3.3) harboring a runaway;

22 (3.4) aiding and abetting child abduction;

23 (4) aggravated kidnapping;

24 (5) child abduction;

25 (6) aggravated battery of a child as described in
26 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

- 1 (7) criminal sexual assault;
- 2 (8) aggravated criminal sexual assault;
- 3 (8.1) predatory criminal sexual assault of a child;
- 4 (9) criminal sexual abuse;
- 5 (10) aggravated sexual abuse;
- 6 (11) heinous battery as described in Section 12-4.1 or
- 7 subdivision (a) (2) of Section 12-3.05;
- 8 (12) aggravated battery with a firearm as described in
- 9 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 10 (e) (4) of Section 12-3.05;
- 11 (13) tampering with food, drugs, or cosmetics;
- 12 (14) drug induced infliction of great bodily harm as
- 13 described in Section 12-4.7 or subdivision (g) (1) of
- 14 Section 12-3.05;
- 15 (15) hate crime;
- 16 (16) stalking;
- 17 (17) aggravated stalking;
- 18 (18) threatening public officials;
- 19 (19) home invasion;
- 20 (20) vehicular invasion;
- 21 (21) criminal transmission of HIV;
- 22 (22) criminal abuse or neglect of an elderly or
- 23 disabled person as described in Section 12-21 or subsection
- 24 (b) of Section 12-4.4a;
- 25 (23) child abandonment;
- 26 (24) endangering the life or health of a child;

1 (25) ritual mutilation;

2 (26) ritualized abuse of a child;

3 (27) an offense in any other jurisdiction the elements
4 of which are similar and bear a substantial relationship to
5 any of the foregoing offenses.

6 (b-1) In addition to the other provisions of this Section,
7 beginning January 1, 2004, no new applicant and, on the date of
8 licensure renewal, no current licensee may operate or receive a
9 license from the Department to operate, no person may be
10 employed by, and no adult person may reside in a child care
11 facility licensed by the Department who has been convicted of
12 committing or attempting to commit any of the following
13 offenses or an offense in any other jurisdiction the elements
14 of which are similar and bear a substantial relationship to any
15 of the following offenses:

16 (I) BODILY HARM

17 (1) Felony aggravated assault.

18 (2) Vehicular endangerment.

19 (3) Felony domestic battery.

20 (4) Aggravated battery.

21 (5) Heinous battery.

22 (6) Aggravated battery with a firearm.

23 (7) Aggravated battery of an unborn child.

24 (8) Aggravated battery of a senior citizen.

- 1 (9) Intimidation.
- 2 (10) Compelling organization membership of persons.
- 3 (11) Abuse and criminal ~~gross~~ neglect of a long term
- 4 care facility resident.
- 5 (12) Felony violation of an order of protection.

6 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 7 (1) Felony unlawful use of weapons.
- 8 (2) Aggravated discharge of a firearm.
- 9 (3) Reckless discharge of a firearm.
- 10 (4) Unlawful use of metal piercing bullets.
- 11 (5) Unlawful sale or delivery of firearms on the
- 12 premises of any school.
- 13 (6) Disarming a police officer.
- 14 (7) Obstructing justice.
- 15 (8) Concealing or aiding a fugitive.
- 16 (9) Armed violence.
- 17 (10) Felony contributing to the criminal delinquency
- 18 of a juvenile.

19 (III) DRUG OFFENSES

- 20 (1) Possession of more than 30 grams of cannabis.
- 21 (2) Manufacture of more than 10 grams of cannabis.
- 22 (3) Cannabis trafficking.

1 (4) Delivery of cannabis on school grounds.

2 (5) Unauthorized production of more than 5 cannabis
3 sativa plants.

4 (6) Calculated criminal cannabis conspiracy.

5 (7) Unauthorized manufacture or delivery of controlled
6 substances.

7 (8) Controlled substance trafficking.

8 (9) Manufacture, distribution, or advertisement of
9 look-alike substances.

10 (10) Calculated criminal drug conspiracy.

11 (11) Street gang criminal drug conspiracy.

12 (12) Permitting unlawful use of a building.

13 (13) Delivery of controlled, counterfeit, or
14 look-alike substances to persons under age 18, or at truck
15 stops, rest stops, or safety rest areas, or on school
16 property.

17 (14) Using, engaging, or employing persons under 18 to
18 deliver controlled, counterfeit, or look-alike substances.

19 (15) Delivery of controlled substances.

20 (16) Sale or delivery of drug paraphernalia.

21 (17) Felony possession, sale, or exchange of
22 instruments adapted for use of a controlled substance,
23 methamphetamine, or cannabis by subcutaneous injection.

24 (18) Felony possession of a controlled substance.

25 (19) Any violation of the Methamphetamine Control and
26 Community Protection Act.

1 (b-2) For child care facilities other than foster family
2 homes, the Department may issue a new child care facility
3 license to or renew the existing child care facility license of
4 an applicant, a person employed by a child care facility, or an
5 applicant who has an adult residing in a home child care
6 facility who was convicted of an offense described in
7 subsection (b-1), provided that all of the following
8 requirements are met:

9 (1) The relevant criminal offense occurred more than 5
10 years prior to the date of application or renewal, except
11 for drug offenses. The relevant drug offense must have
12 occurred more than 10 years prior to the date of
13 application or renewal, unless the applicant passed a drug
14 test, arranged and paid for by the child care facility, no
15 less than 5 years after the offense.

16 (2) The Department must conduct a background check and
17 assess all convictions and recommendations of the child
18 care facility to determine if waiver shall apply in
19 accordance with Department administrative rules and
20 procedures.

21 (3) The applicant meets all other requirements and
22 qualifications to be licensed as the pertinent type of
23 child care facility under this Act and the Department's
24 administrative rules.

25 (c) In addition to the other provisions of this Section, no
26 applicant may receive a license from the Department to operate

1 a foster family home, and no adult person may reside in a
2 foster family home licensed by the Department, who has been
3 convicted of committing or attempting to commit any of the
4 following offenses stipulated under the Criminal Code of 1961,
5 the Cannabis Control Act, the Methamphetamine Control and
6 Community Protection Act, and the Illinois Controlled
7 Substances Act:

8 (I) OFFENSES DIRECTED AGAINST THE PERSON

9 (A) KIDNAPPING AND RELATED OFFENSES

10 (1) Unlawful restraint.

11 (B) BODILY HARM

12 (2) Felony aggravated assault.

13 (3) Vehicular endangerment.

14 (4) Felony domestic battery.

15 (5) Aggravated battery.

16 (6) Heinous battery.

17 (7) Aggravated battery with a firearm.

18 (8) Aggravated battery of an unborn child.

19 (9) Aggravated battery of a senior citizen.

20 (10) Intimidation.

21 (11) Compelling organization membership of persons.

22 (12) Abuse and criminal ~~gross~~ neglect of a long term
23 care facility resident.

1 (13) Felony violation of an order of protection.

2 (II) OFFENSES DIRECTED AGAINST PROPERTY

3 (14) Felony theft.

4 (15) Robbery.

5 (16) Armed robbery.

6 (17) Aggravated robbery.

7 (18) Vehicular hijacking.

8 (19) Aggravated vehicular hijacking.

9 (20) Burglary.

10 (21) Possession of burglary tools.

11 (22) Residential burglary.

12 (23) Criminal fortification of a residence or
13 building.

14 (24) Arson.

15 (25) Aggravated arson.

16 (26) Possession of explosive or explosive incendiary
17 devices.

18 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

19 (27) Felony unlawful use of weapons.

20 (28) Aggravated discharge of a firearm.

21 (29) Reckless discharge of a firearm.

22 (30) Unlawful use of metal piercing bullets.

1 (48) Delivery of controlled, counterfeit, or
2 look-alike substances to persons under age 18, or at truck
3 stops, rest stops, or safety rest areas, or on school
4 property.

5 (49) Using, engaging, or employing persons under 18 to
6 deliver controlled, counterfeit, or look-alike substances.

7 (50) Delivery of controlled substances.

8 (51) Sale or delivery of drug paraphernalia.

9 (52) Felony possession, sale, or exchange of
10 instruments adapted for use of a controlled substance,
11 methamphetamine, or cannabis by subcutaneous injection.

12 (53) Any violation of the Methamphetamine Control and
13 Community Protection Act.

14 (d) Notwithstanding subsection (c), the Department may
15 issue a new foster family home license or may renew an existing
16 foster family home license of an applicant who was convicted of
17 an offense described in subsection (c), provided all of the
18 following requirements are met:

19 (1) The relevant criminal offense or offenses occurred
20 more than 10 years prior to the date of application or
21 renewal.

22 (2) The applicant had previously disclosed the
23 conviction or convictions to the Department for purposes of
24 a background check.

25 (3) After the disclosure, the Department either placed
26 a child in the home or the foster family home license was

1 issued.

2 (4) During the background check, the Department had
3 assessed and waived the conviction in compliance with the
4 existing statutes and rules in effect at the time of the
5 waiver.

6 (5) The applicant meets all other requirements and
7 qualifications to be licensed as a foster family home under
8 this Act and the Department's administrative rules.

9 (6) The applicant has a history of providing a safe,
10 stable home environment and appears able to continue to
11 provide a safe, stable home environment.

12 (Source: P.A. 93-151, eff. 7-10-03; 94-556, eff. 9-11-05.)

13 Section 930. The Health Care Worker Background Check Act is
14 amended by changing Section 25 as follows:

15 (225 ILCS 46/25)

16 Sec. 25. Persons ineligible to be hired by health care
17 employers and long-term care facilities.

18 (a) In the discretion of the Director of Public Health, as
19 soon after January 1, 1996, January 1, 1997, January 1, 2006,
20 or October 1, 2007, as applicable, and as is reasonably
21 practical, no health care employer shall knowingly hire,
22 employ, or retain any individual in a position with duties
23 involving direct care for clients, patients, or residents, and
24 no long-term care facility shall knowingly hire, employ, or

1 retain any individual in a position with duties that involve or
2 may involve contact with residents or access to the living
3 quarters or the financial, medical, or personal records of
4 residents, who has been convicted of committing or attempting
5 to commit one or more of the following offenses: those defined
6 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
7 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
8 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2,
9 12-3.05, ~~12-3,~~ 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
10 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
11 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
12 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5,
13 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2,
14 or in subsection (a) of Section 12-3 or subsection (a) or (b)
15 of Section 12-4.4a, of the Criminal Code of 1961; those
16 provided in Section 4 of the Wrongs to Children Act; those
17 provided in Section 53 of the Criminal Jurisprudence Act; those
18 defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control
19 Act; those defined in the Methamphetamine Control and Community
20 Protection Act; or those defined in Sections 401, 401.1, 404,
21 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances
22 Act, unless the applicant or employee obtains a waiver pursuant
23 to Section 40.

24 (a-1) In the discretion of the Director of Public Health,
25 as soon after January 1, 2004 or October 1, 2007, as
26 applicable, and as is reasonably practical, no health care

1 employer shall knowingly hire any individual in a position with
2 duties involving direct care for clients, patients, or
3 residents, and no long-term care facility shall knowingly hire
4 any individual in a position with duties that involve or may
5 involve contact with residents or access to the living quarters
6 or the financial, medical, or personal records of residents,
7 who has (i) been convicted of committing or attempting to
8 commit one or more of the offenses defined in Section 12-3.3,
9 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,
10 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of
11 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card
12 and Debit Card Act; or Section 5.1 of the Wrongs to Children
13 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,
14 unless the applicant or employee obtains a waiver pursuant to
15 Section 40 of this Act.

16 A health care employer is not required to retain an
17 individual in a position with duties involving direct care for
18 clients, patients, or residents, and no long-term care facility
19 is required to retain an individual in a position with duties
20 that involve or may involve contact with residents or access to
21 the living quarters or the financial, medical, or personal
22 records of residents, who has been convicted of committing or
23 attempting to commit one or more of the offenses enumerated in
24 this subsection.

25 (b) A health care employer shall not hire, employ, or
26 retain any individual in a position with duties involving

1 direct care of clients, patients, or residents, and no
2 long-term care facility shall knowingly hire, employ, or retain
3 any individual in a position with duties that involve or may
4 involve contact with residents or access to the living quarters
5 or the financial, medical, or personal records of residents, if
6 the health care employer becomes aware that the individual has
7 been convicted in another state of committing or attempting to
8 commit an offense that has the same or similar elements as an
9 offense listed in subsection (a) or (a-1), as verified by court
10 records, records from a state agency, or an FBI criminal
11 history record check, unless the applicant or employee obtains
12 a waiver pursuant to Section 40 of this Act. This shall not be
13 construed to mean that a health care employer has an obligation
14 to conduct a criminal history records check in other states in
15 which an employee has resided.

16 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;
17 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

18 Section 935. The Nursing Home Administrators Licensing and
19 Disciplinary Act is amended by changing Section 17 as follows:

20 (225 ILCS 70/17) (from Ch. 111, par. 3667)

21 (Text of Section before amendment by P.A. 96-339)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 17. Grounds for disciplinary action.

24 (a) The Department may impose fines not to exceed \$10,000

1 or may refuse to issue or to renew, or may revoke, suspend,
2 place on probation, censure, reprimand or take other
3 disciplinary or non-disciplinary action with regard to the
4 license of any person, for any one or combination of the
5 following causes:

6 (1) Intentional material misstatement in furnishing
7 information to the Department.

8 (2) Conviction of or entry of a plea of guilty or nolo
9 contendere to any crime that is a felony under the laws of
10 the United States or any state or territory thereof or a
11 misdemeanor of which an essential element is dishonesty or
12 that is directly related to the practice of the profession
13 of nursing home administration.

14 (3) Making any misrepresentation for the purpose of
15 obtaining a license, or violating any provision of this
16 Act.

17 (4) Immoral conduct in the commission of any act, such
18 as sexual abuse or sexual misconduct, related to the
19 licensee's practice.

20 (5) Failing to respond within 30 days, to a written
21 request made by the Department for information.

22 (6) Engaging in dishonorable, unethical or
23 unprofessional conduct of a character likely to deceive,
24 defraud or harm the public.

25 (7) Habitual use or addiction to alcohol, narcotics,
26 stimulants, or any other chemical agent or drug which

1 results in the inability to practice with reasonable
2 judgment, skill or safety.

3 (8) Discipline by another U.S. jurisdiction if at least
4 one of the grounds for the discipline is the same or
5 substantially equivalent to those set forth herein.

6 (9) A finding by the Department that the licensee,
7 after having his or her license placed on probationary
8 status has violated the terms of probation.

9 (10) Willfully making or filing false records or
10 reports in his or her practice, including but not limited
11 to false records filed with State agencies or departments.

12 (11) Physical illness, mental illness, or other
13 impairment or disability, including, but not limited to,
14 deterioration through the aging process, or loss of motor
15 skill that results in the inability to practice the
16 profession with reasonable judgment, skill or safety.

17 (12) Disregard or violation of this Act or of any rule
18 issued pursuant to this Act.

19 (13) Aiding or abetting another in the violation of
20 this Act or any rule or regulation issued pursuant to this
21 Act.

22 (14) Allowing one's license to be used by an unlicensed
23 person.

24 (15) (Blank).

25 (16) Professional incompetence in the practice of
26 nursing home administration.

1 (17) Conviction of a violation of Section 12-19 of the
2 Criminal Code of 1961 for the abuse and gross neglect of a
3 long term care facility resident.

4 (18) Violation of the Nursing Home Care Act or of any
5 rule issued under the Nursing Home Care Act.

6 All proceedings to suspend, revoke, place on probationary
7 status, or take any other disciplinary action as the Department
8 may deem proper, with regard to a license on any of the
9 foregoing grounds, must be commenced within 5 years next after
10 receipt by the Department of (i) a complaint alleging the
11 commission of or notice of the conviction order for any of the
12 acts described herein or (ii) a referral for investigation
13 under Section 3-108 of the Nursing Home Care Act.

14 The entry of an order or judgment by any circuit court
15 establishing that any person holding a license under this Act
16 is a person in need of mental treatment operates as a
17 suspension of that license. That person may resume their
18 practice only upon the entry of a Department order based upon a
19 finding by the Board that they have been determined to be
20 recovered from mental illness by the court and upon the Board's
21 recommendation that they be permitted to resume their practice.

22 The Department, upon the recommendation of the Board, may
23 adopt rules which set forth standards to be used in determining
24 what constitutes:

25 (i) when a person will be deemed sufficiently
26 rehabilitated to warrant the public trust;

1 (ii) dishonorable, unethical or unprofessional conduct
2 of a character likely to deceive, defraud, or harm the
3 public;

4 (iii) immoral conduct in the commission of any act
5 related to the licensee's practice; and

6 (iv) professional incompetence in the practice of
7 nursing home administration.

8 However, no such rule shall be admissible into evidence in
9 any civil action except for review of a licensing or other
10 disciplinary action under this Act.

11 In enforcing this Section, the Department or Board, upon a
12 showing of a possible violation, may compel any individual
13 licensed to practice under this Act, or who has applied for
14 licensure pursuant to this Act, to submit to a mental or
15 physical examination, or both, as required by and at the
16 expense of the Department. The examining physician or
17 physicians shall be those specifically designated by the
18 Department or Board. The Department or Board may order the
19 examining physician to present testimony concerning this
20 mental or physical examination of the licensee or applicant. No
21 information shall be excluded by reason of any common law or
22 statutory privilege relating to communications between the
23 licensee or applicant and the examining physician. The
24 individual to be examined may have, at his or her own expense,
25 another physician of his or her choice present during all
26 aspects of the examination. Failure of any individual to submit

1 to mental or physical examination, when directed, shall be
2 grounds for suspension of his or her license until such time as
3 the individual submits to the examination if the Department
4 finds, after notice and hearing, that the refusal to submit to
5 the examination was without reasonable cause.

6 If the Department or Board finds an individual unable to
7 practice because of the reasons set forth in this Section, the
8 Department or Board shall require such individual to submit to
9 care, counseling, or treatment by physicians approved or
10 designated by the Department or Board, as a condition, term, or
11 restriction for continued, reinstated, or renewed licensure to
12 practice; or in lieu of care, counseling, or treatment, the
13 Department may file, or the Board may recommend to the
14 Department to file, a complaint to immediately suspend, revoke,
15 or otherwise discipline the license of the individual. Any
16 individual whose license was granted pursuant to this Act or
17 continued, reinstated, renewed, disciplined or supervised,
18 subject to such terms, conditions or restrictions who shall
19 fail to comply with such terms, conditions or restrictions
20 shall be referred to the Secretary for a determination as to
21 whether the licensee shall have his or her license suspended
22 immediately, pending a hearing by the Department. In instances
23 in which the Secretary immediately suspends a license under
24 this Section, a hearing upon such person's license must be
25 convened by the Board within 30 days after such suspension and
26 completed without appreciable delay. The Department and Board

1 shall have the authority to review the subject administrator's
2 record of treatment and counseling regarding the impairment, to
3 the extent permitted by applicable federal statutes and
4 regulations safeguarding the confidentiality of medical
5 records.

6 An individual licensed under this Act, affected under this
7 Section, shall be afforded an opportunity to demonstrate to the
8 Department or Board that he or she can resume practice in
9 compliance with acceptable and prevailing standards under the
10 provisions of his or her license.

11 (b) Any individual or organization acting in good faith,
12 and not in a wilful and wanton manner, in complying with this
13 Act by providing any report or other information to the
14 Department, or assisting in the investigation or preparation of
15 such information, or by participating in proceedings of the
16 Department, or by serving as a member of the Board, shall not,
17 as a result of such actions, be subject to criminal prosecution
18 or civil damages.

19 (c) Members of the Board, and persons retained under
20 contract to assist and advise in an investigation, shall be
21 indemnified by the State for any actions occurring within the
22 scope of services on or for the Board, done in good faith and
23 not wilful and wanton in nature. The Attorney General shall
24 defend all such actions unless he or she determines either that
25 there would be a conflict of interest in such representation or
26 that the actions complained of were not in good faith or were

1 wilful and wanton.

2 Should the Attorney General decline representation, a
3 person entitled to indemnification under this Section shall
4 have the right to employ counsel of his or her choice, whose
5 fees shall be provided by the State, after approval by the
6 Attorney General, unless there is a determination by a court
7 that the member's actions were not in good faith or were wilful
8 and wanton.

9 A person entitled to indemnification under this Section
10 must notify the Attorney General within 7 days of receipt of
11 notice of the initiation of any action involving services of
12 the Board. Failure to so notify the Attorney General shall
13 constitute an absolute waiver of the right to a defense and
14 indemnification.

15 The Attorney General shall determine within 7 days after
16 receiving such notice, whether he or she will undertake to
17 represent a person entitled to indemnification under this
18 Section.

19 (d) The determination by a circuit court that a licensee is
20 subject to involuntary admission or judicial admission as
21 provided in the Mental Health and Developmental Disabilities
22 Code, as amended, operates as an automatic suspension. Such
23 suspension will end only upon a finding by a court that the
24 patient is no longer subject to involuntary admission or
25 judicial admission and issues an order so finding and
26 discharging the patient; and upon the recommendation of the

1 Board to the Secretary that the licensee be allowed to resume
2 his or her practice.

3 (e) The Department may refuse to issue or may suspend the
4 license of any person who fails to file a return, or to pay the
5 tax, penalty or interest shown in a filed return, or to pay any
6 final assessment of tax, penalty or interest, as required by
7 any tax Act administered by the Department of Revenue, until
8 such time as the requirements of any such tax Act are
9 satisfied.

10 (f) The Department of Public Health shall transmit to the
11 Department a list of those facilities which receive an "A"
12 violation as defined in Section 1-129 of the Nursing Home Care
13 Act.

14 (Source: P.A. 95-703, eff. 12-31-07.)

15 (Text of Section after amendment by P.A. 96-339)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 17. Grounds for disciplinary action.

18 (a) The Department may impose fines not to exceed \$10,000
19 or may refuse to issue or to renew, or may revoke, suspend,
20 place on probation, censure, reprimand or take other
21 disciplinary or non-disciplinary action with regard to the
22 license of any person, for any one or combination of the
23 following causes:

24 (1) Intentional material misstatement in furnishing
25 information to the Department.

1 (2) Conviction of or entry of a plea of guilty or nolo
2 contendere to any crime that is a felony under the laws of
3 the United States or any state or territory thereof or a
4 misdemeanor of which an essential element is dishonesty or
5 that is directly related to the practice of the profession
6 of nursing home administration.

7 (3) Making any misrepresentation for the purpose of
8 obtaining a license, or violating any provision of this
9 Act.

10 (4) Immoral conduct in the commission of any act, such
11 as sexual abuse or sexual misconduct, related to the
12 licensee's practice.

13 (5) Failing to respond within 30 days, to a written
14 request made by the Department for information.

15 (6) Engaging in dishonorable, unethical or
16 unprofessional conduct of a character likely to deceive,
17 defraud or harm the public.

18 (7) Habitual use or addiction to alcohol, narcotics,
19 stimulants, or any other chemical agent or drug which
20 results in the inability to practice with reasonable
21 judgment, skill or safety.

22 (8) Discipline by another U.S. jurisdiction if at least
23 one of the grounds for the discipline is the same or
24 substantially equivalent to those set forth herein.

25 (9) A finding by the Department that the licensee,
26 after having his or her license placed on probationary

1 status has violated the terms of probation.

2 (10) Willfully making or filing false records or
3 reports in his or her practice, including but not limited
4 to false records filed with State agencies or departments.

5 (11) Physical illness, mental illness, or other
6 impairment or disability, including, but not limited to,
7 deterioration through the aging process, or loss of motor
8 skill that results in the inability to practice the
9 profession with reasonable judgment, skill or safety.

10 (12) Disregard or violation of this Act or of any rule
11 issued pursuant to this Act.

12 (13) Aiding or abetting another in the violation of
13 this Act or any rule or regulation issued pursuant to this
14 Act.

15 (14) Allowing one's license to be used by an unlicensed
16 person.

17 (15) (Blank).

18 (16) Professional incompetence in the practice of
19 nursing home administration.

20 (17) Conviction of a violation of Section 12-19 or
21 subsection (a) of Section 12-4.4a of the Criminal Code of
22 1961 for the abuse and criminal ~~gross~~ neglect of a long
23 term care facility resident.

24 (18) Violation of the Nursing Home Care Act or the
25 MR/DD Community Care Act or of any rule issued under the
26 Nursing Home Care Act or the MR/DD Community Care Act.

1 All proceedings to suspend, revoke, place on probationary
2 status, or take any other disciplinary action as the Department
3 may deem proper, with regard to a license on any of the
4 foregoing grounds, must be commenced within 5 years next after
5 receipt by the Department of (i) a complaint alleging the
6 commission of or notice of the conviction order for any of the
7 acts described herein or (ii) a referral for investigation
8 under Section 3-108 of the Nursing Home Care Act.

9 The entry of an order or judgment by any circuit court
10 establishing that any person holding a license under this Act
11 is a person in need of mental treatment operates as a
12 suspension of that license. That person may resume their
13 practice only upon the entry of a Department order based upon a
14 finding by the Board that they have been determined to be
15 recovered from mental illness by the court and upon the Board's
16 recommendation that they be permitted to resume their practice.

17 The Department, upon the recommendation of the Board, may
18 adopt rules which set forth standards to be used in determining
19 what constitutes:

20 (i) when a person will be deemed sufficiently
21 rehabilitated to warrant the public trust;

22 (ii) dishonorable, unethical or unprofessional conduct
23 of a character likely to deceive, defraud, or harm the
24 public;

25 (iii) immoral conduct in the commission of any act
26 related to the licensee's practice; and

1 (iv) professional incompetence in the practice of
2 nursing home administration.

3 However, no such rule shall be admissible into evidence in
4 any civil action except for review of a licensing or other
5 disciplinary action under this Act.

6 In enforcing this Section, the Department or Board, upon a
7 showing of a possible violation, may compel any individual
8 licensed to practice under this Act, or who has applied for
9 licensure pursuant to this Act, to submit to a mental or
10 physical examination, or both, as required by and at the
11 expense of the Department. The examining physician or
12 physicians shall be those specifically designated by the
13 Department or Board. The Department or Board may order the
14 examining physician to present testimony concerning this
15 mental or physical examination of the licensee or applicant. No
16 information shall be excluded by reason of any common law or
17 statutory privilege relating to communications between the
18 licensee or applicant and the examining physician. The
19 individual to be examined may have, at his or her own expense,
20 another physician of his or her choice present during all
21 aspects of the examination. Failure of any individual to submit
22 to mental or physical examination, when directed, shall be
23 grounds for suspension of his or her license until such time as
24 the individual submits to the examination if the Department
25 finds, after notice and hearing, that the refusal to submit to
26 the examination was without reasonable cause.

1 If the Department or Board finds an individual unable to
2 practice because of the reasons set forth in this Section, the
3 Department or Board shall require such individual to submit to
4 care, counseling, or treatment by physicians approved or
5 designated by the Department or Board, as a condition, term, or
6 restriction for continued, reinstated, or renewed licensure to
7 practice; or in lieu of care, counseling, or treatment, the
8 Department may file, or the Board may recommend to the
9 Department to file, a complaint to immediately suspend, revoke,
10 or otherwise discipline the license of the individual. Any
11 individual whose license was granted pursuant to this Act or
12 continued, reinstated, renewed, disciplined or supervised,
13 subject to such terms, conditions or restrictions who shall
14 fail to comply with such terms, conditions or restrictions
15 shall be referred to the Secretary for a determination as to
16 whether the licensee shall have his or her license suspended
17 immediately, pending a hearing by the Department. In instances
18 in which the Secretary immediately suspends a license under
19 this Section, a hearing upon such person's license must be
20 convened by the Board within 30 days after such suspension and
21 completed without appreciable delay. The Department and Board
22 shall have the authority to review the subject administrator's
23 record of treatment and counseling regarding the impairment, to
24 the extent permitted by applicable federal statutes and
25 regulations safeguarding the confidentiality of medical
26 records.

1 An individual licensed under this Act, affected under this
2 Section, shall be afforded an opportunity to demonstrate to the
3 Department or Board that he or she can resume practice in
4 compliance with acceptable and prevailing standards under the
5 provisions of his or her license.

6 (b) Any individual or organization acting in good faith,
7 and not in a wilful and wanton manner, in complying with this
8 Act by providing any report or other information to the
9 Department, or assisting in the investigation or preparation of
10 such information, or by participating in proceedings of the
11 Department, or by serving as a member of the Board, shall not,
12 as a result of such actions, be subject to criminal prosecution
13 or civil damages.

14 (c) Members of the Board, and persons retained under
15 contract to assist and advise in an investigation, shall be
16 indemnified by the State for any actions occurring within the
17 scope of services on or for the Board, done in good faith and
18 not wilful and wanton in nature. The Attorney General shall
19 defend all such actions unless he or she determines either that
20 there would be a conflict of interest in such representation or
21 that the actions complained of were not in good faith or were
22 wilful and wanton.

23 Should the Attorney General decline representation, a
24 person entitled to indemnification under this Section shall
25 have the right to employ counsel of his or her choice, whose
26 fees shall be provided by the State, after approval by the

1 Attorney General, unless there is a determination by a court
2 that the member's actions were not in good faith or were wilful
3 and wanton.

4 A person entitled to indemnification under this Section
5 must notify the Attorney General within 7 days of receipt of
6 notice of the initiation of any action involving services of
7 the Board. Failure to so notify the Attorney General shall
8 constitute an absolute waiver of the right to a defense and
9 indemnification.

10 The Attorney General shall determine within 7 days after
11 receiving such notice, whether he or she will undertake to
12 represent a person entitled to indemnification under this
13 Section.

14 (d) The determination by a circuit court that a licensee is
15 subject to involuntary admission or judicial admission as
16 provided in the Mental Health and Developmental Disabilities
17 Code, as amended, operates as an automatic suspension. Such
18 suspension will end only upon a finding by a court that the
19 patient is no longer subject to involuntary admission or
20 judicial admission and issues an order so finding and
21 discharging the patient; and upon the recommendation of the
22 Board to the Secretary that the licensee be allowed to resume
23 his or her practice.

24 (e) The Department may refuse to issue or may suspend the
25 license of any person who fails to file a return, or to pay the
26 tax, penalty or interest shown in a filed return, or to pay any

1 final assessment of tax, penalty or interest, as required by
2 any tax Act administered by the Department of Revenue, until
3 such time as the requirements of any such tax Act are
4 satisfied.

5 (f) The Department of Public Health shall transmit to the
6 Department a list of those facilities which receive an "A"
7 violation as defined in Section 1-129 of the Nursing Home Care
8 Act.

9 (Source: P.A. 95-703, eff. 12-31-07; 96-339, eff. 7-1-10.)

10 Section 945. The Illinois Sexually Transmissible Disease
11 Control Act is amended by changing Section 5.5 as follows:

12 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

13 Sec. 5.5. Risk assessment.

14 (a) Whenever the Department receives a report of HIV
15 infection or AIDS pursuant to this Act and the Department
16 determines that the subject of the report may present or may
17 have presented a possible risk of HIV transmission, the
18 Department shall, when medically appropriate, investigate the
19 subject of the report and that person's contacts as defined in
20 subsection (c), to assess the potential risks of transmission.
21 Any investigation and action shall be conducted in a timely
22 fashion. All contacts other than those defined in subsection
23 (c) shall be investigated in accordance with Section 5 of this
24 Act.

1 (b) If the Department determines that there is or may have
2 been potential risks of HIV transmission from the subject of
3 the report to other persons, the Department shall afford the
4 subject the opportunity to submit any information and comment
5 on proposed actions the Department intends to take with respect
6 to the subject's contacts who are at potential risk of
7 transmission of HIV prior to notification of the subject's
8 contacts. The Department shall also afford the subject of the
9 report the opportunity to notify the subject's contacts in a
10 timely fashion who are at potential risk of transmission of HIV
11 prior to the Department taking any steps to notify such
12 contacts. If the subject declines to notify such contacts or if
13 the Department determines the notices to be inadequate or
14 incomplete, the Department shall endeavor to notify such other
15 persons of the potential risk, and offer testing and counseling
16 services to these individuals. When the contacts are notified,
17 they shall be informed of the disclosure provisions of the AIDS
18 Confidentiality Act and the penalties therein and this Section.

19 (c) Contacts investigated under this Section shall in the
20 case of HIV infection include (i) individuals who have
21 undergone invasive procedures performed by an HIV infected
22 health care provider and (ii) health care providers who have
23 performed invasive procedures for persons infected with HIV,
24 provided the Department has determined that there is or may
25 have been potential risk of HIV transmission from the health
26 care provider to those individuals or from infected persons to

1 health care providers. The Department shall have access to the
2 subject's records to review for the identity of contacts. The
3 subject's records shall not be copied or seized by the
4 Department.

5 For purposes of this subsection, the term "invasive
6 procedures" means those procedures termed invasive by the
7 Centers for Disease Control in current guidelines or
8 recommendations for the prevention of HIV transmission in
9 health care settings, and the term "health care provider" means
10 any physician, dentist, podiatrist, advanced practice nurse,
11 physician assistant, nurse, or other person providing health
12 care services of any kind.

13 (d) All information and records held by the Department and
14 local health authorities pertaining to activities conducted
15 pursuant to this Section shall be strictly confidential and
16 exempt from copying and inspection under the Freedom of
17 Information Act. Such information and records shall not be
18 released or made public by the Department or local health
19 authorities, and shall not be admissible as evidence, nor
20 discoverable in any action of any kind in any court or before
21 any tribunal, board, agency or person and shall be treated in
22 the same manner as the information and those records subject to
23 the provisions of Part 21 of the Code of Civil Procedure except
24 under the following circumstances:

25 (1) When made with the written consent of all persons
26 to whom this information pertains;

1 (2) When authorized under Section 8 to be released
2 under court order or subpoena pursuant to Section 12-5.01
3 or 12-16.2 of the Criminal Code of 1961; or

4 (3) When made by the Department for the purpose of
5 seeking a warrant authorized by Sections 6 and 7 of this
6 Act. Such disclosure shall conform to the requirements of
7 subsection (a) of Section 8 of this Act.

8 (e) Any person who knowingly or maliciously disseminates
9 any information or report concerning the existence of any
10 disease under this Section is guilty of a Class A misdemeanor.

11 (Source: P.A. 93-962, eff. 8-20-04.)

12 Section 950. The Illinois Vehicle Code is amended by
13 changing Sections 6-106.1 and 6-508 as follows:

14 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

15 Sec. 6-106.1. School bus driver permit.

16 (a) The Secretary of State shall issue a school bus driver
17 permit to those applicants who have met all the requirements of
18 the application and screening process under this Section to
19 insure the welfare and safety of children who are transported
20 on school buses throughout the State of Illinois. Applicants
21 shall obtain the proper application required by the Secretary
22 of State from their prospective or current employer and submit
23 the completed application to the prospective or current
24 employer along with the necessary fingerprint submission as

1 required by the Department of State Police to conduct
2 fingerprint based criminal background checks on current and
3 future information available in the state system and current
4 information available through the Federal Bureau of
5 Investigation's system. Applicants who have completed the
6 fingerprinting requirements shall not be subjected to the
7 fingerprinting process when applying for subsequent permits or
8 submitting proof of successful completion of the annual
9 refresher course. Individuals who on the effective date of this
10 Act possess a valid school bus driver permit that has been
11 previously issued by the appropriate Regional School
12 Superintendent are not subject to the fingerprinting
13 provisions of this Section as long as the permit remains valid
14 and does not lapse. The applicant shall be required to pay all
15 related application and fingerprinting fees as established by
16 rule including, but not limited to, the amounts established by
17 the Department of State Police and the Federal Bureau of
18 Investigation to process fingerprint based criminal background
19 investigations. All fees paid for fingerprint processing
20 services under this Section shall be deposited into the State
21 Police Services Fund for the cost incurred in processing the
22 fingerprint based criminal background investigations. All
23 other fees paid under this Section shall be deposited into the
24 Road Fund for the purpose of defraying the costs of the
25 Secretary of State in administering this Section. All
26 applicants must:

- 1 1. be 21 years of age or older;
- 2 2. possess a valid and properly classified driver's
3 license issued by the Secretary of State;
- 4 3. possess a valid driver's license, which has not been
5 revoked, suspended, or canceled for 3 years immediately
6 prior to the date of application, or have not had his or
7 her commercial motor vehicle driving privileges
8 disqualified within the 3 years immediately prior to the
9 date of application;
- 10 4. successfully pass a written test, administered by
11 the Secretary of State, on school bus operation, school bus
12 safety, and special traffic laws relating to school buses
13 and submit to a review of the applicant's driving habits by
14 the Secretary of State at the time the written test is
15 given;
- 16 5. demonstrate ability to exercise reasonable care in
17 the operation of school buses in accordance with rules
18 promulgated by the Secretary of State;
- 19 6. demonstrate physical fitness to operate school
20 buses by submitting the results of a medical examination,
21 including tests for drug use for each applicant not subject
22 to such testing pursuant to federal law, conducted by a
23 licensed physician, an advanced practice nurse who has a
24 written collaborative agreement with a collaborating
25 physician which authorizes him or her to perform medical
26 examinations, or a physician assistant who has been

1 delegated the performance of medical examinations by his or
2 her supervising physician within 90 days of the date of
3 application according to standards promulgated by the
4 Secretary of State;

5 7. affirm under penalties of perjury that he or she has
6 not made a false statement or knowingly concealed a
7 material fact in any application for permit;

8 8. have completed an initial classroom course,
9 including first aid procedures, in school bus driver safety
10 as promulgated by the Secretary of State; and after
11 satisfactory completion of said initial course an annual
12 refresher course; such courses and the agency or
13 organization conducting such courses shall be approved by
14 the Secretary of State; failure to complete the annual
15 refresher course, shall result in cancellation of the
16 permit until such course is completed;

17 9. not have been convicted of 2 or more serious traffic
18 offenses, as defined by rule, within one year prior to the
19 date of application that may endanger the life or safety of
20 any of the driver's passengers within the duration of the
21 permit period;

22 10. not have been convicted of reckless driving,
23 driving while intoxicated, or reckless homicide resulting
24 from the operation of a motor vehicle within 3 years of the
25 date of application;

26 11. not have been convicted of committing or attempting

1 to commit any one or more of the following offenses: (i)
2 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,
3 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,
4 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,
5 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
6 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,
7 12-4.5, 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4,
8 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
9 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5,
10 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1,
11 31A-1.1, and 33A-2, and in subsection (a) and subsection
12 (b), clause (1), of Section 12-4 and subdivisions (a)(1),
13 (a)(2), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1)
14 of Section 12-3.05, of the Criminal Code of 1961; (ii)
15 those offenses defined in the Cannabis Control Act except
16 those offenses defined in subsections (a) and (b) of
17 Section 4, and subsection (a) of Section 5 of the Cannabis
18 Control Act; (iii) those offenses defined in the Illinois
19 Controlled Substances Act; (iv) those offenses defined in
20 the Methamphetamine Control and Community Protection Act;
21 (v) any offense committed or attempted in any other state
22 or against the laws of the United States, which if
23 committed or attempted in this State would be punishable as
24 one or more of the foregoing offenses; (vi) the offenses
25 defined in Section 4.1 and 5.1 of the Wrongs to Children
26 Act and (vii) those offenses defined in Section 6-16 of the

1 Liquor Control Act of 1934;

2 12. not have been repeatedly involved as a driver in
3 motor vehicle collisions or been repeatedly convicted of
4 offenses against laws and ordinances regulating the
5 movement of traffic, to a degree which indicates lack of
6 ability to exercise ordinary and reasonable care in the
7 safe operation of a motor vehicle or disrespect for the
8 traffic laws and the safety of other persons upon the
9 highway;

10 13. not have, through the unlawful operation of a motor
11 vehicle, caused an accident resulting in the death of any
12 person; and

13 14. not have, within the last 5 years, been adjudged to
14 be afflicted with or suffering from any mental disability
15 or disease.

16 (b) A school bus driver permit shall be valid for a period
17 specified by the Secretary of State as set forth by rule. It
18 shall be renewable upon compliance with subsection (a) of this
19 Section.

20 (c) A school bus driver permit shall contain the holder's
21 driver's license number, legal name, residence address, zip
22 code, social security number and date of birth, a brief
23 description of the holder and a space for signature. The
24 Secretary of State may require a suitable photograph of the
25 holder.

26 (d) The employer shall be responsible for conducting a

1 pre-employment interview with prospective school bus driver
2 candidates, distributing school bus driver applications and
3 medical forms to be completed by the applicant, and submitting
4 the applicant's fingerprint cards to the Department of State
5 Police that are required for the criminal background
6 investigations. The employer shall certify in writing to the
7 Secretary of State that all pre-employment conditions have been
8 successfully completed including the successful completion of
9 an Illinois specific criminal background investigation through
10 the Department of State Police and the submission of necessary
11 fingerprints to the Federal Bureau of Investigation for
12 criminal history information available through the Federal
13 Bureau of Investigation system. The applicant shall present the
14 certification to the Secretary of State at the time of
15 submitting the school bus driver permit application.

16 (e) Permits shall initially be provisional upon receiving
17 certification from the employer that all pre-employment
18 conditions have been successfully completed, and upon
19 successful completion of all training and examination
20 requirements for the classification of the vehicle to be
21 operated, the Secretary of State shall provisionally issue a
22 School Bus Driver Permit. The permit shall remain in a
23 provisional status pending the completion of the Federal Bureau
24 of Investigation's criminal background investigation based
25 upon fingerprinting specimens submitted to the Federal Bureau
26 of Investigation by the Department of State Police. The Federal

1 Bureau of Investigation shall report the findings directly to
2 the Secretary of State. The Secretary of State shall remove the
3 bus driver permit from provisional status upon the applicant's
4 successful completion of the Federal Bureau of Investigation's
5 criminal background investigation.

6 (f) A school bus driver permit holder shall notify the
7 employer and the Secretary of State if he or she is convicted
8 in another state of an offense that would make him or her
9 ineligible for a permit under subsection (a) of this Section.
10 The written notification shall be made within 5 days of the
11 entry of the conviction. Failure of the permit holder to
12 provide the notification is punishable as a petty offense for a
13 first violation and a Class B misdemeanor for a second or
14 subsequent violation.

15 (g) Cancellation; suspension; notice and procedure.

16 (1) The Secretary of State shall cancel a school bus
17 driver permit of an applicant whose criminal background
18 investigation discloses that he or she is not in compliance
19 with the provisions of subsection (a) of this Section.

20 (2) The Secretary of State shall cancel a school bus
21 driver permit when he or she receives notice that the
22 permit holder fails to comply with any provision of this
23 Section or any rule promulgated for the administration of
24 this Section.

25 (3) The Secretary of State shall cancel a school bus
26 driver permit if the permit holder's restricted commercial

1 or commercial driving privileges are withdrawn or
2 otherwise invalidated.

3 (4) The Secretary of State may not issue a school bus
4 driver permit for a period of 3 years to an applicant who
5 fails to obtain a negative result on a drug test as
6 required in item 6 of subsection (a) of this Section or
7 under federal law.

8 (5) The Secretary of State shall forthwith suspend a
9 school bus driver permit for a period of 3 years upon
10 receiving notice that the holder has failed to obtain a
11 negative result on a drug test as required in item 6 of
12 subsection (a) of this Section or under federal law.

13 (6) The Secretary of State shall suspend a school bus
14 driver permit for a period of 3 years upon receiving notice
15 from the employer that the holder failed to perform the
16 inspection procedure set forth in subsection (a) or (b) of
17 Section 12-816 of this Code.

18 The Secretary of State shall notify the State
19 Superintendent of Education and the permit holder's
20 prospective or current employer that the applicant has (1) has
21 failed a criminal background investigation or (2) is no longer
22 eligible for a school bus driver permit; and of the related
23 cancellation of the applicant's provisional school bus driver
24 permit. The cancellation shall remain in effect pending the
25 outcome of a hearing pursuant to Section 2-118 of this Code.
26 The scope of the hearing shall be limited to the issuance

1 criteria contained in subsection (a) of this Section. A
2 petition requesting a hearing shall be submitted to the
3 Secretary of State and shall contain the reason the individual
4 feels he or she is entitled to a school bus driver permit. The
5 permit holder's employer shall notify in writing to the
6 Secretary of State that the employer has certified the removal
7 of the offending school bus driver from service prior to the
8 start of that school bus driver's next workshift. An employing
9 school board that fails to remove the offending school bus
10 driver from service is subject to the penalties defined in
11 Section 3-14.23 of the School Code. A school bus contractor who
12 violates a provision of this Section is subject to the
13 penalties defined in Section 6-106.11.

14 All valid school bus driver permits issued under this
15 Section prior to January 1, 1995, shall remain effective until
16 their expiration date unless otherwise invalidated.

17 (h) When a school bus driver permit holder who is a service
18 member is called to active duty, the employer of the permit
19 holder shall notify the Secretary of State, within 30 days of
20 notification from the permit holder, that the permit holder has
21 been called to active duty. Upon notification pursuant to this
22 subsection, (i) the Secretary of State shall characterize the
23 permit as inactive until a permit holder renews the permit as
24 provided in subsection (i) of this Section, and (ii) if a
25 permit holder fails to comply with the requirements of this
26 Section while called to active duty, the Secretary of State

1 shall not characterize the permit as invalid.

2 (i) A school bus driver permit holder who is a service
3 member returning from active duty must, within 90 days, renew a
4 permit characterized as inactive pursuant to subsection (h) of
5 this Section by complying with the renewal requirements of
6 subsection (b) of this Section.

7 (j) For purposes of subsections (h) and (i) of this
8 Section:

9 "Active duty" means active duty pursuant to an executive
10 order of the President of the United States, an act of the
11 Congress of the United States, or an order of the Governor.

12 "Service member" means a member of the Armed Services or
13 reserve forces of the United States or a member of the Illinois
14 National Guard.

15 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
16 revised 12-1-09.)

17 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

18 Sec. 6-508. Commercial Driver's License (CDL) -
19 qualification standards.

20 (a) Testing.

21 (1) General. No person shall be issued an original or
22 renewal CDL unless that person is domiciled in this State.
23 The Secretary shall cause to be administered such tests as
24 the Secretary deems necessary to meet the requirements of
25 49 C.F.R. Part 383, subparts F, G, H, and J.

1 (2) Third party testing. The Secretary of state may
2 authorize a "third party tester", pursuant to 49 C.F.R.
3 Part 383.75, to administer the skills test or tests
4 specified by Federal Motor Carrier Safety Administration
5 pursuant to the Commercial Motor Vehicle Safety Act of 1986
6 and any appropriate federal rule.

7 (b) Waiver of Skills Test. The Secretary of State may waive
8 the skills test specified in this Section for a driver
9 applicant for a commercial driver license who meets the
10 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

11 (c) Limitations on issuance of a CDL. A CDL, or a
12 commercial driver instruction permit, shall not be issued to a
13 person while the person is subject to a disqualification from
14 driving a commercial motor vehicle, or unless otherwise
15 permitted by this Code, while the person's driver's license is
16 suspended, revoked or cancelled in any state, or any territory
17 or province of Canada; nor may a CDL be issued to a person who
18 has a CDL issued by any other state, or foreign jurisdiction,
19 unless the person first surrenders all such licenses. No CDL
20 shall be issued to or renewed for a person who does not meet
21 the requirement of 49 CFR 391.41(b)(11). The requirement may be
22 met with the aid of a hearing aid.

23 (c-1) The Secretary may issue a CDL with a school bus
24 driver endorsement to allow a person to drive the type of bus
25 described in subsection (d-5) of Section 6-104 of this Code.
26 The CDL with a school bus driver endorsement may be issued only

1 to a person meeting the following requirements:

2 (1) the person has submitted his or her fingerprints to
3 the Department of State Police in the form and manner
4 prescribed by the Department of State Police. These
5 fingerprints shall be checked against the fingerprint
6 records now and hereafter filed in the Department of State
7 Police and Federal Bureau of Investigation criminal
8 history records databases;

9 (2) the person has passed a written test, administered
10 by the Secretary of State, on charter bus operation,
11 charter bus safety, and certain special traffic laws
12 relating to school buses determined by the Secretary of
13 State to be relevant to charter buses, and submitted to a
14 review of the driver applicant's driving habits by the
15 Secretary of State at the time the written test is given;

16 (3) the person has demonstrated physical fitness to
17 operate school buses by submitting the results of a medical
18 examination, including tests for drug use; and

19 (4) the person has not been convicted of committing or
20 attempting to commit any one or more of the following
21 offenses: (i) those offenses defined in Sections 9-1,
22 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
23 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,
24 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
25 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,
26 12-4.3, 12-4.4, 12-4.5, 12-5.01, 12-6, 12-6.2, 12-7.1,

1 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15,
2 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3,
3 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2,
4 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a)
5 and subsection (b), clause (1), of Section 12-4 and
6 subdivisions (a)(1), (a)(2), (b)(1), (e)(1), (e)(2),
7 (e)(3), (e)(4), and (f)(1) of Section 12-3.05, of the
8 Criminal Code of 1961; (ii) those offenses defined in the
9 Cannabis Control Act except those offenses defined in
10 subsections (a) and (b) of Section 4, and subsection (a) of
11 Section 5 of the Cannabis Control Act; (iii) those offenses
12 defined in the Illinois Controlled Substances Act; (iv)
13 those offenses defined in the Methamphetamine Control and
14 Community Protection Act; (v) any offense committed or
15 attempted in any other state or against the laws of the
16 United States, which if committed or attempted in this
17 State would be punishable as one or more of the foregoing
18 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
19 of the Wrongs to Children Act; and (vii) those offenses
20 defined in Section 6-16 of the Liquor Control Act of 1934.

21 The Department of State Police shall charge a fee for
22 conducting the criminal history records check, which shall be
23 deposited into the State Police Services Fund and may not
24 exceed the actual cost of the records check.

25 (c-2) The Secretary shall issue a CDL with a school bus
26 endorsement to allow a person to drive a school bus as defined

1 in this Section. The CDL shall be issued according to the
2 requirements outlined in 49 C.F.R. 383. A person may not
3 operate a school bus as defined in this Section without a
4 school bus endorsement. The Secretary of State may adopt rules
5 consistent with Federal guidelines to implement this
6 subsection (c-2).

7 (d) Commercial driver instruction permit. A commercial
8 driver instruction permit may be issued to any person holding a
9 valid Illinois driver's license if such person successfully
10 passes such tests as the Secretary determines to be necessary.
11 A commercial driver instruction permit shall not be issued to a
12 person who does not meet the requirements of 49 CFR 391.41
13 (b)(11), except for the renewal of a commercial driver
14 instruction permit for a person who possesses a commercial
15 instruction permit prior to the effective date of this
16 amendatory Act of 1999.

17 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;
18 95-331, eff. 8-21-07; 95-382, eff. 8-23-07.)

19 Section 955. The Juvenile Court Act of 1987 is amended by
20 changing Sections 2-25, 3-26, 4-23, 5-130, 5-410, and 5-730 as
21 follows:

22 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

23 Sec. 2-25. Order of protection.

24 (1) The court may make an order of protection in assistance

1 of or as a condition of any other order authorized by this Act.
2 The order of protection shall be based on the health, safety
3 and best interests of the minor and may set forth reasonable
4 conditions of behavior to be observed for a specified period.

5 Such an order may require a person:

6 (a) to stay away from the home or the minor;

7 (b) to permit a parent to visit the minor at stated
8 periods;

9 (c) to abstain from offensive conduct against the
10 minor, his parent or any person to whom custody of the
11 minor is awarded;

12 (d) to give proper attention to the care of the home;

13 (e) to cooperate in good faith with an agency to which
14 custody of a minor is entrusted by the court or with an
15 agency or association to which the minor is referred by the
16 court;

17 (f) to prohibit and prevent any contact whatsoever with
18 the respondent minor by a specified individual or
19 individuals who are alleged in either a criminal or
20 juvenile proceeding to have caused injury to a respondent
21 minor or a sibling of a respondent minor;

22 (g) to refrain from acts of commission or omission that
23 tend to make the home not a proper place for the minor;

24 (h) to refrain from contacting the minor and the foster
25 parents in any manner that is not specified in writing in
26 the case plan.

1 (2) The court shall enter an order of protection to
2 prohibit and prevent any contact between a respondent minor or
3 a sibling of a respondent minor and any person named in a
4 petition seeking an order of protection who has been convicted
5 of heinous battery under Section 12-4.1 or aggravated battery
6 under subdivision (a)(2) of Section 12-3.05, aggravated
7 battery of a child under Section 12-4.3 or aggravated battery
8 under subdivision (b)(1) of Section 12-3.05, criminal sexual
9 assault under Section 12-13, aggravated criminal sexual
10 assault under Section 12-14, predatory criminal sexual assault
11 of a child under Section 12-14.1, criminal sexual abuse under
12 Section 12-15, or aggravated criminal sexual abuse under
13 Section 12-16 of the Criminal Code of 1961, or has been
14 convicted of an offense that resulted in the death of a child,
15 or has violated a previous order of protection under this
16 Section.

17 (3) When the court issues an order of protection against
18 any person as provided by this Section, the court shall direct
19 a copy of such order to the Sheriff of that county. The Sheriff
20 shall furnish a copy of the order of protection to the
21 Department of State Police within 24 hours of receipt, in the
22 form and manner required by the Department. The Department of
23 State Police shall maintain a complete record and index of such
24 orders of protection and make this data available to all local
25 law enforcement agencies.

26 (4) After notice and opportunity for hearing afforded to a

1 person subject to an order of protection, the order may be
2 modified or extended for a further specified period or both or
3 may be terminated if the court finds that the health, safety,
4 and best interests of the minor and the public will be served
5 thereby.

6 (5) An order of protection may be sought at any time during
7 the course of any proceeding conducted pursuant to this Act if
8 such an order is consistent with the health, safety, and best
9 interests of the minor. Any person against whom an order of
10 protection is sought may retain counsel to represent him at a
11 hearing, and has rights to be present at the hearing, to be
12 informed prior to the hearing in writing of the contents of the
13 petition seeking a protective order and of the date, place and
14 time of such hearing, and to cross examine witnesses called by
15 the petitioner and to present witnesses and argument in
16 opposition to the relief sought in the petition.

17 (6) Diligent efforts shall be made by the petitioner to
18 serve any person or persons against whom any order of
19 protection is sought with written notice of the contents of the
20 petition seeking a protective order and of the date, place and
21 time at which the hearing on the petition is to be held. When a
22 protective order is being sought in conjunction with a
23 temporary custody hearing, if the court finds that the person
24 against whom the protective order is being sought has been
25 notified of the hearing or that diligent efforts have been made
26 to notify such person, the court may conduct a hearing. If a

1 protective order is sought at any time other than in
2 conjunction with a temporary custody hearing, the court may not
3 conduct a hearing on the petition in the absence of the person
4 against whom the order is sought unless the petitioner has
5 notified such person by personal service at least 3 days before
6 the hearing or has sent written notice by first class mail to
7 such person's last known address at least 5 days before the
8 hearing.

9 (7) A person against whom an order of protection is being
10 sought who is neither a parent, guardian, legal custodian or
11 responsible relative as described in Section 1-5 is not a party
12 or respondent as defined in that Section and shall not be
13 entitled to the rights provided therein. Such person does not
14 have a right to appointed counsel or to be present at any
15 hearing other than the hearing in which the order of protection
16 is being sought or a hearing directly pertaining to that order.
17 Unless the court orders otherwise, such person does not have a
18 right to inspect the court file.

19 (8) All protective orders entered under this Section shall
20 be in writing. Unless the person against whom the order was
21 obtained was present in court when the order was issued, the
22 sheriff, other law enforcement official or special process
23 server shall promptly serve that order upon that person and
24 file proof of such service, in the manner provided for service
25 of process in civil proceedings. The person against whom the
26 protective order was obtained may seek a modification of the

1 order by filing a written motion to modify the order within 7
2 days after actual receipt by the person of a copy of the order.
3 Any modification of the order granted by the court must be
4 determined to be consistent with the best interests of the
5 minor.

6 (9) If a petition is filed charging a violation of a
7 condition contained in the protective order and if the court
8 determines that this violation is of a critical service
9 necessary to the safety and welfare of the minor, the court may
10 proceed to findings and an order for temporary custody.

11 (Source: P.A. 95-405, eff. 6-1-08.)

12 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

13 Sec. 3-26. Order of protection.

14 (1) The court may make an order of protection in assistance
15 of or as a condition of any other order authorized by this Act.
16 The order of protection may set forth reasonable conditions of
17 behavior to be observed for a specified period. Such an order
18 may require a person:

19 (a) To stay away from the home or the minor;

20 (b) To permit a parent to visit the minor at stated
21 periods;

22 (c) To abstain from offensive conduct against the
23 minor, his parent or any person to whom custody of the
24 minor is awarded;

25 (d) To give proper attention to the care of the home;

1 (e) To cooperate in good faith with an agency to which
2 custody of a minor is entrusted by the court or with an
3 agency or association to which the minor is referred by the
4 court;

5 (f) To prohibit and prevent any contact whatsoever with
6 the respondent minor by a specified individual or
7 individuals who are alleged in either a criminal or
8 juvenile proceeding to have caused injury to a respondent
9 minor or a sibling of a respondent minor;

10 (g) To refrain from acts of commission or omission that
11 tend to make the home not a proper place for the minor.

12 (2) The court shall enter an order of protection to
13 prohibit and prevent any contact between a respondent minor or
14 a sibling of a respondent minor and any person named in a
15 petition seeking an order of protection who has been convicted
16 of heinous battery under Section 12-4.1 or aggravated battery
17 under subdivision (a)(2) of Section 12-3.05, aggravated
18 battery of a child under Section 12-4.3 or aggravated battery
19 under subdivision (b)(1) of Section 12-3.05, criminal sexual
20 assault under Section 12-13, aggravated criminal sexual
21 assault under Section 12-14, predatory criminal sexual assault
22 of a child under Section 12-14.1, criminal sexual abuse under
23 Section 12-15, or aggravated criminal sexual abuse under
24 Section 12-16 of the Criminal Code of 1961, or has been
25 convicted of an offense that resulted in the death of a child,
26 or has violated a previous order of protection under this

1 Section.

2 (3) When the court issues an order of protection against
3 any person as provided by this Section, the court shall direct
4 a copy of such order to the Sheriff of that county. The Sheriff
5 shall furnish a copy of the order of protection to the
6 Department of State Police within 24 hours of receipt, in the
7 form and manner required by the Department. The Department of
8 State Police shall maintain a complete record and index of such
9 orders of protection and make this data available to all local
10 law enforcement agencies.

11 (4) After notice and opportunity for hearing afforded to a
12 person subject to an order of protection, the order may be
13 modified or extended for a further specified period or both or
14 may be terminated if the court finds that the best interests of
15 the minor and the public will be served thereby.

16 (5) An order of protection may be sought at any time during
17 the course of any proceeding conducted pursuant to this Act.
18 Any person against whom an order of protection is sought may
19 retain counsel to represent him at a hearing, and has rights to
20 be present at the hearing, to be informed prior to the hearing
21 in writing of the contents of the petition seeking a protective
22 order and of the date, place and time of such hearing, and to
23 cross examine witnesses called by the petitioner and to present
24 witnesses and argument in opposition to the relief sought in
25 the petition.

26 (6) Diligent efforts shall be made by the petitioner to

1 serve any person or persons against whom any order of
2 protection is sought with written notice of the contents of the
3 petition seeking a protective order and of the date, place and
4 time at which the hearing on the petition is to be held. When a
5 protective order is being sought in conjunction with a shelter
6 care hearing, if the court finds that the person against whom
7 the protective order is being sought has been notified of the
8 hearing or that diligent efforts have been made to notify such
9 person, the court may conduct a hearing. If a protective order
10 is sought at any time other than in conjunction with a shelter
11 care hearing, the court may not conduct a hearing on the
12 petition in the absence of the person against whom the order is
13 sought unless the petitioner has notified such person by
14 personal service at least 3 days before the hearing or has sent
15 written notice by first class mail to such person's last known
16 address at least 5 days before the hearing.

17 (7) A person against whom an order of protection is being
18 sought who is neither a parent, guardian, legal custodian or
19 responsible relative as described in Section 1-5 is not a party
20 or respondent as defined in that Section and shall not be
21 entitled to the rights provided therein. Such person does not
22 have a right to appointed counsel or to be present at any
23 hearing other than the hearing in which the order of protection
24 is being sought or a hearing directly pertaining to that order.
25 Unless the court orders otherwise, such person does not have a
26 right to inspect the court file.

1 (8) All protective orders entered under this Section shall
2 be in writing. Unless the person against whom the order was
3 obtained was present in court when the order was issued, the
4 sheriff, other law enforcement official or special process
5 server shall promptly serve that order upon that person and
6 file proof of such service, in the manner provided for service
7 of process in civil proceedings. The person against whom the
8 protective order was obtained may seek a modification of the
9 order by filing a written motion to modify the order within 7
10 days after actual receipt by the person of a copy of the order.
11 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
12 90-655, eff. 7-30-98.)

13 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

14 Sec. 4-23. Order of protection.

15 (1) The court may make an order of protection in assistance
16 of or as a condition of any other order authorized by this Act.
17 The order of protection may set forth reasonable conditions of
18 behavior to be observed for a specified period. Such an order
19 may require a person:

20 (a) To stay away from the home or the minor;

21 (b) To permit a parent to visit the minor at stated
22 periods;

23 (c) To abstain from offensive conduct against the
24 minor, his parent or any person to whom custody of the
25 minor is awarded;

1 (d) To give proper attention to the care of the home;

2 (e) To cooperate in good faith with an agency to which
3 custody of a minor is entrusted by the court or with an
4 agency or association to which the minor is referred by the
5 court;

6 (f) To prohibit and prevent any contact whatsoever with
7 the respondent minor by a specified individual or
8 individuals who are alleged in either a criminal or
9 juvenile proceeding to have caused injury to a respondent
10 minor or a sibling of a respondent minor;

11 (g) To refrain from acts of commission or omission that
12 tend to make the home not a proper place for the minor.

13 (2) The court shall enter an order of protection to
14 prohibit and prevent any contact between a respondent minor or
15 a sibling of a respondent minor and any person named in a
16 petition seeking an order of protection who has been convicted
17 of heinous battery under Section 12-4.1 or aggravated battery
18 under subdivision (a)(2) of Section 12-3.05, aggravated
19 battery of a child under Section 12-4.3 or aggravated battery
20 under subdivision (b)(1) of Section 12-3.05, criminal sexual
21 assault under Section 12-13, aggravated criminal sexual
22 assault under Section 12-14, predatory criminal sexual assault
23 of a child under Section 12-14.1, criminal sexual abuse under
24 Section 12-15, or aggravated criminal sexual abuse under
25 Section 12-16 of the Criminal Code of 1961, or has been
26 convicted of an offense that resulted in the death of a child,

1 or has violated a previous order of protection under this
2 Section.

3 (3) When the court issues an order of protection against
4 any person as provided by this Section, the court shall direct
5 a copy of such order to the Sheriff of that county. The Sheriff
6 shall furnish a copy of the order of protection to the
7 Department of State Police within 24 hours of receipt, in the
8 form and manner required by the Department. The Department of
9 State Police shall maintain a complete record and index of such
10 orders of protection and make this data available to all local
11 law enforcement agencies.

12 (4) After notice and opportunity for hearing afforded to a
13 person subject to an order of protection, the order may be
14 modified or extended for a further specified period or both or
15 may be terminated if the court finds that the best interests of
16 the minor and the public will be served thereby.

17 (5) An order of protection may be sought at any time during
18 the course of any proceeding conducted pursuant to this Act.
19 Any person against whom an order of protection is sought may
20 retain counsel to represent him at a hearing, and has rights to
21 be present at the hearing, to be informed prior to the hearing
22 in writing of the contents of the petition seeking a protective
23 order and of the date, place and time of such hearing, and to
24 cross examine witnesses called by the petitioner and to present
25 witnesses and argument in opposition to the relief sought in
26 the petition.

1 (6) Diligent efforts shall be made by the petitioner to
2 serve any person or persons against whom any order of
3 protection is sought with written notice of the contents of the
4 petition seeking a protective order and of the date, place and
5 time at which the hearing on the petition is to be held. When a
6 protective order is being sought in conjunction with a shelter
7 care hearing, if the court finds that the person against whom
8 the protective order is being sought has been notified of the
9 hearing or that diligent efforts have been made to notify such
10 person, the court may conduct a hearing. If a protective order
11 is sought at any time other than in conjunction with a shelter
12 care hearing, the court may not conduct a hearing on the
13 petition in the absence of the person against whom the order is
14 sought unless the petitioner has notified such person by
15 personal service at least 3 days before the hearing or has sent
16 written notice by first class mail to such person's last known
17 address at least 5 days before the hearing.

18 (7) A person against whom an order of protection is being
19 sought who is neither a parent, guardian, legal custodian or
20 responsible relative as described in Section 1-5 is not a party
21 or respondent as defined in that Section and shall not be
22 entitled to the rights provided therein. Such person does not
23 have a right to appointed counsel or to be present at any
24 hearing other than the hearing in which the order of protection
25 is being sought or a hearing directly pertaining to that order.
26 Unless the court orders otherwise, such person does not have a

1 right to inspect the court file.

2 (8) All protective orders entered under this Section shall
3 be in writing. Unless the person against whom the order was
4 obtained was present in court when the order was issued, the
5 sheriff, other law enforcement official or special process
6 server shall promptly serve that order upon that person and
7 file proof of such service, in the manner provided for service
8 of process in civil proceedings. The person against whom the
9 protective order was obtained may seek a modification of the
10 order by filing a written motion to modify the order within 7
11 days after actual receipt by the person of a copy of the order.
12 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
13 90-655, eff. 7-30-98.)

14 (705 ILCS 405/5-130)

15 Sec. 5-130. Excluded jurisdiction.

16 (1) (a) The definition of delinquent minor under Section
17 5-120 of this Article shall not apply to any minor who at the
18 time of an offense was at least 15 years of age and who is
19 charged with: (i) first degree murder, (ii) aggravated criminal
20 sexual assault, (iii) aggravated battery with a firearm as
21 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
22 (e)(3), or (e)(4) of Section 12-3.05 where the minor personally
23 discharged a firearm as defined in Section 2-15.5 of the
24 Criminal Code of 1961, (iv) armed robbery when the armed
25 robbery was committed with a firearm, or (v) aggravated

1 vehicular hijacking when the hijacking was committed with a
2 firearm.

3 These charges and all other charges arising out of the same
4 incident shall be prosecuted under the criminal laws of this
5 State.

6 (b) (i) If before trial or plea an information or
7 indictment is filed that does not charge an offense specified
8 in paragraph (a) of this subsection (1) the State's Attorney
9 may proceed on any lesser charge or charges, but only in
10 Juvenile Court under the provisions of this Article. The
11 State's Attorney may proceed under the Criminal Code of 1961 on
12 a lesser charge if before trial the minor defendant knowingly
13 and with advice of counsel waives, in writing, his or her right
14 to have the matter proceed in Juvenile Court.

15 (ii) If before trial or plea an information or indictment
16 is filed that includes one or more charges specified in
17 paragraph (a) of this subsection (1) and additional charges
18 that are not specified in that paragraph, all of the charges
19 arising out of the same incident shall be prosecuted under the
20 Criminal Code of 1961.

21 (c) (i) If after trial or plea the minor is convicted of
22 any offense covered by paragraph (a) of this subsection (1),
23 then, in sentencing the minor, the court shall have available
24 any or all dispositions prescribed for that offense under
25 Chapter V of the Unified Code of Corrections.

26 (ii) If after trial or plea the court finds that the minor

1 committed an offense not covered by paragraph (a) of this
2 subsection (1), that finding shall not invalidate the verdict
3 or the prosecution of the minor under the criminal laws of the
4 State; however, unless the State requests a hearing for the
5 purpose of sentencing the minor under Chapter V of the Unified
6 Code of Corrections, the Court must proceed under Sections
7 5-705 and 5-710 of this Article. To request a hearing, the
8 State must file a written motion within 10 days following the
9 entry of a finding or the return of a verdict. Reasonable
10 notice of the motion shall be given to the minor or his or her
11 counsel. If the motion is made by the State, the court shall
12 conduct a hearing to determine if the minor should be sentenced
13 under Chapter V of the Unified Code of Corrections. In making
14 its determination, the court shall consider among other
15 matters: (a) whether there is evidence that the offense was
16 committed in an aggressive and premeditated manner; (b) the age
17 of the minor; (c) the previous history of the minor; (d)
18 whether there are facilities particularly available to the
19 Juvenile Court or the Department of Juvenile Justice for the
20 treatment and rehabilitation of the minor; (e) whether the
21 security of the public requires sentencing under Chapter V of
22 the Unified Code of Corrections; and (f) whether the minor
23 possessed a deadly weapon when committing the offense. The
24 rules of evidence shall be the same as if at trial. If after
25 the hearing the court finds that the minor should be sentenced
26 under Chapter V of the Unified Code of Corrections, then the

1 court shall sentence the minor accordingly having available to
2 it any or all dispositions so prescribed.

3 (2) (Blank).

4 (3) (a) The definition of delinquent minor under Section
5 5-120 of this Article shall not apply to any minor who at the
6 time of the offense was at least 15 years of age and who is
7 charged with a violation of the provisions of paragraph (1),
8 (3), (4), or (10) of subsection (a) of Section 24-1 of the
9 Criminal Code of 1961 while in school, regardless of the time
10 of day or the time of year, or on the real property comprising
11 any school, regardless of the time of day or the time of year.
12 School is defined, for purposes of this Section as any public
13 or private elementary or secondary school, community college,
14 college, or university. These charges and all other charges
15 arising out of the same incident shall be prosecuted under the
16 criminal laws of this State.

17 (b) (i) If before trial or plea an information or
18 indictment is filed that does not charge an offense specified
19 in paragraph (a) of this subsection (3) the State's Attorney
20 may proceed on any lesser charge or charges, but only in
21 Juvenile Court under the provisions of this Article. The
22 State's Attorney may proceed under the criminal laws of this
23 State on a lesser charge if before trial the minor defendant
24 knowingly and with advice of counsel waives, in writing, his or
25 her right to have the matter proceed in Juvenile Court.

26 (ii) If before trial or plea an information or indictment

1 is filed that includes one or more charges specified in
2 paragraph (a) of this subsection (3) and additional charges
3 that are not specified in that paragraph, all of the charges
4 arising out of the same incident shall be prosecuted under the
5 criminal laws of this State.

6 (c) (i) If after trial or plea the minor is convicted of
7 any offense covered by paragraph (a) of this subsection (3),
8 then, in sentencing the minor, the court shall have available
9 any or all dispositions prescribed for that offense under
10 Chapter V of the Unified Code of Corrections.

11 (ii) If after trial or plea the court finds that the minor
12 committed an offense not covered by paragraph (a) of this
13 subsection (3), that finding shall not invalidate the verdict
14 or the prosecution of the minor under the criminal laws of the
15 State; however, unless the State requests a hearing for the
16 purpose of sentencing the minor under Chapter V of the Unified
17 Code of Corrections, the Court must proceed under Sections
18 5-705 and 5-710 of this Article. To request a hearing, the
19 State must file a written motion within 10 days following the
20 entry of a finding or the return of a verdict. Reasonable
21 notice of the motion shall be given to the minor or his or her
22 counsel. If the motion is made by the State, the court shall
23 conduct a hearing to determine if the minor should be sentenced
24 under Chapter V of the Unified Code of Corrections. In making
25 its determination, the court shall consider among other
26 matters: (a) whether there is evidence that the offense was

1 committed in an aggressive and premeditated manner; (b) the age
2 of the minor; (c) the previous history of the minor; (d)
3 whether there are facilities particularly available to the
4 Juvenile Court or the Department of Juvenile Justice for the
5 treatment and rehabilitation of the minor; (e) whether the
6 security of the public requires sentencing under Chapter V of
7 the Unified Code of Corrections; and (f) whether the minor
8 possessed a deadly weapon when committing the offense. The
9 rules of evidence shall be the same as if at trial. If after
10 the hearing the court finds that the minor should be sentenced
11 under Chapter V of the Unified Code of Corrections, then the
12 court shall sentence the minor accordingly having available to
13 it any or all dispositions so prescribed.

14 (4) (a) The definition of delinquent minor under Section
15 5-120 of this Article shall not apply to any minor who at the
16 time of an offense was at least 13 years of age and who is
17 charged with first degree murder committed during the course of
18 either aggravated criminal sexual assault, criminal sexual
19 assault, or aggravated kidnaping. However, this subsection (4)
20 does not include a minor charged with first degree murder based
21 exclusively upon the accountability provisions of the Criminal
22 Code of 1961.

23 (b) (i) If before trial or plea an information or
24 indictment is filed that does not charge first degree murder
25 committed during the course of aggravated criminal sexual
26 assault, criminal sexual assault, or aggravated kidnaping, the

1 State's Attorney may proceed on any lesser charge or charges,
2 but only in Juvenile Court under the provisions of this
3 Article. The State's Attorney may proceed under the criminal
4 laws of this State on a lesser charge if before trial the minor
5 defendant knowingly and with advice of counsel waives, in
6 writing, his or her right to have the matter proceed in
7 Juvenile Court.

8 (ii) If before trial or plea an information or indictment
9 is filed that includes first degree murder committed during the
10 course of aggravated criminal sexual assault, criminal sexual
11 assault, or aggravated kidnaping, and additional charges that
12 are not specified in paragraph (a) of this subsection, all of
13 the charges arising out of the same incident shall be
14 prosecuted under the criminal laws of this State.

15 (c) (i) If after trial or plea the minor is convicted of
16 first degree murder committed during the course of aggravated
17 criminal sexual assault, criminal sexual assault, or
18 aggravated kidnaping, in sentencing the minor, the court shall
19 have available any or all dispositions prescribed for that
20 offense under Chapter V of the Unified Code of Corrections.

21 (ii) If the minor was not yet 15 years of age at the time of
22 the offense, and if after trial or plea the court finds that
23 the minor committed an offense other than first degree murder
24 committed during the course of either aggravated criminal
25 sexual assault, criminal sexual assault, or aggravated
26 kidnaping, the finding shall not invalidate the verdict or the

1 prosecution of the minor under the criminal laws of the State;
2 however, unless the State requests a hearing for the purpose of
3 sentencing the minor under Chapter V of the Unified Code of
4 Corrections, the Court must proceed under Sections 5-705 and
5 5-710 of this Article. To request a hearing, the State must
6 file a written motion within 10 days following the entry of a
7 finding or the return of a verdict. Reasonable notice of the
8 motion shall be given to the minor or his or her counsel. If
9 the motion is made by the State, the court shall conduct a
10 hearing to determine whether the minor should be sentenced
11 under Chapter V of the Unified Code of Corrections. In making
12 its determination, the court shall consider among other
13 matters: (a) whether there is evidence that the offense was
14 committed in an aggressive and premeditated manner; (b) the age
15 of the minor; (c) the previous delinquent history of the minor;
16 (d) whether there are facilities particularly available to the
17 Juvenile Court or the Department of Juvenile Justice for the
18 treatment and rehabilitation of the minor; (e) whether the best
19 interest of the minor and the security of the public require
20 sentencing under Chapter V of the Unified Code of Corrections;
21 and (f) whether the minor possessed a deadly weapon when
22 committing the offense. The rules of evidence shall be the same
23 as if at trial. If after the hearing the court finds that the
24 minor should be sentenced under Chapter V of the Unified Code
25 of Corrections, then the court shall sentence the minor
26 accordingly having available to it any or all dispositions so

1 prescribed.

2 (5) (a) The definition of delinquent minor under Section
3 5-120 of this Article shall not apply to any minor who is
4 charged with a violation of subsection (a) of Section 31-6 or
5 Section 32-10 of the Criminal Code of 1961 when the minor is
6 subject to prosecution under the criminal laws of this State as
7 a result of the application of the provisions of Section 5-125,
8 or subsection (1) or (2) of this Section. These charges and all
9 other charges arising out of the same incident shall be
10 prosecuted under the criminal laws of this State.

11 (b) (i) If before trial or plea an information or
12 indictment is filed that does not charge an offense specified
13 in paragraph (a) of this subsection (5), the State's Attorney
14 may proceed on any lesser charge or charges, but only in
15 Juvenile Court under the provisions of this Article. The
16 State's Attorney may proceed under the criminal laws of this
17 State on a lesser charge if before trial the minor defendant
18 knowingly and with advice of counsel waives, in writing, his or
19 her right to have the matter proceed in Juvenile Court.

20 (ii) If before trial or plea an information or indictment
21 is filed that includes one or more charges specified in
22 paragraph (a) of this subsection (5) and additional charges
23 that are not specified in that paragraph, all of the charges
24 arising out of the same incident shall be prosecuted under the
25 criminal laws of this State.

26 (c) (i) If after trial or plea the minor is convicted of

1 any offense covered by paragraph (a) of this subsection (5),
2 then, in sentencing the minor, the court shall have available
3 any or all dispositions prescribed for that offense under
4 Chapter V of the Unified Code of Corrections.

5 (ii) If after trial or plea the court finds that the minor
6 committed an offense not covered by paragraph (a) of this
7 subsection (5), the conviction shall not invalidate the verdict
8 or the prosecution of the minor under the criminal laws of this
9 State; however, unless the State requests a hearing for the
10 purpose of sentencing the minor under Chapter V of the Unified
11 Code of Corrections, the Court must proceed under Sections
12 5-705 and 5-710 of this Article. To request a hearing, the
13 State must file a written motion within 10 days following the
14 entry of a finding or the return of a verdict. Reasonable
15 notice of the motion shall be given to the minor or his or her
16 counsel. If the motion is made by the State, the court shall
17 conduct a hearing to determine if whether the minor should be
18 sentenced under Chapter V of the Unified Code of Corrections.
19 In making its determination, the court shall consider among
20 other matters: (a) whether there is evidence that the offense
21 was committed in an aggressive and premeditated manner; (b) the
22 age of the minor; (c) the previous delinquent history of the
23 minor; (d) whether there are facilities particularly available
24 to the Juvenile Court or the Department of Juvenile Justice for
25 the treatment and rehabilitation of the minor; (e) whether the
26 security of the public requires sentencing under Chapter V of

1 the Unified Code of Corrections; and (f) whether the minor
2 possessed a deadly weapon when committing the offense. The
3 rules of evidence shall be the same as if at trial. If after
4 the hearing the court finds that the minor should be sentenced
5 under Chapter V of the Unified Code of Corrections, then the
6 court shall sentence the minor accordingly having available to
7 it any or all dispositions so prescribed.

8 (6) The definition of delinquent minor under Section 5-120
9 of this Article shall not apply to any minor who, pursuant to
10 subsection (1) or (3) or Section 5-805 or 5-810, has previously
11 been placed under the jurisdiction of the criminal court and
12 has been convicted of a crime under an adult criminal or penal
13 statute. Such a minor shall be subject to prosecution under the
14 criminal laws of this State.

15 (7) The procedures set out in this Article for the
16 investigation, arrest and prosecution of juvenile offenders
17 shall not apply to minors who are excluded from jurisdiction of
18 the Juvenile Court, except that minors under 17 years of age
19 shall be kept separate from confined adults.

20 (8) Nothing in this Act prohibits or limits the prosecution
21 of any minor for an offense committed on or after his or her
22 17th birthday even though he or she is at the time of the
23 offense a ward of the court.

24 (9) If an original petition for adjudication of wardship
25 alleges the commission by a minor 13 years of age or over of an
26 act that constitutes a crime under the laws of this State, the

1 minor, with the consent of his or her counsel, may, at any time
2 before commencement of the adjudicatory hearing, file with the
3 court a motion that criminal prosecution be ordered and that
4 the petition be dismissed insofar as the act or acts involved
5 in the criminal proceedings are concerned. If such a motion is
6 filed as herein provided, the court shall enter its order
7 accordingly.

8 (10) If, prior to August 12, 2005 (the effective date of
9 Public Act 94-574), a minor is charged with a violation of
10 Section 401 of the Illinois Controlled Substances Act under the
11 criminal laws of this State, other than a minor charged with a
12 Class X felony violation of the Illinois Controlled Substances
13 Act or the Methamphetamine Control and Community Protection
14 Act, any party including the minor or the court sua sponte may,
15 before trial, move for a hearing for the purpose of trying and
16 sentencing the minor as a delinquent minor. To request a
17 hearing, the party must file a motion prior to trial.
18 Reasonable notice of the motion shall be given to all parties.
19 On its own motion or upon the filing of a motion by one of the
20 parties including the minor, the court shall conduct a hearing
21 to determine whether the minor should be tried and sentenced as
22 a delinquent minor under this Article. In making its
23 determination, the court shall consider among other matters:

24 (a) The age of the minor;

25 (b) Any previous delinquent or criminal history of the
26 minor;

1 (c) Any previous abuse or neglect history of the minor;

2 (d) Any mental health or educational history of the minor,
3 or both; and

4 (e) Whether there is probable cause to support the charge,
5 whether the minor is charged through accountability, and
6 whether there is evidence the minor possessed a deadly weapon
7 or caused serious bodily harm during the offense.

8 Any material that is relevant and reliable shall be
9 admissible at the hearing. In all cases, the judge shall enter
10 an order permitting prosecution under the criminal laws of
11 Illinois unless the judge makes a finding based on a
12 preponderance of the evidence that the minor would be amenable
13 to the care, treatment, and training programs available through
14 the facilities of the juvenile court based on an evaluation of
15 the factors listed in this subsection (10).

16 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;
17 94-696, eff. 6-1-06.)

18 (705 ILCS 405/5-410)

19 Sec. 5-410. Non-secure custody or detention.

20 (1) Any minor arrested or taken into custody pursuant to
21 this Act who requires care away from his or her home but who
22 does not require physical restriction shall be given temporary
23 care in a foster family home or other shelter facility
24 designated by the court.

25 (2) (a) Any minor 10 years of age or older arrested

1 pursuant to this Act where there is probable cause to believe
2 that the minor is a delinquent minor and that (i) secured
3 custody is a matter of immediate and urgent necessity for the
4 protection of the minor or of the person or property of
5 another, (ii) the minor is likely to flee the jurisdiction of
6 the court, or (iii) the minor was taken into custody under a
7 warrant, may be kept or detained in an authorized detention
8 facility. No minor under 12 years of age shall be detained in a
9 county jail or a municipal lockup for more than 6 hours.

10 (b) The written authorization of the probation officer or
11 detention officer (or other public officer designated by the
12 court in a county having 3,000,000 or more inhabitants)
13 constitutes authority for the superintendent of any juvenile
14 detention home to detain and keep a minor for up to 40 hours,
15 excluding Saturdays, Sundays and court-designated holidays.
16 These records shall be available to the same persons and
17 pursuant to the same conditions as are law enforcement records
18 as provided in Section 5-905.

19 (b-4) The consultation required by subsection (b-5) shall
20 not be applicable if the probation officer or detention officer
21 (or other public officer designated by the court in a county
22 having 3,000,000 or more inhabitants) utilizes a scorable
23 detention screening instrument, which has been developed with
24 input by the State's Attorney, to determine whether a minor
25 should be detained, however, subsection (b-5) shall still be
26 applicable where no such screening instrument is used or where

1 the probation officer, detention officer (or other public
2 officer designated by the court in a county having 3,000,000 or
3 more inhabitants) deviates from the screening instrument.

4 (b-5) Subject to the provisions of subsection (b-4), if a
5 probation officer or detention officer (or other public officer
6 designated by the court in a county having 3,000,000 or more
7 inhabitants) does not intend to detain a minor for an offense
8 which constitutes one of the following offenses he or she shall
9 consult with the State's Attorney's Office prior to the release
10 of the minor: first degree murder, second degree murder,
11 involuntary manslaughter, criminal sexual assault, aggravated
12 criminal sexual assault, aggravated battery with a firearm as
13 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
14 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous
15 battery involving permanent disability or disfigurement or
16 great bodily harm, robbery, aggravated robbery, armed robbery,
17 vehicular hijacking, aggravated vehicular hijacking, vehicular
18 invasion, arson, aggravated arson, kidnapping, aggravated
19 kidnapping, home invasion, burglary, or residential burglary.

20 (c) Except as otherwise provided in paragraph (a), (d), or
21 (e), no minor shall be detained in a county jail or municipal
22 lockup for more than 12 hours, unless the offense is a crime of
23 violence in which case the minor may be detained up to 24
24 hours. For the purpose of this paragraph, "crime of violence"
25 has the meaning ascribed to it in Section 1-10 of the
26 Alcoholism and Other Drug Abuse and Dependency Act.

1 (i) The period of detention is deemed to have begun
2 once the minor has been placed in a locked room or cell or
3 handcuffed to a stationary object in a building housing a
4 county jail or municipal lockup. Time spent transporting a
5 minor is not considered to be time in detention or secure
6 custody.

7 (ii) Any minor so confined shall be under periodic
8 supervision and shall not be permitted to come into or
9 remain in contact with adults in custody in the building.

10 (iii) Upon placement in secure custody in a jail or
11 lockup, the minor shall be informed of the purpose of the
12 detention, the time it is expected to last and the fact
13 that it cannot exceed the time specified under this Act.

14 (iv) A log shall be kept which shows the offense which
15 is the basis for the detention, the reasons and
16 circumstances for the decision to detain and the length of
17 time the minor was in detention.

18 (v) Violation of the time limit on detention in a
19 county jail or municipal lockup shall not, in and of
20 itself, render inadmissible evidence obtained as a result
21 of the violation of this time limit. Minors under 17 years
22 of age shall be kept separate from confined adults and may
23 not at any time be kept in the same cell, room or yard with
24 adults confined pursuant to criminal law. Persons 17 years
25 of age and older who have a petition of delinquency filed
26 against them may be confined in an adult detention

1 facility. In making a determination whether to confine a
2 person 17 years of age or older who has a petition of
3 delinquency filed against the person, these factors, among
4 other matters, shall be considered:

5 (A) The age of the person;

6 (B) Any previous delinquent or criminal history of
7 the person;

8 (C) Any previous abuse or neglect history of the
9 person; and

10 (D) Any mental health or educational history of the
11 person, or both.

12 (d) (i) If a minor 12 years of age or older is confined in a
13 county jail in a county with a population below 3,000,000
14 inhabitants, then the minor's confinement shall be implemented
15 in such a manner that there will be no contact by sight, sound
16 or otherwise between the minor and adult prisoners. Minors 12
17 years of age or older must be kept separate from confined
18 adults and may not at any time be kept in the same cell, room,
19 or yard with confined adults. This paragraph (d) (i) shall only
20 apply to confinement pending an adjudicatory hearing and shall
21 not exceed 40 hours, excluding Saturdays, Sundays and court
22 designated holidays. To accept or hold minors during this time
23 period, county jails shall comply with all monitoring standards
24 promulgated by the Department of Corrections and training
25 standards approved by the Illinois Law Enforcement Training
26 Standards Board.

1 (ii) To accept or hold minors, 12 years of age or older,
2 after the time period prescribed in paragraph (d)(i) of this
3 subsection (2) of this Section but not exceeding 7 days
4 including Saturdays, Sundays and holidays pending an
5 adjudicatory hearing, county jails shall comply with all
6 temporary detention standards promulgated by the Department of
7 Corrections and training standards approved by the Illinois Law
8 Enforcement Training Standards Board.

9 (iii) To accept or hold minors 12 years of age or older,
10 after the time period prescribed in paragraphs (d)(i) and
11 (d)(ii) of this subsection (2) of this Section, county jails
12 shall comply with all programmatic and training standards for
13 juvenile detention homes promulgated by the Department of
14 Corrections.

15 (e) When a minor who is at least 15 years of age is
16 prosecuted under the criminal laws of this State, the court may
17 enter an order directing that the juvenile be confined in the
18 county jail. However, any juvenile confined in the county jail
19 under this provision shall be separated from adults who are
20 confined in the county jail in such a manner that there will be
21 no contact by sight, sound or otherwise between the juvenile
22 and adult prisoners.

23 (f) For purposes of appearing in a physical lineup, the
24 minor may be taken to a county jail or municipal lockup under
25 the direct and constant supervision of a juvenile police
26 officer. During such time as is necessary to conduct a lineup,

1 and while supervised by a juvenile police officer, the sight
2 and sound separation provisions shall not apply.

3 (g) For purposes of processing a minor, the minor may be
4 taken to a County Jail or municipal lockup under the direct and
5 constant supervision of a law enforcement officer or
6 correctional officer. During such time as is necessary to
7 process the minor, and while supervised by a law enforcement
8 officer or correctional officer, the sight and sound separation
9 provisions shall not apply.

10 (3) If the probation officer or State's Attorney (or such
11 other public officer designated by the court in a county having
12 3,000,000 or more inhabitants) determines that the minor may be
13 a delinquent minor as described in subsection (3) of Section
14 5-105, and should be retained in custody but does not require
15 physical restriction, the minor may be placed in non-secure
16 custody for up to 40 hours pending a detention hearing.

17 (4) Any minor taken into temporary custody, not requiring
18 secure detention, may, however, be detained in the home of his
19 or her parent or guardian subject to such conditions as the
20 court may impose.

21 (Source: P.A. 93-255, eff. 1-1-04.)

22 (705 ILCS 405/5-730)

23 Sec. 5-730. Order of protection.

24 (1) The court may make an order of protection in assistance
25 of or as a condition of any other order authorized by this Act.

1 The order of protection may set forth reasonable conditions of
2 behavior to be observed for a specified period. The order may
3 require a person:

4 (a) to stay away from the home or the minor;

5 (b) to permit a parent to visit the minor at stated
6 periods;

7 (c) to abstain from offensive conduct against the
8 minor, his or her parent or any person to whom custody of
9 the minor is awarded;

10 (d) to give proper attention to the care of the home;

11 (e) to cooperate in good faith with an agency to which
12 custody of a minor is entrusted by the court or with an
13 agency or association to which the minor is referred by the
14 court;

15 (f) to prohibit and prevent any contact whatsoever with
16 the respondent minor by a specified individual or
17 individuals who are alleged in either a criminal or
18 juvenile proceeding to have caused injury to a respondent
19 minor or a sibling of a respondent minor;

20 (g) to refrain from acts of commission or omission that
21 tend to make the home not a proper place for the minor.

22 (2) The court shall enter an order of protection to
23 prohibit and prevent any contact between a respondent minor or
24 a sibling of a respondent minor and any person named in a
25 petition seeking an order of protection who has been convicted
26 of heinous battery under Section 12-4.1 or aggravated battery

1 under subdivision (a)(2) of Section 12-3.05, aggravated
2 battery of a child under Section 12-4.3 or aggravated battery
3 under subdivision (b)(1) of Section 12-3.05, criminal sexual
4 assault under Section 12-13, aggravated criminal sexual
5 assault under Section 12-14, predatory criminal sexual assault
6 of a child under Section 12-14.1, criminal sexual abuse under
7 Section 12-15, or aggravated criminal sexual abuse under
8 Section 12-16 of the Criminal Code of 1961, or has been
9 convicted of an offense that resulted in the death of a child,
10 or has violated a previous order of protection under this
11 Section.

12 (3) When the court issues an order of protection against
13 any person as provided by this Section, the court shall direct
14 a copy of such order to the sheriff of that county. The sheriff
15 shall furnish a copy of the order of protection to the
16 Department of State Police within 24 hours of receipt, in the
17 form and manner required by the Department. The Department of
18 State Police shall maintain a complete record and index of the
19 orders of protection and make this data available to all local
20 law enforcement agencies.

21 (4) After notice and opportunity for hearing afforded to a
22 person subject to an order of protection, the order may be
23 modified or extended for a further specified period or both or
24 may be terminated if the court finds that the best interests of
25 the minor and the public will be served by the modification,
26 extension, or termination.

1 (5) An order of protection may be sought at any time during
2 the course of any proceeding conducted under this Act. Any
3 person against whom an order of protection is sought may retain
4 counsel to represent him or her at a hearing, and has rights to
5 be present at the hearing, to be informed prior to the hearing
6 in writing of the contents of the petition seeking a protective
7 order and of the date, place, and time of the hearing, and to
8 cross-examine witnesses called by the petitioner and to present
9 witnesses and argument in opposition to the relief sought in
10 the petition.

11 (6) Diligent efforts shall be made by the petitioner to
12 serve any person or persons against whom any order of
13 protection is sought with written notice of the contents of the
14 petition seeking a protective order and of the date, place and
15 time at which the hearing on the petition is to be held. When a
16 protective order is being sought in conjunction with a shelter
17 care or detention hearing, if the court finds that the person
18 against whom the protective order is being sought has been
19 notified of the hearing or that diligent efforts have been made
20 to notify the person, the court may conduct a hearing. If a
21 protective order is sought at any time other than in
22 conjunction with a shelter care or detention hearing, the court
23 may not conduct a hearing on the petition in the absence of the
24 person against whom the order is sought unless the petitioner
25 has notified the person by personal service at least 3 days
26 before the hearing or has sent written notice by first class

1 mail to the person's last known address at least 5 days before
2 the hearing.

3 (7) A person against whom an order of protection is being
4 sought who is neither a parent, guardian, or legal custodian or
5 responsible relative as described in Section 1-5 of this Act or
6 is not a party or respondent as defined in that Section shall
7 not be entitled to the rights provided in that Section. The
8 person does not have a right to appointed counsel or to be
9 present at any hearing other than the hearing in which the
10 order of protection is being sought or a hearing directly
11 pertaining to that order. Unless the court orders otherwise,
12 the person does not have a right to inspect the court file.

13 (8) All protective orders entered under this Section shall
14 be in writing. Unless the person against whom the order was
15 obtained was present in court when the order was issued, the
16 sheriff, other law enforcement official, or special process
17 server shall promptly serve that order upon that person and
18 file proof of that service, in the manner provided for service
19 of process in civil proceedings. The person against whom the
20 protective order was obtained may seek a modification of the
21 order by filing a written motion to modify the order within 7
22 days after actual receipt by the person of a copy of the order.
23 (Source: P.A. 90-590, eff. 1-1-99.)

24 Section 960. The Criminal Code of 1961 is amended by
25 changing Sections 2-10.1, 24-1.7, 33A-2, 33A-3, and 36-1 as

1 follows:

2 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

3 Sec. 2-10.1. "Severely or profoundly mentally retarded
4 person" means a person (i) whose intelligence quotient does not
5 exceed 40 or (ii) whose intelligence quotient does not exceed
6 55 and who suffers from significant mental illness to the
7 extent that the person's ability to exercise rational judgment
8 is impaired. In any proceeding in which the defendant is
9 charged with committing a violation of Section 10-2, 10-5,
10 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.3, 12-14, or 12-16, or
11 subdivision (b) (1) of Section 12-3.05, of this Code against a
12 victim who is alleged to be a severely or profoundly mentally
13 retarded person, any findings concerning the victim's status as
14 a severely or profoundly mentally retarded person, made by a
15 court after a judicial admission hearing concerning the victim
16 under Articles V and VI of Chapter 4 of the Mental Health and
17 Developmental Disabilities Code shall be admissible.

18 (Source: P.A. 92-434, eff. 1-1-02.)

19 (720 ILCS 5/24-1.7)

20 Sec. 24-1.7. Armed habitual criminal.

21 (a) A person commits the offense of being an armed habitual
22 criminal if he or she receives, sells, possesses, or transfers
23 any firearm after having been convicted a total of 2 or more
24 times of any combination of the following offenses:

1 (1) a forcible felony as defined in Section 2-8 of this
2 Code;

3 (2) unlawful use of a weapon by a felon; aggravated
4 unlawful use of a weapon; aggravated discharge of a
5 firearm; vehicular hijacking; aggravated vehicular
6 hijacking; aggravated battery of a child as described in
7 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;
8 intimidation; aggravated intimidation; gunrunning; home
9 invasion; or aggravated battery with a firearm as described
10 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or
11 (e)(4) of Section 12-3.05; or

12 (3) any violation of the Illinois Controlled
13 Substances Act or the Cannabis Control Act that is
14 punishable as a Class 3 felony or higher.

15 (b) Sentence. Being an armed habitual criminal is a Class X
16 felony.

17 (Source: P.A. 94-398, eff. 8-2-05.)

18 (720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)

19 Sec. 33A-2. Armed violence-Elements of the offense.

20 (a) A person commits armed violence when, while armed with
21 a dangerous weapon, he commits any felony defined by Illinois
22 Law, except first degree murder, attempted first degree murder,
23 intentional homicide of an unborn child, second degree murder,
24 involuntary manslaughter, reckless homicide, predatory
25 criminal sexual assault of a child, aggravated battery of a

1 child as described in Section 12-4.3 or subdivision (b) (1) of
2 Section 12-3.05, home invasion, or any offense that makes the
3 possession or use of a dangerous weapon either an element of
4 the base offense, an aggravated or enhanced version of the
5 offense, or a mandatory sentencing factor that increases the
6 sentencing range.

7 (b) A person commits armed violence when he or she
8 personally discharges a firearm that is a Category I or
9 Category II weapon while committing any felony defined by
10 Illinois law, except first degree murder, attempted first
11 degree murder, intentional homicide of an unborn child, second
12 degree murder, involuntary manslaughter, reckless homicide,
13 predatory criminal sexual assault of a child, aggravated
14 battery of a child as described in Section 12-4.3 or
15 subdivision (b) (1) of Section 12-3.05, home invasion, or any
16 offense that makes the possession or use of a dangerous weapon
17 either an element of the base offense, an aggravated or
18 enhanced version of the offense, or a mandatory sentencing
19 factor that increases the sentencing range.

20 (c) A person commits armed violence when he or she
21 personally discharges a firearm that is a Category I or
22 Category II weapon that proximately causes great bodily harm,
23 permanent disability, or permanent disfigurement or death to
24 another person while committing any felony defined by Illinois
25 law, except first degree murder, attempted first degree murder,
26 intentional homicide of an unborn child, second degree murder,

1 involuntary manslaughter, reckless homicide, predatory
2 criminal sexual assault of a child, aggravated battery of a
3 child as described in Section 12-4.3 or subdivision (b) (1) of
4 Section 12-3.05, home invasion, or any offense that makes the
5 possession or use of a dangerous weapon either an element of
6 the base offense, an aggravated or enhanced version of the
7 offense, or a mandatory sentencing factor that increases the
8 sentencing range.

9 (d) This Section does not apply to violations of the Fish
10 and Aquatic Life Code or the Wildlife Code.

11 (Source: P.A. 95-688, eff. 10-23-07.)

12 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

13 Sec. 33A-3. Sentence.

14 (a) Violation of Section 33A-2(a) with a Category I weapon
15 is a Class X felony for which the defendant shall be sentenced
16 to a minimum term of imprisonment of 15 years.

17 (a-5) Violation of Section 33A-2(a) with a Category II
18 weapon is a Class X felony for which the defendant shall be
19 sentenced to a minimum term of imprisonment of 10 years.

20 (b) Violation of Section 33A-2(a) with a Category III
21 weapon is a Class 2 felony or the felony classification
22 provided for the same act while unarmed, whichever permits the
23 greater penalty. A second or subsequent violation of Section
24 33A-2(a) with a Category III weapon is a Class 1 felony or the
25 felony classification provided for the same act while unarmed,

1 whichever permits the greater penalty.

2 (b-5) Violation of Section 33A-2(b) with a firearm that is
3 a Category I or Category II weapon is a Class X felony for
4 which the defendant shall be sentenced to a minimum term of
5 imprisonment of 20 years.

6 (b-10) Violation of Section 33A-2(c) with a firearm that is
7 a Category I or Category II weapon is a Class X felony for
8 which the defendant shall be sentenced to a term of
9 imprisonment of not less than 25 years nor more than 40 years.

10 (c) Unless sentencing under subsection (a) of Section
11 5-4.5-95 of the Unified Code of Corrections (730 ILCS
12 5/5-4.5-95) is applicable, any person who violates subsection
13 (a) or (b) of Section 33A-2 with a firearm, when that person
14 has been convicted in any state or federal court of 3 or more
15 of the following offenses: treason, first degree murder, second
16 degree murder, predatory criminal sexual assault of a child,
17 aggravated criminal sexual assault, criminal sexual assault,
18 robbery, burglary, arson, kidnaping, aggravated battery
19 resulting in great bodily harm or permanent disability or
20 disfigurement, a violation of the Methamphetamine Control and
21 Community Protection Act, or a violation of Section 401(a) of
22 the Illinois Controlled Substances Act, when the third offense
23 was committed after conviction on the second, the second
24 offense was committed after conviction on the first, and the
25 violation of Section 33A-2 was committed after conviction on
26 the third, shall be sentenced to a term of imprisonment of not

1 less than 25 years nor more than 50 years.

2 (c-5) Except as otherwise provided in paragraph (b-10) or
3 (c) of this Section, a person who violates Section 33A-2(a)
4 with a firearm that is a Category I weapon or Section 33A-2(b)
5 in any school, in any conveyance owned, leased, or contracted
6 by a school to transport students to or from school or a school
7 related activity, or on the real property comprising any school
8 or public park, and where the offense was related to the
9 activities of an organized gang, shall be sentenced to a term
10 of imprisonment of not less than the term set forth in
11 subsection (a) or (b-5) of this Section, whichever is
12 applicable, and not more than 30 years. For the purposes of
13 this subsection (c-5), "organized gang" has the meaning
14 ascribed to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 (d) For armed violence based upon a predicate offense
17 listed in this subsection (d) the court shall enter the
18 sentence for armed violence to run consecutively to the
19 sentence imposed for the predicate offense. The offenses
20 covered by this provision are:

- 21 (i) solicitation of murder,
22 (ii) solicitation of murder for hire,
23 (iii) heinous battery as described in Section 12-4.1 or
24 subdivision (a) (2) of Section 12-3.05,
25 (iv) aggravated battery of a senior citizen as
26 described in Section 12-4.6 or subdivision (a) (4) of

1 Section 12-3.05,

2 (v) (blank),

3 (vi) a violation of subsection (g) of Section 5 of the
4 Cannabis Control Act,

5 (vii) cannabis trafficking,

6 (viii) a violation of subsection (a) of Section 401 of
7 the Illinois Controlled Substances Act,

8 (ix) controlled substance trafficking involving a
9 Class X felony amount of controlled substance under Section
10 401 of the Illinois Controlled Substances Act,

11 (x) calculated criminal drug conspiracy,

12 (xi) streetgang criminal drug conspiracy, or

13 (xii) a violation of the Methamphetamine Control and
14 Community Protection Act.

15 (Source: P.A. 94-556, eff. 9-11-05; 95-688, eff. 10-23-07;
16 95-1052, eff. 7-1-09.)

17 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

18 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
19 with the knowledge and consent of the owner in the commission
20 of, or in the attempt to commit as defined in Section 8-4 of
21 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
22 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,
23 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if
24 the theft is of precious metal or of scrap metal, 18-2, 19-1,
25 19-2, 19-3, 20-1, 20-2, ~~20D-15.2,~~ 24-1.2, 24-1.2-5, 24-1.5, or

1 28-1, or 29D-15.2 of this Code, subdivision (a) (1), (a) (2),
2 (a) (4), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4), (e) (5),
3 (e) (6), or (e) (7) of Section 12-3.05, paragraph (a) of Section
4 12-4 of this Code, paragraph (a) of Section 12-15 or paragraphs
5 (a), (c) or (d) of Section 12-16 of this Code, or paragraph
6 (a) (6) or (a) (7) of Section 24-1 of this Code; (b) Section 21,
7 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel,
8 vehicle or aircraft contains more than 10 cartons of such
9 cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use Tax
10 Act if the vessel, vehicle or aircraft contains more than 10
11 cartons of such cigarettes; (d) Section 44 of the Environmental
12 Protection Act; (e) 11-204.1 of the Illinois Vehicle Code; (f)
13 the offenses described in the following provisions of the
14 Illinois Vehicle Code: Section 11-501 subdivisions (c-1) (1),
15 (c-1) (2), (c-1) (3), (d) (1) (A), (d) (1) (D), (d) (1) (G), or
16 (d) (1) (H); (g) an offense described in subsection (g) of
17 Section 6-303 of the Illinois Vehicle Code; or (h) an offense
18 described in subsection (e) of Section 6-101 of the Illinois
19 Vehicle Code; may be seized and delivered forthwith to the
20 sheriff of the county of seizure.

21 Within 15 days after such delivery the sheriff shall give
22 notice of seizure to each person according to the following
23 method: Upon each such person whose right, title or interest is
24 of record in the office of the Secretary of State, the
25 Secretary of Transportation, the Administrator of the Federal
26 Aviation Agency, or any other Department of this State, or any

1 other state of the United States if such vessel, vehicle or
2 aircraft is required to be so registered, as the case may be,
3 by mailing a copy of the notice by certified mail to the
4 address as given upon the records of the Secretary of State,
5 the Department of Aeronautics, Department of Public Works and
6 Buildings or any other Department of this State or the United
7 States if such vessel, vehicle or aircraft is required to be so
8 registered. Within that 15 day period the sheriff shall also
9 notify the State's Attorney of the county of seizure about the
10 seizure.

11 In addition, any mobile or portable equipment used in the
12 commission of an act which is in violation of Section 7g of the
13 Metropolitan Water Reclamation District Act shall be subject to
14 seizure and forfeiture under the same procedures provided in
15 this Article for the seizure and forfeiture of vessels,
16 vehicles and aircraft, and any such equipment shall be deemed a
17 vessel, vehicle or aircraft for purposes of this Article.

18 When a person discharges a firearm at another individual
19 from a vehicle with the knowledge and consent of the owner of
20 the vehicle and with the intent to cause death or great bodily
21 harm to that individual and as a result causes death or great
22 bodily harm to that individual, the vehicle shall be subject to
23 seizure and forfeiture under the same procedures provided in
24 this Article for the seizure and forfeiture of vehicles used in
25 violations of clauses (a), (b), (c), or (d) of this Section.

26 If the spouse of the owner of a vehicle seized for an

1 offense described in subsection (g) of Section 6-303 of the
2 Illinois Vehicle Code, a violation of subdivision (c-1)(1),
3 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501
4 of the Illinois Vehicle Code, or Section 9-3 of this Code makes
5 a showing that the seized vehicle is the only source of
6 transportation and it is determined that the financial hardship
7 to the family as a result of the seizure outweighs the benefit
8 to the State from the seizure, the vehicle may be forfeited to
9 the spouse or family member and the title to the vehicle shall
10 be transferred to the spouse or family member who is properly
11 licensed and who requires the use of the vehicle for employment
12 or family transportation purposes. A written declaration of
13 forfeiture of a vehicle under this Section shall be sufficient
14 cause for the title to be transferred to the spouse or family
15 member. The provisions of this paragraph shall apply only to
16 one forfeiture per vehicle. If the vehicle is the subject of a
17 subsequent forfeiture proceeding by virtue of a subsequent
18 conviction of either spouse or the family member, the spouse or
19 family member to whom the vehicle was forfeited under the first
20 forfeiture proceeding may not utilize the provisions of this
21 paragraph in another forfeiture proceeding. If the owner of the
22 vehicle seized owns more than one vehicle, the procedure set
23 out in this paragraph may be used for only one vehicle.

24 Property declared contraband under Section 40 of the
25 Illinois Streetgang Terrorism Omnibus Prevention Act may be
26 seized and forfeited under this Article.

1 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10; revised
2 10-9-09.)

3 Section 965. The Code of Criminal Procedure of 1963 is
4 amended by changing Sections 110-5, 110-5.1, 110-6.3, 111-8,
5 112A-3, 112A-23, 112A-26, 115-7.3, 115-10, and 115-10.3 as
6 follows:

7 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

8 Sec. 110-5. Determining the amount of bail and conditions
9 of release.

10 (a) In determining the amount of monetary bail or
11 conditions of release, if any, which will reasonably assure the
12 appearance of a defendant as required or the safety of any
13 other person or the community and the likelihood of compliance
14 by the defendant with all the conditions of bail, the court
15 shall, on the basis of available information, take into account
16 such matters as the nature and circumstances of the offense
17 charged, whether the evidence shows that as part of the offense
18 there was a use of violence or threatened use of violence,
19 whether the offense involved corruption of public officials or
20 employees, whether there was physical harm or threats of
21 physical harm to any public official, public employee, judge,
22 prosecutor, juror or witness, senior citizen, child or
23 handicapped person, whether evidence shows that during the
24 offense or during the arrest the defendant possessed or used a

1 firearm, machine gun, explosive or metal piercing ammunition or
2 explosive bomb device or any military or paramilitary armament,
3 whether the evidence shows that the offense committed was
4 related to or in furtherance of the criminal activities of an
5 organized gang or was motivated by the defendant's membership
6 in or allegiance to an organized gang, the condition of the
7 victim, any written statement submitted by the victim or
8 proffer or representation by the State regarding the impact
9 which the alleged criminal conduct has had on the victim and
10 the victim's concern, if any, with further contact with the
11 defendant if released on bail, whether the offense was based on
12 racial, religious, sexual orientation or ethnic hatred, the
13 likelihood of the filing of a greater charge, the likelihood of
14 conviction, the sentence applicable upon conviction, the
15 weight of the evidence against such defendant, whether there
16 exists motivation or ability to flee, whether there is any
17 verification as to prior residence, education, or family ties
18 in the local jurisdiction, in another county, state or foreign
19 country, the defendant's employment, financial resources,
20 character and mental condition, past conduct, prior use of
21 alias names or dates of birth, and length of residence in the
22 community, the consent of the defendant to periodic drug
23 testing in accordance with Section 110-6.5, whether a foreign
24 national defendant is lawfully admitted in the United States of
25 America, whether the government of the foreign national
26 maintains an extradition treaty with the United States by which

1 the foreign government will extradite to the United States its
2 national for a trial for a crime allegedly committed in the
3 United States, whether the defendant is currently subject to
4 deportation or exclusion under the immigration laws of the
5 United States, whether the defendant, although a United States
6 citizen, is considered under the law of any foreign state a
7 national of that state for the purposes of extradition or
8 non-extradition to the United States, the amount of unrecovered
9 proceeds lost as a result of the alleged offense, the source of
10 bail funds tendered or sought to be tendered for bail, whether
11 from the totality of the court's consideration, the loss of
12 funds posted or sought to be posted for bail will not deter the
13 defendant from flight, whether the evidence shows that the
14 defendant is engaged in significant possession, manufacture,
15 or delivery of a controlled substance or cannabis, either
16 individually or in consort with others, whether at the time of
17 the offense charged he was on bond or pre-trial release pending
18 trial, probation, periodic imprisonment or conditional
19 discharge pursuant to this Code or the comparable Code of any
20 other state or federal jurisdiction, whether the defendant is
21 on bond or pre-trial release pending the imposition or
22 execution of sentence or appeal of sentence for any offense
23 under the laws of Illinois or any other state or federal
24 jurisdiction, whether the defendant is under parole or
25 mandatory supervised release or work release from the Illinois
26 Department of Corrections or any penal institution or

1 corrections department of any state or federal jurisdiction,
2 the defendant's record of convictions, whether the defendant
3 has been convicted of a misdemeanor or ordinance offense in
4 Illinois or similar offense in other state or federal
5 jurisdiction within the 10 years preceding the current charge
6 or convicted of a felony in Illinois, whether the defendant was
7 convicted of an offense in another state or federal
8 jurisdiction that would be a felony if committed in Illinois
9 within the 20 years preceding the current charge or has been
10 convicted of such felony and released from the penitentiary
11 within 20 years preceding the current charge if a penitentiary
12 sentence was imposed in Illinois or other state or federal
13 jurisdiction, the defendant's records of juvenile adjudication
14 of delinquency in any jurisdiction, any record of appearance or
15 failure to appear by the defendant at court proceedings,
16 whether there was flight to avoid arrest or prosecution,
17 whether the defendant escaped or attempted to escape to avoid
18 arrest, whether the defendant refused to identify himself, or
19 whether there was a refusal by the defendant to be
20 fingerprinted as required by law. Information used by the court
21 in its findings or stated in or offered in connection with this
22 Section may be by way of proffer based upon reliable
23 information offered by the State or defendant. All evidence
24 shall be admissible if it is relevant and reliable regardless
25 of whether it would be admissible under the rules of evidence
26 applicable at criminal trials. If the State presents evidence

1 that the offense committed by the defendant was related to or
2 in furtherance of the criminal activities of an organized gang
3 or was motivated by the defendant's membership in or allegiance
4 to an organized gang, and if the court determines that the
5 evidence may be substantiated, the court shall prohibit the
6 defendant from associating with other members of the organized
7 gang as a condition of bail or release. For the purposes of
8 this Section, "organized gang" has the meaning ascribed to it
9 in Section 10 of the Illinois Streetgang Terrorism Omnibus
10 Prevention Act.

11 (b) The amount of bail shall be:

12 (1) Sufficient to assure compliance with the
13 conditions set forth in the bail bond, which shall include
14 the defendant's current address with a written
15 admonishment to the defendant that he or she must comply
16 with the provisions of Section 110-12 regarding any change
17 in his or her address. The defendant's address shall at all
18 times remain a matter of public record with the clerk of
19 the court.

20 (2) Not oppressive.

21 (3) Considerate of the financial ability of the
22 accused.

23 (4) When a person is charged with a drug related
24 offense involving possession or delivery of cannabis or
25 possession or delivery of a controlled substance as defined
26 in the Cannabis Control Act, the Illinois Controlled

1 Substances Act, or the Methamphetamine Control and
2 Community Protection Act, the full street value of the
3 drugs seized shall be considered. "Street value" shall be
4 determined by the court on the basis of a proffer by the
5 State based upon reliable information of a law enforcement
6 official contained in a written report as to the amount
7 seized and such proffer may be used by the court as to the
8 current street value of the smallest unit of the drug
9 seized.

10 (b-5) Upon the filing of a written request demonstrating
11 reasonable cause, the State's Attorney may request a source of
12 bail hearing either before or after the posting of any funds.
13 If the hearing is granted, before the posting of any bail, the
14 accused must file a written notice requesting that the court
15 conduct a source of bail hearing. The notice must be
16 accompanied by justifying affidavits stating the legitimate
17 and lawful source of funds for bail. At the hearing, the court
18 shall inquire into any matters stated in any justifying
19 affidavits, and may also inquire into matters appropriate to
20 the determination which shall include, but are not limited to,
21 the following:

22 (1) the background, character, reputation, and
23 relationship to the accused of any surety; and

24 (2) the source of any money or property deposited by
25 any surety, and whether any such money or property
26 constitutes the fruits of criminal or unlawful conduct; and

1 (3) the source of any money posted as cash bail, and
2 whether any such money constitutes the fruits of criminal
3 or unlawful conduct; and

4 (4) the background, character, reputation, and
5 relationship to the accused of the person posting cash
6 bail.

7 Upon setting the hearing, the court shall examine, under
8 oath, any persons who may possess material information.

9 The State's Attorney has a right to attend the hearing, to
10 call witnesses and to examine any witness in the proceeding.
11 The court shall, upon request of the State's Attorney, continue
12 the proceedings for a reasonable period to allow the State's
13 Attorney to investigate the matter raised in any testimony or
14 affidavit. If the hearing is granted after the accused has
15 posted bail, the court shall conduct a hearing consistent with
16 this subsection (b-5). At the conclusion of the hearing, the
17 court must issue an order either approving or disapproving the
18 bail.

19 (c) When a person is charged with an offense punishable by
20 fine only the amount of the bail shall not exceed double the
21 amount of the maximum penalty.

22 (d) When a person has been convicted of an offense and only
23 a fine has been imposed the amount of the bail shall not exceed
24 double the amount of the fine.

25 (e) The State may appeal any order granting bail or setting
26 a given amount for bail.

1 (f) When a person is charged with a violation of an order
2 of protection under Section 12-3.4 or 12-30 of the Criminal
3 Code of 1961,

4 (1) whether the alleged incident involved harassment
5 or abuse, as defined in the Illinois Domestic Violence Act
6 of 1986;

7 (2) whether the person has a history of domestic
8 violence, as defined in the Illinois Domestic Violence Act,
9 or a history of other criminal acts;

10 (3) based on the mental health of the person;

11 (4) whether the person has a history of violating the
12 orders of any court or governmental entity;

13 (5) whether the person has been, or is, potentially a
14 threat to any other person;

15 (6) whether the person has access to deadly weapons or
16 a history of using deadly weapons;

17 (7) whether the person has a history of abusing alcohol
18 or any controlled substance;

19 (8) based on the severity of the alleged incident that
20 is the basis of the alleged offense, including, but not
21 limited to, the duration of the current incident, and
22 whether the alleged incident involved physical injury,
23 sexual assault, strangulation, abuse during the alleged
24 victim's pregnancy, abuse of pets, or forcible entry to
25 gain access to the alleged victim;

26 (9) whether a separation of the person from the alleged

1 victim or a termination of the relationship between the
2 person and the alleged victim has recently occurred or is
3 pending;

4 (10) whether the person has exhibited obsessive or
5 controlling behaviors toward the alleged victim,
6 including, but not limited to, stalking, surveillance, or
7 isolation of the alleged victim or victim's family member
8 or members;

9 (11) whether the person has expressed suicidal or
10 homicidal ideations;

11 (12) based on any information contained in the
12 complaint and any police reports, affidavits, or other
13 documents accompanying the complaint,

14 the court may, in its discretion, order the respondent to
15 undergo a risk assessment evaluation conducted by an Illinois
16 Department of Human Services approved partner abuse
17 intervention program provider, pretrial service, probation, or
18 parole agency. These agencies shall have access to summaries of
19 the defendant's criminal history, which shall not include
20 victim interviews or information, for the risk evaluation.
21 Based on the information collected from the 12 points to be
22 considered at a bail hearing for a violation of an order of
23 protection, the results of any risk evaluation conducted and
24 the other circumstances of the violation, the court may order
25 that the person, as a condition of bail, be placed under
26 electronic surveillance as provided in Section 5-8A-7 of the

1 Unified Code of Corrections.

2 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09.)

3 (725 ILCS 5/110-5.1)

4 Sec. 110-5.1. Bail; certain persons charged with violent
5 crimes against family or household members.

6 (a) Subject to subsection (c), a person who is charged with
7 a violent crime shall appear before the court for the setting
8 of bail if the alleged victim was a family or household member
9 at the time of the alleged offense, and if any of the following
10 applies:

11 (1) the person charged, at the time of the alleged
12 offense, was subject to the terms of an order of protection
13 issued under Section 112A-14 of this Code or Section 214 of
14 the Illinois Domestic Violence Act of 1986 or previously
15 was convicted of a violation of an order of protection
16 under Section 12-3.4 or 12-30 of the Criminal Code of 1961
17 or a violent crime if the victim was a family or household
18 member at the time of the offense or a violation of a
19 substantially similar municipal ordinance or law of this or
20 any other state or the United States if the victim was a
21 family or household member at the time of the offense;

22 (2) the arresting officer indicates in a police report
23 or other document accompanying the complaint any of the
24 following:

25 (A) that the arresting officer observed on the

1 alleged victim objective manifestations of physical
2 harm that the arresting officer reasonably believes
3 are a result of the alleged offense;

4 (B) that the arresting officer reasonably believes
5 that the person had on the person's person at the time
6 of the alleged offense a deadly weapon;

7 (C) that the arresting officer reasonably believes
8 that the person presents a credible threat of serious
9 physical harm to the alleged victim or to any other
10 person if released on bail before trial.

11 (b) To the extent that information about any of the
12 following is available to the court, the court shall consider
13 all of the following, in addition to any other circumstances
14 considered by the court, before setting bail for a person who
15 appears before the court pursuant to subsection (a):

16 (1) whether the person has a history of domestic
17 violence or a history of other violent acts;

18 (2) the mental health of the person;

19 (3) whether the person has a history of violating the
20 orders of any court or governmental entity;

21 (4) whether the person is potentially a threat to any
22 other person;

23 (5) whether the person has access to deadly weapons or
24 a history of using deadly weapons;

25 (6) whether the person has a history of abusing alcohol
26 or any controlled substance;

1 (7) the severity of the alleged violence that is the
2 basis of the alleged offense, including, but not limited
3 to, the duration of the alleged violent incident, and
4 whether the alleged violent incident involved serious
5 physical injury, sexual assault, strangulation, abuse
6 during the alleged victim's pregnancy, abuse of pets, or
7 forcible entry to gain access to the alleged victim;

8 (8) whether a separation of the person from the alleged
9 victim or a termination of the relationship between the
10 person and the alleged victim has recently occurred or is
11 pending;

12 (9) whether the person has exhibited obsessive or
13 controlling behaviors toward the alleged victim,
14 including, but not limited to, stalking, surveillance, or
15 isolation of the alleged victim;

16 (10) whether the person has expressed suicidal or
17 homicidal ideations;

18 (11) any information contained in the complaint and any
19 police reports, affidavits, or other documents
20 accompanying the complaint.

21 (c) Upon the court's own motion or the motion of a party
22 and upon any terms that the court may direct, a court may
23 permit a person who is required to appear before it by
24 subsection (a) to appear by video conferencing equipment. If,
25 in the opinion of the court, the appearance in person or by
26 video conferencing equipment of a person who is charged with a

1 misdemeanor and who is required to appear before the court by
2 subsection (a) is not practicable, the court may waive the
3 appearance and release the person on bail on one or both of the
4 following types of bail in an amount set by the court:

5 (1) a bail bond secured by a deposit of 10% of the
6 amount of the bond in cash;

7 (2) a surety bond, a bond secured by real estate or
8 securities as allowed by law, or the deposit of cash, at
9 the option of the person.

10 Subsection (a) does not create a right in a person to
11 appear before the court for the setting of bail or prohibit a
12 court from requiring any person charged with a violent crime
13 who is not described in subsection (a) from appearing before
14 the court for the setting of bail.

15 (d) As used in this Section:

16 (1) "Violent crime" has the meaning ascribed to it in
17 Section 3 of the Rights of Crime Victims and Witnesses Act.

18 (2) "Family or household member" has the meaning
19 ascribed to it in Section 112A-3 of this Code.

20 (Source: P.A. 94-878, eff. 1-1-07.)

21 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

22 Sec. 110-6.3. Denial of bail in stalking and aggravated
23 stalking offenses.

24 (a) Upon verified petition by the State, the court shall
25 hold a hearing to determine whether bail should be denied to a

1 defendant who is charged with stalking or aggravated stalking,
2 when it is alleged that the defendant's admission to bail poses
3 a real and present threat to the physical safety of the alleged
4 victim of the offense, and denial of release on bail or
5 personal recognizance is necessary to prevent fulfillment of
6 the threat upon which the charge is based.

7 (1) A petition may be filed without prior notice to the
8 defendant at the first appearance before a judge, or within
9 21 calendar days, except as provided in Section 110-6,
10 after arrest and release of the defendant upon reasonable
11 notice to defendant; provided that while the petition is
12 pending before the court, the defendant if previously
13 released shall not be detained.

14 (2) The hearing shall be held immediately upon the
15 defendant's appearance before the court, unless for good
16 cause shown the defendant or the State seeks a continuance.
17 A continuance on motion of the defendant may not exceed 5
18 calendar days, and the defendant may be held in custody
19 during the continuance. A continuance on the motion of the
20 State may not exceed 3 calendar days; however, the
21 defendant may be held in custody during the continuance
22 under this provision if the defendant has been previously
23 found to have violated an order of protection or has been
24 previously convicted of, or granted court supervision for,
25 any of the offenses set forth in Sections 12-2, 12-3.05,
26 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13,

1 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of
2 1961, against the same person as the alleged victim of the
3 stalking or aggravated stalking offense.

4 (b) The court may deny bail to the defendant when, after
5 the hearing, it is determined that:

6 (1) the proof is evident or the presumption great that
7 the defendant has committed the offense of stalking or
8 aggravated stalking; and

9 (2) the defendant poses a real and present threat to
10 the physical safety of the alleged victim of the offense;
11 and

12 (3) the denial of release on bail or personal
13 recognizance is necessary to prevent fulfillment of the
14 threat upon which the charge is based; and

15 (4) the court finds that no condition or combination of
16 conditions set forth in subsection (b) of Section 110-10 of
17 this Code, including mental health treatment at a community
18 mental health center, hospital, or facility of the
19 Department of Human Services, can reasonably assure the
20 physical safety of the alleged victim of the offense.

21 (c) Conduct of the hearings.

22 (1) The hearing on the defendant's culpability and
23 threat to the alleged victim of the offense shall be
24 conducted in accordance with the following provisions:

25 (A) Information used by the court in its findings
26 or stated in or offered at the hearing may be by way of

1 proffer based upon reliable information offered by the
2 State or by defendant. Defendant has the right to be
3 represented by counsel, and if he is indigent, to have
4 counsel appointed for him. Defendant shall have the
5 opportunity to testify, to present witnesses in his own
6 behalf, and to cross-examine witnesses if any are
7 called by the State. The defendant has the right to
8 present witnesses in his favor. When the ends of
9 justice so require, the court may exercise its
10 discretion and compel the appearance of a complaining
11 witness. The court shall state on the record reasons
12 for granting a defense request to compel the presence
13 of a complaining witness. Cross-examination of a
14 complaining witness at the pretrial detention hearing
15 for the purpose of impeaching the witness' credibility
16 is insufficient reason to compel the presence of the
17 witness. In deciding whether to compel the appearance
18 of a complaining witness, the court shall be
19 considerate of the emotional and physical well-being
20 of the witness. The pretrial detention hearing is not
21 to be used for the purposes of discovery, and the post
22 arraignment rules of discovery do not apply. The State
23 shall tender to the defendant, prior to the hearing,
24 copies of defendant's criminal history, if any, if
25 available, and any written or recorded statements and
26 the substance of any oral statements made by any

1 person, if relied upon by the State. The rules
2 concerning the admissibility of evidence in criminal
3 trials do not apply to the presentation and
4 consideration of information at the hearing. At the
5 trial concerning the offense for which the hearing was
6 conducted neither the finding of the court nor any
7 transcript or other record of the hearing shall be
8 admissible in the State's case in chief, but shall be
9 admissible for impeachment, or as provided in Section
10 115-10.1 of this Code, or in a perjury proceeding.

11 (B) A motion by the defendant to suppress evidence
12 or to suppress a confession shall not be entertained.
13 Evidence that proof may have been obtained as the
14 result of an unlawful search and seizure or through
15 improper interrogation is not relevant to this state of
16 the prosecution.

17 (2) The facts relied upon by the court to support a
18 finding that:

19 (A) the defendant poses a real and present threat
20 to the physical safety of the alleged victim of the
21 offense; and

22 (B) the denial of release on bail or personal
23 recognizance is necessary to prevent fulfillment of
24 the threat upon which the charge is based;

25 shall be supported by clear and convincing evidence
26 presented by the State.

1 (d) Factors to be considered in making a determination of
2 the threat to the alleged victim of the offense. The court may,
3 in determining whether the defendant poses, at the time of the
4 hearing, a real and present threat to the physical safety of
5 the alleged victim of the offense, consider but shall not be
6 limited to evidence or testimony concerning:

7 (1) The nature and circumstances of the offense
8 charged;

9 (2) The history and characteristics of the defendant
10 including:

11 (A) Any evidence of the defendant's prior criminal
12 history indicative of violent, abusive or assaultive
13 behavior, or lack of that behavior. The evidence may
14 include testimony or documents received in juvenile
15 proceedings, criminal, quasi-criminal, civil
16 commitment, domestic relations or other proceedings;

17 (B) Any evidence of the defendant's psychological,
18 psychiatric or other similar social history that tends
19 to indicate a violent, abusive, or assaultive nature,
20 or lack of any such history.

21 (3) The nature of the threat which is the basis of the
22 charge against the defendant;

23 (4) Any statements made by, or attributed to the
24 defendant, together with the circumstances surrounding
25 them;

26 (5) The age and physical condition of any person

1 assaulted by the defendant;

2 (6) Whether the defendant is known to possess or have
3 access to any weapon or weapons;

4 (7) Whether, at the time of the current offense or any
5 other offense or arrest, the defendant was on probation,
6 parole, mandatory supervised release or other release from
7 custody pending trial, sentencing, appeal or completion of
8 sentence for an offense under federal or state law;

9 (8) Any other factors, including those listed in
10 Section 110-5 of this Code, deemed by the court to have a
11 reasonable bearing upon the defendant's propensity or
12 reputation for violent, abusive or assaultive behavior, or
13 lack of that behavior.

14 (e) The court shall, in any order denying bail to a person
15 charged with stalking or aggravated stalking:

16 (1) briefly summarize the evidence of the defendant's
17 culpability and its reasons for concluding that the
18 defendant should be held without bail;

19 (2) direct that the defendant be committed to the
20 custody of the sheriff for confinement in the county jail
21 pending trial;

22 (3) direct that the defendant be given a reasonable
23 opportunity for private consultation with counsel, and for
24 communication with others of his choice by visitation, mail
25 and telephone; and

26 (4) direct that the sheriff deliver the defendant as

1 required for appearances in connection with court
2 proceedings.

3 (f) If the court enters an order for the detention of the
4 defendant under subsection (e) of this Section, the defendant
5 shall be brought to trial on the offense for which he is
6 detained within 90 days after the date on which the order for
7 detention was entered. If the defendant is not brought to trial
8 within the 90 day period required by this subsection (f), he
9 shall not be held longer without bail. In computing the 90 day
10 period, the court shall omit any period of delay resulting from
11 a continuance granted at the request of the defendant. The
12 court shall immediately notify the alleged victim of the
13 offense that the defendant has been admitted to bail under this
14 subsection.

15 (g) Any person shall be entitled to appeal any order
16 entered under this Section denying bail to the defendant.

17 (h) The State may appeal any order entered under this
18 Section denying any motion for denial of bail.

19 (i) Nothing in this Section shall be construed as modifying
20 or limiting in any way the defendant's presumption of innocence
21 in further criminal proceedings.

22 (Source: P.A. 90-14, eff. 7-1-97; 91-445, eff. 1-1-00.)

23 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

24 Sec. 111-8. Orders of protection to prohibit domestic
25 violence.

1 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
2 10-3.1, 10-4, 10-5, 11-15, 11-15.1, 11-20.1, 11-20a, 12-1,
3 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,
4 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,
5 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 21-1, 21-2,
6 or 21-3 of the Criminal Code of 1961 or Section 1-1 of the
7 Harassing and Obscene Communications Act is alleged in an
8 information, complaint or indictment on file, and the alleged
9 offender and victim are family or household members, as defined
10 in the Illinois Domestic Violence Act, as now or hereafter
11 amended, the People through the respective State's Attorneys
12 may by separate petition and upon notice to the defendant,
13 except as provided in subsection (c) herein, request the court
14 to issue an order of protection.

15 (b) In addition to any other remedies specified in Section
16 208 of the Illinois Domestic Violence Act, as now or hereafter
17 amended, the order may direct the defendant to initiate no
18 contact with the alleged victim or victims who are family or
19 household members and to refrain from entering the residence,
20 school or place of business of the alleged victim or victims.

21 (c) The court may grant emergency relief without notice
22 upon a showing of immediate and present danger of abuse to the
23 victim or minor children of the victim and may enter a
24 temporary order pending notice and full hearing on the matter.

25 (Source: P.A. 94-325, eff. 1-1-06.)

1 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

2 Sec. 112A-3. Definitions. For the purposes of this Article,
3 the following terms shall have the following meanings:

4 (1) "Abuse" means physical abuse, harassment, intimidation
5 of a dependent, interference with personal liberty or willful
6 deprivation but does not include reasonable direction of a
7 minor child by a parent or person in loco parentis.

8 (2) "Domestic violence" means abuse as described in
9 paragraph (1).

10 (3) "Family or household members" include spouses, former
11 spouses, parents, children, stepchildren and other persons
12 related by blood or by present or prior marriage, persons who
13 share or formerly shared a common dwelling, persons who have or
14 allegedly have a child in common, persons who share or
15 allegedly share a blood relationship through a child, persons
16 who have or have had a dating or engagement relationship,
17 persons with disabilities and their personal assistants, and
18 caregivers as defined in paragraph (3) of subsection (b) of
19 Section 12-21 or in subsection (e) of Section 12-4.4a of the
20 Criminal Code of 1961. For purposes of this paragraph, neither
21 a casual acquaintanceship nor ordinary fraternization between
22 2 individuals in business or social contexts shall be deemed to
23 constitute a dating relationship.

24 (4) "Harassment" means knowing conduct which is not
25 necessary to accomplish a purpose which is reasonable under the
26 circumstances; would cause a reasonable person emotional

1 distress; and does cause emotional distress to the petitioner.
2 Unless the presumption is rebutted by a preponderance of the
3 evidence, the following types of conduct shall be presumed to
4 cause emotional distress:

5 (i) creating a disturbance at petitioner's place of
6 employment or school;

7 (ii) repeatedly telephoning petitioner's place of
8 employment, home or residence;

9 (iii) repeatedly following petitioner about in a
10 public place or places;

11 (iv) repeatedly keeping petitioner under surveillance
12 by remaining present outside his or her home, school, place
13 of employment, vehicle or other place occupied by
14 petitioner or by peering in petitioner's windows;

15 (v) improperly concealing a minor child from
16 petitioner, repeatedly threatening to improperly remove a
17 minor child of petitioner's from the jurisdiction or from
18 the physical care of petitioner, repeatedly threatening to
19 conceal a minor child from petitioner, or making a single
20 such threat following an actual or attempted improper
21 removal or concealment, unless respondent was fleeing from
22 an incident or pattern of domestic violence; or

23 (vi) threatening physical force, confinement or
24 restraint on one or more occasions.

25 (5) "Interference with personal liberty" means committing
26 or threatening physical abuse, harassment, intimidation or

1 willful deprivation so as to compel another to engage in
2 conduct from which she or he has a right to abstain or to
3 refrain from conduct in which she or he has a right to engage.

4 (6) "Intimidation of a dependent" means subjecting a person
5 who is dependent because of age, health or disability to
6 participation in or the witnessing of: physical force against
7 another or physical confinement or restraint of another which
8 constitutes physical abuse as defined in this Article,
9 regardless of whether the abused person is a family or
10 household member.

11 (7) "Order of protection" means an emergency order, interim
12 order or plenary order, granted pursuant to this Article, which
13 includes any or all of the remedies authorized by Section
14 112A-14 of this Code.

15 (8) "Petitioner" may mean not only any named petitioner for
16 the order of protection and any named victim of abuse on whose
17 behalf the petition is brought, but also any other person
18 protected by this Article.

19 (9) "Physical abuse" includes sexual abuse and means any of
20 the following:

21 (i) knowing or reckless use of physical force,
22 confinement or restraint;

23 (ii) knowing, repeated and unnecessary sleep
24 deprivation; or

25 (iii) knowing or reckless conduct which creates an
26 immediate risk of physical harm.

1 (9.5) "Stay away" means for the respondent to refrain from
2 both physical presence and nonphysical contact with the
3 petitioner whether direct, indirect (including, but not
4 limited to, telephone calls, mail, email, faxes, and written
5 notes), or through third parties who may or may not know about
6 the order of protection.

7 (10) "Willful deprivation" means wilfully denying a person
8 who because of age, health or disability requires medication,
9 medical care, shelter, accessible shelter or services, food,
10 therapeutic device, or other physical assistance, and thereby
11 exposing that person to the risk of physical, mental or
12 emotional harm, except with regard to medical care and
13 treatment when such dependent person has expressed the intent
14 to forgo such medical care or treatment. This paragraph does
15 not create any new affirmative duty to provide support to
16 dependent persons.

17 (Source: P.A. 92-253, eff. 1-1-02; 93-811, eff. 1-1-05.)

18 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

19 Sec. 112A-23. Enforcement of orders of protection.

20 (a) When violation is crime. A violation of any order of
21 protection, whether issued in a civil, quasi-criminal
22 proceeding, shall be enforced by a criminal court when:

23 (1) The respondent commits the crime of violation of an
24 order of protection pursuant to Section 12-3.4 or 12-30 of
25 the Criminal Code of 1961, by having knowingly violated:

1 (i) remedies described in paragraphs (1), (2),
2 (3), (14), or (14.5) of subsection (b) of Section
3 112A-14,

4 (ii) a remedy, which is substantially similar to
5 the remedies authorized under paragraphs (1), (2),
6 (3), (14) or (14.5) of subsection (b) of Section 214 of
7 the Illinois Domestic Violence Act of 1986, in a valid
8 order of protection, which is authorized under the laws
9 of another state, tribe or United States territory,

10 (iii) or any other remedy when the act constitutes
11 a crime against the protected parties as defined by the
12 Criminal Code of 1961.

13 Prosecution for a violation of an order of protection shall
14 not bar concurrent prosecution for any other crime, including
15 any crime that may have been committed at the time of the
16 violation of the order of protection; or

17 (2) The respondent commits the crime of child abduction
18 pursuant to Section 10-5 of the Criminal Code of 1961, by
19 having knowingly violated:

20 (i) remedies described in paragraphs (5), (6) or
21 (8) of subsection (b) of Section 112A-14, or

22 (ii) a remedy, which is substantially similar to
23 the remedies authorized under paragraphs (1), (5),
24 (6), or (8) of subsection (b) of Section 214 of the
25 Illinois Domestic Violence Act of 1986, in a valid
26 order of protection, which is authorized under the laws

1 of another state, tribe or United States territory.

2 (b) When violation is contempt of court. A violation of any
3 valid order of protection, whether issued in a civil or
4 criminal proceeding, may be enforced through civil or criminal
5 contempt procedures, as appropriate, by any court with
6 jurisdiction, regardless where the act or acts which violated
7 the order of protection were committed, to the extent
8 consistent with the venue provisions of this Article. Nothing
9 in this Article shall preclude any Illinois court from
10 enforcing any valid order of protection issued in another
11 state. Illinois courts may enforce orders of protection through
12 both criminal prosecution and contempt proceedings, unless the
13 action which is second in time is barred by collateral estoppel
14 or the constitutional prohibition against double jeopardy.

15 (1) In a contempt proceeding where the petition for a
16 rule to show cause sets forth facts evidencing an immediate
17 danger that the respondent will flee the jurisdiction,
18 conceal a child, or inflict physical abuse on the
19 petitioner or minor children or on dependent adults in
20 petitioner's care, the court may order the attachment of
21 the respondent without prior service of the rule to show
22 cause or the petition for a rule to show cause. Bond shall
23 be set unless specifically denied in writing.

24 (2) A petition for a rule to show cause for violation
25 of an order of protection shall be treated as an expedited
26 proceeding.

1 (c) Violation of custody or support orders. A violation of
2 remedies described in paragraphs (5), (6), (8), or (9) of
3 subsection (b) of Section 112A-14 may be enforced by any remedy
4 provided by Section 611 of the Illinois Marriage and
5 Dissolution of Marriage Act. The court may enforce any order
6 for support issued under paragraph (12) of subsection (b) of
7 Section 112A-14 in the manner provided for under Parts V and
8 VII of the Illinois Marriage and Dissolution of Marriage Act.

9 (d) Actual knowledge. An order of protection may be
10 enforced pursuant to this Section if the respondent violates
11 the order after respondent has actual knowledge of its contents
12 as shown through one of the following means:

13 (1) By service, delivery, or notice under Section
14 112A-10.

15 (2) By notice under Section 112A-11.

16 (3) By service of an order of protection under Section
17 112A-22.

18 (4) By other means demonstrating actual knowledge of
19 the contents of the order.

20 (e) The enforcement of an order of protection in civil or
21 criminal court shall not be affected by either of the
22 following:

23 (1) The existence of a separate, correlative order
24 entered under Section 112A-15.

25 (2) Any finding or order entered in a conjoined
26 criminal proceeding.

1 (f) Circumstances. The court, when determining whether or
2 not a violation of an order of protection has occurred, shall
3 not require physical manifestations of abuse on the person of
4 the victim.

5 (g) Penalties.

6 (1) Except as provided in paragraph (3) of this
7 subsection, where the court finds the commission of a crime
8 or contempt of court under subsections (a) or (b) of this
9 Section, the penalty shall be the penalty that generally
10 applies in such criminal or contempt proceedings, and may
11 include one or more of the following: incarceration,
12 payment of restitution, a fine, payment of attorneys' fees
13 and costs, or community service.

14 (2) The court shall hear and take into account evidence
15 of any factors in aggravation or mitigation before deciding
16 an appropriate penalty under paragraph (1) of this
17 subsection.

18 (3) To the extent permitted by law, the court is
19 encouraged to:

20 (i) increase the penalty for the knowing violation
21 of any order of protection over any penalty previously
22 imposed by any court for respondent's violation of any
23 order of protection or penal statute involving
24 petitioner as victim and respondent as defendant;

25 (ii) impose a minimum penalty of 24 hours
26 imprisonment for respondent's first violation of any

1 order of protection; and

2 (iii) impose a minimum penalty of 48 hours
3 imprisonment for respondent's second or subsequent
4 violation of an order of protection

5 unless the court explicitly finds that an increased penalty
6 or that period of imprisonment would be manifestly unjust.

7 (4) In addition to any other penalties imposed for a
8 violation of an order of protection, a criminal court may
9 consider evidence of any violations of an order of
10 protection:

11 (i) to increase, revoke or modify the bail bond on
12 an underlying criminal charge pursuant to Section
13 110-6;

14 (ii) to revoke or modify an order of probation,
15 conditional discharge or supervision, pursuant to
16 Section 5-6-4 of the Unified Code of Corrections;

17 (iii) to revoke or modify a sentence of periodic
18 imprisonment, pursuant to Section 5-7-2 of the Unified
19 Code of Corrections.

20 (Source: P.A. 95-331, eff. 8-21-07.)

21 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

22 Sec. 112A-26. Arrest without warrant.

23 (a) Any law enforcement officer may make an arrest without
24 warrant if the officer has probable cause to believe that the
25 person has committed or is committing any crime, including but

1 not limited to violation of an order of protection, under
2 Section 12-3.4 or 12-30 of the Criminal Code of 1961, even if
3 the crime was not committed in the presence of the officer.

4 (b) The law enforcement officer may verify the existence of
5 an order of protection by telephone or radio communication with
6 his or her law enforcement agency or by referring to the copy
7 of the order provided by petitioner or respondent.

8 (Source: P.A. 87-1186.)

9 (725 ILCS 5/115-7.3)

10 Sec. 115-7.3. Evidence in certain cases.

11 (a) This Section applies to criminal cases in which:

12 (1) the defendant is accused of predatory criminal
13 sexual assault of a child, aggravated criminal sexual
14 assault, criminal sexual assault, aggravated criminal
15 sexual abuse, criminal sexual abuse, child pornography,
16 aggravated child pornography, or criminal transmission of
17 HIV;

18 (2) the defendant is accused of battery, aggravated
19 battery, first degree murder, or second degree murder when
20 the commission of the offense involves sexual penetration
21 or sexual conduct as defined in Section 12-12 of the
22 Criminal Code of 1961; or

23 (3) the defendant is tried or retried for any of the
24 offenses formerly known as rape, deviate sexual assault,
25 indecent liberties with a child, or aggravated indecent

1 liberties with a child.

2 (b) If the defendant is accused of an offense set forth in
3 paragraph (1) or (2) of subsection (a) or the defendant is
4 tried or retried for any of the offenses set forth in paragraph
5 (3) of subsection (a), evidence of the defendant's commission
6 of another offense or offenses set forth in paragraph (1), (2),
7 or (3) of subsection (a), or evidence to rebut that proof or an
8 inference from that proof, may be admissible (if that evidence
9 is otherwise admissible under the rules of evidence) and may be
10 considered for its bearing on any matter to which it is
11 relevant.

12 (c) In weighing the probative value of the evidence against
13 undue prejudice to the defendant, the court may consider:

14 (1) the proximity in time to the charged or predicate
15 offense;

16 (2) the degree of factual similarity to the charged or
17 predicate offense; or

18 (3) other relevant facts and circumstances.

19 (d) In a criminal case in which the prosecution intends to
20 offer evidence under this Section, it must disclose the
21 evidence, including statements of witnesses or a summary of the
22 substance of any testimony, at a reasonable time in advance of
23 trial, or during trial if the court excuses pretrial notice on
24 good cause shown.

25 (e) In a criminal case in which evidence is offered under
26 this Section, proof may be made by specific instances of

1 conduct, testimony as to reputation, or testimony in the form
2 of an expert opinion, except that the prosecution may offer
3 reputation testimony only after the opposing party has offered
4 that testimony.

5 (f) In prosecutions for a violation of Section 10-2,
6 12-3.05, 12-4, 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of
7 the Criminal Code of 1961, involving the involuntary delivery
8 of a controlled substance to a victim, no inference may be made
9 about the fact that a victim did not consent to a test for the
10 presence of controlled substances.

11 (Source: P.A. 95-892, eff. 1-1-09.)

12 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

13 Sec. 115-10. Certain hearsay exceptions.

14 (a) In a prosecution for a physical or sexual act
15 perpetrated upon or against a child under the age of 13, or a
16 person who was a moderately, severely, or profoundly mentally
17 retarded person as defined in this Code and in Section 2-10.1
18 of the Criminal Code of 1961 at the time the act was committed,
19 including but not limited to prosecutions for violations of
20 Sections 12-13 through 12-16 of the Criminal Code of 1961 and
21 prosecutions for violations of Sections 10-1 (kidnapping),
22 10-2 (aggravated kidnapping), 10-3 (unlawful restraint),
23 10-3.1 (aggravated unlawful restraint), 10-4 (forcible
24 detention), 10-5 (child abduction), 10-6 (harboring a
25 runaway), 10-7 (aiding or abetting child abduction), 11-9

1 (public indecency), 11-11 (sexual relations within families),
2 11-21 (harmful material), 12-1 (assault), 12-2 (aggravated
3 assault), 12-3 (battery), 12-3.2 (domestic battery), 12-3.3
4 (aggravated domestic battery), 12-3.05 or 12-4 (aggravated
5 battery), 12-4.1 (heinous battery), 12-4.2 (aggravated battery
6 with a firearm), 12-4.3 (aggravated battery of a child), 12-4.7
7 (drug induced infliction of great bodily harm), 12-5 (reckless
8 conduct), 12-6 (intimidation), 12-6.1 or 12-6.5 (compelling
9 organization membership of persons), 12-7.1 (hate crime),
10 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-10
11 (tattooing body of minor), 12-11 (home invasion), 12-21.5
12 (child abandonment), 12-21.6 (endangering the life or health of
13 a child) or 12-32 (ritual mutilation) of the Criminal Code of
14 1961 or any sex offense as defined in subsection (B) of Section
15 2 of the Sex Offender Registration Act, the following evidence
16 shall be admitted as an exception to the hearsay rule:

17 (1) testimony by the victim of an out of court
18 statement made by the victim that he or she complained of
19 such act to another; and

20 (2) testimony of an out of court statement made by the
21 victim describing any complaint of such act or matter or
22 detail pertaining to any act which is an element of an
23 offense which is the subject of a prosecution for a sexual
24 or physical act against that victim.

25 (b) Such testimony shall only be admitted if:

26 (1) The court finds in a hearing conducted outside the

1 presence of the jury that the time, content, and
2 circumstances of the statement provide sufficient
3 safeguards of reliability; and

4 (2) The child or moderately, severely, or profoundly
5 mentally retarded person either:

6 (A) testifies at the proceeding; or

7 (B) is unavailable as a witness and there is
8 corroborative evidence of the act which is the subject
9 of the statement; and

10 (3) In a case involving an offense perpetrated against
11 a child under the age of 13, the out of court statement was
12 made before the victim attained 13 years of age or within 3
13 months after the commission of the offense, whichever
14 occurs later, but the statement may be admitted regardless
15 of the age of the victim at the time of the proceeding.

16 (c) If a statement is admitted pursuant to this Section,
17 the court shall instruct the jury that it is for the jury to
18 determine the weight and credibility to be given the statement
19 and that, in making the determination, it shall consider the
20 age and maturity of the child, or the intellectual capabilities
21 of the moderately, severely, or profoundly mentally retarded
22 person, the nature of the statement, the circumstances under
23 which the statement was made, and any other relevant factor.

24 (d) The proponent of the statement shall give the adverse
25 party reasonable notice of his intention to offer the statement
26 and the particulars of the statement.

1 (e) Statements described in paragraphs (1) and (2) of
2 subsection (a) shall not be excluded on the basis that they
3 were obtained as a result of interviews conducted pursuant to a
4 protocol adopted by a Child Advocacy Advisory Board as set
5 forth in subsections (c), (d), and (e) of Section 3 of the
6 Children's Advocacy Center Act or that an interviewer or
7 witness to the interview was or is an employee, agent, or
8 investigator of a State's Attorney's office.

9 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10.)

10 (725 ILCS 5/115-10.3)

11 Sec. 115-10.3. Hearsay exception regarding elder adults.

12 (a) In a prosecution for a physical act, abuse, neglect, or
13 financial exploitation perpetrated upon or against an eligible
14 adult, as defined in the Elder Abuse and Neglect Act, who has
15 been diagnosed by a physician to suffer from (i) any form of
16 dementia, developmental disability, or other form of mental
17 incapacity or (ii) any physical infirmity, including but not
18 limited to prosecutions for violations of Sections 10-1, 10-2,
19 10-3, 10-3.1, 10-4, 11-11, 12-1, 12-2, 12-3, 12-3.05, 12-3.2,
20 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5,
21 12-6, 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15,
22 12-16, 12-21, 16-1, 16-1.3, 17-1, 17-3, 18-1, 18-2, 18-3, 18-4,
23 18-5, 20-1.1, 24-1.2, and 33A-2, or subsection (b) of Section
24 12-4.4a, of the Criminal Code of 1961, the following evidence
25 shall be admitted as an exception to the hearsay rule:

1 (1) testimony by an eligible adult, of an out of court
2 statement made by the eligible adult, that he or she
3 complained of such act to another; and

4 (2) testimony of an out of court statement made by the
5 eligible adult, describing any complaint of such act or
6 matter or detail pertaining to any act which is an element
7 of an offense which is the subject of a prosecution for a
8 physical act, abuse, neglect, or financial exploitation
9 perpetrated upon or against the eligible adult.

10 (b) Such testimony shall only be admitted if:

11 (1) The court finds in a hearing conducted outside the
12 presence of the jury that the time, content, and
13 circumstances of the statement provide sufficient
14 safeguards of reliability; and

15 (2) The eligible adult either:

16 (A) testifies at the proceeding; or

17 (B) is unavailable as a witness and there is
18 corroborative evidence of the act which is the subject
19 of the statement.

20 (c) If a statement is admitted pursuant to this Section,
21 the court shall instruct the jury that it is for the jury to
22 determine the weight and credibility to be given the statement
23 and that, in making the determination, it shall consider the
24 condition of the eligible adult, the nature of the statement,
25 the circumstances under which the statement was made, and any
26 other relevant factor.

1 (d) The proponent of the statement shall give the adverse
2 party reasonable notice of his or her intention to offer the
3 statement and the particulars of the statement.

4 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

5 Section 970. The Unified Code of Corrections is amended by
6 changing Sections 3-6-3, 5-3-2, 5-5-3, 5-5-3.2, 5-8-4, 5-8A-2,
7 and 5-9-1.16 as follows:

8 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

9 Sec. 3-6-3. Rules and Regulations for Early Release.

10 (a) (1) The Department of Corrections shall prescribe
11 rules and regulations for the early release on account of
12 good conduct of persons committed to the Department which
13 shall be subject to review by the Prisoner Review Board.

14 (2) The rules and regulations on early release shall
15 provide, with respect to offenses listed in clause (i),
16 (ii), or (iii) of this paragraph (2) committed on or after
17 June 19, 1998 or with respect to the offense listed in
18 clause (iv) of this paragraph (2) committed on or after
19 June 23, 2005 (the effective date of Public Act 94-71) or
20 with respect to offense listed in clause (vi) committed on
21 or after June 1, 2008 (the effective date of Public Act
22 95-625) or with respect to the offense of being an armed
23 habitual criminal committed on or after August 2, 2005 (the
24 effective date of Public Act 94-398) or with respect to the

1 offenses listed in clause (v) of this paragraph (2)
2 committed on or after August 13, 2007 (the effective date
3 of Public Act 95-134), the following:

4 (i) that a prisoner who is serving a term of
5 imprisonment for first degree murder or for the offense
6 of terrorism shall receive no good conduct credit and
7 shall serve the entire sentence imposed by the court;

8 (ii) that a prisoner serving a sentence for attempt
9 to commit first degree murder, solicitation of murder,
10 solicitation of murder for hire, intentional homicide
11 of an unborn child, predatory criminal sexual assault
12 of a child, aggravated criminal sexual assault,
13 criminal sexual assault, aggravated kidnapping,
14 aggravated battery with a firearm as described in
15 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
16 or (e) (4) of Section 12-3.05, heinous battery as
17 described in Section 12-4.1 or subdivision (a) (2) of
18 Section 12-3.05, being an armed habitual criminal,
19 aggravated battery of a senior citizen as described in
20 Section 12-4.6 or subdivision (a) (4) of Section
21 12-3.05, or aggravated battery of a child as described
22 in Section 12-4.3 or subdivision (b) (1) of Section
23 12-3.05 shall receive no more than 4.5 days of good
24 conduct credit for each month of his or her sentence of
25 imprisonment;

26 (iii) that a prisoner serving a sentence for home

1 invasion, armed robbery, aggravated vehicular
2 hijacking, aggravated discharge of a firearm, or armed
3 violence with a category I weapon or category II
4 weapon, when the court has made and entered a finding,
5 pursuant to subsection (c-1) of Section 5-4-1 of this
6 Code, that the conduct leading to conviction for the
7 enumerated offense resulted in great bodily harm to a
8 victim, shall receive no more than 4.5 days of good
9 conduct credit for each month of his or her sentence of
10 imprisonment;

11 (iv) that a prisoner serving a sentence for
12 aggravated discharge of a firearm, whether or not the
13 conduct leading to conviction for the offense resulted
14 in great bodily harm to the victim, shall receive no
15 more than 4.5 days of good conduct credit for each
16 month of his or her sentence of imprisonment;

17 (v) that a person serving a sentence for
18 gunrunning, narcotics racketeering, controlled
19 substance trafficking, methamphetamine trafficking,
20 drug-induced homicide, aggravated
21 methamphetamine-related child endangerment, money
22 laundering pursuant to clause (c) (4) or (5) of Section
23 29B-1 of the Criminal Code of 1961, or a Class X felony
24 conviction for delivery of a controlled substance,
25 possession of a controlled substance with intent to
26 manufacture or deliver, calculated criminal drug

1 conspiracy, criminal drug conspiracy, street gang
2 criminal drug conspiracy, participation in
3 methamphetamine manufacturing, aggravated
4 participation in methamphetamine manufacturing,
5 delivery of methamphetamine, possession with intent to
6 deliver methamphetamine, aggravated delivery of
7 methamphetamine, aggravated possession with intent to
8 deliver methamphetamine, methamphetamine conspiracy
9 when the substance containing the controlled substance
10 or methamphetamine is 100 grams or more shall receive
11 no more than 7.5 days good conduct credit for each
12 month of his or her sentence of imprisonment; and

13 (vi) that a prisoner serving a sentence for a
14 second or subsequent offense of luring a minor shall
15 receive no more than 4.5 days of good conduct credit
16 for each month of his or her sentence of imprisonment.

17 (2.1) For all offenses, other than those enumerated in
18 subdivision (a)(2)(i), (ii), or (iii) committed on or after
19 June 19, 1998 or subdivision (a)(2)(iv) committed on or
20 after June 23, 2005 (the effective date of Public Act
21 94-71) or subdivision (a)(2)(v) committed on or after
22 August 13, 2007 (the effective date of Public Act 95-134)
23 or subdivision (a)(2)(vi) committed on or after June 1,
24 2008 (the effective date of Public Act 95-625), and other
25 than the offense of reckless homicide as defined in
26 subsection (e) of Section 9-3 of the Criminal Code of 1961

1 committed on or after January 1, 1999, or aggravated
2 driving under the influence of alcohol, other drug or
3 drugs, or intoxicating compound or compounds, or any
4 combination thereof as defined in subparagraph (F) of
5 paragraph (1) of subsection (d) of Section 11-501 of the
6 Illinois Vehicle Code, the rules and regulations shall
7 provide that a prisoner who is serving a term of
8 imprisonment shall receive one day of good conduct credit
9 for each day of his or her sentence of imprisonment or
10 recommitment under Section 3-3-9. Each day of good conduct
11 credit shall reduce by one day the prisoner's period of
12 imprisonment or recommitment under Section 3-3-9.

13 (2.2) A prisoner serving a term of natural life
14 imprisonment or a prisoner who has been sentenced to death
15 shall receive no good conduct credit.

16 (2.3) The rules and regulations on early release shall
17 provide that a prisoner who is serving a sentence for
18 reckless homicide as defined in subsection (e) of Section
19 9-3 of the Criminal Code of 1961 committed on or after
20 January 1, 1999, or aggravated driving under the influence
21 of alcohol, other drug or drugs, or intoxicating compound
22 or compounds, or any combination thereof as defined in
23 subparagraph (F) of paragraph (1) of subsection (d) of
24 Section 11-501 of the Illinois Vehicle Code, shall receive
25 no more than 4.5 days of good conduct credit for each month
26 of his or her sentence of imprisonment.

1 (2.4) The rules and regulations on early release shall
2 provide with respect to the offenses of aggravated battery
3 with a machine gun or a firearm equipped with any device or
4 attachment designed or used for silencing the report of a
5 firearm or aggravated discharge of a machine gun or a
6 firearm equipped with any device or attachment designed or
7 used for silencing the report of a firearm, committed on or
8 after July 15, 1999 (the effective date of Public Act
9 91-121), that a prisoner serving a sentence for any of
10 these offenses shall receive no more than 4.5 days of good
11 conduct credit for each month of his or her sentence of
12 imprisonment.

13 (2.5) The rules and regulations on early release shall
14 provide that a prisoner who is serving a sentence for
15 aggravated arson committed on or after July 27, 2001 (the
16 effective date of Public Act 92-176) shall receive no more
17 than 4.5 days of good conduct credit for each month of his
18 or her sentence of imprisonment.

19 (3) The rules and regulations shall also provide that
20 the Director may award up to 180 days additional good
21 conduct credit for meritorious service in specific
22 instances as the Director deems proper; except that no more
23 than 90 days of good conduct credit for meritorious service
24 shall be awarded to any prisoner who is serving a sentence
25 for conviction of first degree murder, reckless homicide
26 while under the influence of alcohol or any other drug, or

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof as defined in subparagraph (F) of
4 paragraph (1) of subsection (d) of Section 11-501 of the
5 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
6 predatory criminal sexual assault of a child, aggravated
7 criminal sexual assault, criminal sexual assault, deviate
8 sexual assault, aggravated criminal sexual abuse,
9 aggravated indecent liberties with a child, indecent
10 liberties with a child, child pornography, heinous battery
11 as described in Section 12-4.1 or subdivision (a)(2) of
12 Section 12-3.05, aggravated battery of a spouse,
13 aggravated battery of a spouse with a firearm, stalking,
14 aggravated stalking, aggravated battery of a child as
15 described in Section 12-4.3 or subdivision (b)(1) of
16 Section 12-3.05, endangering the life or health of a child,
17 or cruelty to a child. Notwithstanding the foregoing, good
18 conduct credit for meritorious service shall not be awarded
19 on a sentence of imprisonment imposed for conviction of:
20 (i) one of the offenses enumerated in subdivision
21 (a)(2)(i), (ii), or (iii) when the offense is committed on
22 or after June 19, 1998 or subdivision (a)(2)(iv) when the
23 offense is committed on or after June 23, 2005 (the
24 effective date of Public Act 94-71) or subdivision
25 (a)(2)(v) when the offense is committed on or after August
26 13, 2007 (the effective date of Public Act 95-134) or

1 subdivision (a) (2) (vi) when the offense is committed on or
2 after June 1, 2008 (the effective date of Public Act
3 95-625), (ii) reckless homicide as defined in subsection
4 (e) of Section 9-3 of the Criminal Code of 1961 when the
5 offense is committed on or after January 1, 1999, or
6 aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof as defined in subparagraph (F) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, (iii) one of the offenses enumerated
11 in subdivision (a) (2.4) when the offense is committed on or
12 after July 15, 1999 (the effective date of Public Act
13 91-121), or (iv) aggravated arson when the offense is
14 committed on or after July 27, 2001 (the effective date of
15 Public Act 92-176).

16 The Director shall not award good conduct credit for
17 meritorious service under this paragraph (3) to an inmate
18 unless the inmate has served a minimum of 60 days of the
19 sentence; except nothing in this paragraph shall be
20 construed to permit the Director to extend an inmate's
21 sentence beyond that which was imposed by the court. Prior
22 to awarding credit under this paragraph (3), the Director
23 shall make a written determination that the inmate:

24 (A) is eligible for good conduct credit for
25 meritorious service;

26 (B) has served a minimum of 60 days, or as close to

1 60 days as the sentence will allow; and

2 (C) has met the eligibility criteria established
3 by rule.

4 The Director shall determine the form and content of
5 the written determination required in this subsection.

6 (4) The rules and regulations shall also provide that
7 the good conduct credit accumulated and retained under
8 paragraph (2.1) of subsection (a) of this Section by any
9 inmate during specific periods of time in which such inmate
10 is engaged full-time in substance abuse programs,
11 correctional industry assignments, or educational programs
12 provided by the Department under this paragraph (4) and
13 satisfactorily completes the assigned program as
14 determined by the standards of the Department, shall be
15 multiplied by a factor of 1.25 for program participation
16 before August 11, 1993 and 1.50 for program participation
17 on or after that date. However, no inmate shall be eligible
18 for the additional good conduct credit under this paragraph
19 (4) or (4.1) of this subsection (a) while assigned to a
20 boot camp or electronic detention, or if convicted of an
21 offense enumerated in subdivision (a)(2)(i), (ii), or
22 (iii) of this Section that is committed on or after June
23 19, 1998 or subdivision (a)(2)(iv) of this Section that is
24 committed on or after June 23, 2005 (the effective date of
25 Public Act 94-71) or subdivision (a)(2)(v) of this Section
26 that is committed on or after August 13, 2007 (the

1 effective date of Public Act 95-134) or subdivision
2 (a)(2)(vi) when the offense is committed on or after June
3 1, 2008 (the effective date of Public Act 95-625), or if
4 convicted of reckless homicide as defined in subsection (e)
5 of Section 9-3 of the Criminal Code of 1961 if the offense
6 is committed on or after January 1, 1999, or aggravated
7 driving under the influence of alcohol, other drug or
8 drugs, or intoxicating compound or compounds, or any
9 combination thereof as defined in subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of the
11 Illinois Vehicle Code, or if convicted of an offense
12 enumerated in paragraph (a)(2.4) of this Section that is
13 committed on or after July 15, 1999 (the effective date of
14 Public Act 91-121), or first degree murder, a Class X
15 felony, criminal sexual assault, felony criminal sexual
16 abuse, aggravated criminal sexual abuse, aggravated
17 battery with a firearm as described in Section 12-4.2 or
18 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section
19 12-3.05, or any predecessor or successor offenses with the
20 same or substantially the same elements, or any inchoate
21 offenses relating to the foregoing offenses. No inmate
22 shall be eligible for the additional good conduct credit
23 under this paragraph (4) who (i) has previously received
24 increased good conduct credit under this paragraph (4) and
25 has subsequently been convicted of a felony, or (ii) has
26 previously served more than one prior sentence of

1 imprisonment for a felony in an adult correctional
2 facility.

3 Educational, vocational, substance abuse and
4 correctional industry programs under which good conduct
5 credit may be increased under this paragraph (4) and
6 paragraph (4.1) of this subsection (a) shall be evaluated
7 by the Department on the basis of documented standards. The
8 Department shall report the results of these evaluations to
9 the Governor and the General Assembly by September 30th of
10 each year. The reports shall include data relating to the
11 recidivism rate among program participants.

12 Availability of these programs shall be subject to the
13 limits of fiscal resources appropriated by the General
14 Assembly for these purposes. Eligible inmates who are
15 denied immediate admission shall be placed on a waiting
16 list under criteria established by the Department. The
17 inability of any inmate to become engaged in any such
18 programs by reason of insufficient program resources or for
19 any other reason established under the rules and
20 regulations of the Department shall not be deemed a cause
21 of action under which the Department or any employee or
22 agent of the Department shall be liable for damages to the
23 inmate.

24 (4.1) The rules and regulations shall also provide that
25 an additional 60 days of good conduct credit shall be
26 awarded to any prisoner who passes the high school level

1 Test of General Educational Development (GED) while the
2 prisoner is incarcerated. The good conduct credit awarded
3 under this paragraph (4.1) shall be in addition to, and
4 shall not affect, the award of good conduct under any other
5 paragraph of this Section, but shall also be pursuant to
6 the guidelines and restrictions set forth in paragraph (4)
7 of subsection (a) of this Section. The good conduct credit
8 provided for in this paragraph shall be available only to
9 those prisoners who have not previously earned a high
10 school diploma or a GED. If, after an award of the GED good
11 conduct credit has been made and the Department determines
12 that the prisoner was not eligible, then the award shall be
13 revoked.

14 (4.5) The rules and regulations on early release shall
15 also provide that when the court's sentencing order
16 recommends a prisoner for substance abuse treatment and the
17 crime was committed on or after September 1, 2003 (the
18 effective date of Public Act 93-354), the prisoner shall
19 receive no good conduct credit awarded under clause (3) of
20 this subsection (a) unless he or she participates in and
21 completes a substance abuse treatment program. The
22 Director may waive the requirement to participate in or
23 complete a substance abuse treatment program and award the
24 good conduct credit in specific instances if the prisoner
25 is not a good candidate for a substance abuse treatment
26 program for medical, programming, or operational reasons.

1 Availability of substance abuse treatment shall be subject
2 to the limits of fiscal resources appropriated by the
3 General Assembly for these purposes. If treatment is not
4 available and the requirement to participate and complete
5 the treatment has not been waived by the Director, the
6 prisoner shall be placed on a waiting list under criteria
7 established by the Department. The Director may allow a
8 prisoner placed on a waiting list to participate in and
9 complete a substance abuse education class or attend
10 substance abuse self-help meetings in lieu of a substance
11 abuse treatment program. A prisoner on a waiting list who
12 is not placed in a substance abuse program prior to release
13 may be eligible for a waiver and receive good conduct
14 credit under clause (3) of this subsection (a) at the
15 discretion of the Director.

16 (4.6) The rules and regulations on early release shall
17 also provide that a prisoner who has been convicted of a
18 sex offense as defined in Section 2 of the Sex Offender
19 Registration Act shall receive no good conduct credit
20 unless he or she either has successfully completed or is
21 participating in sex offender treatment as defined by the
22 Sex Offender Management Board. However, prisoners who are
23 waiting to receive such treatment, but who are unable to do
24 so due solely to the lack of resources on the part of the
25 Department, may, at the Director's sole discretion, be
26 awarded good conduct credit at such rate as the Director

1 shall determine.

2 (5) Whenever the Department is to release any inmate
3 earlier than it otherwise would because of a grant of good
4 conduct credit for meritorious service given at any time
5 during the term, the Department shall give reasonable
6 notice of the impending release not less than 14 days prior
7 to the date of the release to the State's Attorney of the
8 county where the prosecution of the inmate took place, and
9 if applicable, the State's Attorney of the county into
10 which the inmate will be released.

11 (b) Whenever a person is or has been committed under
12 several convictions, with separate sentences, the sentences
13 shall be construed under Section 5-8-4 in granting and
14 forfeiting of good time.

15 (c) The Department shall prescribe rules and regulations
16 for revoking good conduct credit, or suspending or reducing the
17 rate of accumulation of good conduct credit for specific rule
18 violations, during imprisonment. These rules and regulations
19 shall provide that no inmate may be penalized more than one
20 year of good conduct credit for any one infraction.

21 When the Department seeks to revoke, suspend or reduce the
22 rate of accumulation of any good conduct credits for an alleged
23 infraction of its rules, it shall bring charges therefor
24 against the prisoner sought to be so deprived of good conduct
25 credits before the Prisoner Review Board as provided in
26 subparagraph (a) (4) of Section 3-3-2 of this Code, if the

1 amount of credit at issue exceeds 30 days or when during any 12
2 month period, the cumulative amount of credit revoked exceeds
3 30 days except where the infraction is committed or discovered
4 within 60 days of scheduled release. In those cases, the
5 Department of Corrections may revoke up to 30 days of good
6 conduct credit. The Board may subsequently approve the
7 revocation of additional good conduct credit, if the Department
8 seeks to revoke good conduct credit in excess of 30 days.
9 However, the Board shall not be empowered to review the
10 Department's decision with respect to the loss of 30 days of
11 good conduct credit within any calendar year for any prisoner
12 or to increase any penalty beyond the length requested by the
13 Department.

14 The Director of the Department of Corrections, in
15 appropriate cases, may restore up to 30 days good conduct
16 credits which have been revoked, suspended or reduced. Any
17 restoration of good conduct credits in excess of 30 days shall
18 be subject to review by the Prisoner Review Board. However, the
19 Board may not restore good conduct credit in excess of the
20 amount requested by the Director.

21 Nothing contained in this Section shall prohibit the
22 Prisoner Review Board from ordering, pursuant to Section
23 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
24 sentence imposed by the court that was not served due to the
25 accumulation of good conduct credit.

26 (d) If a lawsuit is filed by a prisoner in an Illinois or

1 federal court against the State, the Department of Corrections,
2 or the Prisoner Review Board, or against any of their officers
3 or employees, and the court makes a specific finding that a
4 pleading, motion, or other paper filed by the prisoner is
5 frivolous, the Department of Corrections shall conduct a
6 hearing to revoke up to 180 days of good conduct credit by
7 bringing charges against the prisoner sought to be deprived of
8 the good conduct credits before the Prisoner Review Board as
9 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
10 If the prisoner has not accumulated 180 days of good conduct
11 credit at the time of the finding, then the Prisoner Review
12 Board may revoke all good conduct credit accumulated by the
13 prisoner.

14 For purposes of this subsection (d):

15 (1) "Frivolous" means that a pleading, motion, or other
16 filing which purports to be a legal document filed by a
17 prisoner in his or her lawsuit meets any or all of the
18 following criteria:

19 (A) it lacks an arguable basis either in law or in
20 fact;

21 (B) it is being presented for any improper purpose,
22 such as to harass or to cause unnecessary delay or
23 needless increase in the cost of litigation;

24 (C) the claims, defenses, and other legal
25 contentions therein are not warranted by existing law
26 or by a nonfrivolous argument for the extension,

1 modification, or reversal of existing law or the
2 establishment of new law;

3 (D) the allegations and other factual contentions
4 do not have evidentiary support or, if specifically so
5 identified, are not likely to have evidentiary support
6 after a reasonable opportunity for further
7 investigation or discovery; or

8 (E) the denials of factual contentions are not
9 warranted on the evidence, or if specifically so
10 identified, are not reasonably based on a lack of
11 information or belief.

12 (2) "Lawsuit" means a motion pursuant to Section 116-3
13 of the Code of Criminal Procedure of 1963, a habeas corpus
14 action under Article X of the Code of Civil Procedure or
15 under federal law (28 U.S.C. 2254), a petition for claim
16 under the Court of Claims Act, an action under the federal
17 Civil Rights Act (42 U.S.C. 1983), or a second or
18 subsequent petition for post-conviction relief under
19 Article 122 of the Code of Criminal Procedure of 1963
20 whether filed with or without leave of court or a second or
21 subsequent petition for relief from judgment under Section
22 2-1401 of the Code of Civil Procedure.

23 (e) Nothing in Public Act 90-592 or 90-593 affects the
24 validity of Public Act 89-404.

25 (f) Whenever the Department is to release any inmate who
26 has been convicted of a violation of an order of protection

1 under Section 12-3.4 or 12-30 of the Criminal Code of 1961,
2 earlier than it otherwise would because of a grant of good
3 conduct credit, the Department, as a condition of such early
4 release, shall require that the person, upon release, be placed
5 under electronic surveillance as provided in Section 5-8A-7 of
6 this Code.

7 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
8 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
9 95-876, eff. 8-21-08; 96-860, eff. 1-15-10.)

10 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

11 Sec. 5-3-2. Presentence Report.

12 (a) In felony cases, the presentence report shall set
13 forth:

14 (1) the defendant's history of delinquency or
15 criminality, physical and mental history and condition,
16 family situation and background, economic status,
17 education, occupation and personal habits;

18 (2) information about special resources within the
19 community which might be available to assist the
20 defendant's rehabilitation, including treatment centers,
21 residential facilities, vocational training services,
22 correctional manpower programs, employment opportunities,
23 special educational programs, alcohol and drug abuse
24 programming, psychiatric and marriage counseling, and
25 other programs and facilities which could aid the

1 defendant's successful reintegration into society;

2 (3) the effect the offense committed has had upon the
3 victim or victims thereof, and any compensatory benefit
4 that various sentencing alternatives would confer on such
5 victim or victims;

6 (4) information concerning the defendant's status
7 since arrest, including his record if released on his own
8 recognizance, or the defendant's achievement record if
9 released on a conditional pre-trial supervision program;

10 (5) when appropriate, a plan, based upon the personal,
11 economic and social adjustment needs of the defendant,
12 utilizing public and private community resources as an
13 alternative to institutional sentencing;

14 (6) any other matters that the investigatory officer
15 deems relevant or the court directs to be included; and

16 (7) information concerning defendant's eligibility for
17 a sentence to a county impact incarceration program under
18 Section 5-8-1.2 of this Code.

19 (b) The investigation shall include a physical and mental
20 examination of the defendant when so ordered by the court. If
21 the court determines that such an examination should be made,
22 it shall issue an order that the defendant submit to
23 examination at such time and place as designated by the court
24 and that such examination be conducted by a physician,
25 psychologist or psychiatrist designated by the court. Such an
26 examination may be conducted in a court clinic if so ordered by

1 the court. The cost of such examination shall be paid by the
2 county in which the trial is held.

3 (b-5) In cases involving felony sex offenses in which the
4 offender is being considered for probation only or any felony
5 offense that is sexually motivated as defined in the Sex
6 Offender Management Board Act in which the offender is being
7 considered for probation only, the investigation shall include
8 a sex offender evaluation by an evaluator approved by the Board
9 and conducted in conformance with the standards developed under
10 the Sex Offender Management Board Act. In cases in which the
11 offender is being considered for any mandatory prison sentence,
12 the investigation shall not include a sex offender evaluation.

13 (c) In misdemeanor, business offense or petty offense
14 cases, except as specified in subsection (d) of this Section,
15 when a presentence report has been ordered by the court, such
16 presentence report shall contain information on the
17 defendant's history of delinquency or criminality and shall
18 further contain only those matters listed in any of paragraphs
19 (1) through (6) of subsection (a) or in subsection (b) of this
20 Section as are specified by the court in its order for the
21 report.

22 (d) In cases under Section 12-15 and Section 12-3.4 or
23 12-30 of the Criminal Code of 1961, as amended, the presentence
24 report shall set forth information about alcohol, drug abuse,
25 psychiatric, and marriage counseling or other treatment
26 programs and facilities, information on the defendant's

1 history of delinquency or criminality, and shall contain those
2 additional matters listed in any of paragraphs (1) through (6)
3 of subsection (a) or in subsection (b) of this Section as are
4 specified by the court.

5 (e) Nothing in this Section shall cause the defendant to be
6 held without bail or to have his bail revoked for the purpose
7 of preparing the presentence report or making an examination.

8 (Source: P.A. 96-322, eff. 1-1-10.)

9 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

10 Sec. 5-5-3. Disposition.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (1) (Blank).

14 (2) A period of probation, a term of periodic
15 imprisonment or conditional discharge shall not be imposed
16 for the following offenses. The court shall sentence the
17 offender to not less than the minimum term of imprisonment
18 set forth in this Code for the following offenses, and may
19 order a fine or restitution or both in conjunction with
20 such term of imprisonment:

21 (A) First degree murder where the death penalty is
22 not imposed.

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

25 (D) A violation of Section 401.1 or 407 of the

1 Illinois Controlled Substances Act, or a violation of
2 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
3 of that Act which relates to more than 5 grams of a
4 substance containing heroin, cocaine, fentanyl, or an
5 analog thereof.

6 (E) A violation of Section 5.1 or 9 of the Cannabis
7 Control Act.

8 (F) A Class 2 or greater felony if the offender had
9 been convicted of a Class 2 or greater felony,
10 including any state or federal conviction for an
11 offense that contained, at the time it was committed,
12 the same elements as an offense now (the date of the
13 offense committed after the prior Class 2 or greater
14 felony) classified as a Class 2 or greater felony,
15 within 10 years of the date on which the offender
16 committed the offense for which he or she is being
17 sentenced, except as otherwise provided in Section
18 40-10 of the Alcoholism and Other Drug Abuse and
19 Dependency Act.

20 (F-5) A violation of Section 24-1, 24-1.1, or
21 24-1.6 of the Criminal Code of 1961 for which
22 imprisonment is prescribed in those Sections.

23 (G) Residential burglary, except as otherwise
24 provided in Section 40-10 of the Alcoholism and Other
25 Drug Abuse and Dependency Act.

26 (H) Criminal sexual assault.

1 (I) Aggravated battery of a senior citizen as
2 described in Section 12-4.6 or subdivision (a)(4) of
3 Section 12-3.05.

4 (J) A forcible felony if the offense was related to
5 the activities of an organized gang.

6 Before July 1, 1994, for the purposes of this
7 paragraph, "organized gang" means an association of 5
8 or more persons, with an established hierarchy, that
9 encourages members of the association to perpetrate
10 crimes or provides support to the members of the
11 association who do commit crimes.

12 Beginning July 1, 1994, for the purposes of this
13 paragraph, "organized gang" has the meaning ascribed
14 to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 (K) Vehicular hijacking.

17 (L) A second or subsequent conviction for the
18 offense of hate crime when the underlying offense upon
19 which the hate crime is based is felony aggravated
20 assault or felony mob action.

21 (M) A second or subsequent conviction for the
22 offense of institutional vandalism if the damage to the
23 property exceeds \$300.

24 (N) A Class 3 felony violation of paragraph (1) of
25 subsection (a) of Section 2 of the Firearm Owners
26 Identification Card Act.

1 (O) A violation of Section 12-6.1 or 12-6.5 of the
2 Criminal Code of 1961.

3 (P) A violation of paragraph (1), (2), (3), (4),
4 (5), or (7) of subsection (a) of Section 11-20.1 of the
5 Criminal Code of 1961.

6 (Q) A violation of Section 20-1.2 or 20-1.3 of the
7 Criminal Code of 1961.

8 (R) A violation of Section 24-3A of the Criminal
9 Code of 1961.

10 (S) (Blank).

11 (T) A second or subsequent violation of the
12 Methamphetamine Control and Community Protection Act.

13 (U) A second or subsequent violation of Section
14 6-303 of the Illinois Vehicle Code committed while his
15 or her driver's license, permit, or privilege was
16 revoked because of a violation of Section 9-3 of the
17 Criminal Code of 1961, relating to the offense of
18 reckless homicide, or a similar provision of a law of
19 another state.

20 (V) A violation of paragraph (4) of subsection (c)
21 of Section 11-20.3 of the Criminal Code of 1961.

22 (W) A violation of Section 24-3.5 of the Criminal
23 Code of 1961.

24 (X) A violation of subsection (a) of Section 31-1a
25 of the Criminal Code of 1961.

26 (Y) A conviction for unlawful possession of a

1 firearm by a street gang member when the firearm was
2 loaded or contained firearm ammunition.

3 (3) (Blank).

4 (4) A minimum term of imprisonment of not less than 10
5 consecutive days or 30 days of community service shall be
6 imposed for a violation of paragraph (c) of Section 6-303
7 of the Illinois Vehicle Code.

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8)
10 of this subsection (c), a minimum of 100 hours of community
11 service shall be imposed for a second violation of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300
14 hours of community service, as determined by the court,
15 shall be imposed for a second violation of subsection (c)
16 of Section 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6),
18 and (4.9) of this subsection (c), a minimum term of
19 imprisonment of 30 days or 300 hours of community service,
20 as determined by the court, shall be imposed for a third or
21 subsequent violation of Section 6-303 of the Illinois
22 Vehicle Code.

23 (4.5) A minimum term of imprisonment of 30 days shall
24 be imposed for a third violation of subsection (c) of
25 Section 6-303 of the Illinois Vehicle Code.

26 (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days
2 shall be imposed for a fourth or subsequent violation of
3 subsection (c) of Section 6-303 of the Illinois Vehicle
4 Code.

5 (4.7) A minimum term of imprisonment of not less than
6 30 consecutive days, or 300 hours of community service,
7 shall be imposed for a violation of subsection (a-5) of
8 Section 6-303 of the Illinois Vehicle Code, as provided in
9 subsection (b-5) of that Section.

10 (4.8) A mandatory prison sentence shall be imposed for
11 a second violation of subsection (a-5) of Section 6-303 of
12 the Illinois Vehicle Code, as provided in subsection (c-5)
13 of that Section. The person's driving privileges shall be
14 revoked for a period of not less than 5 years from the date
15 of his or her release from prison.

16 (4.9) A mandatory prison sentence of not less than 4
17 and not more than 15 years shall be imposed for a third
18 violation of subsection (a-5) of Section 6-303 of the
19 Illinois Vehicle Code, as provided in subsection (d-2.5) of
20 that Section. The person's driving privileges shall be
21 revoked for the remainder of his or her life.

22 (4.10) A mandatory prison sentence for a Class 1 felony
23 shall be imposed, and the person shall be eligible for an
24 extended term sentence, for a fourth or subsequent
25 violation of subsection (a-5) of Section 6-303 of the
26 Illinois Vehicle Code, as provided in subsection (d-3.5) of

1 that Section. The person's driving privileges shall be
2 revoked for the remainder of his or her life.

3 (5) The court may sentence a corporation or
4 unincorporated association convicted of any offense to:

5 (A) a period of conditional discharge;

6 (B) a fine;

7 (C) make restitution to the victim under Section
8 5-5-6 of this Code.

9 (5.1) In addition to any other penalties imposed, and
10 except as provided in paragraph (5.2) or (5.3), a person
11 convicted of violating subsection (c) of Section 11-907 of
12 the Illinois Vehicle Code shall have his or her driver's
13 license, permit, or privileges suspended for at least 90
14 days but not more than one year, if the violation resulted
15 in damage to the property of another person.

16 (5.2) In addition to any other penalties imposed, and
17 except as provided in paragraph (5.3), a person convicted
18 of violating subsection (c) of Section 11-907 of the
19 Illinois Vehicle Code shall have his or her driver's
20 license, permit, or privileges suspended for at least 180
21 days but not more than 2 years, if the violation resulted
22 in injury to another person.

23 (5.3) In addition to any other penalties imposed, a
24 person convicted of violating subsection (c) of Section
25 11-907 of the Illinois Vehicle Code shall have his or her
26 driver's license, permit, or privileges suspended for 2

1 years, if the violation resulted in the death of another
2 person.

3 (5.4) In addition to any other penalties imposed, a
4 person convicted of violating Section 3-707 of the Illinois
5 Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for 3 months and until he
7 or she has paid a reinstatement fee of \$100.

8 (5.5) In addition to any other penalties imposed, a
9 person convicted of violating Section 3-707 of the Illinois
10 Vehicle Code during a period in which his or her driver's
11 license, permit, or privileges were suspended for a
12 previous violation of that Section shall have his or her
13 driver's license, permit, or privileges suspended for an
14 additional 6 months after the expiration of the original
15 3-month suspension and until he or she has paid a
16 reinstatement fee of \$100.

17 (6) (Blank).

18 (7) (Blank).

19 (8) (Blank).

20 (9) A defendant convicted of a second or subsequent
21 offense of ritualized abuse of a child may be sentenced to
22 a term of natural life imprisonment.

23 (10) (Blank).

24 (11) The court shall impose a minimum fine of \$1,000
25 for a first offense and \$2,000 for a second or subsequent
26 offense upon a person convicted of or placed on supervision

1 for battery when the individual harmed was a sports
2 official or coach at any level of competition and the act
3 causing harm to the sports official or coach occurred
4 within an athletic facility or within the immediate
5 vicinity of the athletic facility at which the sports
6 official or coach was an active participant of the athletic
7 contest held at the athletic facility. For the purposes of
8 this paragraph (11), "sports official" means a person at an
9 athletic contest who enforces the rules of the contest,
10 such as an umpire or referee; "athletic facility" means an
11 indoor or outdoor playing field or recreational area where
12 sports activities are conducted; and "coach" means a person
13 recognized as a coach by the sanctioning authority that
14 conducted the sporting event.

15 (12) A person may not receive a disposition of court
16 supervision for a violation of Section 5-16 of the Boat
17 Registration and Safety Act if that person has previously
18 received a disposition of court supervision for a violation
19 of that Section.

20 (13) A person convicted of or placed on court
21 supervision for an assault or aggravated assault when the
22 victim and the offender are family or household members as
23 defined in Section 103 of the Illinois Domestic Violence
24 Act of 1986 or convicted of domestic battery or aggravated
25 domestic battery may be required to attend a Partner Abuse
26 Intervention Program under protocols set forth by the

1 Illinois Department of Human Services under such terms and
2 conditions imposed by the court. The costs of such classes
3 shall be paid by the offender.

4 (d) In any case in which a sentence originally imposed is
5 vacated, the case shall be remanded to the trial court. The
6 trial court shall hold a hearing under Section 5-4-1 of the
7 Unified Code of Corrections which may include evidence of the
8 defendant's life, moral character and occupation during the
9 time since the original sentence was passed. The trial court
10 shall then impose sentence upon the defendant. The trial court
11 may impose any sentence which could have been imposed at the
12 original trial subject to Section 5-5-4 of the Unified Code of
13 Corrections. If a sentence is vacated on appeal or on
14 collateral attack due to the failure of the trier of fact at
15 trial to determine beyond a reasonable doubt the existence of a
16 fact (other than a prior conviction) necessary to increase the
17 punishment for the offense beyond the statutory maximum
18 otherwise applicable, either the defendant may be re-sentenced
19 to a term within the range otherwise provided or, if the State
20 files notice of its intention to again seek the extended
21 sentence, the defendant shall be afforded a new trial.

22 (e) In cases where prosecution for aggravated criminal
23 sexual abuse under Section 12-16 of the Criminal Code of 1961
24 results in conviction of a defendant who was a family member of
25 the victim at the time of the commission of the offense, the
26 court shall consider the safety and welfare of the victim and

1 may impose a sentence of probation only where:

2 (1) the court finds (A) or (B) or both are appropriate:

3 (A) the defendant is willing to undergo a court
4 approved counseling program for a minimum duration of 2
5 years; or

6 (B) the defendant is willing to participate in a
7 court approved plan including but not limited to the
8 defendant's:

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

11 (iii) continued financial support of the
12 family;

13 (iv) restitution for harm done to the victim;

14 and

15 (v) compliance with any other measures that
16 the court may deem appropriate; and

17 (2) the court orders the defendant to pay for the
18 victim's counseling services, to the extent that the court
19 finds, after considering the defendant's income and
20 assets, that the defendant is financially capable of paying
21 for such services, if the victim was under 18 years of age
22 at the time the offense was committed and requires
23 counseling as a result of the offense.

24 Probation may be revoked or modified pursuant to Section
25 5-6-4; except where the court determines at the hearing that
26 the defendant violated a condition of his or her probation

1 restricting contact with the victim or other family members or
2 commits another offense with the victim or other family
3 members, the court shall revoke the defendant's probation and
4 impose a term of imprisonment.

5 For the purposes of this Section, "family member" and
6 "victim" shall have the meanings ascribed to them in Section
7 12-12 of the Criminal Code of 1961.

8 (f) (Blank).

9 (g) Whenever a defendant is convicted of an offense under
10 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
11 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
12 of the Criminal Code of 1961, the defendant shall undergo
13 medical testing to determine whether the defendant has any
14 sexually transmissible disease, including a test for infection
15 with human immunodeficiency virus (HIV) or any other identified
16 causative agent of acquired immunodeficiency syndrome (AIDS).
17 Any such medical test shall be performed only by appropriately
18 licensed medical practitioners and may include an analysis of
19 any bodily fluids as well as an examination of the defendant's
20 person. Except as otherwise provided by law, the results of
21 such test shall be kept strictly confidential by all medical
22 personnel involved in the testing and must be personally
23 delivered in a sealed envelope to the judge of the court in
24 which the conviction was entered for the judge's inspection in
25 camera. Acting in accordance with the best interests of the
26 victim and the public, the judge shall have the discretion to

1 determine to whom, if anyone, the results of the testing may be
2 revealed. The court shall notify the defendant of the test
3 results. The court shall also notify the victim if requested by
4 the victim, and if the victim is under the age of 15 and if
5 requested by the victim's parents or legal guardian, the court
6 shall notify the victim's parents or legal guardian of the test
7 results. The court shall provide information on the
8 availability of HIV testing and counseling at Department of
9 Public Health facilities to all parties to whom the results of
10 the testing are revealed and shall direct the State's Attorney
11 to provide the information to the victim when possible. A
12 State's Attorney may petition the court to obtain the results
13 of any HIV test administered under this Section, and the court
14 shall grant the disclosure if the State's Attorney shows it is
15 relevant in order to prosecute a charge of criminal
16 transmission of HIV under Section 12-5.01 or 12-16.2 of the
17 Criminal Code of 1961 against the defendant. The court shall
18 order that the cost of any such test shall be paid by the
19 county and may be taxed as costs against the convicted
20 defendant.

21 (g-5) When an inmate is tested for an airborne communicable
22 disease, as determined by the Illinois Department of Public
23 Health including but not limited to tuberculosis, the results
24 of the test shall be personally delivered by the warden or his
25 or her designee in a sealed envelope to the judge of the court
26 in which the inmate must appear for the judge's inspection in

1 camera if requested by the judge. Acting in accordance with the
2 best interests of those in the courtroom, the judge shall have
3 the discretion to determine what if any precautions need to be
4 taken to prevent transmission of the disease in the courtroom.

5 (h) Whenever a defendant is convicted of an offense under
6 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
7 defendant shall undergo medical testing to determine whether
8 the defendant has been exposed to human immunodeficiency virus
9 (HIV) or any other identified causative agent of acquired
10 immunodeficiency syndrome (AIDS). Except as otherwise provided
11 by law, the results of such test shall be kept strictly
12 confidential by all medical personnel involved in the testing
13 and must be personally delivered in a sealed envelope to the
14 judge of the court in which the conviction was entered for the
15 judge's inspection in camera. Acting in accordance with the
16 best interests of the public, the judge shall have the
17 discretion to determine to whom, if anyone, the results of the
18 testing may be revealed. The court shall notify the defendant
19 of a positive test showing an infection with the human
20 immunodeficiency virus (HIV). The court shall provide
21 information on the availability of HIV testing and counseling
22 at Department of Public Health facilities to all parties to
23 whom the results of the testing are revealed and shall direct
24 the State's Attorney to provide the information to the victim
25 when possible. A State's Attorney may petition the court to
26 obtain the results of any HIV test administered under this

1 Section, and the court shall grant the disclosure if the
2 State's Attorney shows it is relevant in order to prosecute a
3 charge of criminal transmission of HIV under Section 12-5.01 or
4 12-16.2 of the Criminal Code of 1961 against the defendant. The
5 court shall order that the cost of any such test shall be paid
6 by the county and may be taxed as costs against the convicted
7 defendant.

8 (i) All fines and penalties imposed under this Section for
9 any violation of Chapters 3, 4, 6, and 11 of the Illinois
10 Vehicle Code, or a similar provision of a local ordinance, and
11 any violation of the Child Passenger Protection Act, or a
12 similar provision of a local ordinance, shall be collected and
13 disbursed by the circuit clerk as provided under Section 27.5
14 of the Clerks of Courts Act.

15 (j) In cases when prosecution for any violation of Section
16 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
17 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
18 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
19 Code of 1961, any violation of the Illinois Controlled
20 Substances Act, any violation of the Cannabis Control Act, or
21 any violation of the Methamphetamine Control and Community
22 Protection Act results in conviction, a disposition of court
23 supervision, or an order of probation granted under Section 10
24 of the Cannabis Control Act, Section 410 of the Illinois
25 Controlled Substance Act, or Section 70 of the Methamphetamine
26 Control and Community Protection Act of a defendant, the court

1 shall determine whether the defendant is employed by a facility
2 or center as defined under the Child Care Act of 1969, a public
3 or private elementary or secondary school, or otherwise works
4 with children under 18 years of age on a daily basis. When a
5 defendant is so employed, the court shall order the Clerk of
6 the Court to send a copy of the judgment of conviction or order
7 of supervision or probation to the defendant's employer by
8 certified mail. If the employer of the defendant is a school,
9 the Clerk of the Court shall direct the mailing of a copy of
10 the judgment of conviction or order of supervision or probation
11 to the appropriate regional superintendent of schools. The
12 regional superintendent of schools shall notify the State Board
13 of Education of any notification under this subsection.

14 (j-5) A defendant at least 17 years of age who is convicted
15 of a felony and who has not been previously convicted of a
16 misdemeanor or felony and who is sentenced to a term of
17 imprisonment in the Illinois Department of Corrections shall as
18 a condition of his or her sentence be required by the court to
19 attend educational courses designed to prepare the defendant
20 for a high school diploma and to work toward a high school
21 diploma or to work toward passing the high school level Test of
22 General Educational Development (GED) or to work toward
23 completing a vocational training program offered by the
24 Department of Corrections. If a defendant fails to complete the
25 educational training required by his or her sentence during the
26 term of incarceration, the Prisoner Review Board shall, as a

1 condition of mandatory supervised release, require the
2 defendant, at his or her own expense, to pursue a course of
3 study toward a high school diploma or passage of the GED test.
4 The Prisoner Review Board shall revoke the mandatory supervised
5 release of a defendant who wilfully fails to comply with this
6 subsection (j-5) upon his or her release from confinement in a
7 penal institution while serving a mandatory supervised release
8 term; however, the inability of the defendant after making a
9 good faith effort to obtain financial aid or pay for the
10 educational training shall not be deemed a wilful failure to
11 comply. The Prisoner Review Board shall recommit the defendant
12 whose mandatory supervised release term has been revoked under
13 this subsection (j-5) as provided in Section 3-3-9. This
14 subsection (j-5) does not apply to a defendant who has a high
15 school diploma or has successfully passed the GED test. This
16 subsection (j-5) does not apply to a defendant who is
17 determined by the court to be developmentally disabled or
18 otherwise mentally incapable of completing the educational or
19 vocational program.

20 (k) (Blank).

21 (l) (A) Except as provided in paragraph (C) of subsection
22 (l), whenever a defendant, who is an alien as defined by
23 the Immigration and Nationality Act, is convicted of any
24 felony or misdemeanor offense, the court after sentencing
25 the defendant may, upon motion of the State's Attorney,
26 hold sentence in abeyance and remand the defendant to the

1 custody of the Attorney General of the United States or his
2 or her designated agent to be deported when:

3 (1) a final order of deportation has been issued
4 against the defendant pursuant to proceedings under
5 the Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not
7 deprecate the seriousness of the defendant's conduct
8 and would not be inconsistent with the ends of justice.

9 Otherwise, the defendant shall be sentenced as
10 provided in this Chapter V.

11 (B) If the defendant has already been sentenced for a
12 felony or misdemeanor offense, or has been placed on
13 probation under Section 10 of the Cannabis Control Act,
14 Section 410 of the Illinois Controlled Substances Act, or
15 Section 70 of the Methamphetamine Control and Community
16 Protection Act, the court may, upon motion of the State's
17 Attorney to suspend the sentence imposed, commit the
18 defendant to the custody of the Attorney General of the
19 United States or his or her designated agent when:

20 (1) a final order of deportation has been issued
21 against the defendant pursuant to proceedings under
22 the Immigration and Nationality Act, and

23 (2) the deportation of the defendant would not
24 deprecate the seriousness of the defendant's conduct
25 and would not be inconsistent with the ends of justice.

26 (C) This subsection (1) does not apply to offenders who

1 are subject to the provisions of paragraph (2) of
2 subsection (a) of Section 3-6-3.

3 (D) Upon motion of the State's Attorney, if a defendant
4 sentenced under this Section returns to the jurisdiction of
5 the United States, the defendant shall be recommitted to
6 the custody of the county from which he or she was
7 sentenced. Thereafter, the defendant shall be brought
8 before the sentencing court, which may impose any sentence
9 that was available under Section 5-5-3 at the time of
10 initial sentencing. In addition, the defendant shall not be
11 eligible for additional good conduct credit for
12 meritorious service as provided under Section 3-6-6.

13 (m) A person convicted of criminal defacement of property
14 under Section 21-1.3 of the Criminal Code of 1961, in which the
15 property damage exceeds \$300 and the property damaged is a
16 school building, shall be ordered to perform community service
17 that may include cleanup, removal, or painting over the
18 defacement.

19 (n) The court may sentence a person convicted of a
20 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
21 or (b) of Section 12-4.4a, of the Criminal Code of 1961 (i) to
22 an impact incarceration program if the person is otherwise
23 eligible for that program under Section 5-8-1.1, (ii) to
24 community service, or (iii) if the person is an addict or
25 alcoholic, as defined in the Alcoholism and Other Drug Abuse
26 and Dependency Act, to a substance or alcohol abuse program

1 licensed under that Act.

2 (o) Whenever a person is convicted of a sex offense as
3 defined in Section 2 of the Sex Offender Registration Act, the
4 defendant's driver's license or permit shall be subject to
5 renewal on an annual basis in accordance with the provisions of
6 license renewal established by the Secretary of State.

7 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
8 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
9 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
10 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
11 eff. 12-3-09.)

12 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

13 (Text of Section before amendment by P.A. 96-339)

14 Sec. 5-5-3.2. Factors in Aggravation.

15 (a) The following factors shall be accorded weight in favor
16 of imposing a term of imprisonment or may be considered by the
17 court as reasons to impose a more severe sentence under Section
18 5-8-1 or Article 4.5 of Chapter V:

19 (1) the defendant's conduct caused or threatened
20 serious harm;

21 (2) the defendant received compensation for committing
22 the offense;

23 (3) the defendant has a history of prior delinquency or
24 criminal activity;

25 (4) the defendant, by the duties of his office or by

1 his position, was obliged to prevent the particular offense
2 committed or to bring the offenders committing it to
3 justice;

4 (5) the defendant held public office at the time of the
5 offense, and the offense related to the conduct of that
6 office;

7 (6) the defendant utilized his professional reputation
8 or position in the community to commit the offense, or to
9 afford him an easier means of committing it;

10 (7) the sentence is necessary to deter others from
11 committing the same crime;

12 (8) the defendant committed the offense against a
13 person 60 years of age or older or such person's property;

14 (9) the defendant committed the offense against a
15 person who is physically handicapped or such person's
16 property;

17 (10) by reason of another individual's actual or
18 perceived race, color, creed, religion, ancestry, gender,
19 sexual orientation, physical or mental disability, or
20 national origin, the defendant committed the offense
21 against (i) the person or property of that individual; (ii)
22 the person or property of a person who has an association
23 with, is married to, or has a friendship with the other
24 individual; or (iii) the person or property of a relative
25 (by blood or marriage) of a person described in clause (i)
26 or (ii). For the purposes of this Section, "sexual

1 orientation" means heterosexuality, homosexuality, or
2 bisexuality;

3 (11) the offense took place in a place of worship or on
4 the grounds of a place of worship, immediately prior to,
5 during or immediately following worship services. For
6 purposes of this subparagraph, "place of worship" shall
7 mean any church, synagogue or other building, structure or
8 place used primarily for religious worship;

9 (12) the defendant was convicted of a felony committed
10 while he was released on bail or his own recognizance
11 pending trial for a prior felony and was convicted of such
12 prior felony, or the defendant was convicted of a felony
13 committed while he was serving a period of probation,
14 conditional discharge, or mandatory supervised release
15 under subsection (d) of Section 5-8-1 for a prior felony;

16 (13) the defendant committed or attempted to commit a
17 felony while he was wearing a bulletproof vest. For the
18 purposes of this paragraph (13), a bulletproof vest is any
19 device which is designed for the purpose of protecting the
20 wearer from bullets, shot or other lethal projectiles;

21 (14) the defendant held a position of trust or
22 supervision such as, but not limited to, family member as
23 defined in Section 12-12 of the Criminal Code of 1961,
24 teacher, scout leader, baby sitter, or day care worker, in
25 relation to a victim under 18 years of age, and the
26 defendant committed an offense in violation of Section

1 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
2 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
3 against that victim;

4 (15) the defendant committed an offense related to the
5 activities of an organized gang. For the purposes of this
6 factor, "organized gang" has the meaning ascribed to it in
7 Section 10 of the Streetgang Terrorism Omnibus Prevention
8 Act;

9 (16) the defendant committed an offense in violation of
10 one of the following Sections while in a school, regardless
11 of the time of day or time of year; on any conveyance
12 owned, leased, or contracted by a school to transport
13 students to or from school or a school related activity; on
14 the real property of a school; or on a public way within
15 1,000 feet of the real property comprising any school:
16 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
18 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
19 33A-2 of the Criminal Code of 1961;

20 (16.5) the defendant committed an offense in violation
21 of one of the following Sections while in a day care
22 center, regardless of the time of day or time of year; on
23 the real property of a day care center, regardless of the
24 time of day or time of year; or on a public way within
25 1,000 feet of the real property comprising any day care
26 center, regardless of the time of day or time of year:

1 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
2 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
3 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
4 33A-2 of the Criminal Code of 1961;

5 (17) the defendant committed the offense by reason of
6 any person's activity as a community policing volunteer or
7 to prevent any person from engaging in activity as a
8 community policing volunteer. For the purpose of this
9 Section, "community policing volunteer" has the meaning
10 ascribed to it in Section 2-3.5 of the Criminal Code of
11 1961;

12 (18) the defendant committed the offense in a nursing
13 home or on the real property comprising a nursing home. For
14 the purposes of this paragraph (18), "nursing home" means a
15 skilled nursing or intermediate long term care facility
16 that is subject to license by the Illinois Department of
17 Public Health under the Nursing Home Care Act;

18 (19) the defendant was a federally licensed firearm
19 dealer and was previously convicted of a violation of
20 subsection (a) of Section 3 of the Firearm Owners
21 Identification Card Act and has now committed either a
22 felony violation of the Firearm Owners Identification Card
23 Act or an act of armed violence while armed with a firearm;

24 (20) the defendant (i) committed the offense of
25 reckless homicide under Section 9-3 of the Criminal Code of
26 1961 or the offense of driving under the influence of

1 alcohol, other drug or drugs, intoxicating compound or
2 compounds or any combination thereof under Section 11-501
3 of the Illinois Vehicle Code or a similar provision of a
4 local ordinance and (ii) was operating a motor vehicle in
5 excess of 20 miles per hour over the posted speed limit as
6 provided in Article VI of Chapter 11 of the Illinois
7 Vehicle Code;

8 (21) the defendant (i) committed the offense of
9 reckless driving or aggravated reckless driving under
10 Section 11-503 of the Illinois Vehicle Code and (ii) was
11 operating a motor vehicle in excess of 20 miles per hour
12 over the posted speed limit as provided in Article VI of
13 Chapter 11 of the Illinois Vehicle Code;

14 (22) the defendant committed the offense against a
15 person that the defendant knew, or reasonably should have
16 known, was a member of the Armed Forces of the United
17 States serving on active duty. For purposes of this clause
18 (22), the term "Armed Forces" means any of the Armed Forces
19 of the United States, including a member of any reserve
20 component thereof or National Guard unit called to active
21 duty;

22 (23) the defendant committed the offense against a
23 person who was elderly, disabled, or infirm by taking
24 advantage of a family or fiduciary relationship with the
25 elderly, disabled, or infirm person; ~~or~~

26 (24) the defendant committed any offense under Section

1 11-20.1 of the Criminal Code of 1961 and possessed 100 or
2 more images; ~~or~~

3 (25) the defendant committed the offense while the
4 defendant or the victim was in a train, bus, or other
5 vehicle used for public transportation; or ~~or~~

6 (26) ~~(25)~~ the defendant committed the offense of child
7 pornography or aggravated child pornography, specifically
8 including paragraph (1), (2), (3), (4), (5), or (7) of
9 subsection (a) of Section 11-20.1 of the Criminal Code of
10 1961 where a child engaged in, solicited for, depicted in,
11 or posed in any act of sexual penetration or bound,
12 fettered, or subject to sadistic, masochistic, or
13 sadomasochistic abuse in a sexual context and specifically
14 including paragraph (1), (2), (3), (4), (5), or (7) of
15 subsection (a) of Section 11-20.3 of the Criminal Code of
16 1961 where a child engaged in, solicited for, depicted in,
17 or posed in any act of sexual penetration or bound,
18 fettered, or subject to sadistic, masochistic, or
19 sadomasochistic abuse in a sexual context.

20 For the purposes of this Section:

21 "School" is defined as a public or private elementary or
22 secondary school, community college, college, or university.

23 "Day care center" means a public or private State certified
24 and licensed day care center as defined in Section 2.09 of the
25 Child Care Act of 1969 that displays a sign in plain view
26 stating that the property is a day care center.

1 "Public transportation" means the transportation or
2 conveyance of persons by means available to the general public,
3 and includes paratransit services.

4 (b) The following factors, related to all felonies, may be
5 considered by the court as reasons to impose an extended term
6 sentence under Section 5-8-2 upon any offender:

7 (1) When a defendant is convicted of any felony, after
8 having been previously convicted in Illinois or any other
9 jurisdiction of the same or similar class felony or greater
10 class felony, when such conviction has occurred within 10
11 years after the previous conviction, excluding time spent
12 in custody, and such charges are separately brought and
13 tried and arise out of different series of acts; or

14 (2) When a defendant is convicted of any felony and the
15 court finds that the offense was accompanied by
16 exceptionally brutal or heinous behavior indicative of
17 wanton cruelty; or

18 (3) When a defendant is convicted of any felony
19 committed against:

20 (i) a person under 12 years of age at the time of
21 the offense or such person's property;

22 (ii) a person 60 years of age or older at the time
23 of the offense or such person's property; or

24 (iii) a person physically handicapped at the time
25 of the offense or such person's property; or

26 (4) When a defendant is convicted of any felony and the

1 offense involved any of the following types of specific
2 misconduct committed as part of a ceremony, rite,
3 initiation, observance, performance, practice or activity
4 of any actual or ostensible religious, fraternal, or social
5 group:

6 (i) the brutalizing or torturing of humans or
7 animals;

8 (ii) the theft of human corpses;

9 (iii) the kidnapping of humans;

10 (iv) the desecration of any cemetery, religious,
11 fraternal, business, governmental, educational, or
12 other building or property; or

13 (v) ritualized abuse of a child; or

14 (5) When a defendant is convicted of a felony other
15 than conspiracy and the court finds that the felony was
16 committed under an agreement with 2 or more other persons
17 to commit that offense and the defendant, with respect to
18 the other individuals, occupied a position of organizer,
19 supervisor, financier, or any other position of management
20 or leadership, and the court further finds that the felony
21 committed was related to or in furtherance of the criminal
22 activities of an organized gang or was motivated by the
23 defendant's leadership in an organized gang; or

24 (6) When a defendant is convicted of an offense
25 committed while using a firearm with a laser sight attached
26 to it. For purposes of this paragraph, "laser sight" has

1 the meaning ascribed to it in Section 24.6-5 of the
2 Criminal Code of 1961; or

3 (7) When a defendant who was at least 17 years of age
4 at the time of the commission of the offense is convicted
5 of a felony and has been previously adjudicated a
6 delinquent minor under the Juvenile Court Act of 1987 for
7 an act that if committed by an adult would be a Class X or
8 Class 1 felony when the conviction has occurred within 10
9 years after the previous adjudication, excluding time
10 spent in custody; or

11 (8) When a defendant commits any felony and the
12 defendant used, possessed, exercised control over, or
13 otherwise directed an animal to assault a law enforcement
14 officer engaged in the execution of his or her official
15 duties or in furtherance of the criminal activities of an
16 organized gang in which the defendant is engaged.

17 (c) The following factors may be considered by the court as
18 reasons to impose an extended term sentence under Section 5-8-2
19 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

20 (1) When a defendant is convicted of first degree
21 murder, after having been previously convicted in Illinois
22 of any offense listed under paragraph (c)(2) of Section
23 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
24 within 10 years after the previous conviction, excluding
25 time spent in custody, and the charges are separately
26 brought and tried and arise out of different series of

1 acts.

2 (1.5) When a defendant is convicted of first degree
3 murder, after having been previously convicted of domestic
4 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
5 (720 ILCS 5/12-3.3) committed on the same victim or after
6 having been previously convicted of violation of an order
7 of protection (720 ILCS 5/12-30) in which the same victim
8 was the protected person.

9 (2) When a defendant is convicted of voluntary
10 manslaughter, second degree murder, involuntary
11 manslaughter, or reckless homicide in which the defendant
12 has been convicted of causing the death of more than one
13 individual.

14 (3) When a defendant is convicted of aggravated
15 criminal sexual assault or criminal sexual assault, when
16 there is a finding that aggravated criminal sexual assault
17 or criminal sexual assault was also committed on the same
18 victim by one or more other individuals, and the defendant
19 voluntarily participated in the crime with the knowledge of
20 the participation of the others in the crime, and the
21 commission of the crime was part of a single course of
22 conduct during which there was no substantial change in the
23 nature of the criminal objective.

24 (4) If the victim was under 18 years of age at the time
25 of the commission of the offense, when a defendant is
26 convicted of aggravated criminal sexual assault or

1 predatory criminal sexual assault of a child under
2 subsection (a)(1) of Section 12-14.1 of the Criminal Code
3 of 1961 (720 ILCS 5/12-14.1).

4 (5) When a defendant is convicted of a felony violation
5 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
6 5/24-1) and there is a finding that the defendant is a
7 member of an organized gang.

8 (6) When a defendant was convicted of unlawful use of
9 weapons under Section 24-1 of the Criminal Code of 1961
10 (720 ILCS 5/24-1) for possessing a weapon that is not
11 readily distinguishable as one of the weapons enumerated in
12 Section 24-1 of the Criminal Code of 1961 (720 ILCS
13 5/24-1).

14 (7) When a defendant is convicted of an offense
15 involving the illegal manufacture of a controlled
16 substance under Section 401 of the Illinois Controlled
17 Substances Act (720 ILCS 570/401), the illegal manufacture
18 of methamphetamine under Section 25 of the Methamphetamine
19 Control and Community Protection Act (720 ILCS 646/25), or
20 the illegal possession of explosives and an emergency
21 response officer in the performance of his or her duties is
22 killed or injured at the scene of the offense while
23 responding to the emergency caused by the commission of the
24 offense. In this paragraph, "emergency" means a situation
25 in which a person's life, health, or safety is in jeopardy;
26 and "emergency response officer" means a peace officer,

1 community policing volunteer, fireman, emergency medical
2 technician-ambulance, emergency medical
3 technician-intermediate, emergency medical
4 technician-paramedic, ambulance driver, other medical
5 assistance or first aid personnel, or hospital emergency
6 room personnel.

7 (d) For the purposes of this Section, "organized gang" has
8 the meaning ascribed to it in Section 10 of the Illinois
9 Streetgang Terrorism Omnibus Prevention Act.

10 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
11 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
12 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
13 96-328, eff. 8-11-09; revised 9-25-09.)

14 (Text of Section after amendment by P.A. 96-339)

15 Sec. 5-5-3.2. Factors in Aggravation.

16 (a) The following factors shall be accorded weight in favor
17 of imposing a term of imprisonment or may be considered by the
18 court as reasons to impose a more severe sentence under Section
19 5-8-1 or Article 4.5 of Chapter V:

20 (1) the defendant's conduct caused or threatened
21 serious harm;

22 (2) the defendant received compensation for committing
23 the offense;

24 (3) the defendant has a history of prior delinquency or
25 criminal activity;

1 (4) the defendant, by the duties of his office or by
2 his position, was obliged to prevent the particular offense
3 committed or to bring the offenders committing it to
4 justice;

5 (5) the defendant held public office at the time of the
6 offense, and the offense related to the conduct of that
7 office;

8 (6) the defendant utilized his professional reputation
9 or position in the community to commit the offense, or to
10 afford him an easier means of committing it;

11 (7) the sentence is necessary to deter others from
12 committing the same crime;

13 (8) the defendant committed the offense against a
14 person 60 years of age or older or such person's property;

15 (9) the defendant committed the offense against a
16 person who is physically handicapped or such person's
17 property;

18 (10) by reason of another individual's actual or
19 perceived race, color, creed, religion, ancestry, gender,
20 sexual orientation, physical or mental disability, or
21 national origin, the defendant committed the offense
22 against (i) the person or property of that individual; (ii)
23 the person or property of a person who has an association
24 with, is married to, or has a friendship with the other
25 individual; or (iii) the person or property of a relative
26 (by blood or marriage) of a person described in clause (i)

1 or (ii). For the purposes of this Section, "sexual
2 orientation" means heterosexuality, homosexuality, or
3 bisexuality;

4 (11) the offense took place in a place of worship or on
5 the grounds of a place of worship, immediately prior to,
6 during or immediately following worship services. For
7 purposes of this subparagraph, "place of worship" shall
8 mean any church, synagogue or other building, structure or
9 place used primarily for religious worship;

10 (12) the defendant was convicted of a felony committed
11 while he was released on bail or his own recognizance
12 pending trial for a prior felony and was convicted of such
13 prior felony, or the defendant was convicted of a felony
14 committed while he was serving a period of probation,
15 conditional discharge, or mandatory supervised release
16 under subsection (d) of Section 5-8-1 for a prior felony;

17 (13) the defendant committed or attempted to commit a
18 felony while he was wearing a bulletproof vest. For the
19 purposes of this paragraph (13), a bulletproof vest is any
20 device which is designed for the purpose of protecting the
21 wearer from bullets, shot or other lethal projectiles;

22 (14) the defendant held a position of trust or
23 supervision such as, but not limited to, family member as
24 defined in Section 12-12 of the Criminal Code of 1961,
25 teacher, scout leader, baby sitter, or day care worker, in
26 relation to a victim under 18 years of age, and the

1 defendant committed an offense in violation of Section
2 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
3 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
4 against that victim;

5 (15) the defendant committed an offense related to the
6 activities of an organized gang. For the purposes of this
7 factor, "organized gang" has the meaning ascribed to it in
8 Section 10 of the Streetgang Terrorism Omnibus Prevention
9 Act;

10 (16) the defendant committed an offense in violation of
11 one of the following Sections while in a school, regardless
12 of the time of day or time of year; on any conveyance
13 owned, leased, or contracted by a school to transport
14 students to or from school or a school related activity; on
15 the real property of a school; or on a public way within
16 1,000 feet of the real property comprising any school:
17 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
19 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
20 18-2, or 33A-2, or Section 12-3.05 except for subdivision
21 (a) (4) or (g) (1), of the Criminal Code of 1961;

22 (16.5) the defendant committed an offense in violation
23 of one of the following Sections while in a day care
24 center, regardless of the time of day or time of year; on
25 the real property of a day care center, regardless of the
26 time of day or time of year; or on a public way within

1 1,000 feet of the real property comprising any day care
2 center, regardless of the time of day or time of year:
3 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
5 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
6 18-2, or 33A-2, or Section 12-3.05 except for subdivision
7 (a) (4) or (g) (1), of the Criminal Code of 1961;

8 (17) the defendant committed the offense by reason of
9 any person's activity as a community policing volunteer or
10 to prevent any person from engaging in activity as a
11 community policing volunteer. For the purpose of this
12 Section, "community policing volunteer" has the meaning
13 ascribed to it in Section 2-3.5 of the Criminal Code of
14 1961;

15 (18) the defendant committed the offense in a nursing
16 home or on the real property comprising a nursing home. For
17 the purposes of this paragraph (18), "nursing home" means a
18 skilled nursing or intermediate long term care facility
19 that is subject to license by the Illinois Department of
20 Public Health under the Nursing Home Care Act or the MR/DD
21 Community Care Act;

22 (19) the defendant was a federally licensed firearm
23 dealer and was previously convicted of a violation of
24 subsection (a) of Section 3 of the Firearm Owners
25 Identification Card Act and has now committed either a
26 felony violation of the Firearm Owners Identification Card

1 Act or an act of armed violence while armed with a firearm;

2 (20) the defendant (i) committed the offense of
3 reckless homicide under Section 9-3 of the Criminal Code of
4 1961 or the offense of driving under the influence of
5 alcohol, other drug or drugs, intoxicating compound or
6 compounds or any combination thereof under Section 11-501
7 of the Illinois Vehicle Code or a similar provision of a
8 local ordinance and (ii) was operating a motor vehicle in
9 excess of 20 miles per hour over the posted speed limit as
10 provided in Article VI of Chapter 11 of the Illinois
11 Vehicle Code;

12 (21) the defendant (i) committed the offense of
13 reckless driving or aggravated reckless driving under
14 Section 11-503 of the Illinois Vehicle Code and (ii) was
15 operating a motor vehicle in excess of 20 miles per hour
16 over the posted speed limit as provided in Article VI of
17 Chapter 11 of the Illinois Vehicle Code;

18 (22) the defendant committed the offense against a
19 person that the defendant knew, or reasonably should have
20 known, was a member of the Armed Forces of the United
21 States serving on active duty. For purposes of this clause
22 (22), the term "Armed Forces" means any of the Armed Forces
23 of the United States, including a member of any reserve
24 component thereof or National Guard unit called to active
25 duty;

26 (23) the defendant committed the offense against a

1 person who was elderly, disabled, or infirm by taking
2 advantage of a family or fiduciary relationship with the
3 elderly, disabled, or infirm person; ~~or~~

4 (24) the defendant committed any offense under Section
5 11-20.1 of the Criminal Code of 1961 and possessed 100 or
6 more images; ~~or~~

7 (25) the defendant committed the offense while the
8 defendant or the victim was in a train, bus, or other
9 vehicle used for public transportation; or

10 (26) ~~(25)~~ the defendant committed the offense of child
11 pornography or aggravated child pornography, specifically
12 including paragraph (1), (2), (3), (4), (5), or (7) of
13 subsection (a) of Section 11-20.1 of the Criminal Code of
14 1961 where a child engaged in, solicited for, depicted in,
15 or posed in any act of sexual penetration or bound,
16 fettered, or subject to sadistic, masochistic, or
17 sadomasochistic abuse in a sexual context and specifically
18 including paragraph (1), (2), (3), (4), (5), or (7) of
19 subsection (a) of Section 11-20.3 of the Criminal Code of
20 1961 where a child engaged in, solicited for, depicted in,
21 or posed in any act of sexual penetration or bound,
22 fettered, or subject to sadistic, masochistic, or
23 sadomasochistic abuse in a sexual context.

24 For the purposes of this Section:

25 "School" is defined as a public or private elementary or
26 secondary school, community college, college, or university.

1 "Day care center" means a public or private State certified
2 and licensed day care center as defined in Section 2.09 of the
3 Child Care Act of 1969 that displays a sign in plain view
4 stating that the property is a day care center.

5 "Public transportation" means the transportation or
6 conveyance of persons by means available to the general public,
7 and includes paratransit services.

8 (b) The following factors, related to all felonies, may be
9 considered by the court as reasons to impose an extended term
10 sentence under Section 5-8-2 upon any offender:

11 (1) When a defendant is convicted of any felony, after
12 having been previously convicted in Illinois or any other
13 jurisdiction of the same or similar class felony or greater
14 class felony, when such conviction has occurred within 10
15 years after the previous conviction, excluding time spent
16 in custody, and such charges are separately brought and
17 tried and arise out of different series of acts; or

18 (2) When a defendant is convicted of any felony and the
19 court finds that the offense was accompanied by
20 exceptionally brutal or heinous behavior indicative of
21 wanton cruelty; or

22 (3) When a defendant is convicted of any felony
23 committed against:

24 (i) a person under 12 years of age at the time of
25 the offense or such person's property;

26 (ii) a person 60 years of age or older at the time

1 of the offense or such person's property; or

2 (iii) a person physically handicapped at the time
3 of the offense or such person's property; or

4 (4) When a defendant is convicted of any felony and the
5 offense involved any of the following types of specific
6 misconduct committed as part of a ceremony, rite,
7 initiation, observance, performance, practice or activity
8 of any actual or ostensible religious, fraternal, or social
9 group:

10 (i) the brutalizing or torturing of humans or
11 animals;

12 (ii) the theft of human corpses;

13 (iii) the kidnapping of humans;

14 (iv) the desecration of any cemetery, religious,
15 fraternal, business, governmental, educational, or
16 other building or property; or

17 (v) ritualized abuse of a child; or

18 (5) When a defendant is convicted of a felony other
19 than conspiracy and the court finds that the felony was
20 committed under an agreement with 2 or more other persons
21 to commit that offense and the defendant, with respect to
22 the other individuals, occupied a position of organizer,
23 supervisor, financier, or any other position of management
24 or leadership, and the court further finds that the felony
25 committed was related to or in furtherance of the criminal
26 activities of an organized gang or was motivated by the

1 defendant's leadership in an organized gang; or

2 (6) When a defendant is convicted of an offense
3 committed while using a firearm with a laser sight attached
4 to it. For purposes of this paragraph, "laser sight" has
5 the meaning ascribed to it in Section 24.6-5 of the
6 Criminal Code of 1961; or

7 (7) When a defendant who was at least 17 years of age
8 at the time of the commission of the offense is convicted
9 of a felony and has been previously adjudicated a
10 delinquent minor under the Juvenile Court Act of 1987 for
11 an act that if committed by an adult would be a Class X or
12 Class 1 felony when the conviction has occurred within 10
13 years after the previous adjudication, excluding time
14 spent in custody; or

15 (8) When a defendant commits any felony and the
16 defendant used, possessed, exercised control over, or
17 otherwise directed an animal to assault a law enforcement
18 officer engaged in the execution of his or her official
19 duties or in furtherance of the criminal activities of an
20 organized gang in which the defendant is engaged.

21 (c) The following factors may be considered by the court as
22 reasons to impose an extended term sentence under Section 5-8-2
23 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

24 (1) When a defendant is convicted of first degree
25 murder, after having been previously convicted in Illinois
26 of any offense listed under paragraph (c) (2) of Section

1 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
2 within 10 years after the previous conviction, excluding
3 time spent in custody, and the charges are separately
4 brought and tried and arise out of different series of
5 acts.

6 (1.5) When a defendant is convicted of first degree
7 murder, after having been previously convicted of domestic
8 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
9 (720 ILCS 5/12-3.3) committed on the same victim or after
10 having been previously convicted of violation of an order
11 of protection (720 ILCS 5/12-30) in which the same victim
12 was the protected person.

13 (2) When a defendant is convicted of voluntary
14 manslaughter, second degree murder, involuntary
15 manslaughter, or reckless homicide in which the defendant
16 has been convicted of causing the death of more than one
17 individual.

18 (3) When a defendant is convicted of aggravated
19 criminal sexual assault or criminal sexual assault, when
20 there is a finding that aggravated criminal sexual assault
21 or criminal sexual assault was also committed on the same
22 victim by one or more other individuals, and the defendant
23 voluntarily participated in the crime with the knowledge of
24 the participation of the others in the crime, and the
25 commission of the crime was part of a single course of
26 conduct during which there was no substantial change in the

1 nature of the criminal objective.

2 (4) If the victim was under 18 years of age at the time
3 of the commission of the offense, when a defendant is
4 convicted of aggravated criminal sexual assault or
5 predatory criminal sexual assault of a child under
6 subsection (a)(1) of Section 12-14.1 of the Criminal Code
7 of 1961 (720 ILCS 5/12-14.1).

8 (5) When a defendant is convicted of a felony violation
9 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
10 5/24-1) and there is a finding that the defendant is a
11 member of an organized gang.

12 (6) When a defendant was convicted of unlawful use of
13 weapons under Section 24-1 of the Criminal Code of 1961
14 (720 ILCS 5/24-1) for possessing a weapon that is not
15 readily distinguishable as one of the weapons enumerated in
16 Section 24-1 of the Criminal Code of 1961 (720 ILCS
17 5/24-1).

18 (7) When a defendant is convicted of an offense
19 involving the illegal manufacture of a controlled
20 substance under Section 401 of the Illinois Controlled
21 Substances Act (720 ILCS 570/401), the illegal manufacture
22 of methamphetamine under Section 25 of the Methamphetamine
23 Control and Community Protection Act (720 ILCS 646/25), or
24 the illegal possession of explosives and an emergency
25 response officer in the performance of his or her duties is
26 killed or injured at the scene of the offense while

1 responding to the emergency caused by the commission of the
2 offense. In this paragraph, "emergency" means a situation
3 in which a person's life, health, or safety is in jeopardy;
4 and "emergency response officer" means a peace officer,
5 community policing volunteer, fireman, emergency medical
6 technician-ambulance, emergency medical
7 technician-intermediate, emergency medical
8 technician-paramedic, ambulance driver, other medical
9 assistance or first aid personnel, or hospital emergency
10 room personnel.

11 (d) For the purposes of this Section, "organized gang" has
12 the meaning ascribed to it in Section 10 of the Illinois
13 Streetgang Terrorism Omnibus Prevention Act.

14 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
15 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
16 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
17 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; revised 9-25-09.)

18 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

19 Sec. 5-8-4. Concurrent and consecutive terms of
20 imprisonment.

21 (a) Concurrent terms; multiple or additional sentences.
22 When an Illinois court (i) imposes multiple sentences of
23 imprisonment on a defendant at the same time or (ii) imposes a
24 sentence of imprisonment on a defendant who is already subject
25 to a sentence of imprisonment imposed by an Illinois court, a

1 court of another state, or a federal court, then the sentences
2 shall run concurrently unless otherwise determined by the
3 Illinois court under this Section.

4 (b) Concurrent terms; misdemeanor and felony. A defendant
5 serving a sentence for a misdemeanor who is convicted of a
6 felony and sentenced to imprisonment shall be transferred to
7 the Department of Corrections, and the misdemeanor sentence
8 shall be merged in and run concurrently with the felony
9 sentence.

10 (c) Consecutive terms; permissive. The court may impose
11 consecutive sentences in any of the following circumstances:

12 (1) If, having regard to the nature and circumstances
13 of the offense and the history and character of the
14 defendant, it is the opinion of the court that consecutive
15 sentences are required to protect the public from further
16 criminal conduct by the defendant, the basis for which the
17 court shall set forth in the record.

18 (2) If one of the offenses for which a defendant was
19 convicted was a violation of Section 32-5.2 (aggravated
20 false personation of a peace officer) of the Criminal Code
21 of 1961 (720 ILCS 5/32-5.2) and the offense was committed
22 in attempting or committing a forcible felony.

23 (d) Consecutive terms; mandatory. The court shall impose
24 consecutive sentences in each of the following circumstances:

25 (1) One of the offenses for which the defendant was
26 convicted was first degree murder or a Class X or Class 1

1 felony and the defendant inflicted severe bodily injury.

2 (2) The defendant was convicted of a violation of
3 Section 12-13 (criminal sexual assault), 12-14 (aggravated
4 criminal sexual assault), or 12-14.1 (predatory criminal
5 sexual assault of a child) of the Criminal Code of 1961
6 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

7 (3) The defendant was convicted of armed violence based
8 upon the predicate offense of any of the following:
9 solicitation of murder, solicitation of murder for hire,
10 heinous battery as described in Section 12-4.1 or
11 subdivision (a)(2) of Section 12-3.05, aggravated battery
12 of a senior citizen as described in Section 12-4.6 or
13 subdivision (a)(4) of Section 12-3.05, criminal sexual
14 assault, a violation of subsection (g) of Section 5 of the
15 Cannabis Control Act (720 ILCS 550/5), cannabis
16 trafficking, a violation of subsection (a) of Section 401
17 of the Illinois Controlled Substances Act (720 ILCS
18 570/401), controlled substance trafficking involving a
19 Class X felony amount of controlled substance under Section
20 401 of the Illinois Controlled Substances Act (720 ILCS
21 570/401), a violation of the Methamphetamine Control and
22 Community Protection Act (720 ILCS 646/), calculated
23 criminal drug conspiracy, or streetgang criminal drug
24 conspiracy.

25 (4) The defendant was convicted of the offense of
26 leaving the scene of a motor vehicle accident involving

1 death or personal injuries under Section 11-401 of the
2 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof under Section 11-501 of the
6 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
7 homicide under Section 9-3 of the Criminal Code of 1961
8 (720 ILCS 5/9-3), or (C) both an offense described in item
9 (A) and an offense described in item (B).

10 (5) The defendant was convicted of a violation of
11 Section 9-3.1 (concealment of homicidal death) or Section
12 12-20.5 (dismembering a human body) of the Criminal Code of
13 1961 (720 ILCS 5/9-3.1 or 5/12-20.5). ~~or~~

14 (5.5) The ~~(vi) the~~ defendant was convicted of a
15 violation of Section 24-3.7 (use of a stolen firearm in the
16 commission of an offense) of the Criminal Code of 1961. 7

17 (6) If the defendant was in the custody of the
18 Department of Corrections at the time of the commission of
19 the offense, the sentence shall be served consecutive to
20 the sentence under which the defendant is held by the
21 Department of Corrections. If, however, the defendant is
22 sentenced to punishment by death, the sentence shall be
23 executed at such time as the court may fix without regard
24 to the sentence under which the defendant may be held by
25 the Department.

26 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)

1 for escape or attempted escape shall be served consecutive
2 to the terms under which the offender is held by the
3 Department of Corrections.

4 (8) If a person charged with a felony commits a
5 separate felony while on pretrial release or in pretrial
6 detention in a county jail facility or county detention
7 facility, then the sentences imposed upon conviction of
8 these felonies shall be served consecutively regardless of
9 the order in which the judgments of conviction are entered.

10 (8.5) If a person commits a battery against a county
11 correctional officer or sheriff's employee while serving a
12 sentence or in pretrial detention in a county jail
13 facility, then the sentence imposed upon conviction of the
14 battery shall be served consecutively with the sentence
15 imposed upon conviction of the earlier misdemeanor or
16 felony, regardless of the order in which the judgments of
17 conviction are entered.

18 (9) If a person admitted to bail following conviction
19 of a felony commits a separate felony while free on bond or
20 if a person detained in a county jail facility or county
21 detention facility following conviction of a felony
22 commits a separate felony while in detention, then any
23 sentence following conviction of the separate felony shall
24 be consecutive to that of the original sentence for which
25 the defendant was on bond or detained.

26 (10) If a person is found to be in possession of an

1 item of contraband, as defined in clause (c) (2) of Section
2 31A-1.1 of the Criminal Code of 1961, while serving a
3 sentence in a county jail or while in pre-trial detention
4 in a county jail, the sentence imposed upon conviction for
5 the offense of possessing contraband in a penal institution
6 shall be served consecutively to the sentence imposed for
7 the offense in which the person is serving sentence in the
8 county jail or serving pretrial detention, regardless of
9 the order in which the judgments of conviction are entered.

10 (e) Consecutive terms; subsequent non-Illinois term. If an
11 Illinois court has imposed a sentence of imprisonment on a
12 defendant and the defendant is subsequently sentenced to a term
13 of imprisonment by a court of another state or a federal court,
14 then the Illinois sentence shall run consecutively to the
15 sentence imposed by the court of the other state or the federal
16 court. That same Illinois court, however, may order that the
17 Illinois sentence run concurrently with the sentence imposed by
18 the court of the other state or the federal court, but only if
19 the defendant applies to that same Illinois court within 30
20 days after the sentence imposed by the court of the other state
21 or the federal court is finalized.

22 (f) Consecutive terms; aggregate maximums and minimums.
23 The aggregate maximum and aggregate minimum of consecutive
24 sentences shall be determined as follows:

25 (1) For sentences imposed under law in effect prior to
26 February 1, 1978, the aggregate maximum of consecutive

1 sentences shall not exceed the maximum term authorized
2 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
3 Chapter V for the 2 most serious felonies involved. The
4 aggregate minimum period of consecutive sentences shall
5 not exceed the highest minimum term authorized under
6 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
7 V for the 2 most serious felonies involved. When sentenced
8 only for misdemeanors, a defendant shall not be
9 consecutively sentenced to more than the maximum for one
10 Class A misdemeanor.

11 (2) For sentences imposed under the law in effect on or
12 after February 1, 1978, the aggregate of consecutive
13 sentences for offenses that were committed as part of a
14 single course of conduct during which there was no
15 substantial change in the nature of the criminal objective
16 shall not exceed the sum of the maximum terms authorized
17 under Section 5-8-2 (730 ILCS 5/5-8-2) for the 2 most
18 serious felonies involved, but no such limitation shall
19 apply for offenses that were not committed as part of a
20 single course of conduct during which there was no
21 substantial change in the nature of the criminal objective.
22 When sentenced only for misdemeanors, a defendant shall not
23 be consecutively sentenced to more than the maximum for one
24 Class A misdemeanor.

25 (g) Consecutive terms; manner served. In determining the
26 manner in which consecutive sentences of imprisonment, one or

1 more of which is for a felony, will be served, the Department
2 of Corrections shall treat the defendant as though he or she
3 had been committed for a single term subject to each of the
4 following:

5 (1) The maximum period of a term of imprisonment shall
6 consist of the aggregate of the maximums of the imposed
7 indeterminate terms, if any, plus the aggregate of the
8 imposed determinate sentences for felonies, plus the
9 aggregate of the imposed determinate sentences for
10 misdemeanors, subject to subsection (f) of this Section.

11 (2) The parole or mandatory supervised release term
12 shall be as provided in paragraph (e) of Section 5-4.5-50
13 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
14 involved.

15 (3) The minimum period of imprisonment shall be the
16 aggregate of the minimum and determinate periods of
17 imprisonment imposed by the court, subject to subsection
18 (f) of this Section.

19 (4) The defendant shall be awarded credit against the
20 aggregate maximum term and the aggregate minimum term of
21 imprisonment for all time served in an institution since
22 the commission of the offense or offenses and as a
23 consequence thereof at the rate specified in Section 3-6-3
24 (730 ILCS 5/3-6-3).

25 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;
26 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; revised 8-20-09.)

1 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

2 Sec. 5-8A-2. Definitions. As used in this Article:

3 (A) "Approved electronic monitoring device" means a device
4 approved by the supervising authority which is primarily
5 intended to record or transmit information as to the
6 defendant's presence or nonpresence in the home.

7 An approved electronic monitoring device may record or
8 transmit: oral or wire communications or an auditory sound;
9 visual images; or information regarding the offender's
10 activities while inside the offender's home. These devices are
11 subject to the required consent as set forth in Section 5-8A-5
12 of this Article.

13 An approved electronic monitoring device may be used to
14 record a conversation between the participant and the
15 monitoring device, or the participant and the person
16 supervising the participant solely for the purpose of
17 identification and not for the purpose of eavesdropping or
18 conducting any other illegally intrusive monitoring.

19 (B) "Excluded offenses" means first degree murder, escape,
20 predatory criminal sexual assault of a child, aggravated
21 criminal sexual assault, criminal sexual assault, aggravated
22 battery with a firearm as described in Section 12-4.2 or
23 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section
24 12-3.05, bringing or possessing a firearm, ammunition or
25 explosive in a penal institution, any "Super-X" drug offense or

1 calculated criminal drug conspiracy or streetgang criminal
2 drug conspiracy, or any predecessor or successor offenses with
3 the same or substantially the same elements, or any inchoate
4 offenses relating to the foregoing offenses.

5 (C) "Home detention" means the confinement of a person
6 convicted or charged with an offense to his or her place of
7 residence under the terms and conditions established by the
8 supervising authority.

9 (D) "Participant" means an inmate or offender placed into
10 an electronic monitoring program.

11 (E) "Supervising authority" means the Department of
12 Corrections, probation supervisory authority, sheriff,
13 superintendent of municipal house of corrections or any other
14 officer or agency charged with authorizing and supervising home
15 detention.

16 (F) "Super-X drug offense" means a violation of Section
17 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
18 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
19 (C), or (D) of the Illinois Controlled Substances Act.

20 (Source: P.A. 88-311; 89-428, eff. 12-13-95; 89-462, eff.
21 5-29-96; 89-498, eff. 6-27-96.)

22 (730 ILCS 5/5-9-1.16)

23 Sec. 5-9-1.16. Protective order violation fees.

24 (a) There shall be added to every penalty imposed in
25 sentencing for a violation of an order of protection under

1 Section 12-3.4 or 12-30 of the Criminal Code of 1961 an
2 additional fee to be set in an amount not less than \$200 to be
3 imposed upon a plea of guilty or finding of guilty resulting in
4 a judgment of conviction.

5 (b) Such additional amount shall be assessed by the court
6 imposing sentence and shall be collected by the Circuit Clerk
7 in addition to the fine, if any, and costs in the case to be
8 used by the supervising authority in implementing the domestic
9 violence surveillance program. The clerk of the circuit court
10 shall pay all monies collected from this fee to the county
11 treasurer for deposit in the probation and court services fund
12 under Section 15.1 of the Probation and Probations Officers
13 Act.

14 (c) The supervising authority of a domestic violence
15 surveillance program under Section 5-8A-7 of this Act shall
16 assess a person either convicted of, or charged with, the
17 violation of an order of protection an additional fee to cover
18 the costs of providing the equipment used and the additional
19 supervision needed for such domestic violence surveillance
20 program. If the court finds that the fee would impose an undue
21 burden on the victim, the court may reduce or waive the fee.
22 The court shall order that the defendant may not use funds
23 belonging solely to the victim of the offense for payment of
24 the fee.

25 When the supervising authority is the court or the
26 probation and court services department, the fee shall be

1 collected by the circuit court clerk. The clerk of the circuit
2 court shall pay all monies collected from this fee and all
3 other required probation fees that are assessed to the county
4 treasurer for deposit in the probation and court services fund
5 under Section 15.1 of the Probation and Probations Officers
6 Act. In counties with a population of 2 million or more, when
7 the supervising authority is the court or the probation and
8 court services department, the fee shall be collected by the
9 supervising authority. In these counties, the supervising
10 authority shall pay all monies collected from this fee and all
11 other required probation fees that are assessed, to the county
12 treasurer for deposit in the probation and court services fund
13 under Section 15.1 of the Probation and Probation Officers Act.

14 When the supervising authority is the Department of
15 Corrections, the Department shall collect the fee for deposit
16 into the Illinois Department of Corrections "fund". The Circuit
17 Clerk shall retain 10% of such penalty and deposit that
18 percentage into the Circuit Court Clerk Operation and
19 Administrative Fund to cover the costs incurred in
20 administering and enforcing this Section.

21 (d) (Blank).

22 (e) (Blank).

23 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09.)

24 Section 975. The Secure Residential Youth Care Facility
25 Licensing Act is amended by changing Section 45-30 as follows:

1 (730 ILCS 175/45-30)

2 Sec. 45-30. License or employment eligibility.

3 (a) No applicant may receive a license from the Department
4 and no person may be employed by a licensed facility who
5 refuses to authorize an investigation as required by Section
6 45-25.

7 (b) No applicant may receive a license from the Department
8 and no person may be employed by a secure residential youth
9 care facility licensed by the Department who has been declared
10 a sexually dangerous person under the Sexually Dangerous
11 Persons Act or convicted of committing or attempting to commit
12 any of the following offenses under the Criminal Code of 1961:

13 (1) First degree murder.

14 (2) A sex offense under Article 11, except offenses
15 described in Sections 11-7, 11-8, 11-12, 11-13 and 11-18.

16 (3) Kidnapping.

17 (4) Aggravated kidnapping.

18 (5) Child abduction.

19 (6) Aggravated battery of a child as described in
20 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05.

21 (7) Criminal sexual assault.

22 (8) Aggravated criminal sexual assault.

23 (8.1) Predatory criminal sexual assault of a child.

24 (9) Criminal sexual abuse.

25 (10) Aggravated criminal sexual abuse.

1 (11) A federal offense or an offense in any other state
2 the elements of which are similar to any of the foregoing
3 offenses.

4 (Source: P.A. 88-680, eff. 1-1-95; 89-428, eff. 12-13-95;
5 89-462, eff. 5-29-96.)

6 Section 980. The Crime Victims Compensation Act is amended
7 by changing Section 2 as follows:

8 (740 ILCS 45/2) (from Ch. 70, par. 72)

9 Sec. 2. Definitions. As used in this Act, unless the
10 context otherwise requires:

11 (a) "Applicant" means any person who applies for
12 compensation under this Act or any person the Court of Claims
13 finds is entitled to compensation, including the guardian of a
14 minor or of a person under legal disability. It includes any
15 person who was a dependent of a deceased victim of a crime of
16 violence for his or her support at the time of the death of
17 that victim.

18 (b) "Court of Claims" means the Court of Claims created by
19 the Court of Claims Act.

20 (c) "Crime of violence" means and includes any offense
21 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-11, 11-19.2,
22 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-3.4, 12-4,
23 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
24 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1.

1 or Section 12-3.05 except for subdivision (a)(4) or (g)(1), of
2 the Criminal Code of 1961, Sections 1(a) and 1(a-5) of the
3 Cemetery Protection Act, driving under the influence of
4 intoxicating liquor or narcotic drugs as defined in Section
5 11-501 of the Illinois Vehicle Code, and a violation of Section
6 11-401 of the Illinois Vehicle Code, provided the victim was a
7 pedestrian or was operating a vehicle moved solely by human
8 power or a mobility device at the time of contact; so long as
9 the offense did not occur during a civil riot, insurrection or
10 rebellion. "Crime of violence" does not include any other
11 offense or accident involving a motor vehicle except those
12 vehicle offenses specifically provided for in this paragraph.
13 "Crime of violence" does include all of the offenses
14 specifically provided for in this paragraph that occur within
15 this State but are subject to federal jurisdiction and crimes
16 involving terrorism as defined in 18 U.S.C. 2331.

17 (d) "Victim" means (1) a person killed or injured in this
18 State as a result of a crime of violence perpetrated or
19 attempted against him or her, (2) the parent of a person killed
20 or injured in this State as a result of a crime of violence
21 perpetrated or attempted against the person, (3) a person
22 killed or injured in this State while attempting to assist a
23 person against whom a crime of violence is being perpetrated or
24 attempted, if that attempt of assistance would be expected of a
25 reasonable person under the circumstances, (4) a person killed
26 or injured in this State while assisting a law enforcement

1 official apprehend a person who has perpetrated a crime of
2 violence or prevent the perpetration of any such crime if that
3 assistance was in response to the express request of the law
4 enforcement official, (5) a person who personally witnessed a
5 violent crime, (5.1) solely for the purpose of compensating for
6 pecuniary loss incurred for psychological treatment of a mental
7 or emotional condition caused or aggravated by the crime, any
8 other person under the age of 18 who is the brother, sister,
9 half brother, half sister, child, or stepchild of a person
10 killed or injured in this State as a result of a crime of
11 violence, (6) an Illinois resident who is a victim of a "crime
12 of violence" as defined in this Act except, if the crime
13 occurred outside this State, the resident has the same rights
14 under this Act as if the crime had occurred in this State upon
15 a showing that the state, territory, country, or political
16 subdivision of a country in which the crime occurred does not
17 have a compensation of victims of crimes law for which that
18 Illinois resident is eligible, (7) a deceased person whose body
19 is dismembered or whose remains are desecrated as the result of
20 a crime of violence, or (8) solely for the purpose of
21 compensating for pecuniary loss incurred for psychological
22 treatment of a mental or emotional condition caused or
23 aggravated by the crime, any parent, spouse, or child under the
24 age of 18 of a deceased person whose body is dismembered or
25 whose remains are desecrated as the result of a crime of
26 violence.

1 (e) "Dependent" means a relative of a deceased victim who
2 was wholly or partially dependent upon the victim's income at
3 the time of his or her death and shall include the child of a
4 victim born after his or her death.

5 (f) "Relative" means a spouse, parent, grandparent,
6 stepfather, stepmother, child, grandchild, brother,
7 brother-in-law, sister, sister-in-law, half brother, half
8 sister, spouse's parent, nephew, niece, uncle or aunt.

9 (g) "Child" means an unmarried son or daughter who is under
10 18 years of age and includes a stepchild, an adopted child or a
11 child born out of wedlock.

12 (h) "Pecuniary loss" means, in the case of injury,
13 appropriate medical expenses and hospital expenses including
14 expenses of medical examinations, rehabilitation, medically
15 required nursing care expenses, appropriate psychiatric care
16 or psychiatric counseling expenses, expenses for care or
17 counseling by a licensed clinical psychologist, licensed
18 clinical social worker, or licensed clinical professional
19 counselor and expenses for treatment by Christian Science
20 practitioners and nursing care appropriate thereto;
21 transportation expenses to and from medical and treatment
22 facilities; prosthetic appliances, eyeglasses, and hearing
23 aids necessary or damaged as a result of the crime; replacement
24 costs for clothing and bedding used as evidence; costs
25 associated with temporary lodging or relocation necessary as a
26 result of the crime, including, but not limited to, the first

1 month's rent and security deposit of the dwelling that the
2 claimant relocated to and other reasonable relocation expenses
3 incurred as a result of the violent crime; locks or windows
4 necessary or damaged as a result of the crime; the purchase,
5 lease, or rental of equipment necessary to create usability of
6 and accessibility to the victim's real and personal property,
7 or the real and personal property which is used by the victim,
8 necessary as a result of the crime; the costs of appropriate
9 crime scene clean-up; replacement services loss, to a maximum
10 of \$1000 per month; dependents replacement services loss, to a
11 maximum of \$1000 per month; loss of tuition paid to attend
12 grammar school or high school when the victim had been enrolled
13 as a student prior to the injury, or college or graduate school
14 when the victim had been enrolled as a day or night student
15 prior to the injury when the victim becomes unable to continue
16 attendance at school as a result of the crime of violence
17 perpetrated against him or her; loss of earnings, loss of
18 future earnings because of disability resulting from the
19 injury, and, in addition, in the case of death, expenses for
20 funeral, burial, and travel and transport for survivors of
21 homicide victims to secure bodies of deceased victims and to
22 transport bodies for burial all of which may not exceed a
23 maximum of \$5,000 and loss of support of the dependents of the
24 victim; in the case of dismemberment or desecration of a body,
25 expenses for funeral and burial, all of which may not exceed a
26 maximum of \$5,000. Loss of future earnings shall be reduced by

1 any income from substitute work actually performed by the
2 victim or by income he or she would have earned in available
3 appropriate substitute work he or she was capable of performing
4 but unreasonably failed to undertake. Loss of earnings, loss of
5 future earnings and loss of support shall be determined on the
6 basis of the victim's average net monthly earnings for the 6
7 months immediately preceding the date of the injury or on \$1000
8 per month, whichever is less. If a divorced or legally
9 separated applicant is claiming loss of support for a minor
10 child of the deceased, the amount of support for each child
11 shall be based either on the amount of support pursuant to the
12 judgment prior to the date of the deceased victim's injury or
13 death, or, if the subject of pending litigation filed by or on
14 behalf of the divorced or legally separated applicant prior to
15 the injury or death, on the result of that litigation. Real and
16 personal property includes, but is not limited to, vehicles,
17 houses, apartments, town houses, or condominiums. Pecuniary
18 loss does not include pain and suffering or property loss or
19 damage.

20 (i) "Replacement services loss" means expenses reasonably
21 incurred in obtaining ordinary and necessary services in lieu
22 of those the injured person would have performed, not for
23 income, but for the benefit of himself or herself or his or her
24 family, if he or she had not been injured.

25 (j) "Dependents replacement services loss" means loss
26 reasonably incurred by dependents or private legal guardians of

1 minor dependents after a victim's death in obtaining ordinary
2 and necessary services in lieu of those the victim would have
3 performed, not for income, but for their benefit, if he or she
4 had not been fatally injured.

5 (k) "Survivor" means immediate family including a parent,
6 step-father, step-mother, child, brother, sister, or spouse.
7 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10.)

8 Section 985. The Illinois Marriage and Dissolution of
9 Marriage Act is amended by changing Section 503 as follows:

10 (750 ILCS 5/503) (from Ch. 40, par. 503)

11 Sec. 503. Disposition of property.

12 (a) For purposes of this Act, "marital property" means all
13 property acquired by either spouse subsequent to the marriage,
14 except the following, which is known as "non-marital property":

15 (1) property acquired by gift, legacy or descent;

16 (2) property acquired in exchange for property
17 acquired before the marriage or in exchange for property
18 acquired by gift, legacy or descent;

19 (3) property acquired by a spouse after a judgment of
20 legal separation;

21 (4) property excluded by valid agreement of the
22 parties;

23 (5) any judgment or property obtained by judgment
24 awarded to a spouse from the other spouse;

1 (6) property acquired before the marriage;

2 (7) the increase in value of property acquired by a
3 method listed in paragraphs (1) through (6) of this
4 subsection, irrespective of whether the increase results
5 from a contribution of marital property, non-marital
6 property, the personal effort of a spouse, or otherwise,
7 subject to the right of reimbursement provided in
8 subsection (c) of this Section; and

9 (8) income from property acquired by a method listed in
10 paragraphs (1) through (7) of this subsection if the income
11 is not attributable to the personal effort of a spouse.

12 (b) (1) For purposes of distribution of property pursuant to
13 this Section, all property acquired by either spouse after the
14 marriage and before a judgment of dissolution of marriage or
15 declaration of invalidity of marriage, including non-marital
16 property transferred into some form of co-ownership between the
17 spouses, is presumed to be marital property, regardless of
18 whether title is held individually or by the spouses in some
19 form of co-ownership such as joint tenancy, tenancy in common,
20 tenancy by the entirety, or community property. The presumption
21 of marital property is overcome by a showing that the property
22 was acquired by a method listed in subsection (a) of this
23 Section.

24 (2) For purposes of distribution of property pursuant to
25 this Section, all pension benefits (including pension benefits
26 under the Illinois Pension Code) acquired by either spouse

1 after the marriage and before a judgment of dissolution of
2 marriage or declaration of invalidity of the marriage are
3 presumed to be marital property, regardless of which spouse
4 participates in the pension plan. The presumption that these
5 pension benefits are marital property is overcome by a showing
6 that the pension benefits were acquired by a method listed in
7 subsection (a) of this Section. The right to a division of
8 pension benefits in just proportions under this Section is
9 enforceable under Section 1-119 of the Illinois Pension Code.

10 The value of pension benefits in a retirement system
11 subject to the Illinois Pension Code shall be determined in
12 accordance with the valuation procedures established by the
13 retirement system.

14 The recognition of pension benefits as marital property and
15 the division of those benefits pursuant to a Qualified Illinois
16 Domestic Relations Order shall not be deemed to be a
17 diminishment, alienation, or impairment of those benefits. The
18 division of pension benefits is an allocation of property in
19 which each spouse has a species of common ownership.

20 (3) For purposes of distribution of property under this
21 Section, all stock options granted to either spouse after the
22 marriage and before a judgment of dissolution of marriage or
23 declaration of invalidity of marriage, whether vested or
24 non-vested or whether their value is ascertainable, are
25 presumed to be marital property. This presumption of marital
26 property is overcome by a showing that the stock options were

1 acquired by a method listed in subsection (a) of this Section.
2 The court shall allocate stock options between the parties at
3 the time of the judgment of dissolution of marriage or
4 declaration of invalidity of marriage recognizing that the
5 value of the stock options may not be then determinable and
6 that the actual division of the options may not occur until a
7 future date. In making the allocation between the parties, the
8 court shall consider, in addition to the factors set forth in
9 subsection (d) of this Section, the following:

10 (i) All circumstances underlying the grant of the stock
11 option including but not limited to whether the grant was
12 for past, present, or future efforts, or any combination
13 thereof.

14 (ii) The length of time from the grant of the option to
15 the time the option is exercisable.

16 (c) Commingled marital and non-marital property shall be
17 treated in the following manner, unless otherwise agreed by the
18 spouses:

19 (1) When marital and non-marital property are
20 commingled by contributing one estate of property into
21 another resulting in a loss of identity of the contributed
22 property, the classification of the contributed property
23 is transmuted to the estate receiving the contribution,
24 subject to the provisions of paragraph (2) of this
25 subsection; provided that if marital and non-marital
26 property are commingled into newly acquired property

1 resulting in a loss of identity of the contributing
2 estates, the commingled property shall be deemed
3 transmuted to marital property, subject to the provisions
4 of paragraph (2) of this subsection.

5 (2) When one estate of property makes a contribution to
6 another estate of property, or when a spouse contributes
7 personal effort to non-marital property, the contributing
8 estate shall be reimbursed from the estate receiving the
9 contribution notwithstanding any transmutation; provided,
10 that no such reimbursement shall be made with respect to a
11 contribution which is not retraceable by clear and
12 convincing evidence, or was a gift, or, in the case of a
13 contribution of personal effort of a spouse to non-marital
14 property, unless the effort is significant and results in
15 substantial appreciation of the non-marital property.
16 Personal effort of a spouse shall be deemed a contribution
17 by the marital estate. The court may provide for
18 reimbursement out of the marital property to be divided or
19 by imposing a lien against the non-marital property which
20 received the contribution.

21 (d) In a proceeding for dissolution of marriage or
22 declaration of invalidity of marriage, or in a proceeding for
23 disposition of property following dissolution of marriage by a
24 court which lacked personal jurisdiction over the absent spouse
25 or lacked jurisdiction to dispose of the property, the court
26 shall assign each spouse's non-marital property to that spouse.

1 It also shall divide the marital property without regard to
2 marital misconduct in just proportions considering all
3 relevant factors, including:

4 (1) the contribution of each party to the acquisition,
5 preservation, or increase or decrease in value of the
6 marital or non-marital property, including (i) any such
7 decrease attributable to a payment deemed to have been an
8 advance from the parties' marital estate under subsection
9 (c-1)(2) of Section 501 and (ii) the contribution of a
10 spouse as a homemaker or to the family unit;

11 (2) the dissipation by each party of the marital or
12 non-marital property;

13 (3) the value of the property assigned to each spouse;

14 (4) the duration of the marriage;

15 (5) the relevant economic circumstances of each spouse
16 when the division of property is to become effective,
17 including the desirability of awarding the family home, or
18 the right to live therein for reasonable periods, to the
19 spouse having custody of the children;

20 (6) any obligations and rights arising from a prior
21 marriage of either party;

22 (7) any antenuptial agreement of the parties;

23 (8) the age, health, station, occupation, amount and
24 sources of income, vocational skills, employability,
25 estate, liabilities, and needs of each of the parties;

26 (9) the custodial provisions for any children;

1 (10) whether the apportionment is in lieu of or in
2 addition to maintenance;

3 (11) the reasonable opportunity of each spouse for
4 future acquisition of capital assets and income; and

5 (12) the tax consequences of the property division upon
6 the respective economic circumstances of the parties.

7 (e) Each spouse has a species of common ownership in the
8 marital property which vests at the time dissolution
9 proceedings are commenced and continues only during the
10 pendency of the action. Any such interest in marital property
11 shall not encumber that property so as to restrict its
12 transfer, assignment or conveyance by the title holder unless
13 such title holder is specifically enjoined from making such
14 transfer, assignment or conveyance.

15 (f) In a proceeding for dissolution of marriage or
16 declaration of invalidity of marriage or in a proceeding for
17 disposition of property following dissolution of marriage by a
18 court that lacked personal jurisdiction over the absent spouse
19 or lacked jurisdiction to dispose of the property, the court,
20 in determining the value of the marital and non-marital
21 property for purposes of dividing the property, shall value the
22 property as of the date of trial or some other date as close to
23 the date of trial as is practicable.

24 (g) The court if necessary to protect and promote the best
25 interests of the children may set aside a portion of the
26 jointly or separately held estates of the parties in a separate

1 fund or trust for the support, maintenance, education, physical
2 and mental health, and general welfare of any minor, dependent,
3 or incompetent child of the parties. In making a determination
4 under this subsection, the court may consider, among other
5 things, the conviction of a party of any of the offenses set
6 forth in Section 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13,
7 12-14, 12-14.1, 12-15, or 12-16, or Section 12-3.05 except for
8 subdivision (a)(4) or (g)(1), of the Criminal Code of 1961 if
9 the victim is a child of one or both of the parties, and there
10 is a need for, and cost of, care, healing and counseling for
11 the child who is the victim of the crime.

12 (h) Unless specifically directed by a reviewing court, or
13 upon good cause shown, the court shall not on remand consider
14 any increase or decrease in the value of any "marital" or
15 "non-marital" property occurring since the assessment of such
16 property at the original trial or hearing, but shall use only
17 that assessment made at the original trial or hearing.

18 (i) The court may make such judgments affecting the marital
19 property as may be just and may enforce such judgments by
20 ordering a sale of marital property, with proceeds therefrom to
21 be applied as determined by the court.

22 (j) After proofs have closed in the final hearing on all
23 other issues between the parties (or in conjunction with the
24 final hearing, if all parties so stipulate) and before judgment
25 is entered, a party's petition for contribution to fees and
26 costs incurred in the proceeding shall be heard and decided, in

1 accordance with the following provisions:

2 (1) A petition for contribution, if not filed before
3 the final hearing on other issues between the parties,
4 shall be filed no later than 30 days after the closing of
5 proofs in the final hearing or within such other period as
6 the court orders.

7 (2) Any award of contribution to one party from the
8 other party shall be based on the criteria for division of
9 marital property under this Section 503 and, if maintenance
10 has been awarded, on the criteria for an award of
11 maintenance under Section 504.

12 (3) The filing of a petition for contribution shall not
13 be deemed to constitute a waiver of the attorney-client
14 privilege between the petitioning party and current or
15 former counsel; and such a waiver shall not constitute a
16 prerequisite to a hearing for contribution. If either
17 party's presentation on contribution, however, includes
18 evidence within the scope of the attorney-client
19 privilege, the disclosure or disclosures shall be narrowly
20 construed and shall not be deemed by the court to
21 constitute a general waiver of the privilege as to matters
22 beyond the scope of the presentation.

23 (4) No finding on which a contribution award is based
24 or denied shall be asserted against counsel or former
25 counsel for purposes of any hearing under subsection (c) or
26 (e) of Section 508.

1 (5) A contribution award (payable to either the
2 petitioning party or the party's counsel, or jointly, as
3 the court determines) may be in the form of either a set
4 dollar amount or a percentage of fees and costs (or a
5 portion of fees and costs) to be subsequently agreed upon
6 by the petitioning party and counsel or, alternatively,
7 thereafter determined in a hearing pursuant to subsection
8 (c) of Section 508 or previously or thereafter determined
9 in an independent proceeding under subsection (e) of
10 Section 508.

11 (6) The changes to this Section 503 made by this
12 amendatory Act of 1996 apply to cases pending on or after
13 June 1, 1997, except as otherwise provided in Section 508.
14 (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10.)

15 Section 990. The Illinois Domestic Violence Act of 1986 is
16 amended by changing Sections 103, 223, and 301 as follows:

17 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

18 Sec. 103. Definitions. For the purposes of this Act, the
19 following terms shall have the following meanings:

20 (1) "Abuse" means physical abuse, harassment, intimidation
21 of a dependent, interference with personal liberty or willful
22 deprivation but does not include reasonable direction of a
23 minor child by a parent or person in loco parentis.

24 (2) "Adult with disabilities" means an elder adult with

1 disabilities or a high-risk adult with disabilities. A person
2 may be an adult with disabilities for purposes of this Act even
3 though he or she has never been adjudicated an incompetent
4 adult. However, no court proceeding may be initiated or
5 continued on behalf of an adult with disabilities over that
6 adult's objection, unless such proceeding is approved by his or
7 her legal guardian, if any.

8 (3) "Domestic violence" means abuse as defined in paragraph
9 (1).

10 (4) "Elder adult with disabilities" means an adult
11 prevented by advanced age from taking appropriate action to
12 protect himself or herself from abuse by a family or household
13 member.

14 (5) "Exploitation" means the illegal, including tortious,
15 use of a high-risk adult with disabilities or of the assets or
16 resources of a high-risk adult with disabilities. Exploitation
17 includes, but is not limited to, the misappropriation of assets
18 or resources of a high-risk adult with disabilities by undue
19 influence, by breach of a fiduciary relationship, by fraud,
20 deception, or extortion, or the use of such assets or resources
21 in a manner contrary to law.

22 (6) "Family or household members" include spouses, former
23 spouses, parents, children, stepchildren and other persons
24 related by blood or by present or prior marriage, persons who
25 share or formerly shared a common dwelling, persons who have or
26 allegedly have a child in common, persons who share or

1 allegedly share a blood relationship through a child, persons
2 who have or have had a dating or engagement relationship,
3 persons with disabilities and their personal assistants, and
4 caregivers as defined in Section 12-4.4a or paragraph (3) of
5 subsection (b) of Section 12-21 of the Criminal Code of 1961.
6 For purposes of this paragraph, neither a casual
7 acquaintanceship nor ordinary fraternization between 2
8 individuals in business or social contexts shall be deemed to
9 constitute a dating relationship. In the case of a high-risk
10 adult with disabilities, "family or household members"
11 includes any person who has the responsibility for a high-risk
12 adult as a result of a family relationship or who has assumed
13 responsibility for all or a portion of the care of a high-risk
14 adult with disabilities voluntarily, or by express or implied
15 contract, or by court order.

16 (7) "Harassment" means knowing conduct which is not
17 necessary to accomplish a purpose that is reasonable under the
18 circumstances; would cause a reasonable person emotional
19 distress; and does cause emotional distress to the petitioner.
20 Unless the presumption is rebutted by a preponderance of the
21 evidence, the following types of conduct shall be presumed to
22 cause emotional distress:

23 (i) creating a disturbance at petitioner's place of
24 employment or school;

25 (ii) repeatedly telephoning petitioner's place of
26 employment, home or residence;

1 (iii) repeatedly following petitioner about in a
2 public place or places;

3 (iv) repeatedly keeping petitioner under surveillance
4 by remaining present outside his or her home, school, place
5 of employment, vehicle or other place occupied by
6 petitioner or by peering in petitioner's windows;

7 (v) improperly concealing a minor child from
8 petitioner, repeatedly threatening to improperly remove a
9 minor child of petitioner's from the jurisdiction or from
10 the physical care of petitioner, repeatedly threatening to
11 conceal a minor child from petitioner, or making a single
12 such threat following an actual or attempted improper
13 removal or concealment, unless respondent was fleeing an
14 incident or pattern of domestic violence; or

15 (vi) threatening physical force, confinement or
16 restraint on one or more occasions.

17 (8) "High-risk adult with disabilities" means a person aged
18 18 or over whose physical or mental disability impairs his or
19 her ability to seek or obtain protection from abuse, neglect,
20 or exploitation.

21 (9) "Interference with personal liberty" means committing
22 or threatening physical abuse, harassment, intimidation or
23 willful deprivation so as to compel another to engage in
24 conduct from which she or he has a right to abstain or to
25 refrain from conduct in which she or he has a right to engage.

26 (10) "Intimidation of a dependent" means subjecting a

1 person who is dependent because of age, health or disability to
2 participation in or the witnessing of: physical force against
3 another or physical confinement or restraint of another which
4 constitutes physical abuse as defined in this Act, regardless
5 of whether the abused person is a family or household member.

6 (11) (A) "Neglect" means the failure to exercise that
7 degree of care toward a high-risk adult with disabilities which
8 a reasonable person would exercise under the circumstances and
9 includes but is not limited to:

10 (i) the failure to take reasonable steps to protect a
11 high-risk adult with disabilities from acts of abuse;

12 (ii) the repeated, careless imposition of unreasonable
13 confinement;

14 (iii) the failure to provide food, shelter, clothing,
15 and personal hygiene to a high-risk adult with disabilities
16 who requires such assistance;

17 (iv) the failure to provide medical and rehabilitative
18 care for the physical and mental health needs of a
19 high-risk adult with disabilities; or

20 (v) the failure to protect a high-risk adult with
21 disabilities from health and safety hazards.

22 (B) Nothing in this subsection (10) shall be construed to
23 impose a requirement that assistance be provided to a high-risk
24 adult with disabilities over his or her objection in the
25 absence of a court order, nor to create any new affirmative
26 duty to provide support to a high-risk adult with disabilities.

1 (12) "Order of protection" means an emergency order,
2 interim order or plenary order, granted pursuant to this Act,
3 which includes any or all of the remedies authorized by Section
4 214 of this Act.

5 (13) "Petitioner" may mean not only any named petitioner
6 for the order of protection and any named victim of abuse on
7 whose behalf the petition is brought, but also any other person
8 protected by this Act.

9 (14) "Physical abuse" includes sexual abuse and means any
10 of the following:

11 (i) knowing or reckless use of physical force,
12 confinement or restraint;

13 (ii) knowing, repeated and unnecessary sleep
14 deprivation; or

15 (iii) knowing or reckless conduct which creates an
16 immediate risk of physical harm.

17 (14.5) "Stay away" means for the respondent to refrain from
18 both physical presence and nonphysical contact with the
19 petitioner whether direct, indirect (including, but not
20 limited to, telephone calls, mail, email, faxes, and written
21 notes), or through third parties who may or may not know about
22 the order of protection.

23 (15) "Willful deprivation" means wilfully denying a person
24 who because of age, health or disability requires medication,
25 medical care, shelter, accessible shelter or services, food,
26 therapeutic device, or other physical assistance, and thereby

1 exposing that person to the risk of physical, mental or
2 emotional harm, except with regard to medical care or treatment
3 when the dependent person has expressed an intent to forgo such
4 medical care or treatment. This paragraph does not create any
5 new affirmative duty to provide support to dependent persons.

6 (Source: P.A. 92-253, eff. 1-1-02; 93-811, eff. 1-1-05.)

7 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

8 Sec. 223. Enforcement of orders of protection.

9 (a) When violation is crime. A violation of any order of
10 protection, whether issued in a civil or criminal proceeding,
11 shall be enforced by a criminal court when:

12 (1) The respondent commits the crime of violation of an
13 order of protection pursuant to Section 12-3.4 or 12-30 of
14 the Criminal Code of 1961, by having knowingly violated:

15 (i) remedies described in paragraphs (1), (2),
16 (3), (14), or (14.5) of subsection (b) of Section 214
17 of this Act; or

18 (ii) a remedy, which is substantially similar to
19 the remedies authorized under paragraphs (1), (2),
20 (3), (14), and (14.5) of subsection (b) of Section 214
21 of this Act, in a valid order of protection which is
22 authorized under the laws of another state, tribe, or
23 United States territory; or

24 (iii) any other remedy when the act constitutes a
25 crime against the protected parties as defined by the

1 Criminal Code of 1961.

2 Prosecution for a violation of an order of protection
3 shall not bar concurrent prosecution for any other crime,
4 including any crime that may have been committed at the
5 time of the violation of the order of protection; or

6 (2) The respondent commits the crime of child abduction
7 pursuant to Section 10-5 of the Criminal Code of 1961, by
8 having knowingly violated:

9 (i) remedies described in paragraphs (5), (6) or
10 (8) of subsection (b) of Section 214 of this Act; or

11 (ii) a remedy, which is substantially similar to
12 the remedies authorized under paragraphs (5), (6), or
13 (8) of subsection (b) of Section 214 of this Act, in a
14 valid order of protection which is authorized under the
15 laws of another state, tribe, or United States
16 territory.

17 (b) When violation is contempt of court. A violation of any
18 valid Illinois order of protection, whether issued in a civil
19 or criminal proceeding, may be enforced through civil or
20 criminal contempt procedures, as appropriate, by any court with
21 jurisdiction, regardless where the act or acts which violated
22 the order of protection were committed, to the extent
23 consistent with the venue provisions of this Act. Nothing in
24 this Act shall preclude any Illinois court from enforcing any
25 valid order of protection issued in another state. Illinois
26 courts may enforce orders of protection through both criminal

1 prosecution and contempt proceedings, unless the action which
2 is second in time is barred by collateral estoppel or the
3 constitutional prohibition against double jeopardy.

4 (1) In a contempt proceeding where the petition for a
5 rule to show cause sets forth facts evidencing an immediate
6 danger that the respondent will flee the jurisdiction,
7 conceal a child, or inflict physical abuse on the
8 petitioner or minor children or on dependent adults in
9 petitioner's care, the court may order the attachment of
10 the respondent without prior service of the rule to show
11 cause or the petition for a rule to show cause. Bond shall
12 be set unless specifically denied in writing.

13 (2) A petition for a rule to show cause for violation
14 of an order of protection shall be treated as an expedited
15 proceeding.

16 (c) Violation of custody or support orders. A violation of
17 remedies described in paragraphs (5), (6), (8), or (9) of
18 subsection (b) of Section 214 of this Act may be enforced by
19 any remedy provided by Section 611 of the Illinois Marriage and
20 Dissolution of Marriage Act. The court may enforce any order
21 for support issued under paragraph (12) of subsection (b) of
22 Section 214 in the manner provided for under Parts V and VII of
23 the Illinois Marriage and Dissolution of Marriage Act.

24 (d) Actual knowledge. An order of protection may be
25 enforced pursuant to this Section if the respondent violates
26 the order after the respondent has actual knowledge of its

1 contents as shown through one of the following means:

2 (1) By service, delivery, or notice under Section 210.

3 (2) By notice under Section 210.1 or 211.

4 (3) By service of an order of protection under Section
5 222.

6 (4) By other means demonstrating actual knowledge of
7 the contents of the order.

8 (e) The enforcement of an order of protection in civil or
9 criminal court shall not be affected by either of the
10 following:

11 (1) The existence of a separate, correlative order,
12 entered under Section 215.

13 (2) Any finding or order entered in a conjoined
14 criminal proceeding.

15 (f) Circumstances. The court, when determining whether or
16 not a violation of an order of protection has occurred, shall
17 not require physical manifestations of abuse on the person of
18 the victim.

19 (g) Penalties.

20 (1) Except as provided in paragraph (3) of this
21 subsection, where the court finds the commission of a crime
22 or contempt of court under subsections (a) or (b) of this
23 Section, the penalty shall be the penalty that generally
24 applies in such criminal or contempt proceedings, and may
25 include one or more of the following: incarceration,
26 payment of restitution, a fine, payment of attorneys' fees

1 and costs, or community service.

2 (2) The court shall hear and take into account evidence
3 of any factors in aggravation or mitigation before deciding
4 an appropriate penalty under paragraph (1) of this
5 subsection.

6 (3) To the extent permitted by law, the court is
7 encouraged to:

8 (i) increase the penalty for the knowing violation
9 of any order of protection over any penalty previously
10 imposed by any court for respondent's violation of any
11 order of protection or penal statute involving
12 petitioner as victim and respondent as defendant;

13 (ii) impose a minimum penalty of 24 hours
14 imprisonment for respondent's first violation of any
15 order of protection; and

16 (iii) impose a minimum penalty of 48 hours
17 imprisonment for respondent's second or subsequent
18 violation of an order of protection

19 unless the court explicitly finds that an increased penalty
20 or that period of imprisonment would be manifestly unjust.

21 (4) In addition to any other penalties imposed for a
22 violation of an order of protection, a criminal court may
23 consider evidence of any violations of an order of
24 protection:

25 (i) to increase, revoke or modify the bail bond on
26 an underlying criminal charge pursuant to Section

1 110-6 of the Code of Criminal Procedure of 1963;

2 (ii) to revoke or modify an order of probation,
3 conditional discharge or supervision, pursuant to
4 Section 5-6-4 of the Unified Code of Corrections;

5 (iii) to revoke or modify a sentence of periodic
6 imprisonment, pursuant to Section 5-7-2 of the Unified
7 Code of Corrections.

8 (5) In addition to any other penalties, the court shall
9 impose an additional fine of \$20 as authorized by Section
10 5-9-1.11 of the Unified Code of Corrections upon any person
11 convicted of or placed on supervision for a violation of an
12 order of protection. The additional fine shall be imposed
13 for each violation of this Section.

14 (Source: P.A. 95-331, eff. 8-21-07.)

15 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

16 Sec. 301. Arrest without warrant.

17 (a) Any law enforcement officer may make an arrest without
18 warrant if the officer has probable cause to believe that the
19 person has committed or is committing any crime, including but
20 not limited to violation of an order of protection, under
21 Section 12-3.4 or 12-30 of the Criminal Code of 1961, even if
22 the crime was not committed in the presence of the officer.

23 (b) The law enforcement officer may verify the existence of
24 an order of protection by telephone or radio communication with
25 his or her law enforcement agency or by referring to the copy

1 of the order provided by the petitioner or respondent.

2 (c) Any law enforcement officer may make an arrest without
3 warrant if the officer has reasonable grounds to believe a
4 defendant at liberty under the provisions of subdivision (d) (1)
5 or (d) (2) of Section 110-10 of the Code of Criminal Procedure
6 of 1963 has violated a condition of his or her bail bond or
7 recognizance.

8 (Source: P.A. 88-624, eff. 1-1-95.)

9 Section 995. The Probate Act of 1975 is amended by changing
10 Sections 2-6.2 and 2-6.6 as follows:

11 (755 ILCS 5/2-6.2)

12 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an
13 elderly person or a person with a disability.

14 (a) In this Section:

15 "Abuse" means any offense described in Section 12-21 or
16 subsection (b) of Section 12-4.4a of the Criminal Code of 1961.

17 "Financial exploitation" means any offense described in
18 Section 16-1.3 of the Criminal Code of 1961.

19 "Neglect" means any offense described in Section 12-19 or
20 subsection (a) of Section 12-4.4a of the Criminal Code of 1961.

21 (b) Persons convicted of financial exploitation, abuse, or
22 neglect of an elderly person or a person with a disability
23 shall not receive any property, benefit, or other interest by
24 reason of the death of that elderly person or person with a

1 disability, whether as heir, legatee, beneficiary, survivor,
2 appointee, claimant under Section 18-1.1, or in any other
3 capacity and whether the property, benefit, or other interest
4 passes pursuant to any form of title registration, testamentary
5 or nontestamentary instrument, intestacy, renunciation, or any
6 other circumstance. The property, benefit, or other interest
7 shall pass as if the person convicted of the financial
8 exploitation, abuse, or neglect died before the decedent,
9 provided that with respect to joint tenancy property the
10 interest possessed prior to the death by the person convicted
11 of the financial exploitation, abuse, or neglect shall not be
12 diminished by the application of this Section. Notwithstanding
13 the foregoing, a person convicted of financial exploitation,
14 abuse, or neglect of an elderly person or a person with a
15 disability shall be entitled to receive property, a benefit, or
16 an interest in any capacity and under any circumstances
17 described in this subsection (b) if it is demonstrated by clear
18 and convincing evidence that the victim of that offense knew of
19 the conviction and subsequent to the conviction expressed or
20 ratified his or her intent to transfer the property, benefit,
21 or interest to the person convicted of financial exploitation,
22 abuse, or neglect of an elderly person or a person with a
23 disability in any manner contemplated by this subsection (b).

24 (c) (1) The holder of any property subject to the
25 provisions of this Section shall not be liable for
26 distributing or releasing the property to the person

1 convicted of financial exploitation, abuse, or neglect of
2 an elderly person or a person with a disability if the
3 distribution or release occurs prior to the conviction.

4 (2) If the holder is a financial institution, trust
5 company, trustee, or similar entity or person, the holder
6 shall not be liable for any distribution or release of the
7 property, benefit, or other interest to the person
8 convicted of a violation of Section 12-19, 12-21, or
9 16-1.3, or subsection (a) or (b) of Section 12-4.4a, of the
10 Criminal Code of 1961 unless the holder knowingly
11 distributes or releases the property, benefit, or other
12 interest to the person so convicted after first having
13 received actual written notice of the conviction in
14 sufficient time to act upon the notice.

15 (d) If the holder of any property subject to the provisions
16 of this Section knows that a potential beneficiary has been
17 convicted of financial exploitation, abuse, or neglect of an
18 elderly person or a person with a disability within the scope
19 of this Section, the holder shall fully cooperate with law
20 enforcement authorities and judicial officers in connection
21 with any investigation of the financial exploitation, abuse, or
22 neglect. If the holder is a person or entity that is subject to
23 regulation by a regulatory agency pursuant to the laws of this
24 or any other state or pursuant to the laws of the United
25 States, including but not limited to the business of a
26 financial institution, corporate fiduciary, or insurance

1 company, then such person or entity shall not be deemed to be
2 in violation of this Section to the extent that privacy laws
3 and regulations applicable to such person or entity prevent it
4 from voluntarily providing law enforcement authorities or
5 judicial officers with information.

6 (Source: P.A. 95-315, eff. 1-1-08.)

7 (755 ILCS 5/2-6.6)

8 Sec. 2-6.6. Person convicted of certain offenses against
9 the elderly or disabled. A person who is convicted of a
10 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
11 or (b) of Section 12-4.4a, of the Criminal Code of 1961 may not
12 receive any property, benefit, or other interest by reason of
13 the death of the victim of that offense, whether as heir,
14 legatee, beneficiary, joint tenant, tenant by the entirety,
15 survivor, appointee, or in any other capacity and whether the
16 property, benefit, or other interest passes pursuant to any
17 form of title registration, testamentary or nontestamentary
18 instrument, intestacy, renunciation, or any other
19 circumstance. The property, benefit, or other interest shall
20 pass as if the person convicted of a violation of Section
21 12-19, 12-21, or 16-1.3, or subsection (a) or (b) of Section
22 12-4.4a, of the Criminal Code of 1961 died before the decedent;
23 provided that with respect to joint tenancy property or
24 property held in tenancy by the entirety, the interest
25 possessed prior to the death by the person convicted may not be

1 diminished by the application of this Section. Notwithstanding
2 the foregoing, a person convicted of a violation of Section
3 12-19, 12-21, or 16-1.3, or subsection (a) or (b) of Section
4 12-4.4a, of the Criminal Code of 1961 shall be entitled to
5 receive property, a benefit, or an interest in any capacity and
6 under any circumstances described in this Section if it is
7 demonstrated by clear and convincing evidence that the victim
8 of that offense knew of the conviction and subsequent to the
9 conviction expressed or ratified his or her intent to transfer
10 the property, benefit, or interest to the person convicted of a
11 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
12 or (b) of Section 12-4.4a, of the Criminal Code of 1961 in any
13 manner contemplated by this Section.

14 The holder of any property subject to the provisions of
15 this Section is not liable for distributing or releasing the
16 property to the person convicted of violating Section 12-19,
17 12-21, or 16-1.3, or subsection (a) or (b) of Section 12-4.4a,
18 of the Criminal Code of 1961.

19 If the holder is a financial institution, trust company,
20 trustee, or similar entity or person, the holder shall not be
21 liable for any distribution or release of the property,
22 benefit, or other interest to the person convicted of a
23 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
24 or (b) of Section 12-4.4a, of the Criminal Code of 1961 unless
25 the holder knowingly distributes or releases the property,
26 benefit, or other interest to the person so convicted after

1 first having received actual written notice of the conviction
2 in sufficient time to act upon the notice.

3 The Department of State Police shall have access to State
4 of Illinois databases containing information that may help in
5 the identification or location of persons convicted of the
6 offenses enumerated in this Section. Interagency agreements
7 shall be implemented, consistent with security and procedures
8 established by the State agency and consistent with the laws
9 governing the confidentiality of the information in the
10 databases. Information shall be used only for administration of
11 this Section.

12 (Source: P.A. 93-301, eff. 1-1-04.)

13 Article 2.

14 Section 5. The Criminal Code of 1961 is amended by adding
15 the headings of Subdivisions 1, 5, 10, 15, 20, and 25 of
16 Article 11, by adding Sections 11-0.1, 11-9.1A, 11-14.3, and
17 11-14.4, by changing Sections 11-6, 11-6.5, 11-9.1, 11-9.2,
18 11-9.3, 11-9.5, 11-11, 11-14, 11-14.1, 11-18, 11-18.1, 11-20,
19 11-20.1, 11-20.2, 11-21, 11-23, and 11-24, and by renumbering
20 and changing Sections 11-7, 11-8, 11-9, 11-12, 11-20.3, 12-13,
21 12-14, 12-14.1, 12-15, 12-16, 12-17, 12-18, and 12-18.1 as
22 follows:

23 (720 ILCS 5/Art. 11 Subdiv. 1 heading new)

1 SUBDIVISION 1. GENERAL DEFINITIONS

2 (720 ILCS 5/11-0.1 new)

3 Sec. 11-0.1. Definitions. In this Article, unless the
4 context clearly requires otherwise, the following terms are
5 defined as indicated:

6 "Accused" means a person accused of an offense prohibited
7 by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of
8 this Code or a person for whose conduct the accused is legally
9 responsible under Article 5 of this Code.

10 "Adult obscenity or child pornography Internet site". See
11 Section 11-23.

12 "Advance prostitution" means:

13 (1) Soliciting for a prostitute by performing any of
14 the following acts when acting other than as a prostitute
15 or a patron of a prostitute:

16 (A) Soliciting another for the purpose of
17 prostitution.

18 (B) Arranging or offering to arrange a meeting of
19 persons for the purpose of prostitution.

20 (C) Directing another to a place knowing the
21 direction is for the purpose of prostitution.

22 (2) Keeping a place of prostitution by controlling or
23 exercising control over the use of any place that could
24 offer seclusion or shelter for the practice of prostitution
25 and performing any of the following acts when acting other

1 than as a prostitute or a patron of a prostitute:

2 (A) Knowingly granting or permitting the use of the
3 place for the purpose of prostitution.

4 (B) Granting or permitting the use of the place
5 under circumstances from which he or she could
6 reasonably know that the place is used or is to be used
7 for purposes of prostitution.

8 (C) Permitting the continued use of the place after
9 becoming aware of facts or circumstances from which he
10 or she should reasonably know that the place is being
11 used for purposes of prostitution.

12 "Agency". See Section 11-9.5.

13 "Arranges". See Section 11-6.5.

14 "Bodily harm" means physical harm, and includes, but is not
15 limited to, sexually transmitted disease, pregnancy, and
16 impotence.

17 "Care and custody". See Section 11-9.5.

18 "Child care institution". See Section 11-9.3.

19 "Child pornography". See Section 11-20.1.

20 "Child sex offender". See Section 11-9.3.

21 "Community agency". See Section 11-9.5.

22 "Conditional release". See Section 11-9.2.

23 "Consent". See Section 11-1.70.

24 "Custody". See Section 11-9.2.

25 "Day care center". See Section 11-9.3.

26 "Depict by computer". See Section 11-20.1.

1 "Depiction by computer". See Section 11-20.1.

2 "Disseminate". See Section 11-20.1.

3 "Distribute". See Section 11-21.

4 "Family member" means a parent, grandparent, child, aunt,
5 uncle, great-aunt, or great-uncle, whether by whole blood,
6 half-blood, or adoption, and includes a step-grandparent,
7 step-parent, or step-child. "Family member" also means, if the
8 victim is a child under 18 years of age, an accused who has
9 resided in the household with the child continuously for at
10 least 6 months.

11 "Force or threat of force" means the use of force or
12 violence or the threat of force or violence, including, but not
13 limited to, the following situations:

14 (1) when the accused threatens to use force or violence
15 on the victim or on any other person, and the victim under
16 the circumstances reasonably believes that the accused has
17 the ability to execute that threat; or

18 (2) when the accused overcomes the victim by use of
19 superior strength or size, physical restraint, or physical
20 confinement.

21 "Harmful to minors". See Section 11-21.

22 "Loiter". See Section 9.3.

23 "Material". See Section 11-21.

24 "Minor". See Section 11-21.

25 "Nudity". See Section 11-21.

26 "Obscene". See Section 11-20.

1 "Part day child care facility". See Section 11-9.3.

2 "Penal system". See Section 11-9.2.

3 "Person responsible for the child's welfare". See Section
4 11-9.1A.

5 "Person with a disability". See Section 11-9.5.

6 "Playground". See Section 11-9.3.

7 "Probation officer". See Section 11-9.2.

8 "Produce". See Section 11-20.1.

9 "Profit from prostitution" means, when acting other than as
10 a prostitute, to receive anything of value for personally
11 rendered prostitution services or to receive anything of value
12 from a prostitute, if the thing received is not for lawful
13 consideration and the person knows it was earned in whole or in
14 part from the practice of prostitution.

15 "Public park". See Section 11-9.3.

16 "Public place". See Section 11-30.

17 "Reproduce". See Section 11-20.1.

18 "Sado-masochistic abuse". See Section 11-21.

19 "School". See Section 11-9.3.

20 "School official". See Section 11-9.3.

21 "Sexual abuse". See Section 11-9.1A.

22 "Sexual act". See Section 11-9.1.

23 "Sexual conduct" means any knowing touching or fondling by
24 the victim or the accused, either directly or through clothing,
25 of the sex organs, anus, or breast of the victim or the
26 accused, or any part of the body of a child under 13 years of

1 age, or any transfer or transmission of semen by the accused
2 upon any part of the clothed or unclothed body of the victim,
3 for the purpose of sexual gratification or arousal of the
4 victim or the accused.

5 "Sexual excitement". See Section 11-21.

6 "Sexual penetration" means any contact, however slight,
7 between the sex organ or anus of one person and an object or
8 the sex organ, mouth, or anus of another person, or any
9 intrusion, however slight, of any part of the body of one
10 person or of any animal or object into the sex organ or anus of
11 another person, including, but not limited to, cunnilingus,
12 fellatio, or anal penetration. Evidence of emission of semen is
13 not required to prove sexual penetration.

14 "Solicit". See Section 11-6.

15 "State-operated facility". See Section 11-9.5.

16 "Supervising officer". See Section 11-9.2.

17 "Surveillance agent". See Section 11-9.2.

18 "Treatment and detention facility". See Section 11-9.2.

19 "Victim" means a person alleging to have been subjected to
20 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,
21 11-1.50, or 11-1.60 of this Code.

22 (720 ILCS 5/Art. 11 Subdiv. 5 heading new)

23 SUBDIVISION 5. SEXUAL MISCONDUCT OFFENSES

24 (720 ILCS 5/11-1.10) (was 720 ILCS 5/12-18)

1 Sec. 11-1.10. ~~12-18.~~ General provisions concerning
2 offenses described in Sections 11-1.20 through 11-1.60.
3 ~~Provisions.~~

4 (a) No person accused of violating Section 11-1.20,
5 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~Sections 12-13, 12-14,~~
6 ~~12-15 or 12-16~~ of this Code shall be presumed to be incapable
7 of committing an offense prohibited by Section 11-1.20,
8 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~Sections 12-13, 12-14,~~
9 ~~12-14.1, 12-15 or 12-16~~ of this Code because of age, physical
10 condition or relationship to the victim, ~~except as otherwise~~
11 ~~provided in subsection (c) of this Section.~~ Nothing in this
12 Section shall be construed to modify or abrogate the
13 affirmative defense of infancy under Section 6-1 of this Code
14 or the provisions of Section 5-805 of the Juvenile Court Act of
15 1987.

16 (b) Any medical examination or procedure which is conducted
17 by a physician, nurse, medical or hospital personnel, parent,
18 or caretaker for purposes and in a manner consistent with
19 reasonable medical standards is not an offense under Section
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~Sections 12-13,~~
21 ~~12-14, 12-14.1, 12-15 and 12-16~~ of this Code.

22 (c) (Blank).

23 (d) (Blank).

24 (e) After a finding at a preliminary hearing that there is
25 probable cause to believe that an accused has committed a
26 violation of Section 11-1.20, 11-1.30, or 11-1.40 ~~12-13, 12-14,~~

1 ~~or 12-14.1~~ of this Code, or after an indictment is returned
2 charging an accused with a violation of Section 11-1.20,
3 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~ of this Code, or
4 after a finding that a defendant charged with a violation of
5 Section 11-1.20, 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~
6 of this Code is unfit to stand trial pursuant to Section 104-16
7 of the Code of Criminal Procedure of 1963 where the finding is
8 made prior to preliminary hearing, at the request of the person
9 who was the victim of the violation of Section 11-1.20,
10 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~, the prosecuting
11 State's attorney shall seek an order from the court to compel
12 the accused to be tested within 48 hours for any sexually
13 transmissible disease, including a test for infection with
14 human immunodeficiency virus (HIV). The medical tests shall be
15 performed only by appropriately licensed medical
16 practitioners. The test for infection with human
17 immunodeficiency virus (HIV) shall consist of an enzyme-linked
18 immunosorbent assay (ELISA) test, or such other test as may be
19 approved by the Illinois Department of Public Health; in the
20 event of a positive result, the Western Blot Assay or a more
21 reliable confirmatory test shall be administered. The results
22 of the tests and any follow-up tests shall be kept strictly
23 confidential by all medical personnel involved in the testing
24 and must be personally delivered in a sealed envelope to the
25 victim, to the defendant, to the State's Attorney, and to the
26 judge who entered the order, for the judge's inspection in

1 camera. The judge shall provide to the victim a referral to the
2 Illinois Department of Public Health HIV/AIDS toll-free
3 hotline for counseling and information in connection with the
4 test result. Acting in accordance with the best interests of
5 the victim and the public, the judge shall have the discretion
6 to determine to whom, if anyone, the result of the testing may
7 be revealed; however, in no case shall the identity of the
8 victim be disclosed. The court shall order that the cost of the
9 tests shall be paid by the county, and shall be taxed as costs
10 against the accused if convicted.

11 (f) Whenever any law enforcement officer has reasonable
12 cause to believe that a person has been delivered a controlled
13 substance without his or her consent, the law enforcement
14 officer shall advise the victim about seeking medical treatment
15 and preserving evidence.

16 (g) Every hospital providing emergency hospital services
17 to an alleged sexual assault survivor, when there is reasonable
18 cause to believe that a person has been delivered a controlled
19 substance without his or her consent, shall designate personnel
20 to provide:

21 (1) An explanation to the victim about the nature and
22 effects of commonly used controlled substances and how such
23 controlled substances are administered.

24 (2) An offer to the victim of testing for the presence
25 of such controlled substances.

26 (3) A disclosure to the victim that all controlled

1 substances or alcohol ingested by the victim will be
2 disclosed by the test.

3 (4) A statement that the test is completely voluntary.

4 (5) A form for written authorization for sample
5 analysis of all controlled substances and alcohol ingested
6 by the victim.

7 A physician licensed to practice medicine in all its
8 branches may agree to be a designated person under this
9 subsection.

10 No sample analysis may be performed unless the victim
11 returns a signed written authorization within 30 days after the
12 sample was collected.

13 Any medical treatment or care under this subsection shall
14 be only in accordance with the order of a physician licensed to
15 practice medicine in all of its branches. Any testing under
16 this subsection shall be only in accordance with the order of a
17 licensed individual authorized to order the testing.

18 (Source: P.A. 94-397, eff. 1-1-06; 95-926, eff. 8-26-08.)

19 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

20 Sec. 11-1.20. ~~12-13.~~ Criminal Sexual Assault.

21 (a) A person commits criminal sexual assault if that person
22 commits an act of sexual penetration and:

23 (1) uses force or threat of force;

24 (2) knows that the victim is unable to understand the
25 nature of the act or is unable to give knowing consent;

1 (3) is a family member of the victim, and the victim is
2 under 18 years of age; or

3 (4) is 17 years of age or over and holds a position of
4 trust, authority, or supervision in relation to the victim,
5 and the victim is at least 13 years of age but under 18
6 years of age. The accused commits criminal sexual assault
7 if he or she:

8 ~~(1) commits an act of sexual penetration by the use of~~
9 ~~force or threat of force; or~~

10 ~~(2) commits an act of sexual penetration and the~~
11 ~~accused knew that the victim was unable to understand the~~
12 ~~nature of the act or was unable to give knowing consent; or~~

13 ~~(3) commits an act of sexual penetration with a victim~~
14 ~~who was under 18 years of age when the act was committed~~
15 ~~and the accused was a family member; or~~

16 ~~(4) commits an act of sexual penetration with a victim~~
17 ~~who was at least 13 years of age but under 18 years of age~~
18 ~~when the act was committed and the accused was 17 years of~~
19 ~~age or over and held a position of trust, authority or~~
20 ~~supervision in relation to the victim.~~

21 (b) Sentence.

22 (1) Criminal sexual assault is a Class 1 felony, except
23 that:-

24 (A) (2) A person who is convicted of the offense of
25 criminal sexual assault as defined in paragraph (a) (1)
26 or (a) (2) after having previously been convicted of the

1 offense of criminal sexual assault or the offense of
2 exploitation of a child, or who is convicted of the
3 offense of criminal sexual assault as defined in
4 paragraph (a)(1) or (a)(2) after having previously
5 been convicted under the laws of this State or any
6 other state of an offense that is substantially
7 equivalent to the offense of criminal sexual assault or
8 to the offense of exploitation of a child, commits a
9 Class X felony for which the person shall be sentenced
10 to a term of imprisonment of not less than 30 years and
11 not more than 60 years. The commission of the second or
12 subsequent offense is required to have been after the
13 initial conviction for this paragraph (A) ~~(2)~~ to apply.

14 (B) ~~(3)~~ A person who is convicted of the offense of
15 criminal sexual assault as defined in paragraph (a)(1)
16 or (a)(2) after having previously been convicted of the
17 offense of aggravated criminal sexual assault or the
18 offense of predatory criminal sexual assault of a
19 child, or who is convicted of the offense of criminal
20 sexual assault as defined in paragraph (a)(1) or (a)(2)
21 after having previously been convicted under the laws
22 of this State or any other state of an offense that is
23 substantially equivalent to the offense of aggravated
24 criminal sexual assault or the offense of ~~criminal~~
25 predatory criminal sexual assault of a child shall be
26 sentenced to a term of natural life imprisonment. The

1 commission of the second or subsequent offense is
2 required to have been after the initial conviction for
3 this paragraph (B) ~~(3)~~ to apply.

4 (C) ~~(4)~~ A second or subsequent conviction for a
5 violation of paragraph (a)(3) or (a)(4) or under any
6 similar statute of this State or any other state for
7 any offense involving criminal sexual assault that is
8 substantially equivalent to or more serious than the
9 sexual assault prohibited under paragraph (a)(3) or
10 (a)(4) is a Class X felony.

11 ~~(5) When a person has any such prior conviction, the~~
12 ~~information or indictment charging that person shall state~~
13 ~~such prior conviction so as to give notice of the State's~~
14 ~~intention to treat the charge as a Class X felony. The fact~~
15 ~~of such prior conviction is not an element of the offense~~
16 ~~and may not be disclosed to the jury during trial unless~~
17 ~~otherwise permitted by issues properly raised during such~~
18 ~~trial.~~

19 (Source: P.A. 95-640, eff. 6-1-08.)

20 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

21 Sec. 11-1.30 ~~12-14~~. Aggravated Criminal Sexual Assault.

22 (a) A person commits aggravated criminal sexual assault if
23 that person commits criminal sexual assault and any of the
24 following aggravating circumstances exist during the
25 commission of the offense or, for purposes of paragraph (7),

1 occur as part of the same course of conduct as the commission
2 of the offense:

3 (1) the person displays, threatens to use, or uses a
4 dangerous weapon, other than a firearm, or any other object
5 fashioned or used in a manner that leads the victim, under
6 the circumstances, reasonably to believe that the object is
7 a dangerous weapon;

8 (2) the person causes bodily harm to the victim, except
9 as provided in paragraph (10);

10 (3) the person acts in a manner that threatens or
11 endangers the life of the victim or any other person;

12 (4) the person commits the criminal sexual assault
13 during the course of committing or attempting to commit any
14 other felony;

15 (5) the victim is 60 years of age or older;

16 (6) the victim is a physically handicapped person;

17 (7) the person delivers (by injection, inhalation,
18 ingestion, transfer of possession, or any other means) any
19 controlled substance to the victim without the victim's
20 consent or by threat or deception for other than medical
21 purposes;

22 (8) the person is armed with a firearm;

23 (9) the person personally discharges a firearm during
24 the commission of the offense; or

25 (10) the person personally discharges a firearm during
26 the commission of the offense, and that discharge

1 proximately causes great bodily harm, permanent
2 disability, permanent disfigurement, or death to another
3 person. ~~The accused commits aggravated criminal sexual~~
4 ~~assault if he or she commits criminal sexual assault and~~
5 ~~any of the following aggravating circumstances existed~~
6 ~~during, or for the purposes of paragraph (7) of this~~
7 ~~subsection (a) as part of the same course of conduct as,~~
8 ~~the commission of the offense:~~

9 ~~(1) the accused displayed, threatened to use, or used a~~
10 ~~dangerous weapon, other than a firearm, or any object~~
11 ~~fashioned or utilized in such a manner as to lead the~~
12 ~~victim under the circumstances reasonably to believe it to~~
13 ~~be a dangerous weapon; or~~

14 ~~(2) the accused caused bodily harm, except as provided~~
15 ~~in subsection (a) (10), to the victim; or~~

16 ~~(3) the accused acted in such a manner as to threaten~~
17 ~~or endanger the life of the victim or any other person; or~~

18 ~~(4) the criminal sexual assault was perpetrated during~~
19 ~~the course of the commission or attempted commission of any~~
20 ~~other felony by the accused; or~~

21 ~~(5) the victim was 60 years of age or over when the~~
22 ~~offense was committed; or~~

23 ~~(6) the victim was a physically handicapped person; or~~

24 ~~(7) the accused delivered (by injection, inhalation,~~
25 ~~ingestion, transfer of possession, or any other means) to~~
26 ~~the victim without his or her consent, or by threat or~~

1 ~~deception, and for other than medical purposes, any~~
2 ~~controlled substance; or~~

3 ~~(8) the accused was armed with a firearm; or~~

4 ~~(9) the accused personally discharged a firearm during~~
5 ~~the commission of the offense; or~~

6 ~~(10) the accused, during the commission of the offense,~~
7 ~~personally discharged a firearm that proximately caused~~
8 ~~great bodily harm, permanent disability, permanent~~
9 ~~disfigurement, or death to another person.~~

10 (b) A person ~~The accused~~ commits aggravated criminal sexual
11 assault if that person is ~~the accused was~~ under 17 years of age
12 and: (i) commits an act of sexual penetration with a victim who
13 is ~~was~~ under 9 years of age ~~when the act was committed~~; or (ii)
14 commits an act of sexual penetration with a victim who is ~~was~~
15 at least 9 years of age but under 13 years of age ~~when the act~~
16 ~~was committed~~ and the person uses ~~accused used~~ force or threat
17 of force to commit the act.

18 (c) A person ~~The accused~~ commits aggravated criminal sexual
19 assault if that person ~~he or she~~ commits an act of sexual
20 penetration with a victim who is ~~was~~ a severely or profoundly
21 mentally retarded person ~~at the time the act was committed~~.

22 (d) Sentence.

23 (1) Aggravated criminal sexual assault in violation of
24 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)
25 or in violation of subsection (b) or (c) is a Class X
26 felony. A violation of subsection (a)(1) is a Class X

1 felony for which 10 years shall be added to the term of
2 imprisonment imposed by the court. A violation of
3 subsection (a)(8) is a Class X felony for which 15 years
4 shall be added to the term of imprisonment imposed by the
5 court. A violation of subsection (a)(9) is a Class X felony
6 for which 20 years shall be added to the term of
7 imprisonment imposed by the court. A violation of
8 subsection (a)(10) is a Class X felony for which 25 years
9 or up to a term of natural life imprisonment shall be added
10 to the term of imprisonment imposed by the court.

11 (2) A person who is convicted of a second or subsequent
12 offense of aggravated criminal sexual assault, or who is
13 convicted of the offense of aggravated criminal sexual
14 assault after having previously been convicted of the
15 offense of criminal sexual assault or the offense of
16 predatory criminal sexual assault of a child, or who is
17 convicted of the offense of aggravated criminal sexual
18 assault after having previously been convicted under the
19 laws of this or any other state of an offense that is
20 substantially equivalent to the offense of criminal sexual
21 assault, the offense of aggravated criminal sexual assault
22 or the offense of predatory criminal sexual assault of a
23 child, shall be sentenced to a term of natural life
24 imprisonment. The commission of the second or subsequent
25 offense is required to have been after the initial
26 conviction for this paragraph (2) to apply.

1 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502,
2 eff. 12-19-01; 92-721, eff. 1-1-03.)

3 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

4 Sec. 11-1.40 ~~12-14.1~~. Predatory criminal sexual assault of
5 a child.

6 (a) A person commits predatory criminal sexual assault of a
7 child if that person commits an act of sexual penetration, is
8 17 years of age or older, and:

9 (1) the victim is under 13 years of age; or

10 (2) the victim is under 13 years of age and that
11 person:

12 (A) is armed with a firearm;

13 (B) personally discharges a firearm during the
14 commission of the offense;

15 (C) causes great bodily harm to the victim that:

16 (i) results in permanent disability; or

17 (ii) is life threatening; or

18 (D) delivers (by injection, inhalation, ingestion,
19 transfer of possession, or any other means) any
20 controlled substance to the victim without the
21 victim's consent or by threat or deception, for other
22 than medical purposes. ~~The accused commits predatory~~
23 ~~criminal sexual assault of a child if:~~

24 ~~(1) the accused was 17 years of age or over and commits~~
25 ~~an act of sexual penetration with a victim who was under 13~~

1 ~~years of age when the act was committed; or~~

2 ~~(1.1) the accused was 17 years of age or over and,~~
3 ~~while armed with a firearm, commits an act of sexual~~
4 ~~penetration with a victim who was under 13 years of age~~
5 ~~when the act was committed; or~~

6 ~~(1.2) the accused was 17 years of age or over and~~
7 ~~commits an act of sexual penetration with a victim who was~~
8 ~~under 13 years of age when the act was committed and,~~
9 ~~during the commission of the offense, the accused~~
10 ~~personally discharged a firearm; or~~

11 ~~(2) the accused was 17 years of age or over and commits~~
12 ~~an act of sexual penetration with a victim who was under 13~~
13 ~~years of age when the act was committed and the accused~~
14 ~~caused great bodily harm to the victim that:~~

15 ~~(A) resulted in permanent disability; or~~

16 ~~(B) was life threatening; or~~

17 ~~(3) the accused was 17 years of age or over and commits~~
18 ~~an act of sexual penetration with a victim who was under 13~~
19 ~~years of age when the act was committed and the accused~~
20 ~~delivered (by injection, inhalation, ingestion, transfer~~
21 ~~of possession, or any other means) to the victim without~~
22 ~~his or her consent, or by threat or deception, and for~~
23 ~~other than medical purposes, any controlled substance.~~

24 (b) Sentence.

25 (1) A person convicted of a violation of subsection
26 (a) (1) commits a Class X felony, for which the person shall

1 be sentenced to a term of imprisonment of not less than 6
2 years and not more than 60 years. A person convicted of a
3 violation of subsection (a) (2) (A) ~~(a) (1.1)~~ commits a Class
4 X felony for which 15 years shall be added to the term of
5 imprisonment imposed by the court. A person convicted of a
6 violation of subsection (a) (2) (B) ~~(a) (1.2)~~ commits a Class
7 X felony for which 20 years shall be added to the term of
8 imprisonment imposed by the court. A person convicted of a
9 violation of subsection (a) (2) (C) ~~(a) (2)~~ commits a Class X
10 felony for which the person shall be sentenced to a term of
11 imprisonment of not less than 50 years or up to a term of
12 natural life imprisonment.

13 (1.1) A person convicted of a violation of subsection
14 (a) (2) (D) ~~(a) (3)~~ commits a Class X felony for which the
15 person shall be sentenced to a term of imprisonment of not
16 less than 50 years and not more than 60 years.

17 (1.2) A person convicted of predatory criminal sexual
18 assault of a child committed against 2 or more persons
19 regardless of whether the offenses occurred as the result
20 of the same act or of several related or unrelated acts
21 shall be sentenced to a term of natural life imprisonment.

22 (2) A person who is convicted of a second or subsequent
23 offense of predatory criminal sexual assault of a child, or
24 who is convicted of the offense of predatory criminal
25 sexual assault of a child after having previously been
26 convicted of the offense of criminal sexual assault or the

1 offense of aggravated criminal sexual assault, or who is
2 convicted of the offense of predatory criminal sexual
3 assault of a child after having previously been convicted
4 under the laws of this State or any other state of an
5 offense that is substantially equivalent to the offense of
6 predatory criminal sexual assault of a child, the offense
7 of aggravated criminal sexual assault or the offense of
8 criminal sexual assault, shall be sentenced to a term of
9 natural life imprisonment. The commission of the second or
10 subsequent offense is required to have been after the
11 initial conviction for this paragraph (2) to apply.

12 (Source: P.A. 95-640, eff. 6-1-08.)

13 (720 ILCS 5/11-1.50) (was 720 ILCS 5/12-15)

14 Sec. 11-1.50 ~~12-15~~. Criminal sexual abuse.

15 (a) A person ~~The accused~~ commits criminal sexual abuse if
16 that person ~~he or she~~:

17 (1) commits an act of sexual conduct by the use of
18 force or threat of force; or

19 (2) commits an act of sexual conduct and knows ~~the~~
20 ~~accused knew~~ that the victim is ~~was~~ unable to understand
21 the nature of the act or is ~~was~~ unable to give knowing
22 consent.

23 (b) A person ~~The accused~~ commits criminal sexual abuse if
24 that person is ~~the accused was~~ under 17 years of age and
25 commits an act of sexual penetration or sexual conduct with a

1 victim who is ~~was~~ at least 9 years of age but under 17 years of
2 age ~~when the act was committed~~.

3 (c) A person ~~The accused~~ commits criminal sexual abuse if
4 that person ~~he or she~~ commits an act of sexual penetration or
5 sexual conduct with a victim who is ~~was~~ at least 13 years of
6 age but under 17 years of age and the person is ~~accused was~~
7 less than 5 years older than the victim.

8 (d) Sentence. Criminal sexual abuse for a violation of
9 subsection (b) or (c) of this Section is a Class A misdemeanor.
10 Criminal sexual abuse for a violation of paragraph (1) or (2)
11 of subsection (a) of this Section is a Class 4 felony. A second
12 or subsequent conviction for a violation of subsection (a) of
13 this Section is a Class 2 felony. For purposes of this Section
14 it is a second or subsequent conviction if the accused has at
15 any time been convicted under this Section or under any similar
16 statute of this State or any other state for any offense
17 involving sexual abuse or sexual assault that is substantially
18 equivalent to or more serious than the sexual abuse prohibited
19 under this Section.

20 (Source: P.A. 91-389, eff. 1-1-00.)

21 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

22 Sec. 11-1.60 ~~12-16~~. Aggravated Criminal Sexual Abuse.

23 (a) A person commits aggravated criminal sexual abuse if
24 that person commits criminal sexual abuse and any of the
25 following aggravating circumstances exist (i) during the

1 commission of the offense or (ii) for purposes of paragraph
2 (7), as part of the same course of conduct as the commission of
3 the offense:

4 (1) the person displays, threatens to use, or uses a
5 dangerous weapon or any other object fashioned or used in a
6 manner that leads the victim, under the circumstances,
7 reasonably to believe that the object is a dangerous
8 weapon;

9 (2) the person causes bodily harm to the victim;

10 (3) the victim is 60 years of age or older;

11 (4) the victim is a physically handicapped person;

12 (5) the person acts in a manner that threatens or
13 endangers the life of the victim or any other person;

14 (6) the person commits the criminal sexual abuse during
15 the course of committing or attempting to commit any other
16 felony; or

17 (7) the person delivers (by injection, inhalation,
18 ingestion, transfer of possession, or any other means) any
19 controlled substance to the victim for other than medical
20 purposes without the victim's consent or by threat or
21 deception. ~~The accused commits aggravated criminal sexual~~
22 ~~abuse if he or she commits criminal sexual abuse as defined~~
23 ~~in subsection (a) of Section 12-15 of this Code and any of~~
24 ~~the following aggravating circumstances existed during, or~~
25 ~~for the purposes of paragraph (7) of this subsection (a) as~~
26 ~~part of the same course of conduct as, the commission of~~

1 ~~the offense:~~

2 ~~(1) the accused displayed, threatened to use or used a~~
3 ~~dangerous weapon or any object fashioned or utilized in~~
4 ~~such a manner as to lead the victim under the circumstances~~
5 ~~reasonably to believe it to be a dangerous weapon; or~~

6 ~~(2) the accused caused bodily harm to the victim; or~~

7 ~~(3) the victim was 60 years of age or over when the~~
8 ~~offense was committed; or~~

9 ~~(4) the victim was a physically handicapped person; or~~

10 ~~(5) the accused acted in such a manner as to threaten~~
11 ~~or endanger the life of the victim or any other person; or~~

12 ~~(6) the criminal sexual abuse was perpetrated during~~
13 ~~the course of the commission or attempted commission of any~~
14 ~~other felony by the accused; or~~

15 ~~(7) the accused delivered (by injection, inhalation,~~
16 ~~ingestion, transfer of possession, or any other means) to~~
17 ~~the victim without his or her consent, or by threat or~~
18 ~~deception, and for other than medical purposes, any~~
19 ~~controlled substance.~~

20 (b) A person ~~The accused~~ commits aggravated criminal sexual
21 abuse if that person ~~he or she~~ commits an act of sexual conduct
22 with a victim who is ~~was~~ under 18 years of age ~~when the act was~~
23 ~~committed~~ and the person is ~~accused was~~ a family member.

24 (c) A person ~~The accused~~ commits aggravated criminal sexual
25 abuse if:

26 (1) that person is ~~the accused was~~ 17 years of age or

1 over and: (i) commits an act of sexual conduct with a
2 victim who is ~~was~~ under 13 years of age ~~when the act was~~
3 ~~committed~~; or (ii) commits an act of sexual conduct with a
4 victim who is ~~was~~ at least 13 years of age but under 17
5 years of age ~~when the act was committed~~ and the person uses
6 ~~accused used~~ force or threat of force to commit the act; or

7 (2) that person is ~~the accused was~~ under 17 years of
8 age and: (i) commits an act of sexual conduct with a victim
9 who is ~~was~~ under 9 years of age ~~when the act was committed~~;
10 or (ii) commits an act of sexual conduct with a victim who
11 is ~~was~~ at least 9 years of age but under 17 years of age
12 ~~when the act was committed~~ and the person uses ~~accused used~~
13 force or threat of force to commit the act.

14 (d) A person ~~The accused~~ commits aggravated criminal sexual
15 abuse if that person ~~he or she~~ commits an act of sexual
16 penetration or sexual conduct with a victim who is ~~was~~ at least
17 13 years of age but under 17 years of age and the person is
18 ~~accused was~~ at least 5 years older than the victim.

19 (e) A person ~~The accused~~ commits aggravated criminal sexual
20 abuse if that person ~~he or she~~ commits an act of sexual conduct
21 with a victim who is ~~was~~ a severely or profoundly mentally
22 retarded person ~~at the time the act was committed~~.

23 (f) A person ~~The accused~~ commits aggravated criminal sexual
24 abuse if that person ~~he or she~~ commits an act of sexual conduct
25 with a victim who is ~~was~~ at least 13 years of age but under 18
26 years of age ~~when the act was committed~~ and the person is

1 ~~accused was~~ 17 years of age or over and holds ~~held~~ a position
2 of trust, authority, or supervision in relation to the victim.

3 (g) Sentence. Aggravated criminal sexual abuse is a Class 2
4 felony.

5 (Source: P.A. 92-434, eff. 1-1-02.)

6 (720 ILCS 5/11-1.70) (was 720 ILCS 5/12-17)

7 Sec. 11-1.70 ~~12-17~~. Defenses with respect to offenses
8 described in Sections 11-1.20 through 11-1.60.

9 (a) It shall be a defense to any offense under Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~12-13 through~~
11 ~~12-16~~ of this Code where force or threat of force is an element
12 of the offense that the victim consented. "Consent" means a
13 freely given agreement to the act of sexual penetration or
14 sexual conduct in question. Lack of verbal or physical
15 resistance or submission by the victim resulting from the use
16 of force or threat of force by the accused shall not constitute
17 consent. The manner of dress of the victim at the time of the
18 offense shall not constitute consent.

19 (b) It shall be a defense under subsection (b) and
20 subsection (c) of Section 11-1.50 ~~12-15~~ and subsection (d) of
21 Section 11-1.60 ~~12-16~~ of this Code that the accused reasonably
22 believed the person to be 17 years of age or over.

23 (c) A person who initially consents to sexual penetration
24 or sexual conduct is not deemed to have consented to any sexual
25 penetration or sexual conduct that occurs after he or she

1 withdraws consent during the course of that sexual penetration
2 or sexual conduct.

3 (Source: P.A. 93-389, eff. 7-25-03.)

4 (720 ILCS 5/11-1.80) (was 720 ILCS 5/12-18.1)

5 Sec. 11-1.80 ~~12-18.1~~. Civil Liability.

6 (a) If any person has been convicted of any offense defined
7 in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
8 12-14, 12-14.1, 12-15, or 12-16 of this Act, a victim of such
9 offense has a cause of action for damages against any person or
10 entity who, by the manufacture, production, or wholesale
11 distribution of any obscene material which was possessed or
12 viewed by the person convicted of the offense, proximately
13 caused such person, through his or her reading or viewing of
14 the obscene material, to commit the violation of Section
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
16 12-14.1, 12-15, or 12-16. No victim may recover in any such
17 action unless he or she proves by a preponderance of the
18 evidence that: (1) the reading or viewing of the specific
19 obscene material manufactured, produced, or distributed
20 wholesale by the defendant proximately caused the person
21 convicted of the violation of Section 11-1.20, 11-1.30,
22 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
23 12-16 to commit such violation and (2) the defendant knew or
24 had reason to know that the manufacture, production, or
25 wholesale distribution of such material was likely to cause a

1 violation of an offense substantially of the type enumerated.

2 (b) The manufacturer, producer or wholesale distributor
3 shall be liable to the victim for:

4 (1) actual damages incurred by the victim, including
5 medical costs;

6 (2) court costs and reasonable attorneys fees;

7 (3) infliction of emotional distress;

8 (4) pain and suffering; and

9 (5) loss of consortium.

10 (c) Every action under this Section shall be commenced
11 within 3 years after the conviction of the defendant for a
12 violation of Section 11-1.20, 11-1.30, 11-1.50, 11-1.60,
13 12-13, 12-14, 12-15 or 12-16 of this Code. However, if the
14 victim was under the age of 18 years at the time of the
15 conviction of the defendant for a violation of Section 11-1.20,
16 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1,
17 12-15 or 12-16 of this Code, an action under this Section shall
18 be commenced within 3 years after the victim attains the age of
19 18 years.

20 (d) For the purposes of this Section:

21 (1) "obscene" has the meaning ascribed to it in subsection

22 (b) of Section 11-20 of this Code;

23 (2) "wholesale distributor" means any individual,
24 partnership, corporation, association, or other legal entity
25 which stands between the manufacturer and the retail seller in
26 purchases, consignments, contracts for sale or rental of the

1 obscene material;

2 (3) "producer" means any individual, partnership,
3 corporation, association, or other legal entity which finances
4 or supervises, to any extent, the production or making of
5 obscene material;

6 (4) "manufacturer" means any individual, partnership,
7 corporation, association, or other legal entity which
8 manufacturers, assembles or produces obscene material.

9 (Source: P.A. 86-857.)

10 (720 ILCS 5/11-6) (from Ch. 38, par. 11-6)

11 Sec. 11-6. Indecent solicitation of a child.

12 (a) A person of the age of 17 years and upwards commits ~~the~~
13 ~~offense of~~ indecent solicitation of a child if the person, with
14 the intent that the offense of aggravated criminal sexual
15 assault, criminal sexual assault, predatory criminal sexual
16 assault of a child, or aggravated criminal sexual abuse be
17 committed, knowingly solicits a child or one whom he or she
18 believes to be a child to perform an act of sexual penetration
19 or sexual conduct as defined in Section 11-0.1 ~~12-12~~ of this
20 Code.

21 (a-5) A person of the age of 17 years and upwards commits
22 ~~the offense of~~ indecent solicitation of a child if the person
23 knowingly discusses an act of sexual conduct or sexual
24 penetration with a child or with one whom he or she believes to
25 be a child by means of the Internet with the intent that the

1 offense of aggravated criminal sexual assault, predatory
2 criminal sexual assault of a child, or aggravated criminal
3 sexual abuse be committed.

4 (a-6) It is not a defense to subsection (a-5) that the
5 person did not solicit the child to perform sexual conduct or
6 sexual penetration with the person.

7 (b) Definitions. As used in this Section:

8 "Solicit" means to command, authorize, urge, incite,
9 request, or advise another to perform an act by any means
10 including, but not limited to, in person, over the phone,
11 in writing, by computer, or by advertisement of any kind.

12 "Child" means a person under 17 years of age.

13 "Internet" has the meaning set forth in Section 16J-5
14 of this Code ~~means an interactive computer service or~~
15 ~~system or an information service, system, or access~~
16 ~~software provider that provides or enables computer access~~
17 ~~by multiple users to a computer server, and includes, but~~
18 ~~is not limited to, an information service, system, or~~
19 ~~access software provider that provides access to a network~~
20 ~~system commonly known as the Internet, or any comparable~~
21 ~~system or service and also includes, but is not limited to,~~
22 ~~a World Wide Web page, newsgroup, message board, mailing~~
23 ~~list, or chat area on any interactive computer service or~~
24 ~~system or other online service.~~

25 "Sexual penetration" or "sexual conduct" are defined
26 in Section 11-0.1 ~~12-12~~ of this Code.

1 (c) Sentence. Indecent solicitation of a child under
2 subsection (a) is:

3 (1) a Class 1 felony when the act, if done, would be
4 predatory criminal sexual assault of a child or aggravated
5 criminal sexual assault;

6 (2) a Class 2 felony when the act, if done, would be
7 criminal sexual assault;

8 (3) a Class 3 felony when the act, if done, would be
9 aggravated criminal sexual abuse.

10 Indecent solicitation of a child under subsection (a-5) is
11 a Class 4 felony.

12 (Source: P.A. 95-143, eff. 1-1-08.)

13 (720 ILCS 5/11-6.5)

14 Sec. 11-6.5. Indecent solicitation of an adult.

15 (a) A person commits indecent solicitation of an adult if
16 the person knowingly:

17 (1) Arranges for a person 17 years of age or over to
18 commit an act of sexual penetration as defined in Section
19 11-0.1 ~~12-12~~ with a person:

20 (i) Under the age of 13 years; or

21 (ii) Thirteen years of age or over but under the
22 age of 17 years; or

23 (2) Arranges for a person 17 years of age or over to
24 commit an act of sexual conduct as defined in Section
25 11-0.1 ~~12-12~~ with a person:

1 (i) Under the age of 13 years; or
2 (ii) Thirteen years of age or older but under the
3 age of 17 years.

4 (b) Sentence.

5 (1) Violation of paragraph (a)(1)(i) is a Class X
6 felony.

7 (2) Violation of paragraph (a)(1)(ii) is a Class 1
8 felony.

9 (3) Violation of paragraph (a)(2)(i) is a Class 2
10 felony.

11 (4) Violation of paragraph (a)(2)(ii) is a Class A
12 misdemeanor.

13 (c) For the purposes of this Section, "arranges" includes
14 but is not limited to oral or written communication and
15 communication by telephone, computer, or other electronic
16 means. "Computer" has the meaning ascribed to it in Section
17 16D-2 of this Code.

18 (Source: P.A. 88-165; 89-203, eff. 7-21-95.)

19 (720 ILCS 5/Art. 11 Subdiv. 10 heading new)

20 SUBDIVISION 10. VULNERABLE VICTIM OFFENSES

21 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

22 Sec. 11-9.1. Sexual exploitation of a child.

23 (a) ~~A Any~~ person commits sexual exploitation of a child if
24 in the presence of a child and with ~~intent or~~ knowledge that a

1 child would view his or her acts, that person:

2 (1) engages in a sexual act; or

3 (2) exposes his or her sex organs, anus or breast for
4 the purpose of sexual arousal or gratification of such
5 person or the child.

6 (a-5) A person commits sexual exploitation of a child who
7 knowingly entices, coerces, or persuades a child to remove the
8 child's clothing for the purpose of sexual arousal or
9 gratification of the person or the child, or both.

10 (b) Definitions. As used in this Section:

11 "Sexual act" means masturbation, sexual conduct or sexual
12 penetration as defined in Section 11-0.1 ~~12-12~~ of this Code.

13 "Sex offense" means any violation of Article 11 of this
14 Code or ~~a violation of Section 12-13, 12-14, 12-14.1, 12-15,~~
15 ~~12-16, or~~ 12-16.2 of this Code.

16 "Child" means a person under 17 years of age.

17 (c) Sentence.

18 (1) Sexual exploitation of a child is a Class A
19 misdemeanor. A second or subsequent violation of this
20 Section or a substantially similar law of another state is
21 a Class 4 felony.

22 (2) Sexual exploitation of a child is a Class 4 felony
23 if the person has been previously convicted of a sex
24 offense.

25 (3) Sexual exploitation of a child is a Class 4 felony
26 if the victim was under 13 years of age at the time of the

1 commission of the offense.

2 (Source: P.A. 94-140, eff. 7-7-05.)

3 (720 ILCS 5/11-9.1A new)

4 Sec. 11-9.1A. Permitting sexual abuse of a child.

5 (a) A person responsible for a child's welfare commits
6 permitting sexual abuse of a child if the person has actual
7 knowledge of and permits an act of sexual abuse upon the child,
8 or permits the child to engage in prostitution as defined in
9 Section 11-14 of the Criminal Code of 1961.

10 (b) In this Section:

11 "Actual knowledge" includes credible allegations made by
12 the child.

13 "Child" means a minor under the age of 17 years.

14 "Person responsible for the child's welfare" means the
15 child's parent, step-parent, legal guardian, or other person
16 having custody of a child, who is responsible for the child's
17 care at the time of the alleged sexual abuse.

18 "Prostitution" means prostitution as defined in Section
19 11-14 of the Criminal Code of 1961.

20 "Sexual abuse" includes criminal sexual abuse or criminal
21 sexual assault as defined in Section 11-1.20, 11-1.30, 11-1.40,
22 11-1.50, or 11-1.60 of the Criminal Code of 1961.

23 (c) This Section does not apply to a person responsible for
24 the child's welfare who, having reason to believe that sexual
25 abuse has occurred, makes timely and reasonable efforts to stop

1 the sexual abuse by reporting the sexual abuse in conformance
2 with the Abused and Neglected Child Reporting Act or by
3 reporting the sexual abuse, or causing a report to be made, to
4 medical or law enforcement authorities or anyone who is a
5 mandated reporter under Section 4 of the Abused and Neglected
6 Child Reporting Act.

7 (d) Whenever a law enforcement officer has reason to
8 believe that the child or the person responsible for the
9 child's welfare has been abused by a family or household member
10 as defined by the Illinois Domestic Violence Act of 1986, the
11 officer shall immediately use all reasonable means to prevent
12 further abuse under Section 112A-30 of the Code of Criminal
13 Procedure of 1963.

14 (e) An order of protection under Section 111-8 of the Code
15 of Criminal Procedure of 1963 shall be sought in all cases
16 where there is reason to believe that a child has been sexually
17 abused by a family or household member. In considering
18 appropriate available remedies, it shall be presumed that
19 awarding physical care or custody to the abuser is not in the
20 child's best interest.

21 (f) A person may not be charged with the offense of
22 permitting sexual abuse of a child under this Section until the
23 person who committed the offense is charged with criminal
24 sexual assault, aggravated criminal sexual assault, predatory
25 criminal sexual assault of a child, criminal sexual abuse,
26 aggravated criminal sexual abuse, or prostitution.

1 (g) A person convicted of permitting the sexual abuse of a
2 child is guilty of a Class 1 felony. As a condition of any
3 sentence of supervision, probation, conditional discharge, or
4 mandatory supervised release, any person convicted under this
5 Section shall be ordered to undergo child sexual abuse,
6 domestic violence, or other appropriate counseling for a
7 specified duration with a qualified social or mental health
8 worker.

9 (h) It is an affirmative defense to a charge of permitting
10 sexual abuse of a child under this Section that the person
11 responsible for the child's welfare had a reasonable
12 apprehension that timely action to stop the abuse or
13 prostitution would result in the imminent infliction of death,
14 great bodily harm, permanent disfigurement, or permanent
15 disability to that person or another in retaliation for
16 reporting.

17 (720 ILCS 5/11-9.2)

18 Sec. 11-9.2. Custodial sexual misconduct.

19 (a) A person commits ~~the offense of~~ custodial sexual
20 misconduct when: (1) he or she is an employee of a penal system
21 and engages in sexual conduct or sexual penetration with a
22 person who is in the custody of that penal system or (2) he or
23 she is an employee of a treatment and detention facility and
24 engages in sexual conduct or sexual penetration with a person
25 who is in the custody of that treatment and detention facility.

1 (b) A probation or supervising officer or surveillance
2 agent commits ~~the offense of~~ custodial sexual misconduct when
3 the probation or supervising officer or surveillance agent
4 engages in sexual conduct or sexual penetration with a
5 probationer, parolee, or releasee or person serving a term of
6 conditional release who is under the supervisory,
7 disciplinary, or custodial authority of the officer or agent so
8 engaging in the sexual conduct or sexual penetration.

9 (c) Custodial sexual misconduct is a Class 3 felony.

10 (d) Any person convicted of violating this Section
11 immediately shall forfeit his or her employment with a penal
12 system, treatment and detention facility, or conditional
13 release program.

14 (e) For purposes of this Section, the consent of the
15 probationer, parolee, releasee, or inmate in custody of the
16 penal system or person detained or civilly committed under the
17 Sexually Violent Persons Commitment Act shall not be a defense
18 to a prosecution under this Section. A person is deemed
19 incapable of consent, for purposes of this Section, when he or
20 she is a probationer, parolee, releasee, or inmate in custody
21 of a penal system or person detained or civilly committed under
22 the Sexually Violent Persons Commitment Act.

23 (f) This Section does not apply to:

24 (1) Any employee, probation or supervising officer, or
25 surveillance agent who is lawfully married to a person in
26 custody if the marriage occurred before the date of

1 custody.

2 (2) Any employee, probation or supervising officer, or
3 surveillance agent who has no knowledge, and would have no
4 reason to believe, that the person with whom he or she
5 engaged in custodial sexual misconduct was a person in
6 custody.

7 (g) In this Section:

8 (1) "Custody" means:

9 (i) pretrial incarceration or detention;

10 (ii) incarceration or detention under a sentence
11 or commitment to a State or local penal institution;

12 (iii) parole or mandatory supervised release;

13 (iv) electronic home detention;

14 (v) probation;

15 (vi) detention or civil commitment either in
16 secure care or in the community under the Sexually
17 Violent Persons Commitment Act.

18 (2) "Penal system" means any system which includes
19 institutions as defined in Section 2-14 of this Code or a
20 county shelter care or detention home established under
21 Section 1 of the County Shelter Care and Detention Home
22 Act.

23 (2.1) "Treatment and detention facility" means any
24 Department of Human Services facility established for the
25 detention or civil commitment of persons under the Sexually
26 Violent Persons Commitment Act.

1 (2.2) "Conditional release" means a program of
2 treatment and services, vocational services, and alcohol
3 or other drug abuse treatment provided to any person
4 civilly committed and conditionally released to the
5 community under the Sexually Violent Persons Commitment
6 Act;

7 (3) "Employee" means:

8 (i) an employee of any governmental agency of this
9 State or any county or municipal corporation that has
10 by statute, ordinance, or court order the
11 responsibility for the care, control, or supervision
12 of pretrial or sentenced persons in a penal system or
13 persons detained or civilly committed under the
14 Sexually Violent Persons Commitment Act;

15 (ii) a contractual employee of a penal system as
16 defined in paragraph (g) (2) of this Section who works
17 in a penal institution as defined in Section 2-14 of
18 this Code;

19 (iii) a contractual employee of a "treatment and
20 detention facility" as defined in paragraph (g) (2.1)
21 of this Code or a contractual employee of the
22 Department of Human Services who provides supervision
23 of persons serving a term of conditional release as
24 defined in paragraph (g) (2.2) of this Code.

25 (4) "Sexual conduct" or "sexual penetration" means any
26 act of sexual conduct or sexual penetration as defined in

1 Section 11-0.1 ~~12-12~~ of this Code.

2 (5) "Probation officer" means any person employed in a
3 probation or court services department as defined in
4 Section 9b of the Probation and Probation Officers Act.

5 (6) "Supervising officer" means any person employed to
6 supervise persons placed on parole or mandatory supervised
7 release with the duties described in Section 3-14-2 of the
8 Unified Code of Corrections.

9 (7) "Surveillance agent" means any person employed or
10 contracted to supervise persons placed on conditional
11 release in the community under the Sexually Violent Persons
12 Commitment Act.

13 (Source: P.A. 92-415, eff. 8-17-01.)

14 (720 ILCS 5/11-9.3)

15 Sec. 11-9.3. Presence within school zone by child sex
16 offenders prohibited; approaching, contacting, residing with,
17 or communicating with a child within certain places by child
18 sex offenders prohibited.

19 (a) It is unlawful for a child sex offender to knowingly be
20 present in any school building, on real property comprising any
21 school, or in any conveyance owned, leased, or contracted by a
22 school to transport students to or from school or a school
23 related activity when persons under the age of 18 are present
24 in the building, on the grounds or in the conveyance, unless
25 the offender is a parent or guardian of a student attending the

1 school and the parent or guardian is: (i) attending a
2 conference at the school with school personnel to discuss the
3 progress of his or her child academically or socially, (ii)
4 participating in child review conferences in which evaluation
5 and placement decisions may be made with respect to his or her
6 child regarding special education services, or (iii) attending
7 conferences to discuss other student issues concerning his or
8 her child such as retention and promotion and notifies the
9 principal of the school of his or her presence at the school or
10 unless the offender has permission to be present from the
11 superintendent or the school board or in the case of a private
12 school from the principal. In the case of a public school, if
13 permission is granted, the superintendent or school board
14 president must inform the principal of the school where the sex
15 offender will be present. Notification includes the nature of
16 the sex offender's visit and the hours in which the sex
17 offender will be present in the school. The sex offender is
18 responsible for notifying the principal's office when he or she
19 arrives on school property and when he or she departs from
20 school property. If the sex offender is to be present in the
21 vicinity of children, the sex offender has the duty to remain
22 under the direct supervision of a school official. ~~A child sex~~
23 ~~offender who violates this provision is guilty of a Class 4~~
24 ~~felony.~~

25 (a-5) It is unlawful for a child sex offender to knowingly
26 be present within 100 feet of a site posted as a pick-up or

1 discharge stop for a conveyance owned, leased, or contracted by
2 a school to transport students to or from school or a school
3 related activity when one or more persons under the age of 18
4 are present at the site.

5 (a-10) It is unlawful for a child sex offender to knowingly
6 be present in any public park building or on real property
7 comprising any public park when persons under the age of 18 are
8 present in the building or on the grounds and to approach,
9 contact, or communicate with a child under 18 years of age,
10 unless the offender is a parent or guardian of a person under
11 18 years of age present in the building or on the grounds.

12 (b) It is unlawful for a child sex offender to knowingly
13 loiter within 500 feet of a school building or real property
14 comprising any school while persons under the age of 18 are
15 present in the building or on the grounds, unless the offender
16 is a parent or guardian of a student attending the school and
17 the parent or guardian is: (i) attending a conference at the
18 school with school personnel to discuss the progress of his or
19 her child academically or socially, (ii) participating in child
20 review conferences in which evaluation and placement decisions
21 may be made with respect to his or her child regarding special
22 education services, or (iii) attending conferences to discuss
23 other student issues concerning his or her child such as
24 retention and promotion and notifies the principal of the
25 school of his or her presence at the school or has permission
26 to be present from the superintendent or the school board or in

1 the case of a private school from the principal. In the case of
2 a public school, if permission is granted, the superintendent
3 or school board president must inform the principal of the
4 school where the sex offender will be present. Notification
5 includes the nature of the sex offender's visit and the hours
6 in which the sex offender will be present in the school. The
7 sex offender is responsible for notifying the principal's
8 office when he or she arrives on school property and when he or
9 she departs from school property. If the sex offender is to be
10 present in the vicinity of children, the sex offender has the
11 duty to remain under the direct supervision of a school
12 official. ~~A child sex offender who violates this provision is~~
13 ~~guilty of a Class 4 felony.~~

14 (b-2) It is unlawful for a child sex offender to knowingly
15 loiter on a public way within 500 feet of a public park
16 building or real property comprising any public park while
17 persons under the age of 18 are present in the building or on
18 the grounds and to approach, contact, or communicate with a
19 child under 18 years of age, unless the offender is a parent or
20 guardian of a person under 18 years of age present in the
21 building or on the grounds.

22 (b-5) It is unlawful for a child sex offender to knowingly
23 reside within 500 feet of a school building or the real
24 property comprising any school that persons under the age of 18
25 attend. Nothing in this subsection (b-5) prohibits a child sex
26 offender from residing within 500 feet of a school building or

1 the real property comprising any school that persons under 18
2 attend if the property is owned by the child sex offender and
3 was purchased before the effective date of this amendatory Act
4 of the 91st General Assembly.

5 (b-10) It is unlawful for a child sex offender to knowingly
6 reside within 500 feet of a playground, child care institution,
7 day care center, part day child care facility, or a facility
8 providing programs or services exclusively directed toward
9 persons under 18 years of age. Nothing in this subsection
10 (b-10) prohibits a child sex offender from residing within 500
11 feet of a playground or a facility providing programs or
12 services exclusively directed toward persons under 18 years of
13 age if the property is owned by the child sex offender and was
14 purchased before July 7, 2000. Nothing in this subsection
15 (b-10) prohibits a child sex offender from residing within 500
16 feet of a child care institution, day care center, or part day
17 child care facility if the property is owned by the child sex
18 offender and was purchased before June 26, 2006.

19 (b-15) It is unlawful for a child sex offender to knowingly
20 reside within 500 feet of the victim of the sex offense.
21 Nothing in this subsection (b-15) prohibits a child sex
22 offender from residing within 500 feet of the victim if the
23 property in which the child sex offender resides is owned by
24 the child sex offender and was purchased before August 22,
25 2002.

26 This subsection (b-15) does not apply if the victim of the

1 sex offense is 21 years of age or older.

2 (b-20) It is unlawful for a child sex offender to knowingly
3 communicate, other than for a lawful purpose under Illinois
4 law, using the Internet or any other digital media, with a
5 person under 18 years of age or with a person whom he or she
6 believes to be a person under 18 years of age, unless the
7 offender is a parent or guardian of the person under 18 years
8 of age.

9 (c) It is unlawful for a child sex offender to knowingly
10 operate, manage, be employed by, volunteer at, be associated
11 with, or knowingly be present at any: (i) facility providing
12 programs or services exclusively directed toward persons under
13 the age of 18; (ii) day care center; (iii) part day child care
14 facility; (iv) child care institution; or (v) school providing
15 before and after school programs for children under 18 years of
16 age. This does not prohibit a child sex offender from owning
17 the real property upon which the programs or services are
18 offered or upon which the day care center, part day child care
19 facility, child care institution, or school providing before
20 and after school programs for children under 18 years of age is
21 located, provided the child sex offender refrains from being
22 present on the premises for the hours during which: (1) the
23 programs or services are being offered or (2) the day care
24 center, part day child care facility, child care institution,
25 or school providing before and after school programs for
26 children under 18 years of age is operated.

1 (c-5) It is unlawful for a child sex offender to knowingly
2 operate, manage, be employed by, or be associated with any
3 county fair when persons under the age of 18 are present.

4 (d) ~~(e)~~ Definitions. In this Section:

5 (1) "Child sex offender" means any person who:

6 (i) has been charged under Illinois law, or any
7 substantially similar federal law or law of another
8 state, with a sex offense set forth in paragraph (2) of
9 this subsection (d) ~~(e)~~ or the attempt to commit an
10 included sex offense, and:

11 (A) is convicted of such offense or an attempt
12 to commit such offense; or

13 (B) is found not guilty by reason of insanity
14 of such offense or an attempt to commit such
15 offense; or

16 (C) is found not guilty by reason of insanity
17 pursuant to subsection (c) of Section 104-25 of the
18 Code of Criminal Procedure of 1963 of such offense
19 or an attempt to commit such offense; or

20 (D) is the subject of a finding not resulting
21 in an acquittal at a hearing conducted pursuant to
22 subsection (a) of Section 104-25 of the Code of
23 Criminal Procedure of 1963 for the alleged
24 commission or attempted commission of such
25 offense; or

26 (E) is found not guilty by reason of insanity

1 following a hearing conducted pursuant to a
2 federal law or the law of another state
3 substantially similar to subsection (c) of Section
4 104-25 of the Code of Criminal Procedure of 1963 of
5 such offense or of the attempted commission of such
6 offense; or

7 (F) is the subject of a finding not resulting
8 in an acquittal at a hearing conducted pursuant to
9 a federal law or the law of another state
10 substantially similar to subsection (a) of Section
11 104-25 of the Code of Criminal Procedure of 1963
12 for the alleged violation or attempted commission
13 of such offense; or

14 (ii) is certified as a sexually dangerous person
15 pursuant to the Illinois Sexually Dangerous Persons
16 Act, or any substantially similar federal law or the
17 law of another state, when any conduct giving rise to
18 such certification is committed or attempted against a
19 person less than 18 years of age; or

20 (iii) is subject to the provisions of Section 2 of
21 the Interstate Agreements on Sexually Dangerous
22 Persons Act.

23 Convictions that result from or are connected with the
24 same act, or result from offenses committed at the same
25 time, shall be counted for the purpose of this Section as
26 one conviction. Any conviction set aside pursuant to law is

1 not a conviction for purposes of this Section.

2 (2) Except as otherwise provided in paragraph (2.5),
3 "sex offense" means:

4 (i) A violation of any of the following Sections of
5 the Criminal Code of 1961: 10-7 (aiding or abetting
6 child abduction under Section 10-5(b)(10)),
7 10-5(b)(10) (child luring), 11-1.40 (predatory
8 criminal sexual assault of a child), 11-6 (indecent
9 solicitation of a child), 11-6.5 (indecent
10 solicitation of an adult), ~~11-9 (public indecency when~~
11 ~~committed in a school, on the real property comprising~~
12 ~~a school, or on a conveyance, owned, leased, or~~
13 ~~contracted by a school to transport students to or from~~
14 ~~school or a school related activity)~~, 11-9.1 (sexual
15 exploitation of a child), 11-14.4 (promoting juvenile
16 prostitution), ~~11-15.1 (soliciting for a juvenile~~
17 ~~prostitute)~~, ~~11-17.1 (keeping a place of juvenile~~
18 ~~prostitution)~~, 11-18.1 (patronizing a juvenile
19 prostitute), ~~11-19.1 (juvenile pimping)~~, ~~11-19.2~~
20 ~~(exploitation of a child)~~, 11-20.1 (child
21 pornography), 11-20.1B ~~11-20.3~~ (aggravated child
22 pornography), 11-21 (harmful material), ~~12-14.1~~
23 ~~(predatory criminal sexual assault of a child)~~, 12-33
24 (ritualized abuse of a child), 11-20 (obscenity) (when
25 that offense was committed in any school, on real
26 property comprising any school, in any conveyance

1 owned, leased, or contracted by a school to transport
2 students to or from school or a school related
3 activity, or in a public park), 11-30 (public
4 indecenty) (when committed in a school, on real
5 property comprising a school, in any conveyance owned,
6 leased, or contracted by a school to transport students
7 to or from school or a school related activity, or in a
8 public park). An attempt to commit any of these
9 offenses.

10 (ii) A violation of any of the following Sections
11 of the Criminal Code of 1961, when the victim is a
12 person under 18 years of age: 11-1.20 ~~12-13~~ (criminal
13 sexual assault), 11-1.30 ~~12-14~~ (aggravated criminal
14 sexual assault), 11-1.50 ~~12-15~~ (criminal sexual
15 abuse), 11-1.60 ~~12-16~~ (aggravated criminal sexual
16 abuse). An attempt to commit any of these offenses.

17 (iii) A violation of any of the following Sections
18 of the Criminal Code of 1961, when the victim is a
19 person under 18 years of age and the defendant is not a
20 parent of the victim:

21 10-1 (kidnapping),

22 10-2 (aggravated kidnapping),

23 10-3 (unlawful restraint),

24 10-3.1 (aggravated unlawful restraint).

25 An attempt to commit any of these offenses.

26 (iv) A violation of any former law of this State

1 substantially equivalent to any offense listed in
2 clause (2) (i) of subsection (d) ~~(e)~~ of this Section.

3 (2.5) For the purposes of subsections ~~subsection~~ (b-5)
4 and (b-10) only, a sex offense means:

5 (i) A violation of any of the following Sections of
6 the Criminal Code of 1961:

7 10-5(b)(10) (child luring), 10-7 (aiding or
8 abetting child abduction under Section 10-5(b)(10)),
9 11-1.40 (predatory criminal sexual assault of a
10 child), 11-6 (indecent solicitation of a child),
11 11-6.5 (indecent solicitation of an adult), 11-14.4
12 (promoting juvenile prostitution), ~~11-15.1 (soliciting~~
13 ~~for a juvenile prostitute)~~, ~~11-17.1 (keeping a place of~~
14 ~~juvenile prostitution)~~, 11-18.1 (patronizing a
15 juvenile prostitute), ~~11-19.1 (juvenile pimping)~~,
16 ~~11-19.2 (exploitation of a child)~~, 11-20.1 (child
17 pornography), 11-20.1B ~~11-20.3~~ (aggravated child
18 pornography), ~~12-14.1 (predatory criminal sexual~~
19 ~~assault of a child)~~, or 12-33 (ritualized abuse of a
20 child). An attempt to commit any of these offenses.

21 (ii) A violation of any of the following Sections
22 of the Criminal Code of 1961, when the victim is a
23 person under 18 years of age: 11-1.20 ~~12-13~~ (criminal
24 sexual assault), 11-1.30 ~~12-14~~ (aggravated criminal
25 sexual assault), 11-1.60 ~~12-16~~ (aggravated criminal
26 sexual abuse), and subsection (a) of Section 11-1.50

1 ~~12-15~~ (criminal sexual abuse). An attempt to commit any
2 of these offenses.

3 (iii) A violation of any of the following Sections
4 of the Criminal Code of 1961, when the victim is a
5 person under 18 years of age and the defendant is not a
6 parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

12 (iv) A violation of any former law of this State
13 substantially equivalent to any offense listed in this
14 paragraph (2.5) of this subsection.

15 (3) A conviction for an offense of federal law or the
16 law of another state that is substantially equivalent to
17 any offense listed in paragraph (2) of subsection (d) ~~(e)~~
18 of this Section shall constitute a conviction for the
19 purpose of this Section ~~Article~~. A finding or adjudication
20 as a sexually dangerous person under any federal law or law
21 of another state that is substantially equivalent to the
22 Sexually Dangerous Persons Act shall constitute an
23 adjudication for the purposes of this Section.

24 (4) "Child care institution" has the meaning ascribed
25 to it in Section 2.06 of the Child Care Act of 1969.

26 (5) "Day care center" has the meaning ascribed to it in

1 Section 2.09 of the Child Care Act of 1969.

2 (6) "Internet" has the meaning set forth in Section
3 16J-5 of this Code.

4 ~~(4) "School" means a public or private pre school,~~
5 ~~elementary, or secondary school.~~

6 (7) ~~(5)~~ "Loiter" means:

7 (i) Standing, sitting idly, whether or not the
8 person is in a vehicle, or remaining in or around
9 school or public park property.

10 (ii) Standing, sitting idly, whether or not the
11 person is in a vehicle, or remaining in or around
12 school or public park property, for the purpose of
13 committing or attempting to commit a sex offense.

14 (iii) Entering or remaining in a building in or
15 around school property, other than the offender's
16 residence.

17 (8) "Part day child care facility" has the meaning
18 ascribed to it in Section 2.10 of the Child Care Act of
19 1969.

20 (9) "Playground" means a piece of land owned or
21 controlled by a unit of local government that is designated
22 by the unit of local government for use solely or primarily
23 for children's recreation.

24 (10) "Public park" includes a park, forest preserve, or
25 conservation area under the jurisdiction of the State or a
26 unit of local government.

1 (11) "School" means a public or private preschool or
2 elementary or secondary school.

3 (12) ~~(6)~~ "School official" means the principal, a
4 teacher, or any other certified employee of the school, the
5 superintendent of schools or a member of the school board.

6 (c-5) For the purposes of this Section, the 500 feet
7 distance shall be measured from the edge of the property of the
8 school building or the real property comprising the school that
9 is closest to the edge of the property of the child sex
10 offender's residence or where he or she is loitering.

11 (d) Sentence. A person who violates this Section is guilty
12 of a Class 4 felony.

13 (Source: P.A. 95-331, eff. 8-21-07; 95-440, eff. 8-27-07;
14 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff. 8-21-08;
15 96-328, eff. 8-11-09; 96-710, eff. 1-1-10.)

16 (720 ILCS 5/11-9.5)

17 Sec. 11-9.5. Sexual misconduct with a person with a
18 disability.

19 (a) Definitions. As used in this Section:

20 (1) "Person with a disability" means:

21 (i) a person diagnosed with a developmental
22 disability as defined in Section 1-106 of the Mental
23 Health and Developmental Disabilities Code; or

24 (ii) a person diagnosed with a mental illness as
25 defined in Section 1-129 of the Mental Health and

1 Developmental Disabilities Code.

2 (2) "State-operated facility" means:

3 (i) a developmental disability facility as defined
4 in the Mental Health and Developmental Disabilities
5 Code; or

6 (ii) a mental health facility as defined in the
7 Mental Health and Developmental Disabilities Code.

8 (3) "Community agency" or "agency" means any community
9 entity or program providing residential mental health or
10 developmental disabilities services that is licensed,
11 certified, or funded by the Department of Human Services
12 and not licensed or certified by any other human service
13 agency of the State such as the Departments of Public
14 Health, Healthcare and Family Services, and Children and
15 Family Services.

16 (4) "Care and custody" means admission to a
17 State-operated facility.

18 (5) "Employee" means:

19 (i) any person employed by the Illinois Department
20 of Human Services;

21 (ii) any person employed by a community agency
22 providing services at the direction of the owner or
23 operator of the agency on or off site; or

24 (iii) any person who is a contractual employee or
25 contractual agent of the Department of Human Services
26 or the community agency. This includes but is not

1 limited to payroll personnel, contractors,
2 subcontractors, and volunteers.

3 (6) "Sexual conduct" or "sexual penetration" means any
4 act of sexual conduct or sexual penetration as defined in
5 Section 11-0.1 ~~12-12~~ of this Code.

6 (b) A person commits ~~the offense of~~ sexual misconduct with
7 a person with a disability when:

8 (1) he or she is an employee and knowingly engages in
9 sexual conduct or sexual penetration with a person with a
10 disability who is under the care and custody of the
11 Department of Human Services at a State-operated facility;
12 or

13 (2) he or she is an employee of a community agency
14 funded by the Department of Human Services and knowingly
15 engages in sexual conduct or sexual penetration with a
16 person with a disability who is in a residential program
17 operated or supervised by a community agency.

18 (c) For purposes of this Section, the consent of a person
19 with a disability in custody of the Department of Human
20 Services residing at a State-operated facility or receiving
21 services from a community agency shall not be a defense to a
22 prosecution under this Section. A person is deemed incapable of
23 consent, for purposes of this Section, when he or she is a
24 person with a disability and is receiving services at a
25 State-operated facility or is a person with a disability who is
26 in a residential program operated or supervised by a community

1 agency.

2 (d) This Section does not apply to:

3 (1) any State employee or any community agency employee
4 who is lawfully married to a person with a disability in
5 custody of the Department of Human Services or receiving
6 services from a community agency if the marriage occurred
7 before the date of custody or the initiation of services at
8 a community agency; or

9 (2) any State employee or community agency employee who
10 has no knowledge, and would have no reason to believe, that
11 the person with whom he or she engaged in sexual misconduct
12 was a person with a disability in custody of the Department
13 of Human Services or was receiving services from a
14 community agency.

15 (e) Sentence. Sexual misconduct with a person with a
16 disability is a Class 3 felony.

17 (f) Any person convicted of violating this Section shall
18 immediately forfeit his or her employment with the State or the
19 community agency.

20 (Source: P.A. 94-1053, eff. 7-24-06.)

21 (720 ILCS 5/11-11) (from Ch. 38, par. 11-11)

22 Sec. 11-11. Sexual Relations Within Families.

23 (a) A person commits sexual relations within families if he
24 or she:

25 (1) Commits an act of sexual penetration as defined in

1 Section 11-0.1 ~~12-12~~ of this Code; and

2 (2) The person knows that he or she is related to the
3 other person as follows: (i) Brother or sister, either of
4 the whole blood or the half blood; or (ii) Father or
5 mother, when the child, regardless of legitimacy and
6 regardless of whether the child was of the whole blood or
7 half-blood or was adopted, was 18 years of age or over when
8 the act was committed; or (iii) Stepfather or stepmother,
9 when the stepchild was 18 years of age or over when the act
10 was committed; or (iv) Aunt or uncle, when the niece or
11 nephew was 18 years of age or over when the act was
12 committed; or (v) Great-aunt or great-uncle, when the
13 grand-niece or grand-nephew was 18 years of age or over
14 when the act was committed; or (vi) Grandparent or
15 step-grandparent, when the grandchild or step-grandchild
16 was 18 years of age or over when the act was committed.

17 (b) Sentence. Sexual relations within families is a Class 3
18 felony.

19 (Source: P.A. 96-233, eff. 1-1-10.)

20 (720 ILCS 5/Art. 11 Subdiv. 15 heading new)

21 SUBDIVISION 15. PROSTITUTION OFFENSES

22 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

23 Sec. 11-14. Prostitution.

24 (a) Any person who knowingly performs, offers or agrees to

1 perform any act of sexual penetration as defined in Section
2 11-0.1 ~~12-12~~ of this Code for ~~any money, property, token,~~
3 ~~object, or article or~~ anything of value, or any touching or
4 fondling of the sex organs of one person by another person, for
5 ~~any money, property, token, object, or article or~~ anything of
6 value, for the purpose of sexual arousal or gratification
7 commits an act of prostitution.

8 (b) Sentence.

9 A violation of this Section is a Class A misdemeanor,
10 unless committed within 1,000 feet of real property comprising
11 a school, in which case it is a Class 4 felony. A second or
12 subsequent violation of this Section, or any combination of
13 convictions under this Section and Section 11-14.3 (promoting
14 prostitution), 11-18 (patronizing a prostitute), or 11-18.1
15 (patronizing a juvenile prostitute), is a Class 4 felony.
16 ~~Prostitution is a Class A misdemeanor. A person convicted of a~~
17 ~~second or subsequent violation of this Section, or of any~~
18 ~~combination of such number of convictions under this Section~~
19 ~~and Sections 11-15, 11-17, 11-18, 11-18.1 and 11-19 of this~~
20 ~~Code is guilty of a Class 4 felony. When a person has one or~~
21 ~~more prior convictions, the information or indictment charging~~
22 ~~that person shall state such prior conviction so as to give~~
23 ~~notice of the State's intention to treat the charge as a~~
24 ~~felony. The fact of such prior conviction is not an element of~~
25 ~~the offense and may not be disclosed to the jury during trial~~
26 ~~unless otherwise permitted by issues properly raised during~~

1 ~~such trial.~~

2 (c) First offender; felony prostitution.

3 (1) Whenever any person who has not previously been
4 convicted of or placed on probation for felony prostitution
5 or any law of the United States or of any other state
6 relating to felony prostitution pleads guilty to or is
7 found guilty of felony prostitution, the court, without
8 entering a judgment and with the consent of such person,
9 may sentence the person to probation.

10 (2) When a person is placed on probation, the court
11 shall enter an order specifying a period of probation of 24
12 months and shall defer further proceedings in the case
13 until the conclusion of the period or until the filing of a
14 petition alleging violation of a term or condition of
15 probation.

16 (3) The conditions of probation shall be that the
17 person: (i) not violate any criminal statute of any
18 jurisdiction; (ii) refrain from possessing a firearm or
19 other dangerous weapon; (iii) submit to periodic drug
20 testing at a time and in a manner as ordered by the court,
21 but no less than 3 times during the period of the
22 probation, with the cost of the testing to be paid by the
23 probationer; and (iv) perform no less than 30 hours of
24 community service, provided community service is available
25 in the jurisdiction and is funded and approved by the
26 county board.

1 (4) The court may, in addition to other conditions,
2 require that the person:

3 (A) make a report to and appear in person before or
4 participate with the court or such courts, person, or
5 social service agency as directed by the court in the
6 order of probation;

7 (B) pay a fine and costs;

8 (C) work or pursue a course of study or vocational
9 training;

10 (D) undergo medical or psychiatric treatment; or
11 treatment or rehabilitation by a provider approved by
12 the Illinois Department of Human Services;

13 (E) attend or reside in a facility established for
14 the instruction or residence of defendants on
15 probation;

16 (F) support his or her dependents;

17 (G) refrain from having in his or her body the
18 presence of any illicit drug prohibited by the Cannabis
19 Control Act or the Illinois Controlled Substances Act,
20 unless prescribed by a physician, and submit samples of
21 his or her blood or urine or both for tests to
22 determine the presence of any illicit drug;

23 (H) and in addition, if a minor:

24 (i) reside with his or her parents or in a
25 foster home;

26 (ii) attend school;

1 (iii) attend a non-residential program for
2 youth;

3 (iv) contribute to his or her own support at
4 home or in a foster home.

5 (5) Upon violation of a term or condition of probation,
6 the court may enter a judgment on its original finding of
7 guilt and proceed as otherwise provided.

8 (6) Upon fulfillment of the terms and conditions of
9 probation, the court shall discharge the person and dismiss
10 the proceedings against him or her.

11 (7) A disposition of probation is considered to be a
12 conviction for the purposes of imposing the conditions of
13 probation and for appeal, however, discharge and dismissal
14 under this subsection is not a conviction for purposes of
15 this Code or for purposes of disqualifications or
16 disabilities imposed by law upon conviction of a crime.

17 (8) There may be only one discharge and dismissal under
18 this Section.

19 (9) If a person is convicted of prostitution within 5
20 years subsequent to a discharge and dismissal under this
21 subsection, the discharge and dismissal under this
22 subsection shall be admissible in the sentencing
23 proceeding for that conviction as evidence in aggravation.
24 ~~A person who violates this Section within 1,000 feet of~~
25 ~~real property comprising a school commits a Class 4 felony.~~

26 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 91-696,

1 eff. 4-13-00.)

2 (720 ILCS 5/11-14.1)

3 Sec. 11-14.1. Solicitation of a sexual act.

4 (a) Any person who offers a person not his or her spouse
5 any money, property, token, object, or article or anything of
6 value to perform any act of sexual penetration as defined in
7 Section 11-0.1 ~~12-12~~ of this Code, or any touching or fondling
8 of the sex organs of one person by another person for the
9 purpose of sexual arousal or gratification, commits ~~the offense~~
10 ~~of~~ solicitation of a sexual act.

11 (b) Sentence. Solicitation of a sexual act is a Class B
12 misdemeanor.

13 (Source: P.A. 91-696, eff. 4-13-00.)

14 (720 ILCS 5/11-14.3 new)

15 Sec. 11-14.3. Promoting prostitution.

16 (a) Any person who knowingly performs any of the following
17 acts commits promoting prostitution:

18 (1) advances prostitution as defined in Section
19 11-0.1;

20 (2) profits from prostitution by:

21 (A) compelling a person to become a prostitute;

22 (B) arranging or offering to arrange a situation in
23 which a person may practice prostitution; or

24 (C) any means other than those described in

1 subparagraph (A) or (B).

2 (b) Sentence.

3 (1) A violation of subdivision (a)(1) is a Class A
4 misdemeanor, unless committed within 1,000 feet of real
5 property comprising a school, in which case it is a Class 4
6 felony. A second or subsequent violation of subdivision
7 (a)(1), or any combination of convictions under
8 subdivision (a)(1) and Section 11-14 (prostitution), 11-18
9 (patronizing a prostitute) or 11-18.1 (patronizing a
10 juvenile prostitute), is a Class 4 felony.

11 (2) A violation of subdivision (a)(2)(A) or (a)(2)(B)
12 is a Class 4 felony, unless committed within 1,000 feet of
13 real property comprising a school, in which case it is a
14 Class 3 felony.

15 (3) A violation of subdivision (a)(2)(C) is a Class A
16 misdemeanor, unless committed within 1,000 feet of real
17 property comprising a school, in which case it is a Class 4
18 felony. A second or subsequent violation of subdivision
19 (a)(2)(C), or any combination of convictions under
20 subdivision (a)(2)(C) and subdivision (a)(1) of this
21 Section (promoting prostitution), 11-14 (prostitution),
22 11-18 (patronizing a prostitute) or 11-18.1 (patronizing a
23 juvenile prostitute), is a Class 4 felony.

24 (c) Impounding vehicle. A peace officer may impound any
25 vehicle used by a person in the commission of promoting
26 prostitution, if the officer arrested the person for a

1 violation involving:

2 (1) soliciting another for the purpose of
3 prostitution;

4 (2) arranging or offering to arrange a meeting of
5 persons for the purpose of prostitution; or

6 (3) directing another to a place knowing the direction
7 is for the purpose of prostitution.

8 The person may recover the vehicle from the impound after a
9 minimum of 2 hours after arrest upon payment of a fee of \$200.

10 The fee shall be distributed to the unit of government whose
11 peace officer made the arrest for a violation of this Section.

12 This \$200 fee includes the costs incurred by the unit of
13 government to tow the vehicle to the impound. Upon the

14 presentation of a signed court order by the defendant whose
15 vehicle was impounded showing that the defendant has been

16 acquitted of the offense or that the charges have been
17 dismissed against the defendant for the offense, the

18 municipality shall refund the \$200 fee to the defendant.

19 (720 ILCS 5/11-14.4 new)

20 Sec. 11-14.4. Promoting juvenile prostitution.

21 (a) Any person who knowingly performs any of the following
22 acts commits promoting juvenile prostitution:

23 (1) advances prostitution as defined in Section
24 11-0.1, where the prostitute, or a prostitute in the place,
25 is under 17 years of age or is severely or profoundly

1 mentally retarded at the time of the offense;

2 (2) profits from prostitution by any means where the
3 prostitute is under 17 years of age or is severely or
4 profoundly mentally retarded at the time of the offense;

5 (3) profits from prostitution by any means where the
6 prostitute is under 13 years of age at the time of the
7 offense;

8 (4) confines a child under the age of 16 or a severely
9 or profoundly mentally retarded person against his or her
10 will by the infliction or threat of imminent infliction of
11 great bodily harm or permanent disability or disfigurement
12 or by administering to the child or severely or profoundly
13 mentally retarded person, without his or her consent or by
14 threat or deception and for other than medical purposes,
15 any alcoholic intoxicant or a drug as defined in the
16 Illinois Controlled Substances Act or the Cannabis Control
17 Act or methamphetamine as defined in the Methamphetamine
18 Control and Community Protection Act and:

19 (A) compels the child or severely or profoundly
20 mentally retarded person to become a prostitute;

21 (B) arranges a situation in which the child or
22 severely or profoundly mentally retarded person may
23 practice prostitution; or

24 (C) profits from prostitution by the child or
25 severely or profoundly mentally retarded person.

26 (b) For purposes of this Section, administering drugs, as

1 defined in subdivision (a)(4), or an alcoholic intoxicant to a
2 child under the age of 13 or a severely or profoundly mentally
3 retarded person shall be deemed to be without consent if the
4 administering is done without the consent of the parents or
5 legal guardian.

6 (c) It is an affirmative defense to a charge of promoting
7 juvenile prostitution, except for a charge under subdivision
8 (a)(4), that the accused reasonably believed the person was of
9 the age of 17 years or over or was not a severely or profoundly
10 mentally retarded person at the time of the act giving rise to
11 the charge.

12 (d) Sentence. A violation of subdivision (a)(1) or (a)(2)
13 is a Class 1 felony. A violation of subdivision (a)(3) is a
14 Class X felony. A violation of subdivision (a)(4) is a Class X
15 felony, for which the person shall be sentenced to a term of
16 imprisonment of not less than 6 years and not more than 60
17 years. A second or subsequent violation of this Section that
18 involves promoting juvenile prostitution by keeping a place of
19 juvenile prostitution is a Class X felony.

20 (e) Forfeiture. Any person convicted of a violation of this
21 Section that involves promoting juvenile prostitution by
22 keeping a place of juvenile prostitution or convicted of a
23 violation of subdivision (a)(4) is subject to the property
24 forfeiture provisions set forth in Article 124B of the Code of
25 Criminal Procedure of 1963.

1 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

2 Sec. 11-18. Patronizing a prostitute.

3 (a) Any person who knowingly performs any of the following
4 acts with a person not his or her spouse commits ~~the offense of~~
5 patronizing a prostitute:

6 (1) Engages in an act of sexual penetration as defined
7 in Section 11-0.1 ~~12-12~~ of this Code with a prostitute; or

8 (2) Enters or remains in a place of prostitution with
9 intent to engage in an act of sexual penetration as defined
10 in Section 11-0.1 ~~12-12~~ of this Code; or ~~or~~.

11 (3) Engages in any touching or fondling with a
12 prostitute of the sex organs of one person by the other
13 person, with the intent to achieve sexual arousal or
14 gratification.

15 (b) Sentence.

16 Patronizing a prostitute is a Class A misdemeanor, unless
17 committed within 1,000 feet of real property comprising a
18 school, in which case it is a Class 4 felony. A person
19 convicted of a second or subsequent violation of this Section,
20 or of any combination of such number of convictions under this
21 Section and Sections 11-14 (prostitution), 11-14.3 (promoting
22 prostitution), 11-14.4 (promoting juvenile prostitution), and
23 ~~11-15, 11-17,~~ 11-18.1 (patronizing a juvenile prostitute) and
24 ~~11-19~~ of this Code, is guilty of a Class 4 felony. ~~When a~~
25 ~~person has one or more prior convictions, the information or~~
26 ~~indictment charging that person shall state such prior~~

1 ~~convictions so as to give notice of the State's intention to~~
2 ~~treat the charge as a felony. The fact of such conviction is~~
3 ~~not an element of the offense and may not be disclosed to the~~
4 ~~jury during trial unless otherwise permitted by issues properly~~
5 ~~raised during such trial.~~

6 (c) (Blank). ~~A person who violates this Section within~~
7 ~~1,000 feet of real property comprising a school commits a Class~~
8 ~~4 felony.~~

9 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 92-16,
10 eff. 6-28-01.)

11 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

12 Sec. 11-18.1. Patronizing a juvenile prostitute.

13 (a) Any person who engages in an act of sexual penetration
14 as defined in Section 11-0.1 ~~12-12~~ of this Code with a
15 prostitute under 17 years of age commits ~~the offense of~~
16 patronizing a juvenile prostitute.

17 (a-5) Any person who engages in any touching or fondling
18 with a prostitute, under 17 years of age, of the sex organs of
19 one person by the other person, with the intent to achieve
20 sexual arousal or gratification, commits patronizing a
21 juvenile prostitute.

22 (b) It is an affirmative defense to the charge of
23 patronizing a juvenile prostitute that the accused reasonably
24 believed that the person was of the age of 17 years or over at
25 the time of the act giving rise to the charge.

1 (c) Sentence. A person who commits patronizing a juvenile
2 prostitute is guilty of a Class 4 felony.

3 (Source: P.A. 85-1447.)

4 (720 ILCS 5/Art. 11 Subdiv. 20 heading new)

5 SUBDIVISION 20. PORNOGRAPHY OFFENSES

6 (720 ILCS 5/11-20) (from Ch. 38, par. 11-20)

7 Sec. 11-20. Obscenity.

8 (a) Elements of the Offense. A person commits obscenity
9 when, with knowledge of the nature or content thereof, or
10 recklessly failing to exercise reasonable inspection which
11 would have disclosed the nature or content thereof, he or she:

12 (1) Sells, delivers or provides, or offers or agrees to
13 sell, deliver or provide any obscene writing, picture,
14 record or other representation or embodiment of the
15 obscene; or

16 (2) Presents or directs an obscene play, dance or other
17 performance or participates directly in that portion
18 thereof which makes it obscene; or

19 (3) Publishes, exhibits or otherwise makes available
20 anything obscene; or

21 (4) Performs an obscene act or otherwise presents an
22 obscene exhibition of his or her body for gain; or

23 (5) Creates, buys, procures or possesses obscene
24 matter or material with intent to disseminate it in

1 violation of this Section, or of the penal laws or
2 regulations of any other jurisdiction; or

3 (6) Advertises or otherwise promotes the sale of
4 material represented or held out by him or her to be
5 obscene, whether or not it is obscene.

6 (b) Obscene Defined.

7 Any material or performance is obscene if: (1) the average
8 person, applying contemporary adult community standards, would
9 find that, taken as a whole, it appeals to the prurient
10 interest; and (2) the average person, applying contemporary
11 adult community standards, would find that it depicts or
12 describes, in a patently offensive way, ultimate sexual acts or
13 sadomasochistic sexual acts, whether normal or perverted,
14 actual or simulated, or masturbation, excretory functions or
15 lewd exhibition of the genitals; and (3) taken as a whole, it
16 lacks serious literary, artistic, political or scientific
17 value.

18 (c) Interpretation of Evidence.

19 Obscenity shall be judged with reference to ordinary
20 adults, except that it shall be judged with reference to
21 children or other specially susceptible audiences if it appears
22 from the character of the material or the circumstances of its
23 dissemination to be specially designed for or directed to such
24 an audience.

25 Where circumstances of production, presentation, sale,
26 dissemination, distribution, or publicity indicate that

1 material is being commercially exploited for the sake of its
2 prurient appeal, such evidence is probative with respect to the
3 nature of the matter and can justify the conclusion that the
4 matter is lacking in serious literary, artistic, political or
5 scientific value.

6 In any prosecution for an offense under this Section
7 evidence shall be admissible to show:

8 (1) The character of the audience for which the
9 material was designed or to which it was directed;

10 (2) What the predominant appeal of the material would
11 be for ordinary adults or a special audience, and what
12 effect, if any, it would probably have on the behavior of
13 such people;

14 (3) The artistic, literary, scientific, educational or
15 other merits of the material, or absence thereof;

16 (4) The degree, if any, of public acceptance of the
17 material in this State;

18 (5) Appeal to prurient interest, or absence thereof, in
19 advertising or other promotion of the material;

20 (6) Purpose of the author, creator, publisher or
21 disseminator.

22 (d) Sentence.

23 Obscenity is a Class A misdemeanor. A second or subsequent
24 offense is a Class 4 felony.

25 (e) Permissive Inference ~~Prima Facie Evidence~~.

26 The trier of fact may infer an intent to disseminate from

1 the creation, purchase, procurement or possession of a mold,
2 engraved plate or other embodiment of obscenity specially
3 adapted for reproducing multiple copies, or the possession of
4 more than 3 copies of obscene material ~~shall be prima facie~~
5 ~~evidence of an intent to disseminate.~~

6 (f) Affirmative Defenses.

7 It shall be an affirmative defense to obscenity that the
8 dissemination:

9 (1) Was not for gain and was made to personal
10 associates other than children under 18 years of age;

11 (2) Was to institutions or individuals having
12 scientific or other special justification for possession
13 of such material.

14 (g) Forfeiture of property. A person who has been convicted
15 previously of the offense of obscenity and who is convicted of
16 a second or subsequent offense of obscenity is subject to the
17 property forfeiture provisions set forth in Article 124B of the
18 Code of Criminal Procedure of 1963.

19 (Source: P.A. 96-712, eff. 1-1-10.)

20 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

21 Sec. 11-20.1. Child pornography.

22 (a) A person commits ~~the offense of~~ child pornography who:

23 (1) films, videotapes, photographs, or otherwise
24 depicts or portrays by means of any similar visual medium
25 or reproduction or depicts by computer any child whom he or

1 she knows or reasonably should know to be under the age of
2 18 and at least 13 years of age or any severely or
3 profoundly mentally retarded person where such child or
4 severely or profoundly mentally retarded person is:

5 (i) actually or by simulation engaged in any act of
6 sexual penetration or sexual conduct with any person or
7 animal; or

8 (ii) actually or by simulation engaged in any act
9 of sexual penetration or sexual conduct involving the
10 sex organs of the child or severely or profoundly
11 mentally retarded person and the mouth, anus, or sex
12 organs of another person or animal; or which involves
13 the mouth, anus or sex organs of the child or severely
14 or profoundly mentally retarded person and the sex
15 organs of another person or animal; or

16 (iii) actually or by simulation engaged in any act
17 of masturbation; or

18 (iv) actually or by simulation portrayed as being
19 the object of, or otherwise engaged in, any act of lewd
20 fondling, touching, or caressing involving another
21 person or animal; or

22 (v) actually or by simulation engaged in any act of
23 excretion or urination within a sexual context; or

24 (vi) actually or by simulation portrayed or
25 depicted as bound, fettered, or subject to sadistic,
26 masochistic, or sadomasochistic abuse in any sexual

1 context; or

2 (vii) depicted or portrayed in any pose, posture or
3 setting involving a lewd exhibition of the unclothed or
4 transparently clothed genitals, pubic area, buttocks,
5 or, if such person is female, a fully or partially
6 developed breast of the child or other person; or

7 (2) with the knowledge of the nature or content
8 thereof, reproduces, disseminates, offers to disseminate,
9 exhibits or possesses with intent to disseminate any film,
10 videotape, photograph or other similar visual reproduction
11 or depiction by computer of any child or severely or
12 profoundly mentally retarded person whom the person knows
13 or reasonably should know to be under the age of 18 and at
14 least 13 years of age or to be a severely or profoundly
15 mentally retarded person, engaged in any activity
16 described in subparagraphs (i) through (vii) of paragraph
17 (1) of this subsection; or

18 (3) with knowledge of the subject matter or theme
19 thereof, produces any stage play, live performance, film,
20 videotape or other similar visual portrayal or depiction by
21 computer which includes a child whom the person knows or
22 reasonably should know to be under the age of 18 and at
23 least 13 years of age or a severely or profoundly mentally
24 retarded person engaged in any activity described in
25 subparagraphs (i) through (vii) of paragraph (1) of this
26 subsection; or

1 (4) solicits, uses, persuades, induces, entices, or
2 coerces any child whom he or she knows or reasonably should
3 know to be under the age of 18 and at least 13 years of age
4 or a severely or profoundly mentally retarded person to
5 appear in any stage play, live presentation, film,
6 videotape, photograph or other similar visual reproduction
7 or depiction by computer in which the child or severely or
8 profoundly mentally retarded person is or will be depicted,
9 actually or by simulation, in any act, pose or setting
10 described in subparagraphs (i) through (vii) of paragraph
11 (1) of this subsection; or

12 (5) is a parent, step-parent, legal guardian or other
13 person having care or custody of a child whom the person
14 knows or reasonably should know to be under the age of 18
15 and at least 13 years of age or a severely or profoundly
16 mentally retarded person and who knowingly permits,
17 induces, promotes, or arranges for such child or severely
18 or profoundly mentally retarded person to appear in any
19 stage play, live performance, film, videotape, photograph
20 or other similar visual presentation, portrayal or
21 simulation or depiction by computer of any act or activity
22 described in subparagraphs (i) through (vii) of paragraph
23 (1) of this subsection; or

24 (6) with knowledge of the nature or content thereof,
25 possesses any film, videotape, photograph or other similar
26 visual reproduction or depiction by computer of any child

1 or severely or profoundly mentally retarded person whom the
2 person knows or reasonably should know to be under the age
3 of 18 and at least 13 years of age or to be a severely or
4 profoundly mentally retarded person, engaged in any
5 activity described in subparagraphs (i) through (vii) of
6 paragraph (1) of this subsection; or

7 (7) solicits, or knowingly uses, persuades, induces,
8 entices, or coerces, a person to provide a child under the
9 age of 18 and at least 13 years of age or a severely or
10 profoundly mentally retarded person to appear in any
11 videotape, photograph, film, stage play, live
12 presentation, or other similar visual reproduction or
13 depiction by computer in which the child or severely or
14 profoundly mentally retarded person will be depicted,
15 actually or by simulation, in any act, pose, or setting
16 described in subparagraphs (i) through (vii) of paragraph
17 (1) of this subsection.

18 (b) (1) It shall be an affirmative defense to a charge of
19 child pornography that the defendant reasonably believed,
20 under all of the circumstances, that the child was 18 years
21 of age or older or that the person was not a severely or
22 profoundly mentally retarded person but only where, prior
23 to the act or acts giving rise to a prosecution under this
24 Section, he or she took some affirmative action or made a
25 bonafide inquiry designed to ascertain whether the child
26 was 18 years of age or older or that the person was not a

1 severely or profoundly mentally retarded person and his or
2 her reliance upon the information so obtained was clearly
3 reasonable.

4 (2) (Blank).

5 (3) The charge of child pornography shall not apply to
6 the performance of official duties by law enforcement or
7 prosecuting officers or persons employed by law
8 enforcement or prosecuting agencies, court personnel or
9 attorneys, nor to bonafide treatment or professional
10 education programs conducted by licensed physicians,
11 psychologists or social workers.

12 (4) If Possession by the defendant possessed ~~of~~ more
13 than one of the same film, videotape or visual reproduction
14 or depiction by computer in which child pornography is
15 depicted, then the trier of fact may infer ~~shall raise a~~
16 ~~rebuttable presumption~~ that the defendant possessed such
17 materials with the intent to disseminate them.

18 (5) The charge of child pornography does not apply to a
19 person who does not voluntarily possess a film, videotape,
20 or visual reproduction or depiction by computer in which
21 child pornography is depicted. Possession is voluntary if
22 the defendant knowingly procures or receives a film,
23 videotape, or visual reproduction or depiction for a
24 sufficient time to be able to terminate his or her
25 possession.

26 (6) Any violation of paragraph (1), (2), (3), (4), (5),

1 or (7) of subsection (a) that includes a child engaged in,
2 solicited for, depicted in, or posed in any act of sexual
3 penetration or bound, fettered, or subject to sadistic,
4 masochistic, or sadomasochistic abuse in a sexual context
5 shall be deemed a crime of violence.

6 (c) Violation of paragraph (1), (4), (5), or (7) of
7 subsection (a) is a Class 1 felony with a mandatory minimum
8 fine of \$2,000 and a maximum fine of \$100,000. Violation of
9 paragraph (3) of subsection (a) is a Class 1 felony with a
10 mandatory minimum fine of \$1500 and a maximum fine of \$100,000.
11 Violation of paragraph (2) of subsection (a) is a Class 1
12 felony with a mandatory minimum fine of \$1000 and a maximum
13 fine of \$100,000. Violation of paragraph (6) of subsection (a)
14 is a Class 3 felony with a mandatory minimum fine of \$1000 and
15 a maximum fine of \$100,000.

16 (d) If a person is convicted of a second or subsequent
17 violation of this Section within 10 years of a prior
18 conviction, the court shall order a presentence psychiatric
19 examination of the person. The examiner shall report to the
20 court whether treatment of the person is necessary.

21 (e) Any film, videotape, photograph or other similar visual
22 reproduction or depiction by computer which includes a child
23 under the age of 18 and at least 13 years of age or a severely
24 or profoundly mentally retarded person engaged in any activity
25 described in subparagraphs (i) through (vii) or paragraph 1 of
26 subsection (a), and any material or equipment used or intended

1 for use in photographing, filming, printing, producing,
2 reproducing, manufacturing, projecting, exhibiting, depiction
3 by computer, or disseminating such material shall be seized and
4 forfeited in the manner, method and procedure provided by
5 Section 36-1 of this Code for the seizure and forfeiture of
6 vessels, vehicles and aircraft.

7 In addition, any person convicted under this Section is
8 subject to the property forfeiture provisions set forth in
9 Article 124B of the Code of Criminal Procedure of 1963.

10 (e-5) Upon the conclusion of a case brought under this
11 Section, the court shall seal all evidence depicting a victim
12 or witness that is sexually explicit. The evidence may be
13 unsealed and viewed, on a motion of the party seeking to unseal
14 and view the evidence, only for good cause shown and in the
15 discretion of the court. The motion must expressly set forth
16 the purpose for viewing the material. The State's attorney and
17 the victim, if possible, shall be provided reasonable notice of
18 the hearing on the motion to unseal the evidence. Any person
19 entitled to notice of a hearing under this subsection (e-5) may
20 object to the motion.

21 (f) Definitions. For the purposes of this Section:

22 (1) "Disseminate" means (i) to sell, distribute,
23 exchange or transfer possession, whether with or without
24 consideration or (ii) to make a depiction by computer
25 available for distribution or downloading through the
26 facilities of any telecommunications network or through

1 any other means of transferring computer programs or data
2 to a computer.

3 (2) "Produce" means to direct, promote, advertise,
4 publish, manufacture, issue, present or show.

5 (3) "Reproduce" means to make a duplication or copy.

6 (4) "Depict by computer" means to generate or create,
7 or cause to be created or generated, a computer program or
8 data that, after being processed by a computer either alone
9 or in conjunction with one or more computer programs,
10 results in a visual depiction on a computer monitor,
11 screen, or display.

12 (5) "Depiction by computer" means a computer program or
13 data that, after being processed by a computer either alone
14 or in conjunction with one or more computer programs,
15 results in a visual depiction on a computer monitor,
16 screen, or display.

17 (6) "Computer", "computer program", and "data" have
18 the meanings ascribed to them in Section 16D-2 of this
19 Code.

20 (7) For the purposes of this Section, "child
21 pornography Child" includes a film, videotape, photograph,
22 or other similar visual medium or reproduction or depiction
23 by computer that is, or appears to be, that of a person,
24 either in part, or in total, under the age of 18 and at
25 least 13 years of age or a severely or profoundly mentally
26 retarded person, regardless of the method by which the

1 film, videotape, photograph, or other similar visual
2 medium or reproduction or depiction by computer is created,
3 adopted, or modified to appear as such. "Child pornography"
4 also includes a film, videotape, photograph, or other
5 similar visual medium or reproduction or depiction by
6 computer that is advertised, promoted, presented,
7 described, or distributed in such a manner that conveys the
8 impression that the film, videotape, photograph, or other
9 similar visual medium or reproduction or depiction by
10 computer is of a person under the age of 18 and at least 13
11 years of age or a severely or profoundly mentally retarded
12 person.

13 ~~(8) "Sexual penetration" and "sexual conduct" have the~~
14 ~~meanings ascribed to them in Section 12-12 of this Code.~~

15 (g) Re-enactment; findings; purposes.

16 (1) The General Assembly finds and declares that:

17 (i) Section 50-5 of Public Act 88-680, effective
18 January 1, 1995, contained provisions amending the
19 child pornography statute, Section 11-20.1 of the
20 Criminal Code of 1961. Section 50-5 also contained
21 other provisions.

22 (ii) In addition, Public Act 88-680 was entitled
23 "AN ACT to create a Safe Neighborhoods Law". (A)
24 Article 5 was entitled JUVENILE JUSTICE and amended the
25 Juvenile Court Act of 1987. (B) Article 15 was entitled
26 GANGS and amended various provisions of the Criminal

1 Code of 1961 and the Unified Code of Corrections. (C)
2 Article 20 was entitled ALCOHOL ABUSE and amended
3 various provisions of the Illinois Vehicle Code. (D)
4 Article 25 was entitled DRUG ABUSE and amended the
5 Cannabis Control Act and the Illinois Controlled
6 Substances Act. (E) Article 30 was entitled FIREARMS
7 and amended the Criminal Code of 1961 and the Code of
8 Criminal Procedure of 1963. (F) Article 35 amended the
9 Criminal Code of 1961, the Rights of Crime Victims and
10 Witnesses Act, and the Unified Code of Corrections. (G)
11 Article 40 amended the Criminal Code of 1961 to
12 increase the penalty for compelling organization
13 membership of persons. (H) Article 45 created the
14 Secure Residential Youth Care Facility Licensing Act
15 and amended the State Finance Act, the Juvenile Court
16 Act of 1987, the Unified Code of Corrections, and the
17 Private Correctional Facility Moratorium Act. (I)
18 Article 50 amended the WIC Vendor Management Act, the
19 Firearm Owners Identification Card Act, the Juvenile
20 Court Act of 1987, the Criminal Code of 1961, the
21 Wrongs to Children Act, and the Unified Code of
22 Corrections.

23 (iii) On September 22, 1998, the Third District
24 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
25 ruled that Public Act 88-680 violates the single
26 subject clause of the Illinois Constitution (Article

1 IV, Section 8 (d)) and was unconstitutional in its
2 entirety. As of the time this amendatory Act of 1999
3 was prepared, People v. Dainty was still subject to
4 appeal.

5 (iv) Child pornography is a vital concern to the
6 people of this State and the validity of future
7 prosecutions under the child pornography statute of
8 the Criminal Code of 1961 is in grave doubt.

9 (2) It is the purpose of this amendatory Act of 1999 to
10 prevent or minimize any problems relating to prosecutions
11 for child pornography that may result from challenges to
12 the constitutional validity of Public Act 88-680 by
13 re-enacting the Section relating to child pornography that
14 was included in Public Act 88-680.

15 (3) This amendatory Act of 1999 re-enacts Section
16 11-20.1 of the Criminal Code of 1961, as it has been
17 amended. This re-enactment is intended to remove any
18 question as to the validity or content of that Section; it
19 is not intended to supersede any other Public Act that
20 amends the text of the Section as set forth in this
21 amendatory Act of 1999. The material is shown as existing
22 text (i.e., without underscoring) because, as of the time
23 this amendatory Act of 1999 was prepared, People v. Dainty
24 was subject to appeal to the Illinois Supreme Court.

25 (4) The re-enactment by this amendatory Act of 1999 of
26 Section 11-20.1 of the Criminal Code of 1961 relating to

1 child pornography that was amended by Public Act 88-680 is
2 not intended, and shall not be construed, to imply that
3 Public Act 88-680 is invalid or to limit or impair any
4 legal argument concerning whether those provisions were
5 substantially re-enacted by other Public Acts.

6 (Source: P.A. 96-292, eff. 1-1-10; 96-712, eff. 1-1-10; revised
7 10-1-09.)

8 (720 ILCS 5/11-20.1B) (was 720 ILCS 5/11-20.3)

9 Sec. 11-20.1B ~~11-20.3~~. Aggravated child pornography.

10 (a) A person commits ~~the offense of~~ aggravated child
11 pornography who:

12 (1) films, videotapes, photographs, or otherwise
13 depicts or portrays by means of any similar visual medium
14 or reproduction or depicts by computer any child whom he or
15 she knows or reasonably should know to be under the age of
16 13 years where such child is:

17 (i) actually or by simulation engaged in any act of
18 sexual penetration or sexual conduct with any person or
19 animal; or

20 (ii) actually or by simulation engaged in any act
21 of sexual penetration or sexual conduct involving the
22 sex organs of the child and the mouth, anus, or sex
23 organs of another person or animal; or which involves
24 the mouth, anus or sex organs of the child and the sex
25 organs of another person or animal; or

1 (iii) actually or by simulation engaged in any act
2 of masturbation; or

3 (iv) actually or by simulation portrayed as being
4 the object of, or otherwise engaged in, any act of lewd
5 fondling, touching, or caressing involving another
6 person or animal; or

7 (v) actually or by simulation engaged in any act of
8 excretion or urination within a sexual context; or

9 (vi) actually or by simulation portrayed or
10 depicted as bound, fettered, or subject to sadistic,
11 masochistic, or sadomasochistic abuse in any sexual
12 context; or

13 (vii) depicted or portrayed in any pose, posture or
14 setting involving a lewd exhibition of the unclothed or
15 transparently clothed genitals, pubic area, buttocks,
16 or, if such person is female, a fully or partially
17 developed breast of the child or other person; or

18 (2) with the knowledge of the nature or content
19 thereof, reproduces, disseminates, offers to disseminate,
20 exhibits or possesses with intent to disseminate any film,
21 videotape, photograph or other similar visual reproduction
22 or depiction by computer of any child whom the person knows
23 or reasonably should know to be under the age of 13 engaged
24 in any activity described in subparagraphs (i) through
25 (vii) of paragraph (1) of this subsection; or

26 (3) with knowledge of the subject matter or theme

1 thereof, produces any stage play, live performance, film,
2 videotape or other similar visual portrayal or depiction by
3 computer which includes a child whom the person knows or
4 reasonably should know to be under the age of 13 engaged in
5 any activity described in subparagraphs (i) through (vii)
6 of paragraph (1) of this subsection; or

7 (4) solicits, uses, persuades, induces, entices, or
8 coerces any child whom he or she knows or reasonably should
9 know to be under the age of 13 to appear in any stage play,
10 live presentation, film, videotape, photograph or other
11 similar visual reproduction or depiction by computer in
12 which the child ~~or severely or profoundly mentally retarded~~
13 person is or will be depicted, actually or by simulation,
14 in any act, pose or setting described in subparagraphs (i)
15 through (vii) of paragraph (1) of this subsection; or

16 (5) is a parent, step-parent, legal guardian or other
17 person having care or custody of a child whom the person
18 knows or reasonably should know to be under the age of 13
19 and who knowingly permits, induces, promotes, or arranges
20 for such child to appear in any stage play, live
21 performance, film, videotape, photograph or other similar
22 visual presentation, portrayal or simulation or depiction
23 by computer of any act or activity described in
24 subparagraphs (i) through (vii) of paragraph (1) of this
25 subsection; or

26 (6) with knowledge of the nature or content thereof,

1 possesses any film, videotape, photograph or other similar
2 visual reproduction or depiction by computer of any child
3 whom the person knows or reasonably should know to be under
4 the age of 13 engaged in any activity described in
5 subparagraphs (i) through (vii) of paragraph (1) of this
6 subsection; or

7 (7) solicits, or knowingly uses, persuades, induces,
8 entices, or coerces a person to provide a child under the
9 age of 13 to appear in any videotape, photograph, film,
10 stage play, live presentation, or other similar visual
11 reproduction or depiction by computer in which the child
12 will be depicted, actually or by simulation, in any act,
13 pose, or setting described in subparagraphs (i) through
14 (vii) of paragraph (1) of this subsection.

15 (b)(1) It shall be an affirmative defense to a charge of
16 aggravated child pornography that the defendant reasonably
17 believed, under all of the circumstances, that the child was 13
18 years of age or older, but only where, prior to the act or acts
19 giving rise to a prosecution under this Section, he or she took
20 some affirmative action or made a bonafide inquiry designed to
21 ascertain whether the child was 13 years of age or older and
22 his or her reliance upon the information so obtained was
23 clearly reasonable.

24 (2) The charge of aggravated child pornography shall not
25 apply to the performance of official duties by law enforcement
26 or prosecuting officers or persons employed by law enforcement

1 or prosecuting agencies, court personnel or attorneys, nor to
2 bonafide treatment or professional education programs
3 conducted by licensed physicians, psychologists or social
4 workers.

5 (3) If the defendant possessed more than one ~~3~~ of the same
6 film, videotape or visual reproduction or depiction by computer
7 in which aggravated child pornography is depicted, then the
8 trier of fact may infer that the defendant possessed such
9 materials with the intent to disseminate them.

10 (4) The charge of aggravated child pornography does not
11 apply to a person who does not voluntarily possess a film,
12 videotape, or visual reproduction or depiction by computer in
13 which aggravated child pornography is depicted. Possession is
14 voluntary if the defendant knowingly procures or receives a
15 film, videotape, or visual reproduction or depiction for a
16 sufficient time to be able to terminate his or her possession.

17 (5) Any violation of paragraph (1), (2), (3), (4), (5), or
18 (7) of subsection (a) that includes a child engaged in,
19 solicited for, depicted in, or posed in any act of sexual
20 penetration or bound, fettered, or subject to sadistic,
21 masochistic, or sadomasochistic abuse in a sexual context shall
22 be deemed a crime of violence.

23 (c) Sentence: (1) A person who commits a violation of
24 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is
25 guilty of a Class X felony with a mandatory minimum fine of
26 \$2,000 and a maximum fine of \$100,000.

1 (2) A person who commits a violation of paragraph (6) of
2 subsection (a) is guilty of a Class 2 felony with a mandatory
3 minimum fine of \$1000 and a maximum fine of \$100,000.

4 (3) A person who commits a violation of paragraph (1), (2),
5 (3), (4), (5), or (7) of subsection (a) where the defendant has
6 previously been convicted under the laws of this State or any
7 other state of the offense of child pornography, aggravated
8 child pornography, aggravated criminal sexual abuse,
9 aggravated criminal sexual assault, predatory criminal sexual
10 assault of a child, or any of the offenses formerly known as
11 rape, deviate sexual assault, indecent liberties with a child,
12 or aggravated indecent liberties with a child where the victim
13 was under the age of 18 years or an offense that is
14 substantially equivalent to those offenses, is guilty of a
15 Class X felony for which the person shall be sentenced to a
16 term of imprisonment of not less than 9 years with a mandatory
17 minimum fine of \$2,000 and a maximum fine of \$100,000.

18 (4) A person who commits a violation of paragraph (6) of
19 subsection (a) where the defendant has previously been
20 convicted under the laws of this State or any other state of
21 the offense of child pornography, aggravated child
22 pornography, aggravated criminal sexual abuse, aggravated
23 criminal sexual assault, predatory criminal sexual assault of a
24 child, or any of the offenses formerly known as rape, deviate
25 sexual assault, indecent liberties with a child, or aggravated
26 indecent liberties with a child where the victim was under the

1 age of 18 years or an offense that is substantially equivalent
2 to those offenses, is guilty of a Class 1 felony with a
3 mandatory minimum fine of \$1000 and a maximum fine of \$100,000.

4 (d) If a person is convicted of a second or subsequent
5 violation of this Section within 10 years of a prior
6 conviction, the court shall order a presentence psychiatric
7 examination of the person. The examiner shall report to the
8 court whether treatment of the person is necessary.

9 (e) Any film, videotape, photograph or other similar visual
10 reproduction or depiction by computer which includes a child
11 under the age of 13 engaged in any activity described in
12 subparagraphs (i) through (vii) of paragraph (1) of subsection
13 (a), and any material or equipment used or intended for use in
14 photographing, filming, printing, producing, reproducing,
15 manufacturing, projecting, exhibiting, depiction by computer,
16 or disseminating such material shall be seized and forfeited in
17 the manner, method and procedure provided by Section 36-1 of
18 this Code for the seizure and forfeiture of vessels, vehicles
19 and aircraft.

20 In addition, any person convicted under this Section is
21 subject to the property forfeiture provisions set forth in
22 Article 124B of the Code of Criminal Procedure of 1963.

23 (e-5) Upon the conclusion of a case brought under this
24 Section, the court shall seal all evidence depicting a victim
25 or witness that is sexually explicit. The evidence may be
26 unsealed and viewed, on a motion of the party seeking to unseal

1 and view the evidence, only for good cause shown and in the
2 discretion of the court. The motion must expressly set forth
3 the purpose for viewing the material. The State's attorney and
4 the victim, if possible, shall be provided reasonable notice of
5 the hearing on the motion to unseal the evidence. Any person
6 entitled to notice of a hearing under this subsection (e-5) may
7 object to the motion.

8 (f) Definitions. For the purposes of this Section:

9 (1) "Disseminate" means (i) to sell, distribute,
10 exchange or transfer possession, whether with or without
11 consideration or (ii) to make a depiction by computer
12 available for distribution or downloading through the
13 facilities of any telecommunications network or through
14 any other means of transferring computer programs or data
15 to a computer.

16 (2) "Produce" means to direct, promote, advertise,
17 publish, manufacture, issue, present or show.

18 (3) "Reproduce" means to make a duplication or copy.

19 (4) "Depict by computer" means to generate or create,
20 or cause to be created or generated, a computer program or
21 data that, after being processed by a computer either alone
22 or in conjunction with one or more computer programs,
23 results in a visual depiction on a computer monitor,
24 screen, or display.

25 (5) "Depiction by computer" means a computer program or
26 data that, after being processed by a computer either alone

1 or in conjunction with one or more computer programs,
2 results in a visual depiction on a computer monitor,
3 screen, or display.

4 (6) "Computer", "computer program", and "data" have
5 the meanings ascribed to them in Section 16D-2 of this
6 Code.

7 (7) For the purposes of this Section, "child" means a
8 person, either in part or in total, under the age of 13,
9 regardless of the method by which the film, videotape,
10 photograph, or other similar visual medium or reproduction
11 or depiction by computer is created, adopted, or modified
12 to appear as such.

13 ~~(8) "Sexual penetration" and "sexual conduct" have the~~
14 ~~meanings ascribed to them in Section 12-12 of this Code.~~

15 (g) When a charge of aggravated child pornography is
16 brought, the age of the child is an element of the offense to
17 be resolved by the trier of fact as either exceeding or not
18 exceeding the age in question. The trier of fact can rely on
19 its own everyday observations and common experiences in making
20 this determination.

21 (Source: P.A. 95-579, eff. 6-1-08; 96-292, eff. 1-1-10; 96-712,
22 eff. 1-1-10; revised 10-1-09.)

23 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

24 Sec. 11-20.2. Duty of commercial film and photographic
25 print processors to report sexual depiction of children. ~~Duty~~

1 ~~to report child pornography.~~

2 (a) Any commercial film and photographic print processor or
3 computer technician who has knowledge of or observes, within
4 the scope of his professional capacity or employment, any film,
5 photograph, videotape, negative, slide, computer hard drive or
6 any other magnetic or optical media which depicts a child whom
7 the processor or computer technician knows or reasonably should
8 know to be under the age of 18 where such child is:

9 (i) actually or by simulation engaged in any act of
10 sexual penetration or sexual conduct with any person or
11 animal; or

12 (ii) actually or by simulation engaged in any act of
13 sexual penetration or sexual conduct involving the sex
14 organs of the child and the mouth, anus, or sex organs of
15 another person or animal; or which involves the mouth, anus
16 or sex organs of the child and the sex organs of another
17 person or animal; or

18 (iii) actually or by simulation engaged in any act of
19 masturbation; or

20 (iv) actually or by simulation portrayed as being the
21 object of, or otherwise engaged in, any act of lewd
22 fondling, touching, or caressing involving another person
23 or animal; or

24 (v) actually or by simulation engaged in any act of
25 excretion or urination within a sexual context; or

26 (vi) actually or by simulation portrayed or depicted as

1 bound, fettered, or subject to sadistic, masochistic, or
2 sadomasochistic abuse in any sexual context; or

3 (vii) depicted or portrayed in any pose, posture or
4 setting involving a lewd exhibition of the unclothed or
5 transparently clothed genitals, pubic area, buttocks, or,
6 if such person is female, a fully or partially developed
7 breast of the child or other person;

8 shall report or cause a report to be made pursuant to
9 subsections (b) and (c) as soon as reasonably possible. Failure
10 to make such report shall be a business offense with a fine of
11 \$1,000.

12 (b) Commercial film and photographic film processors shall
13 report or cause a report to be made to the local law
14 enforcement agency of the jurisdiction in which the image or
15 images described in subsection (a) are discovered.

16 (c) Computer technicians shall report or cause the report
17 to be made to the local law enforcement agency of the
18 jurisdiction in which the image or images described in
19 subsection (a) are discovered or to the Illinois Child
20 Exploitation e-Tipline at reportchildporn@atg.state.il.us.

21 (d) Reports required by this Act shall include the
22 following information: (i) name, address, and telephone number
23 of the person filing the report; (ii) the employer of the
24 person filing the report, if any; (iii) the name, address and
25 telephone number of the person whose property is the subject of
26 the report, if known; (iv) the circumstances which led to the

1 filing of the report, including a description of the reported
2 content.

3 (e) If a report is filed with the Cyber Tipline at the
4 National Center for Missing and Exploited Children or in
5 accordance with the requirements of 42 U.S.C. 13032, the
6 requirements of this Act will be deemed to have been met.

7 (f) A computer technician or an employer caused to report
8 child pornography under this Section is immune from any
9 criminal, civil, or administrative liability in connection
10 with making the report, except for willful or wanton
11 misconduct.

12 (g) For the purposes of this Section, a "computer
13 technician" is a person who installs, maintains,
14 troubleshoots, repairs or upgrades computer hardware,
15 software, computer networks, peripheral equipment, electronic
16 mail systems, or provides user assistance for any of the
17 aforementioned tasks.

18 (Source: P.A. 95-983, eff. 6-1-09.)

19 (720 ILCS 5/11-21) (from Ch. 38, par. 11-21)

20 Sec. 11-21. Harmful material.

21 (a) As used in this Section:

22 "Distribute" means to transfer possession of, whether
23 with or without consideration.

24 "Harmful to minors" means that quality of any
25 description or representation, in whatever form, of

1 nudity, sexual conduct, sexual excitement, or
2 sado-masochistic abuse, when, taken as a whole, it (i)
3 predominately appeals to the prurient interest in sex of
4 minors, (ii) is patently offensive to prevailing standards
5 in the adult community in the State as a whole with respect
6 to what is suitable material for minors, and (iii) lacks
7 serious literary, artistic, political, or scientific value
8 for minors.

9 "Knowingly" means having knowledge of the contents of
10 the subject matter, or recklessly failing to exercise
11 reasonable inspection which would have disclosed the
12 contents.

13 "Material" means (i) any picture, photograph, drawing,
14 sculpture, film, video game, computer game, video or
15 similar visual depiction, including any such
16 representation or image which is stored electronically, or
17 (ii) any book, magazine, printed matter however
18 reproduced, or recorded audio of any sort.

19 "Minor" means any person under the age of 18.

20 "Nudity" means the showing of the human male or female
21 genitals, pubic area or buttocks with less than a fully
22 ~~full~~ opaque covering, or the showing of the female breast
23 with less than a fully opaque covering of any portion below
24 the top of the nipple, or the depiction of covered male
25 genitals in a discernably turgid state.

26 "Sado-masochistic abuse" means flagellation or torture

1 by or upon a person clad in undergarments, a mask or
2 bizarre costume, or the condition of being fettered, bound
3 or otherwise physically restrained on the part of one
4 clothed for sexual gratification or stimulation.

5 "Sexual conduct" means acts of masturbation, sexual
6 intercourse, or physical contact with a person's clothed or
7 unclothed genitals, pubic area, buttocks or, if such person
8 be a female, breast.

9 "Sexual excitement" means the condition of human male
10 or female genitals when in a state of sexual stimulation or
11 arousal.

12 (b) A person is guilty of distributing harmful material to
13 a minor when he or she:

14 (1) knowingly sells, lends, distributes, exhibits to,
15 depicts to, or gives away to a minor, knowing that the
16 minor is under the age of 18 or failing to exercise
17 reasonable care in ascertaining the person's true age:

18 (A) any material which depicts nudity, sexual
19 conduct or sado-masochistic abuse, or which contains
20 explicit and detailed verbal descriptions or narrative
21 accounts of sexual excitement, sexual conduct or
22 sado-masochistic abuse, and which taken as a whole is
23 harmful to minors;

24 (B) a motion picture, show, or other presentation
25 which depicts nudity, sexual conduct or
26 sado-masochistic abuse and is harmful to minors; or

1 (C) an admission ticket or pass to premises where
2 there is exhibited or to be exhibited such a motion
3 picture, show, or other presentation; or

4 (2) admits a minor to premises where there is exhibited
5 or to be exhibited such a motion picture, show, or other
6 presentation, knowing that the minor is a person under the
7 age of 18 or failing to exercise reasonable care in
8 ascertaining the person's true age.

9 (c) In any prosecution arising under this Section, it is an
10 affirmative defense:

11 (1) that the minor as to whom the offense is alleged to
12 have been committed exhibited to the accused a draft card,
13 driver's license, birth certificate or other official or
14 apparently official document purporting to establish that
15 the minor was 18 years of age or older, which was relied
16 upon by the accused;

17 (2) that the defendant was in a parental or
18 guardianship relationship with the minor or that the minor
19 was accompanied by a parent or legal guardian;

20 (3) that the defendant was a bona fide school, museum,
21 or public library, or was a person acting in the course of
22 his or her employment as an employee or official of such
23 organization or retail outlet affiliated with and serving
24 the educational purpose of such organization;

25 (4) that the act charged was committed in aid of
26 legitimate scientific or educational purposes; or

1 (5) that an advertisement of harmful material as
2 defined in this Section culminated in the sale or
3 distribution of such harmful material to a child under
4 circumstances where there was no personal confrontation of
5 the child by the defendant, his or her employees, or
6 agents, as where the order or request for such harmful
7 material was transmitted by mail, telephone, Internet or
8 similar means of communication, and delivery of such
9 harmful material to the child was by mail, freight,
10 Internet or similar means of transport, which
11 advertisement contained the following statement, or a
12 substantially similar statement, and that the defendant
13 required the purchaser to certify that he or she was not
14 under the age of 18 and that the purchaser falsely stated
15 that he or she was not under the age of 18: "NOTICE: It is
16 unlawful for any person under the age of 18 to purchase the
17 matter advertised. Any person under the age of 18 that
18 falsely states that he or she is not under the age of 18
19 for the purpose of obtaining the material advertised is
20 guilty of a Class B misdemeanor under the laws of the
21 State."

22 (d) The predominant appeal to prurient interest of the
23 material shall be judged with reference to average children of
24 the same general age of the child to whom such material was
25 sold, lent, distributed or given, unless it appears from the
26 nature of the matter or the circumstances of its dissemination

1 or distribution that it is designed for specially susceptible
2 groups, in which case the predominant appeal of the material
3 shall be judged with reference to its intended or probable
4 recipient group.

5 (e) Distribution of harmful material in violation of this
6 Section is a Class A misdemeanor. A second or subsequent
7 offense is a Class 4 felony.

8 (f) Any person under the age of 18 who ~~that~~ falsely states,
9 either orally or in writing, that he or she is not under the
10 age of 18, or who ~~that~~ presents or offers to any person any
11 evidence of age and identity that is false or not actually his
12 or her own with the intent ~~for the purpose~~ of ordering,
13 obtaining, viewing, or otherwise procuring or attempting to
14 procure or view any harmful material is guilty of a Class B
15 misdemeanor.

16 (g) A person over the age of 18 who fails to exercise
17 reasonable care in ascertaining the true age of a minor,
18 knowingly distributes to, or sends, or causes to be sent, or
19 exhibits to, or offers to distribute, or exhibits any harmful
20 material to a person that he or she believes is a minor is
21 guilty of a Class A misdemeanor. If that person utilized a
22 computer web camera, cellular telephone, or any other type of
23 device to manufacture the harmful material, then each offense
24 is a Class 4 felony.

25 (h) Telecommunications carriers, commercial mobile service
26 providers, and providers of information services, including,

1 but not limited to, Internet service providers and hosting
2 service providers, are not liable under this Section, except
3 for willful and wanton misconduct, by virtue of the
4 transmission, storage, or caching of electronic communications
5 or messages of others or by virtue of the provision of other
6 related telecommunications, commercial mobile services, or
7 information services used by others in violation of this
8 Section.

9 (Source: P.A. 95-983, eff. 6-1-09; 96-280, eff. 1-1-10.)

10 (720 ILCS 5/11-23)

11 Sec. 11-23. Posting of identifying or graphic information
12 on a pornographic Internet site or possessing graphic
13 information with pornographic material.

14 (a) A person at least 17 years of age who knowingly
15 discloses on an adult obscenity or child pornography Internet
16 site the name, address, telephone number, or e-mail address of
17 a person under 17 years of age at the time of the commission of
18 the offense or of a person at least 17 years of age without the
19 consent of the person at least 17 years of age is guilty of ~~the~~
20 ~~offense of~~ posting of identifying information on a pornographic
21 Internet site.

22 (a-5) Any person who knowingly places, posts, reproduces,
23 or maintains on an adult obscenity or child pornography
24 Internet site a photograph, video, or digital image of a person
25 under 18 years of age that is not child pornography under

1 Section 11-20.1, without the knowledge and consent of the
2 person under 18 years of age, is guilty of ~~the offense of~~
3 posting of graphic information on a pornographic Internet site.
4 This provision applies even if the person under 18 years of age
5 is fully or properly clothed in the photograph, video, or
6 digital image.

7 (a-10) Any person who knowingly places, posts, reproduces,
8 or maintains on an adult obscenity or child pornography
9 Internet site, or possesses with obscene or child pornographic
10 material a photograph, video, or digital image of a person
11 under 18 years of age in which the child is posed in a
12 suggestive manner with the focus or concentration of the image
13 on the child's clothed genitals, clothed pubic area, clothed
14 buttocks area, or if the child is female, the breast exposed
15 through transparent clothing, and the photograph, video, or
16 digital image is not child pornography under Section 11-20.1,
17 is guilty of posting of graphic information on a pornographic
18 Internet site or possessing graphic information with
19 pornographic material.

20 (b) Sentence. A person who violates subsection (a) of this
21 Section is guilty of a Class 4 felony if the victim is at least
22 17 years of age at the time of the offense and a Class 3 felony
23 if the victim is under 17 years of age at the time of the
24 offense. A person who violates subsection (a-5) of this Section
25 is guilty of a Class 4 felony. A person who violates subsection
26 (a-10) of this Section is guilty of a Class 3 felony.

1 (c) Definitions. For purposes of this Section:

2 (1) "Adult obscenity or child pornography Internet
3 site" means a site on the Internet that contains material
4 that is obscene as defined in Section 11-20 of this Code or
5 that is child pornography as defined in Section 11-20.1 of
6 this Code.

7 (2) "Internet" has the meaning set forth in Section
8 16J-5 of this Code ~~includes the World Wide Web, electronic~~
9 ~~mail, a news group posting, or Internet file transfer.~~

10 (Source: P.A. 95-983, eff. 6-1-09.)

11 (720 ILCS 5/11-24)

12 Sec. 11-24. Child photography by sex offender.

13 (a) In this Section:

14 "Child" means a person under 18 years of age.

15 "Child sex offender" has the meaning ascribed to it in
16 Section 11-0.1 ~~11-9.3~~ of this Code.

17 (b) It is unlawful for a child sex offender to knowingly:

18 (1) conduct or operate any type of business in which he
19 or she photographs, videotapes, or takes a digital image of
20 a child; or

21 (2) conduct or operate any type of business in which he
22 or she instructs or directs another person to photograph,
23 videotape, or take a digital image of a child; or

24 (3) photograph, videotape, or take a digital image of a
25 child, or instruct or direct another person to photograph,

1 videotape, or take a digital image of a child without the
2 consent of the parent or guardian.

3 (c) Sentence. A violation of this Section is a Class 2
4 felony. A person who violates this Section at a playground,
5 park facility, school, forest preserve, day care facility, or
6 at a facility providing programs or services directed to
7 persons under 17 years of age is guilty of a Class 1 felony.

8 (Source: P.A. 95-983, eff. 6-1-09.)

9 (720 ILCS 5/Art. 11 Subdiv. 25 heading new)

10 SUBDIVISION 25. OTHER OFFENSES

11 (720 ILCS 5/11-30) (was 720 ILCS 5/11-9)

12 Sec. 11-30 ~~11-9~~. Public indecency.

13 (a) Any person of the age of 17 years and upwards who
14 performs any of the following acts in a public place commits a
15 public indecency:

16 (1) An act of sexual penetration or sexual conduct ~~as~~
17 ~~defined in Section 12-12 of this Code;~~ or

18 (2) A lewd exposure of the body done with intent to
19 arouse or to satisfy the sexual desire of the person.

20 Breast-feeding of infants is not an act of public
21 indecency.

22 (b) "Public place" for purposes of this Section means any
23 place where the conduct may reasonably be expected to be viewed
24 by others.

1 (c) Sentence.

2 Public indecency is a Class A misdemeanor. A person
3 convicted of a third or subsequent violation for public
4 indecency is guilty of a Class 4 felony.

5 (Source: P.A. 91-115, eff. 1-1-00.)

6 (720 ILCS 5/11-35) (was 720 ILCS 5/11-7)

7 Sec. 11-35 ~~11-7~~. Adultery.

8 ~~Adultery.~~ (a) A Any person commits adultery when he or she
9 ~~who~~ has sexual intercourse with another not his or her spouse
10 ~~commits adultery~~, if the behavior is open and notorious, and

11 (1) The person is married and knows the other person
12 involved in such intercourse is not his spouse; or

13 (2) The person is not married and knows that the other
14 person involved in such intercourse is married.

15 A person shall be exempt from prosecution under this
16 Section if his liability is based solely on evidence he has
17 given in order to comply with the requirements of Section 4-1.7
18 of "The Illinois Public Aid Code", approved April 11, 1967, as
19 amended.

20 (b) Sentence.

21 Adultery is a Class A misdemeanor.

22 (Source: P.A. 86-490.)

23 (720 ILCS 5/11-40) (was 720 ILCS 5/11-8)

24 Sec. 11-40 ~~11-8~~. Fornication.

1 ~~Fornication.)~~ (a) A Any person commits fornication when he
2 or she knowingly ~~who~~ has sexual intercourse with another not
3 his or her spouse ~~commits fornication~~ if the behavior is open
4 and notorious.

5 A person shall be exempt from prosecution under this
6 Section if his liability is based solely on evidence he has
7 given in order to comply with the requirements of Section 4-1.7
8 of "The Illinois Public Aid Code", approved April 11, 1967, as
9 amended.

10 (b) Sentence.

11 Fornication is a Class B misdemeanor.

12 (Source: P.A. 86-490.)

13 (720 ILCS 5/11-45) (was 720 ILCS 5/11-12)

14 Sec. 11-45 ~~11-12~~. Bigamy and Marrying a bigamist.

15 (a) Bigamy. A person commits bigamy when that person has
16 ~~Any person having~~ a husband or wife and ~~who~~ subsequently
17 knowingly marries another ~~or cohabits in this State after such~~
18 ~~marriage commits bigamy~~.

19 (a-5) Marrying a bigamist. An unmarried person commits
20 marrying a bigamist when that person knowingly marries another
21 under circumstances known to him or her which would render the
22 other person guilty of bigamy under the laws of this State.

23 (b) It shall be an affirmative defense to bigamy and
24 marrying a bigamist that:

25 (1) The prior marriage was dissolved or declared

1 invalid; or

2 (2) The accused reasonably believed the prior spouse to
3 be dead; or

4 (3) The prior spouse had been continually absent for a
5 period of 5 years during which time the accused did not
6 know the prior spouse to be alive; or

7 (4) The accused reasonably believed that he or she or
8 the person he or she marries was legally eligible to be
9 married ~~remarry~~.

10 (c) Sentence.

11 Bigamy is a Class 4 felony. Marrying a bigamist is a Class
12 A misdemeanor.

13 (Source: P.A. 81-230.)

14 (720 ILCS 5/11-9.4 rep.)

15 (720 ILCS 5/11-13 rep.)

16 (720 ILCS 5/11-14.2 rep.)

17 (720 ILCS 5/11-15 rep.)

18 (720 ILCS 5/11-15.1 rep.)

19 (720 ILCS 5/11-16 rep.)

20 (720 ILCS 5/11-17 rep.)

21 (720 ILCS 5/11-17.1 rep.)

22 (720 ILCS 5/11-19 rep.)

23 (720 ILCS 5/11-19.1 rep.)

24 (720 ILCS 5/11-19.2 rep.)

25 (720 ILCS 5/12-12 rep.)

1 Section 6. The Criminal Code of 1961 is amended by
2 repealing Sections 11-9.4, 11-13, 11-14.2, 11-15, 11-15.1,
3 11-16, 11-17, 11-17.1, 11-19, 11-19.1, 11-19.2, and 12-12.

4 (720 ILCS 150/5.1 rep.)

5 Section 10. The Wrongs to Children Act is amended by
6 repealing Section 5.1.

7 Section 905. The Secretary of State Merit Employment Code
8 is amended by changing Section 10b.1 as follows:

9 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

10 Sec. 10b.1. Competitive examinations.

11 (a) For open competitive examinations to test the relative
12 fitness of applicants for the respective positions. Tests shall
13 be designed to eliminate those who are not qualified for
14 entrance into the Office of the Secretary of State and to
15 discover the relative fitness of those who are qualified. The
16 Director may use any one of or any combination of the following
17 examination methods which in his judgment best serves this end:
18 investigation of education and experience; test of cultural
19 knowledge; test of capacity; test of knowledge; test of manual
20 skill; test of linguistic ability; test of character; test of
21 physical skill; test of psychological fitness. No person with a
22 record of misdemeanor convictions except those under Sections
23 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,

1 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,
2 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,
3 32-4, and 32-8, subdivisions (a) (1) and (a) (2) (C) of Section
4 11-14.3, and sub-sections 1, 6 and 8 of Section 24-1 of the
5 Criminal Code of 1961, or arrested for any cause but not
6 convicted thereon shall be disqualified from taking such
7 examinations or subsequent appointment unless the person is
8 attempting to qualify for a position which would give him the
9 powers of a peace officer, in which case the person's
10 conviction or arrest record may be considered as a factor in
11 determining the person's fitness for the position. All
12 examinations shall be announced publicly at least 2 weeks in
13 advance of the date of examinations and may be advertised
14 through the press, radio or other media.

15 The Director may, at his discretion, accept the results of
16 competitive examinations conducted by any merit system
17 established by Federal law or by the law of any State, and may
18 compile eligible lists therefrom or may add the names of
19 successful candidates in examinations conducted by those merit
20 systems to existing eligible lists in accordance with their
21 respective ratings. No person who is a non-resident of the
22 State of Illinois may be appointed from those eligible lists,
23 however, unless the requirement that applicants be residents of
24 the State of Illinois is waived by the Director of Personnel
25 and unless there are less than 3 Illinois residents available
26 for appointment from the appropriate eligible list. The results

1 of the examinations conducted by other merit systems may not be
2 used unless they are comparable in difficulty and
3 comprehensiveness to examinations conducted by the Department
4 of Personnel for similar positions. Special linguistic options
5 may also be established where deemed appropriate.

6 (b) The Director of Personnel may require that each person
7 seeking employment with the Secretary of State, as part of the
8 application process, authorize an investigation to determine
9 if the applicant has ever been convicted of a crime and if so,
10 the disposition of those convictions; this authorization shall
11 indicate the scope of the inquiry and the agencies which may be
12 contacted. Upon this authorization, the Director of Personnel
13 may request and receive information and assistance from any
14 federal, state or local governmental agency as part of the
15 authorized investigation. The investigation shall be
16 undertaken after the fingerprinting of an applicant in the form
17 and manner prescribed by the Department of State Police. The
18 investigation shall consist of a criminal history records check
19 performed by the Department of State Police and the Federal
20 Bureau of Investigation, or some other entity that has the
21 ability to check the applicant's fingerprints against the
22 fingerprint records now and hereafter filed in the Department
23 of State Police and Federal Bureau of Investigation criminal
24 history records databases. If the Department of State Police
25 and the Federal Bureau of Investigation conduct an
26 investigation directly for the Secretary of State's Office,

1 then the Department of State Police shall charge a fee for
2 conducting the criminal history records check, which shall be
3 deposited in the State Police Services Fund and shall not
4 exceed the actual cost of the records check. The Department of
5 State Police shall provide information concerning any criminal
6 convictions, and their disposition, brought against the
7 applicant or prospective employee of the Secretary of State
8 upon request of the Department of Personnel when the request is
9 made in the form and manner required by the Department of State
10 Police. The information derived from this investigation,
11 including the source of this information, and any conclusions
12 or recommendations derived from this information by the
13 Director of Personnel shall be provided to the applicant or
14 prospective employee, or his designee, upon request to the
15 Director of Personnel prior to any final action by the Director
16 of Personnel on the application. No information obtained from
17 such investigation may be placed in any automated information
18 system. Any criminal convictions and their disposition
19 information obtained by the Director of Personnel shall be
20 confidential and may not be transmitted outside the Office of
21 the Secretary of State, except as required herein, and may not
22 be transmitted to anyone within the Office of the Secretary of
23 State except as needed for the purpose of evaluating the
24 application. The only physical identity materials which the
25 applicant or prospective employee can be required to provide
26 the Director of Personnel are photographs or fingerprints;

1 these shall be returned to the applicant or prospective
2 employee upon request to the Director of Personnel, after the
3 investigation has been completed and no copy of these materials
4 may be kept by the Director of Personnel or any agency to which
5 such identity materials were transmitted. Only information and
6 standards which bear a reasonable and rational relation to the
7 performance of an employee shall be used by the Director of
8 Personnel. The Secretary of State shall adopt rules and
9 regulations for the administration of this Section. Any
10 employee of the Secretary of State who gives or causes to be
11 given away any confidential information concerning any
12 criminal convictions and their disposition of an applicant or
13 prospective employee shall be guilty of a Class A misdemeanor
14 unless release of such information is authorized by this
15 Section.

16 (Source: P.A. 95-331, eff. 8-21-07.)

17 Section 910. The Comptroller Merit Employment Code is
18 amended by changing Section 10b.1 as follows:

19 (15 ILCS 410/10b.1) (from Ch. 15, par. 426)

20 Sec. 10b.1. Competitive examinations. For open competitive
21 examinations to test the relative fitness of applicants for the
22 respective positions. Tests shall be designed to eliminate
23 those who are not qualified for entrance into the Office of the
24 Comptroller and to discover the relative fitness of those who

1 are qualified. The Director may use any one of or any
2 combination of the following examination methods which in his
3 judgment best serves this end: investigation of education and
4 experience; test of cultural knowledge; test of capacity; test
5 of knowledge; test of manual skill; test of linguistic ability;
6 test of character; test of physical skill; test of
7 psychological fitness. No person with a record of misdemeanor
8 convictions except those under Sections 11-1.50, 11-6, 11-7,
9 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
10 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
11 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
12 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
13 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of
14 1961, or arrested for any cause but not convicted thereon shall
15 be disqualified from taking such examinations or subsequent
16 appointment unless the person is attempting to qualify for a
17 position which entails financial responsibilities, in which
18 case the person's conviction or arrest record may be considered
19 as a factor in determining the person's fitness for the
20 position. All examinations shall be announced publicly at least
21 2 weeks in advance of the date of examinations and may be
22 advertised through the press, radio or other media.

23 The Director may, at his or her discretion, accept the
24 results of competitive examinations conducted by any merit
25 system established by Federal law or by the law of any State,
26 and may compile eligible lists therefrom or may add the names

1 of successful candidates in examinations conducted by those
2 merit systems to existing eligible lists in accordance with
3 their respective ratings. No person who is a non-resident of
4 the State of Illinois may be appointed from those eligible
5 lists, however, unless the requirement that applicants be
6 residents of the State of Illinois is waived by the Director of
7 Human Resources and unless there are less than 3 Illinois
8 residents available for appointment from the appropriate
9 eligible list. The results of the examinations conducted by
10 other merit systems may not be used unless they are comparable
11 in difficulty and comprehensiveness to examinations conducted
12 by the Department of Human Resources for similar positions.
13 Special linguistic options may also be established where deemed
14 appropriate.

15 (Source: P.A. 90-24, eff. 6-20-97.)

16 Section 915. The Personnel Code is amended by changing
17 Section 8b.1 as follows:

18 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

19 Sec. 8b.1. For open competitive examinations to test the
20 relative fitness of applicants for the respective positions.

21 Tests shall be designed to eliminate those who are not
22 qualified for entrance into or promotion within the service,
23 and to discover the relative fitness of those who are
24 qualified. The Director may use any one of or any combination

1 of the following examination methods which in his judgment best
2 serves this end: investigation of education; investigation of
3 experience; test of cultural knowledge; test of capacity; test
4 of knowledge; test of manual skill; test of linguistic ability;
5 test of character; test of physical fitness; test of
6 psychological fitness. No person with a record of misdemeanor
7 convictions except those under Sections 11-1.50, 11-6, 11-7,
8 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
9 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
10 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
11 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
12 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of
13 1961 or arrested for any cause but not convicted thereon shall
14 be disqualified from taking such examinations or subsequent
15 appointment, unless the person is attempting to qualify for a
16 position which would give him the powers of a peace officer, in
17 which case the person's conviction or arrest record may be
18 considered as a factor in determining the person's fitness for
19 the position. The eligibility conditions specified for the
20 position of Assistant Director of Healthcare and Family
21 Services in the Department of Healthcare and Family Services in
22 Section 5-230 of the Departments of State Government Law (20
23 ILCS 5/5-230) shall be applied to that position in addition to
24 other standards, tests or criteria established by the Director.
25 All examinations shall be announced publicly at least 2 weeks
26 in advance of the date of the examinations and may be

1 advertised through the press, radio and other media. The
2 Director may, however, in his discretion, continue to receive
3 applications and examine candidates long enough to assure a
4 sufficient number of eligibles to meet the needs of the service
5 and may add the names of successful candidates to existing
6 eligible lists in accordance with their respective ratings.

7 The Director may, in his discretion, accept the results of
8 competitive examinations conducted by any merit system
9 established by federal law or by the law of any State, and may
10 compile eligible lists therefrom or may add the names of
11 successful candidates in examinations conducted by those merit
12 systems to existing eligible lists in accordance with their
13 respective ratings. No person who is a non-resident of the
14 State of Illinois may be appointed from those eligible lists,
15 however, unless the requirement that applicants be residents of
16 the State of Illinois is waived by the Director of Central
17 Management Services and unless there are less than 3 Illinois
18 residents available for appointment from the appropriate
19 eligible list. The results of the examinations conducted by
20 other merit systems may not be used unless they are comparable
21 in difficulty and comprehensiveness to examinations conducted
22 by the Department of Central Management Services for similar
23 positions. Special linguistic options may also be established
24 where deemed appropriate.

25 (Source: P.A. 95-331, eff. 8-21-07.)

1 Section 920. The Children and Family Services Act is
2 amended by changing Section 7 as follows:

3 (20 ILCS 505/7) (from Ch. 23, par. 5007)

4 Sec. 7. Placement of children; considerations.

5 (a) In placing any child under this Act, the Department
6 shall place such child, as far as possible, in the care and
7 custody of some individual holding the same religious belief as
8 the parents of the child, or with some child care facility
9 which is operated by persons of like religious faith as the
10 parents of such child.

11 (b) In placing a child under this Act, the Department may
12 place a child with a relative if the Department determines that
13 the relative will be able to adequately provide for the child's
14 safety and welfare based on the factors set forth in the
15 Department's rules governing relative placements, and that the
16 placement is consistent with the child's best interests, taking
17 into consideration the factors set out in subsection (4.05) of
18 Section 1-3 of the Juvenile Court Act of 1987.

19 When the Department first assumes custody of a child, in
20 placing that child under this Act, the Department shall make
21 reasonable efforts to identify and locate a relative who is
22 ready, willing, and able to care for the child. At a minimum,
23 these efforts shall be renewed each time the child requires a
24 placement change and it is appropriate for the child to be
25 cared for in a home environment. The Department must document

1 its efforts to identify and locate such a relative placement
2 and maintain the documentation in the child's case file.

3 If the Department determines that a placement with any
4 identified relative is not in the child's best interests or
5 that the relative does not meet the requirements to be a
6 relative caregiver, as set forth in Department rules or by
7 statute, the Department must document the basis for that
8 decision and maintain the documentation in the child's case
9 file.

10 If, pursuant to the Department's rules, any person files an
11 administrative appeal of the Department's decision not to place
12 a child with a relative, it is the Department's burden to prove
13 that the decision is consistent with the child's best
14 interests.

15 When the Department determines that the child requires
16 placement in an environment, other than a home environment, the
17 Department shall continue to make reasonable efforts to
18 identify and locate relatives to serve as visitation resources
19 for the child and potential future placement resources, except
20 when the Department determines that those efforts would be
21 futile or inconsistent with the child's best interests.

22 If the Department determines that efforts to identify and
23 locate relatives would be futile or inconsistent with the
24 child's best interests, the Department shall document the basis
25 of its determination and maintain the documentation in the
26 child's case file.

1 If the Department determines that an individual or a group
2 of relatives are inappropriate to serve as visitation resources
3 or possible placement resources, the Department shall document
4 the basis of its determination and maintain the documentation
5 in the child's case file.

6 When the Department determines that an individual or a
7 group of relatives are appropriate to serve as visitation
8 resources or possible future placement resources, the
9 Department shall document the basis of its determination,
10 maintain the documentation in the child's case file, create a
11 visitation or transition plan, or both, and incorporate the
12 visitation or transition plan, or both, into the child's case
13 plan. For the purpose of this subsection, any determination as
14 to the child's best interests shall include consideration of
15 the factors set out in subsection (4.05) of Section 1-3 of the
16 Juvenile Court Act of 1987.

17 The Department may not place a child with a relative, with
18 the exception of certain circumstances which may be waived as
19 defined by the Department in rules, if the results of a check
20 of the Law Enforcement Agencies Data System (LEADS) identifies
21 a prior criminal conviction of the relative or any adult member
22 of the relative's household for any of the following offenses
23 under the Criminal Code of 1961:

24 (1) murder;

25 (1.1) solicitation of murder;

26 (1.2) solicitation of murder for hire;

- 1 (1.3) intentional homicide of an unborn child;
- 2 (1.4) voluntary manslaughter of an unborn child;
- 3 (1.5) involuntary manslaughter;
- 4 (1.6) reckless homicide;
- 5 (1.7) concealment of a homicidal death;
- 6 (1.8) involuntary manslaughter of an unborn child;
- 7 (1.9) reckless homicide of an unborn child;
- 8 (1.10) drug-induced homicide;
- 9 (2) a sex offense under Article 11, except offenses
- 10 described in Sections 11-7, 11-8, 11-12, ~~and~~ 11-13, 11-35,
- 11 11-40, and 11-45;
- 12 (3) kidnapping;
- 13 (3.1) aggravated unlawful restraint;
- 14 (3.2) forcible detention;
- 15 (3.3) aiding and abetting child abduction;
- 16 (4) aggravated kidnapping;
- 17 (5) child abduction;
- 18 (6) aggravated battery of a child;
- 19 (7) criminal sexual assault;
- 20 (8) aggravated criminal sexual assault;
- 21 (8.1) predatory criminal sexual assault of a child;
- 22 (9) criminal sexual abuse;
- 23 (10) aggravated sexual abuse;
- 24 (11) heinous battery;
- 25 (12) aggravated battery with a firearm;
- 26 (13) tampering with food, drugs, or cosmetics;

- 1 (14) drug-induced infliction of great bodily harm;
- 2 (15) aggravated stalking;
- 3 (16) home invasion;
- 4 (17) vehicular invasion;
- 5 (18) criminal transmission of HIV;
- 6 (19) criminal abuse or neglect of an elderly or
- 7 disabled person;
- 8 (20) child abandonment;
- 9 (21) endangering the life or health of a child;
- 10 (22) ritual mutilation;
- 11 (23) ritualized abuse of a child;
- 12 (24) an offense in any other state the elements of
- 13 which are similar and bear a substantial relationship to
- 14 any of the foregoing offenses.

15 For the purpose of this subsection, "relative" shall include
16 any person, 21 years of age or over, other than the parent, who
17 (i) is currently related to the child in any of the following
18 ways by blood or adoption: grandparent, sibling,
19 great-grandparent, uncle, aunt, nephew, niece, first cousin,
20 second cousin, godparent, great-uncle, or great-aunt; or (ii)
21 is the spouse of such a relative; or (iii) is the child's
22 step-father, step-mother, or adult step-brother or
23 step-sister; "relative" also includes a person related in any
24 of the foregoing ways to a sibling of a child, even though the
25 person is not related to the child, when the child and its
26 sibling are placed together with that person. For children who

1 have been in the guardianship of the Department, have been
2 adopted, and are subsequently returned to the temporary custody
3 or guardianship of the Department, a "relative" may also
4 include any person who would have qualified as a relative under
5 this paragraph prior to the adoption, but only if the
6 Department determines, and documents, that it would be in the
7 child's best interests to consider this person a relative,
8 based upon the factors for determining best interests set forth
9 in subsection (4.05) of Section 1-3 of the Juvenile Court Act
10 of 1987. A relative with whom a child is placed pursuant to
11 this subsection may, but is not required to, apply for
12 licensure as a foster family home pursuant to the Child Care
13 Act of 1969; provided, however, that as of July 1, 1995, foster
14 care payments shall be made only to licensed foster family
15 homes pursuant to the terms of Section 5 of this Act.

16 (c) In placing a child under this Act, the Department shall
17 ensure that the child's health, safety, and best interests are
18 met. In rejecting placement of a child with an identified
19 relative, the Department shall ensure that the child's health,
20 safety, and best interests are met. In evaluating the best
21 interests of the child, the Department shall take into
22 consideration the factors set forth in subsection (4.05) of
23 Section 1-3 of the Juvenile Court Act of 1987.

24 The Department shall consider the individual needs of the
25 child and the capacity of the prospective foster or adoptive
26 parents to meet the needs of the child. When a child must be

1 placed outside his or her home and cannot be immediately
2 returned to his or her parents or guardian, a comprehensive,
3 individualized assessment shall be performed of that child at
4 which time the needs of the child shall be determined. Only if
5 race, color, or national origin is identified as a legitimate
6 factor in advancing the child's best interests shall it be
7 considered. Race, color, or national origin shall not be
8 routinely considered in making a placement decision. The
9 Department shall make special efforts for the diligent
10 recruitment of potential foster and adoptive families that
11 reflect the ethnic and racial diversity of the children for
12 whom foster and adoptive homes are needed. "Special efforts"
13 shall include contacting and working with community
14 organizations and religious organizations and may include
15 contracting with those organizations, utilizing local media
16 and other local resources, and conducting outreach activities.

17 (c-1) At the time of placement, the Department shall
18 consider concurrent planning, as described in subsection (1-1)
19 of Section 5, so that permanency may occur at the earliest
20 opportunity. Consideration should be given so that if
21 reunification fails or is delayed, the placement made is the
22 best available placement to provide permanency for the child.

23 (d) The Department may accept gifts, grants, offers of
24 services, and other contributions to use in making special
25 recruitment efforts.

26 (e) The Department in placing children in adoptive or

1 foster care homes may not, in any policy or practice relating
2 to the placement of children for adoption or foster care,
3 discriminate against any child or prospective adoptive or
4 foster parent on the basis of race.

5 (Source: P.A. 94-880, eff. 8-1-06.)

6 Section 925. The Criminal Identification Act is amended by
7 changing Section 5.2 as follows:

8 (20 ILCS 2630/5.2)

9 Sec. 5.2. Expungement and sealing.

10 (a) General Provisions.

11 (1) Definitions. In this Act, words and phrases have
12 the meanings set forth in this subsection, except when a
13 particular context clearly requires a different meaning.

14 (A) The following terms shall have the meanings
15 ascribed to them in the Unified Code of Corrections,
16 730 ILCS 5/5-1-2 through 5/5-1-22:

17 (i) Business Offense (730 ILCS 5/5-1-2),

18 (ii) Charge (730 ILCS 5/5-1-3),

19 (iii) Court (730 ILCS 5/5-1-6),

20 (iv) Defendant (730 ILCS 5/5-1-7),

21 (v) Felony (730 ILCS 5/5-1-9),

22 (vi) Imprisonment (730 ILCS 5/5-1-10),

23 (vii) Judgment (730 ILCS 5/5-1-12),

24 (viii) Misdemeanor (730 ILCS 5/5-1-14),

- 1 (ix) Offense (730 ILCS 5/5-1-15),
2 (x) Parole (730 ILCS 5/5-1-16),
3 (xi) Petty Offense (730 ILCS 5/5-1-17),
4 (xii) Probation (730 ILCS 5/5-1-18),
5 (xiii) Sentence (730 ILCS 5/5-1-19),
6 (xiv) Supervision (730 ILCS 5/5-1-21), and
7 (xv) Victim (730 ILCS 5/5-1-22).

8 (B) As used in this Section, "charge not initiated
9 by arrest" means a charge (as defined by 730 ILCS
10 5/5-1-3) brought against a defendant where the
11 defendant is not arrested prior to or as a direct
12 result of the charge.

13 (C) "Conviction" means a judgment of conviction or
14 sentence entered upon a plea of guilty or upon a
15 verdict or finding of guilty of an offense, rendered by
16 a legally constituted jury or by a court of competent
17 jurisdiction authorized to try the case without a jury.
18 An order of supervision successfully completed by the
19 petitioner is not a conviction. An order of qualified
20 probation (as defined in subsection (a)(1)(J))
21 successfully completed by the petitioner is not a
22 conviction. An order of supervision or an order of
23 qualified probation that is terminated
24 unsatisfactorily is a conviction, unless the
25 unsatisfactory termination is reversed, vacated, or
26 modified and the judgment of conviction, if any, is

1 reversed or vacated.

2 (D) "Criminal offense" means a petty offense,
3 business offense, misdemeanor, felony, or municipal
4 ordinance violation (as defined in subsection
5 (a)(1)(H)). As used in this Section, a minor traffic
6 offense (as defined in subsection (a)(1)(G)) shall not
7 be considered a criminal offense.

8 (E) "Expunge" means to physically destroy the
9 records or return them to the petitioner and to
10 obliterate the petitioner's name from any official
11 index or public record, or both. Nothing in this Act
12 shall require the physical destruction of the circuit
13 court file, but such records relating to arrests or
14 charges, or both, ordered expunged shall be impounded
15 as required by subsections (d)(9)(A)(ii) and
16 (d)(9)(B)(ii).

17 (F) As used in this Section, "last sentence" means
18 the sentence, order of supervision, or order of
19 qualified probation (as defined by subsection
20 (a)(1)(J)), for a criminal offense (as defined by
21 subsection (a)(1)(D)) that terminates last in time in
22 any jurisdiction, regardless of whether the petitioner
23 has included the criminal offense for which the
24 sentence or order of supervision or qualified
25 probation was imposed in his or her petition. If
26 multiple sentences, orders of supervision, or orders

1 of qualified probation terminate on the same day and
2 are last in time, they shall be collectively considered
3 the "last sentence" regardless of whether they were
4 ordered to run concurrently.

5 (G) "Minor traffic offense" means a petty offense,
6 business offense, or Class C misdemeanor under the
7 Illinois Vehicle Code or a similar provision of a
8 municipal or local ordinance.

9 (H) "Municipal ordinance violation" means an
10 offense defined by a municipal or local ordinance that
11 is criminal in nature and with which the petitioner was
12 charged or for which the petitioner was arrested and
13 released without charging.

14 (I) "Petitioner" means an adult or a minor
15 prosecuted as an adult who has applied for relief under
16 this Section.

17 (J) "Qualified probation" means an order of
18 probation under Section 10 of the Cannabis Control Act,
19 Section 410 of the Illinois Controlled Substances Act,
20 Section 70 of the Methamphetamine Control and
21 Community Protection Act, Section 12-4.3(b)(1) and (2)
22 of the Criminal Code of 1961 (as those provisions
23 existed before their deletion by Public Act 89-313),
24 Section 10-102 of the Illinois Alcoholism and Other
25 Drug Dependency Act, Section 40-10 of the Alcoholism
26 and Other Drug Abuse and Dependency Act, or Section 10

1 of the Steroid Control Act. For the purpose of this
2 Section, "successful completion" of an order of
3 qualified probation under Section 10-102 of the
4 Illinois Alcoholism and Other Drug Dependency Act and
5 Section 40-10 of the Alcoholism and Other Drug Abuse
6 and Dependency Act means that the probation was
7 terminated satisfactorily and the judgment of
8 conviction was vacated.

9 (K) "Seal" means to physically and electronically
10 maintain the records, unless the records would
11 otherwise be destroyed due to age, but to make the
12 records unavailable without a court order, subject to
13 the exceptions in Sections 12 and 13 of this Act. The
14 petitioner's name shall also be obliterated from the
15 official index required to be kept by the circuit court
16 clerk under Section 16 of the Clerks of Courts Act, but
17 any index issued by the circuit court clerk before the
18 entry of the order to seal shall not be affected.

19 (L) "Sexual offense committed against a minor"
20 includes but is not limited to the offenses of indecent
21 solicitation of a child or criminal sexual abuse when
22 the victim of such offense is under 18 years of age.

23 (M) "Terminate" as it relates to a sentence or
24 order of supervision or qualified probation includes
25 either satisfactory or unsatisfactory termination of
26 the sentence, unless otherwise specified in this

1 Section.

2 (2) Minor Traffic Offenses. Orders of supervision or
3 convictions for minor traffic offenses shall not affect a
4 petitioner's eligibility to expunge or seal records
5 pursuant to this Section.

6 (3) Exclusions. Except as otherwise provided in
7 subsections (b) (5), (b) (6), and (e) of this Section, the
8 court shall not order:

9 (A) the sealing or expungement of the records of
10 arrests or charges not initiated by arrest that result
11 in an order of supervision for or conviction of: (i)
12 any sexual offense committed against a minor; (ii)
13 Section 11-501 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance; or (iii)
15 Section 11-503 of the Illinois Vehicle Code or a
16 similar provision of a local ordinance.

17 (B) the sealing or expungement of records of minor
18 traffic offenses (as defined in subsection (a) (1) (G)),
19 unless the petitioner was arrested and released
20 without charging.

21 (C) the sealing of the records of arrests or
22 charges not initiated by arrest which result in an
23 order of supervision, an order of qualified probation
24 (as defined in subsection (a) (1) (J)), or a conviction
25 for the following offenses:

26 (i) offenses included in Article 11 of the

1 Criminal Code of 1961 or a similar provision of a
2 local ordinance, except Section 11-14 of the
3 Criminal Code of 1961 or a similar provision of a
4 local ordinance;

5 (ii) Section 11-1.50, 12-15, 12-30, or 26-5 of
6 the Criminal Code of 1961 or a similar provision of
7 a local ordinance;

8 (iii) offenses defined as "crimes of violence"
9 in Section 2 of the Crime Victims Compensation Act
10 or a similar provision of a local ordinance;

11 (iv) offenses which are Class A misdemeanors
12 under the Humane Care for Animals Act; or

13 (v) any offense or attempted offense that
14 would subject a person to registration under the
15 Sex Offender Registration Act.

16 (D) the sealing of the records of an arrest which
17 results in the petitioner being charged with a felony
18 offense or records of a charge not initiated by arrest
19 for a felony offense, regardless of the disposition,
20 unless:

21 (i) the charge is amended to a misdemeanor and
22 is otherwise eligible to be sealed pursuant to
23 subsection (c);

24 (ii) the charge results in first offender
25 probation as set forth in subsection (c) (2) (E); or

26 (iii) the charge is for a Class 4 felony

1 offense listed in subsection (c)(2)(F) or the
2 charge is amended to a Class 4 felony offense
3 listed in subsection (c)(2)(F). Records of arrests
4 which result in the petitioner being charged with a
5 Class 4 felony offense listed in subsection
6 (c)(2)(F), records of charges not initiated by
7 arrest for Class 4 felony offenses listed in
8 subsection (c)(2)(F), and records of charges
9 amended to a Class 4 felony offense listed in
10 (c)(2)(F) may be sealed, regardless of the
11 disposition, subject to any waiting periods set
12 forth in subsection (c)(3).

13 (b) Expungement.

14 (1) A petitioner may petition the circuit court to
15 expunge the records of his or her arrests and charges not
16 initiated by arrest when:

17 (A) He or she has never been convicted of a
18 criminal offense; and

19 (B) Each arrest or charge not initiated by arrest
20 sought to be expunged resulted in: (i) acquittal,
21 dismissal, or the petitioner's release without
22 charging, unless excluded by subsection (a)(3)(B);
23 (ii) a conviction which was vacated or reversed, unless
24 excluded by subsection (a)(3)(B); (iii) an order of
25 supervision and such supervision was successfully
26 completed by the petitioner, unless excluded by

1 subsection (a) (3) (A) or (a) (3) (B); or (iv) an order of
2 qualified probation (as defined in subsection
3 (a) (1) (J)) and such probation was successfully
4 completed by the petitioner.

5 (2) Time frame for filing a petition to expunge.

6 (A) When the arrest or charge not initiated by
7 arrest sought to be expunged resulted in an acquittal,
8 dismissal, the petitioner's release without charging,
9 or the reversal or vacation of a conviction, there is
10 no waiting period to petition for the expungement of
11 such records.

12 (B) When the arrest or charge not initiated by
13 arrest sought to be expunged resulted in an order of
14 supervision, successfully completed by the petitioner,
15 the following time frames will apply:

16 (i) Those arrests or charges that resulted in
17 orders of supervision under Section 3-707, 3-708,
18 3-710, or 5-401.3 of the Illinois Vehicle Code or a
19 similar provision of a local ordinance, or under
20 Section 11-1.50, 12-3.2, 12-15 or 16A-3 of the
21 Criminal Code of 1961, shall not be eligible for
22 expungement until 5 years have passed following
23 the satisfactory termination of the supervision.

24 (ii) Those arrests or charges that resulted in
25 orders of supervision for any other offenses shall
26 not be eligible for expungement until 2 years have

1 passed following the satisfactory termination of
2 the supervision.

3 (C) When the arrest or charge not initiated by
4 arrest sought to be expunged resulted in an order of
5 qualified probation, successfully completed by the
6 petitioner, such records shall not be eligible for
7 expungement until 5 years have passed following the
8 satisfactory termination of the probation.

9 (3) Those records maintained by the Department for
10 persons arrested prior to their 17th birthday shall be
11 expunged as provided in Section 5-915 of the Juvenile Court
12 Act of 1987.

13 (4) Whenever a person has been arrested for or
14 convicted of any offense, in the name of a person whose
15 identity he or she has stolen or otherwise come into
16 possession of, the aggrieved person from whom the identity
17 was stolen or otherwise obtained without authorization,
18 upon learning of the person having been arrested using his
19 or her identity, may, upon verified petition to the chief
20 judge of the circuit wherein the arrest was made, have a
21 court order entered nunc pro tunc by the Chief Judge to
22 correct the arrest record, conviction record, if any, and
23 all official records of the arresting authority, the
24 Department, other criminal justice agencies, the
25 prosecutor, and the trial court concerning such arrest, if
26 any, by removing his or her name from all such records in

1 connection with the arrest and conviction, if any, and by
2 inserting in the records the name of the offender, if known
3 or ascertainable, in lieu of the aggrieved's name. The
4 records of the circuit court clerk shall be sealed until
5 further order of the court upon good cause shown and the
6 name of the aggrieved person obliterated on the official
7 index required to be kept by the circuit court clerk under
8 Section 16 of the Clerks of Courts Act, but the order shall
9 not affect any index issued by the circuit court clerk
10 before the entry of the order. Nothing in this Section
11 shall limit the Department of State Police or other
12 criminal justice agencies or prosecutors from listing
13 under an offender's name the false names he or she has
14 used.

15 (5) Whenever a person has been convicted of criminal
16 sexual assault, aggravated criminal sexual assault,
17 predatory criminal sexual assault of a child, criminal
18 sexual abuse, or aggravated criminal sexual abuse, the
19 victim of that offense may request that the State's
20 Attorney of the county in which the conviction occurred
21 file a verified petition with the presiding trial judge at
22 the petitioner's trial to have a court order entered to
23 seal the records of the circuit court clerk in connection
24 with the proceedings of the trial court concerning that
25 offense. However, the records of the arresting authority
26 and the Department of State Police concerning the offense

1 shall not be sealed. The court, upon good cause shown,
2 shall make the records of the circuit court clerk in
3 connection with the proceedings of the trial court
4 concerning the offense available for public inspection.

5 (6) If a conviction has been set aside on direct review
6 or on collateral attack and the court determines by clear
7 and convincing evidence that the petitioner was factually
8 innocent of the charge, the court shall enter an
9 expungement order as provided in subsection (b) of Section
10 5-5-4 of the Unified Code of Corrections.

11 (7) Nothing in this Section shall prevent the
12 Department of State Police from maintaining all records of
13 any person who is admitted to probation upon terms and
14 conditions and who fulfills those terms and conditions
15 pursuant to Section 10 of the Cannabis Control Act, Section
16 410 of the Illinois Controlled Substances Act, Section 70
17 of the Methamphetamine Control and Community Protection
18 Act, Section 12-4.3 of the Criminal Code of 1961, Section
19 10-102 of the Illinois Alcoholism and Other Drug Dependency
20 Act, Section 40-10 of the Alcoholism and Other Drug Abuse
21 and Dependency Act, or Section 10 of the Steroid Control
22 Act.

23 (c) Sealing.

24 (1) Applicability. Notwithstanding any other provision
25 of this Act to the contrary, and cumulative with any rights
26 to expungement of criminal records, this subsection

1 authorizes the sealing of criminal records of adults and of
2 minors prosecuted as adults.

3 (2) Eligible Records. The following records may be
4 sealed:

5 (A) All arrests resulting in release without
6 charging;

7 (B) Arrests or charges not initiated by arrest
8 resulting in acquittal, dismissal, or conviction when
9 the conviction was reversed or vacated, except as
10 excluded by subsection (a) (3) (B) or (a) (3) (D);

11 (C) Arrests or charges not initiated by arrest
12 resulting in orders of supervision successfully
13 completed by the petitioner, unless excluded by
14 subsection (a) (3);

15 (D) Arrests or charges not initiated by arrest
16 resulting in convictions unless excluded by subsection
17 (a) (3);

18 (E) Arrests or charges not initiated by arrest
19 resulting in orders of first offender probation under
20 Section 10 of the Cannabis Control Act, Section 410 of
21 the Illinois Controlled Substances Act, or Section 70
22 of the Methamphetamine Control and Community
23 Protection Act; and

24 (F) Arrests or charges not initiated by arrest
25 resulting in Class 4 felony convictions for the
26 following offenses:

- 1 (i) Section 11-14 of the Criminal Code of 1961;
2 (ii) Section 4 of the Cannabis Control Act;
3 (iii) Section 402 of the Illinois Controlled
4 Substances Act;
5 (iv) the Methamphetamine Precursor Control
6 Act; and
7 (v) the Steroid Control Act.

8 (3) When Records Are Eligible to Be Sealed. Records
9 identified as eligible under subsection (c)(2) may be
10 sealed as follows:

11 (A) Records identified as eligible under
12 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
13 time.

14 (B) Records identified as eligible under
15 subsection (c)(2)(C) may be sealed (i) 3 years after
16 the termination of petitioner's last sentence (as
17 defined in subsection (a)(1)(F)) if the petitioner has
18 never been convicted of a criminal offense (as defined
19 in subsection (a)(1)(D)); or (ii) 4 years after the
20 termination of the petitioner's last sentence (as
21 defined in subsection (a)(1)(F)) if the petitioner has
22 ever been convicted of a criminal offense (as defined
23 in subsection (a)(1)(D)).

24 (C) Records identified as eligible under
25 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be
26 sealed 4 years after the termination of the

1 petitioner's last sentence (as defined in subsection
2 (a) (1) (F)).

3 (4) Subsequent felony convictions. A person may not
4 have subsequent felony conviction records sealed as
5 provided in this subsection (c) if he or she is convicted
6 of any felony offense after the date of the sealing of
7 prior felony convictions as provided in this subsection
8 (c). The court may, upon conviction for a subsequent felony
9 offense, order the unsealing of prior felony conviction
10 records previously ordered sealed by the court.

11 (5) Notice of eligibility for sealing. Upon entry of a
12 disposition for an eligible record under this subsection
13 (c), the petitioner shall be informed by the court of the
14 right to have the records sealed and the procedures for the
15 sealing of the records.

16 (d) Procedure. The following procedures apply to
17 expungement under subsections (b) and (e), and sealing under
18 subsection (c):

19 (1) Filing the petition. Upon becoming eligible to
20 petition for the expungement or sealing of records under
21 this Section, the petitioner shall file a petition
22 requesting the expungement or sealing of records with the
23 clerk of the court where the arrests occurred or the
24 charges were brought, or both. If arrests occurred or
25 charges were brought in multiple jurisdictions, a petition
26 must be filed in each such jurisdiction. The petitioner

1 shall pay the applicable fee, if not waived.

2 (2) Contents of petition. The petition shall be
3 verified and shall contain the petitioner's name, date of
4 birth, current address and, for each arrest or charge not
5 initiated by arrest sought to be sealed or expunged, the
6 case number, the date of arrest (if any), the identity of
7 the arresting authority, and such other information as the
8 court may require. During the pendency of the proceeding,
9 the petitioner shall promptly notify the circuit court
10 clerk of any change of his or her address.

11 (3) Drug test. The petitioner must attach to the
12 petition proof that the petitioner has passed a test taken
13 within 30 days before the filing of the petition showing
14 the absence within his or her body of all illegal
15 substances as defined by the Illinois Controlled
16 Substances Act, the Methamphetamine Control and Community
17 Protection Act, and the Cannabis Control Act if he or she
18 is petitioning to seal felony records pursuant to clause
19 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is
20 petitioning to expunge felony records of a qualified
21 probation pursuant to clause (b) (1) (B) (iv).

22 (4) Service of petition. The circuit court clerk shall
23 promptly serve a copy of the petition on the State's
24 Attorney or prosecutor charged with the duty of prosecuting
25 the offense, the Department of State Police, the arresting
26 agency and the chief legal officer of the unit of local

1 government effecting the arrest.

2 (5) Objections.

3 (A) Any party entitled to notice of the petition
4 may file an objection to the petition. All objections
5 shall be in writing, shall be filed with the circuit
6 court clerk, and shall state with specificity the basis
7 of the objection.

8 (B) Objections to a petition to expunge or seal
9 must be filed within 60 days of the date of service of
10 the petition.

11 (6) Entry of order.

12 (A) The Chief Judge of the circuit wherein the
13 charge was brought, any judge of that circuit
14 designated by the Chief Judge, or in counties of less
15 than 3,000,000 inhabitants, the presiding trial judge
16 at the petitioner's trial, if any, shall rule on the
17 petition to expunge or seal as set forth in this
18 subsection (d)(6).

19 (B) Unless the State's Attorney or prosecutor, the
20 Department of State Police, the arresting agency, or
21 the chief legal officer files an objection to the
22 petition to expunge or seal within 60 days from the
23 date of service of the petition, the court shall enter
24 an order granting or denying the petition.

25 (7) Hearings. If an objection is filed, the court shall
26 set a date for a hearing and notify the petitioner and all

1 parties entitled to notice of the petition of the hearing
2 date at least 30 days prior to the hearing, and shall hear
3 evidence on whether the petition should or should not be
4 granted, and shall grant or deny the petition to expunge or
5 seal the records based on the evidence presented at the
6 hearing.

7 (8) Service of order. After entering an order to
8 expunge or seal records, the court must provide copies of
9 the order to the Department, in a form and manner
10 prescribed by the Department, to the petitioner, to the
11 State's Attorney or prosecutor charged with the duty of
12 prosecuting the offense, to the arresting agency, to the
13 chief legal officer of the unit of local government
14 effecting the arrest, and to such other criminal justice
15 agencies as may be ordered by the court.

16 (9) Effect of order.

17 (A) Upon entry of an order to expunge records
18 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

19 (i) the records shall be expunged (as defined
20 in subsection (a) (1) (E)) by the arresting agency,
21 the Department, and any other agency as ordered by
22 the court, within 60 days of the date of service of
23 the order, unless a motion to vacate, modify, or
24 reconsider the order is filed pursuant to
25 paragraph (12) of subsection (d) of this Section;

26 (ii) the records of the circuit court clerk

1 shall be impounded until further order of the court
2 upon good cause shown and the name of the
3 petitioner obliterated on the official index
4 required to be kept by the circuit court clerk
5 under Section 16 of the Clerks of Courts Act, but
6 the order shall not affect any index issued by the
7 circuit court clerk before the entry of the order;
8 and

9 (iii) in response to an inquiry for expunged
10 records, the court, the Department, or the agency
11 receiving such inquiry, shall reply as it does in
12 response to inquiries when no records ever
13 existed.

14 (B) Upon entry of an order to expunge records
15 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

16 (i) the records shall be expunged (as defined
17 in subsection (a) (1) (E)) by the arresting agency
18 and any other agency as ordered by the court,
19 within 60 days of the date of service of the order,
20 unless a motion to vacate, modify, or reconsider
21 the order is filed pursuant to paragraph (12) of
22 subsection (d) of this Section;

23 (ii) the records of the circuit court clerk
24 shall be impounded until further order of the court
25 upon good cause shown and the name of the
26 petitioner obliterated on the official index

1 required to be kept by the circuit court clerk
2 under Section 16 of the Clerks of Courts Act, but
3 the order shall not affect any index issued by the
4 circuit court clerk before the entry of the order;

5 (iii) the records shall be impounded by the
6 Department within 60 days of the date of service of
7 the order as ordered by the court, unless a motion
8 to vacate, modify, or reconsider the order is filed
9 pursuant to paragraph (12) of subsection (d) of
10 this Section;

11 (iv) records impounded by the Department may
12 be disseminated by the Department only to the
13 arresting authority, the State's Attorney, and the
14 court upon a later arrest for the same or a similar
15 offense or for the purpose of sentencing for any
16 subsequent felony, and to the Department of
17 Corrections upon conviction for any offense; and

18 (v) in response to an inquiry for such records
19 from anyone not authorized by law to access such
20 records the court, the Department, or the agency
21 receiving such inquiry shall reply as it does in
22 response to inquiries when no records ever
23 existed.

24 (C) Upon entry of an order to seal records under
25 subsection (c), the arresting agency, any other agency
26 as ordered by the court, the Department, and the court

1 shall seal the records (as defined in subsection
2 (a) (1) (K)). In response to an inquiry for such records
3 from anyone not authorized by law to access such
4 records the court, the Department, or the agency
5 receiving such inquiry shall reply as it does in
6 response to inquiries when no records ever existed.

7 (10) Fees. The Department may charge the petitioner a
8 fee equivalent to the cost of processing any order to
9 expunge or seal records. Notwithstanding any provision of
10 the Clerks of Courts Act to the contrary, the circuit court
11 clerk may charge a fee equivalent to the cost associated
12 with the sealing or expungement of records by the circuit
13 court clerk. From the total filing fee collected for the
14 petition to seal or expunge, the circuit court clerk shall
15 deposit \$10 into the Circuit Court Clerk Operation and
16 Administrative Fund, to be used to offset the costs
17 incurred by the circuit court clerk in performing the
18 additional duties required to serve the petition to seal or
19 expunge on all parties. The circuit court clerk shall
20 collect and forward the Department of State Police portion
21 of the fee to the Department and it shall be deposited in
22 the State Police Services Fund.

23 (11) Final Order. No court order issued under the
24 expungement or sealing provisions of this Section shall
25 become final for purposes of appeal until 30 days after
26 service of the order on the petitioner and all parties

1 entitled to notice of the petition.

2 (12) Motion to Vacate, Modify, or Reconsider. The
3 petitioner or any party entitled to notice may file a
4 motion to vacate, modify, or reconsider the order granting
5 or denying the petition to expunge or seal within 60 days
6 of service of the order.

7 (e) Whenever a person who has been convicted of an offense
8 is granted a pardon by the Governor which specifically
9 authorizes expungement, he or she may, upon verified petition
10 to the Chief Judge of the circuit where the person had been
11 convicted, any judge of the circuit designated by the Chief
12 Judge, or in counties of less than 3,000,000 inhabitants, the
13 presiding trial judge at the defendant's trial, have a court
14 order entered expunging the record of arrest from the official
15 records of the arresting authority and order that the records
16 of the circuit court clerk and the Department be sealed until
17 further order of the court upon good cause shown or as
18 otherwise provided herein, and the name of the defendant
19 obliterated from the official index requested to be kept by the
20 circuit court clerk under Section 16 of the Clerks of Courts
21 Act in connection with the arrest and conviction for the
22 offense for which he or she had been pardoned but the order
23 shall not affect any index issued by the circuit court clerk
24 before the entry of the order. All records sealed by the
25 Department may be disseminated by the Department only as
26 required by law or to the arresting authority, the State's

1 Attorney, and the court upon a later arrest for the same or
2 similar offense or for the purpose of sentencing for any
3 subsequent felony. Upon conviction for any subsequent offense,
4 the Department of Corrections shall have access to all sealed
5 records of the Department pertaining to that individual. Upon
6 entry of the order of expungement, the circuit court clerk
7 shall promptly mail a copy of the order to the person who was
8 pardoned.

9 (f) Subject to available funding, the Illinois Department
10 of Corrections shall conduct a study of the impact of sealing,
11 especially on employment and recidivism rates, utilizing a
12 random sample of those who apply for the sealing of their
13 criminal records under Public Act 93-211. At the request of the
14 Illinois Department of Corrections, records of the Illinois
15 Department of Employment Security shall be utilized as
16 appropriate to assist in the study. The study shall not
17 disclose any data in a manner that would allow the
18 identification of any particular individual or employing unit.
19 The study shall be made available to the General Assembly no
20 later than September 1, 2010.

21 (Source: P.A. 96-409, eff. 1-1-10.)

22 Section 930. The Sex Offender Management Board Act is
23 amended by changing Section 10 as follows:

24 (20 ILCS 4026/10)

1 Sec. 10. Definitions. In this Act, unless the context
2 otherwise requires:

3 (a) "Board" means the Sex Offender Management Board created
4 in Section 15.

5 (b) "Sex offender" means any person who is convicted or
6 found delinquent in the State of Illinois, or under any
7 substantially similar federal law or law of another state, of
8 any sex offense or attempt of a sex offense as defined in
9 subsection (c) of this Section, or any former statute of this
10 State that defined a felony sex offense, or who has been
11 certified as a sexually dangerous person under the Sexually
12 Dangerous Persons Act or declared a sexually violent person
13 under the Sexually Violent Persons Commitment Act, or any
14 substantially similar federal law or law of another state.

15 (c) "Sex offense" means any felony or misdemeanor offense
16 described in this subsection (c) as follows:

17 (1) Indecent solicitation of a child, in violation of
18 Section 11-6 of the Criminal Code of 1961;

19 (2) Indecent solicitation of an adult, in violation of
20 Section 11-6.5 of the Criminal Code of 1961;

21 (3) Public indecency, in violation of Section 11-9 or
22 11-30 of the Criminal Code of 1961;

23 (4) Sexual exploitation of a child, in violation of
24 Section 11-9.1 of the Criminal Code of 1961;

25 (5) Sexual relations within families, in violation of
26 Section 11-11 of the Criminal Code of 1961;

1 (6) Promoting juvenile prostitution or soliciting
2 ~~Soliciting~~ for a juvenile prostitute, in violation of
3 Section 11-14.4 or 11-15.1 of the Criminal Code of 1961;

4 (7) Promoting juvenile prostitution or keeping ~~Keeping~~
5 a place of juvenile prostitution, in violation of Section
6 11-14.4 or 11-17.1 of the Criminal Code of 1961;

7 (8) Patronizing a juvenile prostitute, in violation of
8 Section 11-18.1 of the Criminal Code of 1961;

9 (9) Promoting juvenile prostitution or juvenile
10 ~~Juvenile~~ pimping, in violation of Section 11-14.4 or
11 11-19.1 of the Criminal Code of 1961;

12 (10) promoting juvenile prostitution or exploitation
13 ~~Exploitation~~ of a child, in violation of Section 11-14.4 or
14 11-19.2 of the Criminal Code of 1961;

15 (11) Child pornography, in violation of Section
16 11-20.1 of the Criminal Code of 1961;

17 (11.5) Aggravated child pornography, in violation of
18 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

19 (12) Harmful material, in violation of Section 11-21 of
20 the Criminal Code of 1961;

21 (13) Criminal sexual assault, in violation of Section
22 11-1.20 or 12-13 of the Criminal Code of 1961;

23 (14) Aggravated criminal sexual assault, in violation
24 of Section 11-1.30 or 12-14 of the Criminal Code of 1961;

25 (15) Predatory criminal sexual assault of a child, in
26 violation of Section 11-1.40 or 12-14.1 of the Criminal

1 Code of 1961;

2 (16) Criminal sexual abuse, in violation of Section
3 11-1.50 or 12-15 of the Criminal Code of 1961;

4 (17) Aggravated criminal sexual abuse, in violation of
5 Section 11-1.60 or 12-16 of the Criminal Code of 1961;

6 (18) Ritualized abuse of a child, in violation of
7 Section 12-33 of the Criminal Code of 1961;

8 (19) An attempt to commit any of the offenses
9 enumerated in this subsection (c); or

10 (20) Any felony offense under Illinois law that is
11 sexually motivated.

12 (d) "Management" means counseling, monitoring, and
13 supervision of any sex offender that conforms to the standards
14 created by the Board under Section 15.

15 (e) "Sexually motivated" means one or more of the facts of
16 the underlying offense indicates conduct that is of a sexual
17 nature or that shows an intent to engage in behavior of a
18 sexual nature.

19 (Source: P.A. 93-616, eff. 1-1-04.)

20 Section 935. The Illinois Police Training Act is amended by
21 changing Sections 6 and 6.1 as follows:

22 (50 ILCS 705/6) (from Ch. 85, par. 506)

23 Sec. 6. Selection and certification of schools. The Board
24 shall select and certify schools within the State of Illinois

1 for the purpose of providing basic training for probationary
2 police officers, probationary county corrections officers, and
3 court security officers and of providing advanced or in-service
4 training for permanent police officers or permanent county
5 corrections officers, which schools may be either publicly or
6 privately owned and operated. In addition, the Board has the
7 following power and duties:

8 a. To require local governmental units to furnish such
9 reports and information as the Board deems necessary to
10 fully implement this Act.

11 b. To establish appropriate mandatory minimum
12 standards relating to the training of probationary local
13 law enforcement officers or probationary county
14 corrections officers.

15 c. To provide appropriate certification to those
16 probationary officers who successfully complete the
17 prescribed minimum standard basic training course.

18 d. To review and approve annual training curriculum for
19 county sheriffs.

20 e. To review and approve applicants to ensure no
21 applicant is admitted to a certified academy unless the
22 applicant is a person of good character and has not been
23 convicted of a felony offense, any of the misdemeanors in
24 Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2,
25 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7,
26 32-4a, or 32-7 of the Criminal Code of 1961, subdivision

1 (a) (1) or (a) (2) (C) of Section 11-14.3 of the Criminal Code
2 of 1961, or Section 5 or 5.2 of the Cannabis Control Act,
3 or a crime involving moral turpitude under the laws of this
4 State or any other state which if committed in this State
5 would be punishable as a felony or a crime of moral
6 turpitude. The Board may appoint investigators who shall
7 enforce the duties conferred upon the Board by this Act.

8 (Source: P.A. 91-495, eff. 1-1-00.)

9 (50 ILCS 705/6.1)

10 Sec. 6.1. Decertification of full-time and part-time
11 police officers.

12 (a) The Board must review police officer conduct and
13 records to ensure that no police officer is certified or
14 provided a valid waiver if that police officer has been
15 convicted of a felony offense under the laws of this State or
16 any other state which if committed in this State would be
17 punishable as a felony. The Board must also ensure that no
18 police officer is certified or provided a valid waiver if that
19 police officer has been convicted on or after the effective
20 date of this amendatory Act of 1999 of any misdemeanor
21 specified in this Section or if committed in any other state
22 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,
23 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1,
24 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961,
25 to subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of the

1 Criminal Code of 1961, or to Section 5 or 5.2 of the Cannabis
2 Control Act. The Board must appoint investigators to enforce
3 the duties conferred upon the Board by this Act.

4 (b) It is the responsibility of the sheriff or the chief
5 executive officer of every local law enforcement agency or
6 department within this State to report to the Board any arrest
7 or conviction of any officer for an offense identified in this
8 Section.

9 (c) It is the duty and responsibility of every full-time
10 and part-time police officer in this State to report to the
11 Board within 30 days, and the officer's sheriff or chief
12 executive officer, of his or her arrest or conviction for an
13 offense identified in this Section. Any full-time or part-time
14 police officer who knowingly makes, submits, causes to be
15 submitted, or files a false or untruthful report to the Board
16 must have his or her certificate or waiver immediately
17 decertified or revoked.

18 (d) Any person, or a local or State agency, or the Board is
19 immune from liability for submitting, disclosing, or releasing
20 information of arrests or convictions in this Section as long
21 as the information is submitted, disclosed, or released in good
22 faith and without malice. The Board has qualified immunity for
23 the release of the information.

24 (e) Any full-time or part-time police officer with a
25 certificate or waiver issued by the Board who is convicted of
26 any offense described in this Section immediately becomes

1 decertified or no longer has a valid waiver. The
2 decertification and invalidity of waivers occurs as a matter of
3 law. Failure of a convicted person to report to the Board his
4 or her conviction as described in this Section or any continued
5 law enforcement practice after receiving a conviction is a
6 Class 4 felony.

7 (f) The Board's investigators are peace officers and have
8 all the powers possessed by policemen in cities and by
9 sheriff's, provided that the investigators may exercise those
10 powers anywhere in the State, only after contact and
11 cooperation with the appropriate local law enforcement
12 authorities.

13 (g) The Board must request and receive information and
14 assistance from any federal, state, or local governmental
15 agency as part of the authorized criminal background
16 investigation. The Department of State Police must process,
17 retain, and additionally provide and disseminate information
18 to the Board concerning criminal charges, arrests,
19 convictions, and their disposition, that have been filed
20 before, on, or after the effective date of this amendatory Act
21 of the 91st General Assembly against a basic academy applicant,
22 law enforcement applicant, or law enforcement officer whose
23 fingerprint identification cards are on file or maintained by
24 the Department of State Police. The Federal Bureau of
25 Investigation must provide the Board any criminal history
26 record information contained in its files pertaining to law

1 enforcement officers or any applicant to a Board certified
2 basic law enforcement academy as described in this Act based on
3 fingerprint identification. The Board must make payment of fees
4 to the Department of State Police for each fingerprint card
5 submission in conformance with the requirements of paragraph 22
6 of Section 55a of the Civil Administrative Code of Illinois.

7 (h) A police officer who has been certified or granted a
8 valid waiver shall also be decertified or have his or her
9 waiver revoked upon a determination by the Illinois Labor
10 Relations Board State Panel that he or she, while under oath,
11 has knowingly and willfully made false statements as to a
12 material fact going to an element of the offense of murder. If
13 an appeal is filed, the determination shall be stayed.

14 (1) In the case of an acquittal on a charge of murder,
15 a verified complaint may be filed:

16 (A) by the defendant; or

17 (B) by a police officer with personal knowledge of
18 perjured testimony.

19 The complaint must allege that a police officer, while
20 under oath, knowingly and willfully made false statements
21 as to a material fact going to an element of the offense of
22 murder. The verified complaint must be filed with the
23 Executive Director of the Illinois Law Enforcement
24 Training Standards Board within 2 years of the judgment of
25 acquittal.

26 (2) Within 30 days, the Executive Director of the

1 Illinois Law Enforcement Training Standards Board shall
2 review the verified complaint and determine whether the
3 verified complaint is frivolous and without merit, or
4 whether further investigation is warranted. The Illinois
5 Law Enforcement Training Standards Board shall notify the
6 officer and the Executive Director of the Illinois Labor
7 Relations Board State Panel of the filing of the complaint
8 and any action taken thereon. If the Executive Director of
9 the Illinois Law Enforcement Training Standards Board
10 determines that the verified complaint is frivolous and
11 without merit, it shall be dismissed. The Executive
12 Director of the Illinois Law Enforcement Training
13 Standards Board has sole discretion to make this
14 determination and this decision is not subject to appeal.

15 (i) If the Executive Director of the Illinois Law
16 Enforcement Training Standards Board determines that the
17 verified complaint warrants further investigation, he or she
18 shall refer the matter to a task force of investigators created
19 for this purpose. This task force shall consist of 8 sworn
20 police officers: 2 from the Illinois State Police, 2 from the
21 City of Chicago Police Department, 2 from county police
22 departments, and 2 from municipal police departments. These
23 investigators shall have a minimum of 5 years of experience in
24 conducting criminal investigations. The investigators shall be
25 appointed by the Executive Director of the Illinois Law
26 Enforcement Training Standards Board. Any officer or officers

1 acting in this capacity pursuant to this statutory provision
2 will have statewide police authority while acting in this
3 investigative capacity. Their salaries and expenses for the
4 time spent conducting investigations under this paragraph
5 shall be reimbursed by the Illinois Law Enforcement Training
6 Standards Board.

7 (j) Once the Executive Director of the Illinois Law
8 Enforcement Training Standards Board has determined that an
9 investigation is warranted, the verified complaint shall be
10 assigned to an investigator or investigators. The investigator
11 or investigators shall conduct an investigation of the verified
12 complaint and shall write a report of his or her findings. This
13 report shall be submitted to the Executive Director of the
14 Illinois Labor Relations Board State Panel.

15 Within 30 days, the Executive Director of the Illinois
16 Labor Relations Board State Panel shall review the
17 investigative report and determine whether sufficient evidence
18 exists to conduct an evidentiary hearing on the verified
19 complaint. If the Executive Director of the Illinois Labor
20 Relations Board State Panel determines upon his or her review
21 of the investigatory report that a hearing should not be
22 conducted, the complaint shall be dismissed. This decision is
23 in the Executive Director's sole discretion, and this dismissal
24 may not be appealed.

25 If the Executive Director of the Illinois Labor Relations
26 Board State Panel determines that there is sufficient evidence

1 to warrant a hearing, a hearing shall be ordered on the
2 verified complaint, to be conducted by an administrative law
3 judge employed by the Illinois Labor Relations Board State
4 Panel. The Executive Director of the Illinois Labor Relations
5 Board State Panel shall inform the Executive Director of the
6 Illinois Law Enforcement Training Standards Board and the
7 person who filed the complaint of either the dismissal of the
8 complaint or the issuance of the complaint for hearing. The
9 Executive Director shall assign the complaint to the
10 administrative law judge within 30 days of the decision
11 granting a hearing.

12 (k) In the case of a finding of guilt on the offense of
13 murder, if a new trial is granted on direct appeal, or a state
14 post-conviction evidentiary hearing is ordered, based on a
15 claim that a police officer, under oath, knowingly and
16 willfully made false statements as to a material fact going to
17 an element of the offense of murder, the Illinois Labor
18 Relations Board State Panel shall hold a hearing to determine
19 whether the officer should be decertified if an interested
20 party requests such a hearing within 2 years of the court's
21 decision. The complaint shall be assigned to an administrative
22 law judge within 30 days so that a hearing can be scheduled.

23 At the hearing, the accused officer shall be afforded the
24 opportunity to:

25 (1) Be represented by counsel of his or her own
26 choosing;

1 (2) Be heard in his or her own defense;

2 (3) Produce evidence in his or her defense;

3 (4) Request that the Illinois Labor Relations Board
4 State Panel compel the attendance of witnesses and
5 production of related documents including but not limited
6 to court documents and records.

7 Once a case has been set for hearing, the verified
8 complaint shall be referred to the Department of Professional
9 Regulation. That office shall prosecute the verified complaint
10 at the hearing before the administrative law judge. The
11 Department of Professional Regulation shall have the
12 opportunity to produce evidence to support the verified
13 complaint and to request the Illinois Labor Relations Board
14 State Panel to compel the attendance of witnesses and the
15 production of related documents, including, but not limited to,
16 court documents and records. The Illinois Labor Relations Board
17 State Panel shall have the power to issue subpoenas requiring
18 the attendance of and testimony of witnesses and the production
19 of related documents including, but not limited to, court
20 documents and records and shall have the power to administer
21 oaths.

22 The administrative law judge shall have the responsibility
23 of receiving into evidence relevant testimony and documents,
24 including court records, to support or disprove the allegations
25 made by the person filing the verified complaint and, at the
26 close of the case, hear arguments. If the administrative law

1 judge finds that there is not clear and convincing evidence to
2 support the verified complaint that the police officer has,
3 while under oath, knowingly and willfully made false statements
4 as to a material fact going to an element of the offense of
5 murder, the administrative law judge shall make a written
6 recommendation of dismissal to the Illinois Labor Relations
7 Board State Panel. If the administrative law judge finds that
8 there is clear and convincing evidence that the police officer
9 has, while under oath, knowingly and willfully made false
10 statements as to a material fact that goes to an element of the
11 offense of murder, the administrative law judge shall make a
12 written recommendation so concluding to the Illinois Labor
13 Relations Board State Panel. The hearings shall be transcribed.
14 The Executive Director of the Illinois Law Enforcement Training
15 Standards Board shall be informed of the administrative law
16 judge's recommended findings and decision and the Illinois
17 Labor Relations Board State Panel's subsequent review of the
18 recommendation.

19 (1) An officer named in any complaint filed pursuant to
20 this Act shall be indemnified for his or her reasonable
21 attorney's fees and costs by his or her employer. These fees
22 shall be paid in a regular and timely manner. The State, upon
23 application by the public employer, shall reimburse the public
24 employer for the accused officer's reasonable attorney's fees
25 and costs. At no time and under no circumstances will the
26 accused officer be required to pay his or her own reasonable

1 attorney's fees or costs.

2 (m) The accused officer shall not be placed on unpaid
3 status because of the filing or processing of the verified
4 complaint until there is a final non-appealable order
5 sustaining his or her guilt and his or her certification is
6 revoked. Nothing in this Act, however, restricts the public
7 employer from pursuing discipline against the officer in the
8 normal course and under procedures then in place.

9 (n) The Illinois Labor Relations Board State Panel shall
10 review the administrative law judge's recommended decision and
11 order and determine by a majority vote whether or not there was
12 clear and convincing evidence that the accused officer, while
13 under oath, knowingly and willfully made false statements as to
14 a material fact going to the offense of murder. Within 30 days
15 of service of the administrative law judge's recommended
16 decision and order, the parties may file exceptions to the
17 recommended decision and order and briefs in support of their
18 exceptions with the Illinois Labor Relations Board State Panel.
19 The parties may file responses to the exceptions and briefs in
20 support of the responses no later than 15 days after the
21 service of the exceptions. If exceptions are filed by any of
22 the parties, the Illinois Labor Relations Board State Panel
23 shall review the matter and make a finding to uphold, vacate,
24 or modify the recommended decision and order. If the Illinois
25 Labor Relations Board State Panel concludes that there is clear
26 and convincing evidence that the accused officer, while under

1 oath, knowingly and willfully made false statements as to a
2 material fact going to an element of the offense murder, the
3 Illinois Labor Relations Board State Panel shall inform the
4 Illinois Law Enforcement Training Standards Board and the
5 Illinois Law Enforcement Training Standards Board shall revoke
6 the accused officer's certification. If the accused officer
7 appeals that determination to the Appellate Court, as provided
8 by this Act, he or she may petition the Appellate Court to stay
9 the revocation of his or her certification pending the court's
10 review of the matter.

11 (o) None of the Illinois Labor Relations Board State
12 Panel's findings or determinations shall set any precedent in
13 any of its decisions decided pursuant to the Illinois Public
14 Labor Relations Act by the Illinois Labor Relations Board State
15 Panel or the courts.

16 (p) A party aggrieved by the final order of the Illinois
17 Labor Relations Board State Panel may apply for and obtain
18 judicial review of an order of the Illinois Labor Relations
19 Board State Panel, in accordance with the provisions of the
20 Administrative Review Law, except that such judicial review
21 shall be afforded directly in the Appellate Court for the
22 district in which the accused officer resides. Any direct
23 appeal to the Appellate Court shall be filed within 35 days
24 from the date that a copy of the decision sought to be reviewed
25 was served upon the party affected by the decision.

26 (q) Interested parties. Only interested parties to the

1 criminal prosecution in which the police officer allegedly,
2 while under oath, knowingly and willfully made false statements
3 as to a material fact going to an element of the offense of
4 murder may file a verified complaint pursuant to this Section.
5 For purposes of this Section, "interested parties" shall be
6 limited to the defendant and any police officer who has
7 personal knowledge that the police officer who is the subject
8 of the complaint has, while under oath, knowingly and willfully
9 made false statements as to a material fact going to an element
10 of the offense of murder.

11 (r) Semi-annual reports. The Executive Director of the
12 Illinois Labor Relations Board shall submit semi-annual
13 reports to the Governor, President, and Minority Leader of the
14 Senate, and to the Speaker and Minority Leader of the House of
15 Representatives beginning on June 30, 2004, indicating:

16 (1) the number of verified complaints received since
17 the date of the last report;

18 (2) the number of investigations initiated since the
19 date of the last report;

20 (3) the number of investigations concluded since the
21 date of the last report;

22 (4) the number of investigations pending as of the
23 reporting date;

24 (5) the number of hearings held since the date of the
25 last report; and

26 (6) the number of officers decertified since the date

1 of the last report.

2 (Source: P.A. 93-605, eff. 11-19-03; 93-655, eff. 1-20-04.)

3 Section 940. The Illinois Municipal Code is amended by
4 changing Sections 10-1-7 and 10-2.1-6 as follows:

5 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

6 Sec. 10-1-7. Examination of applicants; disqualifications.

7 (a) All applicants for offices or places in the classified
8 service, except those mentioned in Section 10-1-17, are subject
9 to examination. The examination shall be public, competitive,
10 and open to all citizens of the United States, with specified
11 limitations as to residence, age, health, habits and moral
12 character.

13 (b) Residency requirements in effect at the time an
14 individual enters the fire or police service of a municipality
15 (other than a municipality that has more than 1,000,000
16 inhabitants) cannot be made more restrictive for that
17 individual during his or her period of service for that
18 municipality, or be made a condition of promotion, except for
19 the rank or position of Fire or Police Chief.

20 (c) No person with a record of misdemeanor convictions
21 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
22 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
23 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
24 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and

1 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)
2 of Section 24-1 of the Criminal Code of 1961 or arrested for
3 any cause but not convicted on that cause shall be disqualified
4 from taking the examination on grounds of habits or moral
5 character, unless the person is attempting to qualify for a
6 position on the police department, in which case the conviction
7 or arrest may be considered as a factor in determining the
8 person's habits or moral character.

9 (d) Persons entitled to military preference under Section
10 10-1-16 shall not be subject to limitations specifying age
11 unless they are applicants for a position as a fireman or a
12 policeman having no previous employment status as a fireman or
13 policeman in the regularly constituted fire or police
14 department of the municipality, in which case they must not
15 have attained their 35th birthday, except any person who has
16 served as an auxiliary police officer under Section 3.1-30-20
17 for at least 5 years and is under 40 years of age.

18 (e) All employees of a municipality of less than 500,000
19 population (except those who would be excluded from the
20 classified service as provided in this Division 1) who are
21 holding that employment as of the date a municipality adopts
22 this Division 1, or as of July 17, 1959, whichever date is the
23 later, and who have held that employment for at least 2 years
24 immediately before that later date, and all firemen and
25 policemen regardless of length of service who were either
26 appointed to their respective positions by the board of fire

1 and police commissioners under the provisions of Division 2 of
2 this Article or who are serving in a position (except as a
3 temporary employee) in the fire or police department in the
4 municipality on the date a municipality adopts this Division 1,
5 or as of July 17, 1959, whichever date is the later, shall
6 become members of the classified civil service of the
7 municipality without examination.

8 (f) The examinations shall be practical in their character,
9 and shall relate to those matters that will fairly test the
10 relative capacity of the persons examined to discharge the
11 duties of the positions to which they seek to be appointed. The
12 examinations shall include tests of physical qualifications,
13 health, and (when appropriate) manual skill. If an applicant is
14 unable to pass the physical examination solely as the result of
15 an injury received by the applicant as the result of the
16 performance of an act of duty while working as a temporary
17 employee in the position for which he or she is being examined,
18 however, the physical examination shall be waived and the
19 applicant shall be considered to have passed the examination.
20 No questions in any examination shall relate to political or
21 religious opinions or affiliations. Results of examinations
22 and the eligible registers prepared from the results shall be
23 published by the commission within 60 days after any
24 examinations are held.

25 (g) The commission shall control all examinations, and may,
26 whenever an examination is to take place, designate a suitable

1 number of persons, either in or not in the official service of
2 the municipality, to be examiners. The examiners shall conduct
3 the examinations as directed by the commission and shall make a
4 return or report of the examinations to the commission. If the
5 appointed examiners are in the official service of the
6 municipality, the examiners shall not receive extra
7 compensation for conducting the examinations. The commission
8 may at any time substitute any other person, whether or not in
9 the service of the municipality, in the place of any one
10 selected as an examiner. The commission members may themselves
11 at any time act as examiners without appointing examiners. The
12 examiners at any examination shall not all be members of the
13 same political party.

14 (h) In municipalities of 500,000 or more population, no
15 person who has attained his or her 35th birthday shall be
16 eligible to take an examination for a position as a fireman or
17 a policeman unless the person has had previous employment
18 status as a policeman or fireman in the regularly constituted
19 police or fire department of the municipality, except as
20 provided in this Section.

21 (i) In municipalities of more than 5,000 but not more than
22 200,000 inhabitants, no person who has attained his or her 35th
23 birthday shall be eligible to take an examination for a
24 position as a fireman or a policeman unless the person has had
25 previous employment status as a policeman or fireman in the
26 regularly constituted police or fire department of the

1 municipality, except as provided in this Section.

2 (j) In all municipalities, applicants who are 20 years of
3 age and who have successfully completed 2 years of law
4 enforcement studies at an accredited college or university may
5 be considered for appointment to active duty with the police
6 department. An applicant described in this subsection (j) who
7 is appointed to active duty shall not have power of arrest, nor
8 shall the applicant be permitted to carry firearms, until he or
9 she reaches 21 years of age.

10 (k) In municipalities of more than 500,000 population,
11 applications for examination for and appointment to positions
12 as firefighters or police shall be made available at various
13 branches of the public library of the municipality.

14 (l) No municipality having a population less than 1,000,000
15 shall require that any fireman appointed to the lowest rank
16 serve a probationary employment period of longer than one year.
17 The limitation on periods of probationary employment provided
18 in this amendatory Act of 1989 is an exclusive power and
19 function of the State. Pursuant to subsection (h) of Section 6
20 of Article VII of the Illinois Constitution, a home rule
21 municipality having a population less than 1,000,000 must
22 comply with this limitation on periods of probationary
23 employment, which is a denial and limitation of home rule
24 powers. Notwithstanding anything to the contrary in this
25 Section, the probationary employment period limitation may be
26 extended for a firefighter who is required, as a condition of

1 employment, to be a certified paramedic, during which time the
2 sole reason that a firefighter may be discharged without a
3 hearing is for failing to meet the requirements for paramedic
4 certification.

5 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06.)

6 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)
7 Sec. 10-2.1-6. Examination of applicants;
8 disqualifications.

9 (a) All applicants for a position in either the fire or
10 police department of the municipality shall be under 35 years
11 of age, shall be subject to an examination that shall be
12 public, competitive, and open to all applicants (unless the
13 council or board of trustees by ordinance limit applicants to
14 electors of the municipality, county, state or nation) and
15 shall be subject to reasonable limitations as to residence,
16 health, habits, and moral character. The municipality may not
17 charge or collect any fee from an applicant who has met all
18 prequalification standards established by the municipality for
19 any such position. With respect to a police department, a
20 veteran shall be allowed to exceed the maximum age provision of
21 this Section by the number of years served on active military
22 duty, but by no more than 10 years of active military duty.

23 (b) Residency requirements in effect at the time an
24 individual enters the fire or police service of a municipality
25 (other than a municipality that has more than 1,000,000

1 inhabitants) cannot be made more restrictive for that
2 individual during his period of service for that municipality,
3 or be made a condition of promotion, except for the rank or
4 position of Fire or Police Chief.

5 (c) No person with a record of misdemeanor convictions
6 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
7 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
8 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
9 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and
10 (a)(2)(C) of Section 11-14.3, and subsections (1), (6) and (8)
11 of Section 24-1 of the Criminal Code of 1961 or arrested for
12 any cause but not convicted on that cause shall be disqualified
13 from taking the examination to qualify for a position in the
14 fire department on grounds of habits or moral character.

15 (d) The age limitation in subsection (a) does not apply (i)
16 to any person previously employed as a policeman or fireman in
17 a regularly constituted police or fire department of (I) any
18 municipality, regardless of whether the municipality is
19 located in Illinois or in another state, or (II) a fire
20 protection district whose obligations were assumed by a
21 municipality under Section 21 of the Fire Protection District
22 Act, (ii) to any person who has served a municipality as a
23 regularly enrolled volunteer fireman for 5 years immediately
24 preceding the time that municipality begins to use full time
25 firemen to provide all or part of its fire protection service,
26 or (iii) to any person who has served as an auxiliary police

1 officer under Section 3.1-30-20 for at least 5 years and is
2 under 40 years of age, (iv) to any person who has served as a
3 deputy under Section 3-6008 of the Counties Code and otherwise
4 meets necessary training requirements, or (v) to any person who
5 has served as a sworn officer as a member of the Illinois
6 Department of State Police.

7 (e) Applicants who are 20 years of age and who have
8 successfully completed 2 years of law enforcement studies at an
9 accredited college or university may be considered for
10 appointment to active duty with the police department. An
11 applicant described in this subsection (e) who is appointed to
12 active duty shall not have power of arrest, nor shall the
13 applicant be permitted to carry firearms, until he or she
14 reaches 21 years of age.

15 (f) Applicants who are 18 years of age and who have
16 successfully completed 2 years of study in fire techniques,
17 amounting to a total of 4 high school credits, within the cadet
18 program of a municipality may be considered for appointment to
19 active duty with the fire department of any municipality.

20 (g) The council or board of trustees may by ordinance
21 provide that persons residing outside the municipality are
22 eligible to take the examination.

23 (h) The examinations shall be practical in character and
24 relate to those matters that will fairly test the capacity of
25 the persons examined to discharge the duties of the positions
26 to which they seek appointment. No person shall be appointed to

1 the police or fire department if he or she does not possess a
2 high school diploma or an equivalent high school education. A
3 board of fire and police commissioners may, by its rules,
4 require police applicants to have obtained an associate's
5 degree or a bachelor's degree as a prerequisite for employment.
6 The examinations shall include tests of physical
7 qualifications and health. A board of fire and police
8 commissioners may, by its rules, waive portions of the required
9 examination for police applicants who have previously been
10 full-time sworn officers of a regular police department in any
11 municipal, county, university, or State law enforcement
12 agency, provided they are certified by the Illinois Law
13 Enforcement Training Standards Board and have been with their
14 respective law enforcement agency within the State for at least
15 2 years. No person shall be appointed to the police or fire
16 department if he or she has suffered the amputation of any limb
17 unless the applicant's duties will be only clerical or as a
18 radio operator. No applicant shall be examined concerning his
19 or her political or religious opinions or affiliations. The
20 examinations shall be conducted by the board of fire and police
21 commissioners of the municipality as provided in this Division
22 2.1.

23 (i) No person who is classified by his local selective
24 service draft board as a conscientious objector, or who has
25 ever been so classified, may be appointed to the police
26 department.

1 (j) No person shall be appointed to the police or fire
2 department unless he or she is a person of good character and
3 not an habitual drunkard, gambler, or a person who has been
4 convicted of a felony or a crime involving moral turpitude. No
5 person, however, shall be disqualified from appointment to the
6 fire department because of his or her record of misdemeanor
7 convictions except those under Sections 11-1.50, 11-6, 11-7,
8 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
9 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
10 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
11 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
12 subsections (1), (6) and (8) of Section 24-1 of the Criminal
13 Code of 1961 or arrest for any cause without conviction on that
14 cause. Any such person who is in the department may be removed
15 on charges brought and after a trial as provided in this
16 Division 2.1.

17 (Source: P.A. 95-165, eff. 1-1-08; 95-931, eff. 1-1-09; 96-472,
18 eff. 8-14-09.)

19 Section 945. The Fire Protection District Act is amended by
20 changing Section 16.06 as follows:

21 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

22 Sec. 16.06. Eligibility for positions in fire department;
23 disqualifications.

24 (a) All applicants for a position in the fire department of

1 the fire protection district shall be under 35 years of age and
2 shall be subjected to examination, which shall be public,
3 competitive, and free to all applicants, subject to reasonable
4 limitations as to health, habits, and moral character; provided
5 that the foregoing age limitation shall not apply in the case
6 of any person having previous employment status as a fireman in
7 a regularly constituted fire department of any fire protection
8 district, and further provided that each fireman or fire chief
9 who is a member in good standing in a regularly constituted
10 fire department of any municipality which shall be or shall
11 have subsequently been included within the boundaries of any
12 fire protection district now or hereafter organized shall be
13 given a preference for original appointment in the same class,
14 grade or employment over all other applicants. The examinations
15 shall be practical in their character and shall relate to those
16 matters which will fairly test the persons examined as to their
17 relative capacity to discharge the duties of the positions to
18 which they seek appointment. The examinations shall include
19 tests of physical qualifications and health. No applicant,
20 however, shall be examined concerning his political or
21 religious opinions or affiliations. The examinations shall be
22 conducted by the board of fire commissioners.

23 In any fire protection district that employs full-time
24 firefighters and is subject to a collective bargaining
25 agreement, a person who has not qualified for regular
26 appointment under the provisions of this Section shall not be

1 used as a temporary or permanent substitute for certificated
2 members of a fire district's fire department or for regular
3 appointment as a certificated member of a fire district's fire
4 department unless mutually agreed to by the employee's
5 certified bargaining agent. Such agreement shall be considered
6 a permissive subject of bargaining. Fire protection districts
7 covered by the changes made by this amendatory Act of the 95th
8 General Assembly that are using non-certificated employees as
9 substitutes immediately prior to the effective date of this
10 amendatory Act of the 95th General Assembly may, by mutual
11 agreement with the certified bargaining agent, continue the
12 existing practice or a modified practice and that agreement
13 shall be considered a permissive subject of bargaining.

14 (b) No person shall be appointed to the fire department
15 unless he or she is a person of good character and not a person
16 who has been convicted of a felony in Illinois or convicted in
17 another jurisdiction for conduct that would be a felony under
18 Illinois law, or convicted of a crime involving moral
19 turpitude. No person, however, shall be disqualified from
20 appointment to the fire department because of his or her record
21 of misdemeanor convictions, except those under Sections
22 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,
23 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,
24 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,
25 32-4, and 32-8, subdivisions (a) (1) and (a) (2) (C) of Section
26 11-14.3, and subsections (1), (6), and (8) of Section 24-1 of

1 the Criminal Code of 1961.
2 (Source: P.A. 95-490, eff. 6-1-08.)

3 Section 950. The Park District Code is amended by changing
4 Section 8-23 as follows:

5 (70 ILCS 1205/8-23)

6 Sec. 8-23. Criminal background investigations.

7 (a) An applicant for employment with a park district is
8 required as a condition of employment to authorize an
9 investigation to determine if the applicant has been convicted
10 of any of the enumerated criminal or drug offenses in
11 subsection (c) of this Section or has been convicted, within 7
12 years of the application for employment with the park district,
13 of any other felony under the laws of this State or of any
14 offense committed or attempted in any other state or against
15 the laws of the United States that, if committed or attempted
16 in this State, would have been punishable as a felony under the
17 laws of this State. Authorization for the investigation shall
18 be furnished by the applicant to the park district. Upon
19 receipt of this authorization, the park district shall submit
20 the applicant's name, sex, race, date of birth, and social
21 security number to the Department of State Police on forms
22 prescribed by the Department of State Police. The Department of
23 State Police shall conduct a search of the Illinois criminal
24 history records database to ascertain if the applicant being

1 considered for employment has been convicted of committing or
2 attempting to commit any of the enumerated criminal or drug
3 offenses in subsection (c) of this Section or has been
4 convicted of committing or attempting to commit, within 7 years
5 of the application for employment with the park district, any
6 other felony under the laws of this State. The Department of
7 State Police shall charge the park district a fee for
8 conducting the investigation, which fee shall be deposited in
9 the State Police Services Fund and shall not exceed the cost of
10 the inquiry. The applicant shall not be charged a fee by the
11 park district for the investigation.

12 (b) If the search of the Illinois criminal history record
13 database indicates that the applicant has been convicted of
14 committing or attempting to commit any of the enumerated
15 criminal or drug offenses in subsection (c) or has been
16 convicted of committing or attempting to commit, within 7 years
17 of the application for employment with the park district, any
18 other felony under the laws of this State, the Department of
19 State Police and the Federal Bureau of Investigation shall
20 furnish, pursuant to a fingerprint based background check,
21 records of convictions, until expunged, to the president of the
22 park district. Any information concerning the record of
23 convictions obtained by the president shall be confidential and
24 may only be transmitted to those persons who are necessary to
25 the decision on whether to hire the applicant for employment. A
26 copy of the record of convictions obtained from the Department

1 of State Police shall be provided to the applicant for
2 employment. Any person who releases any confidential
3 information concerning any criminal convictions of an
4 applicant for employment shall be guilty of a Class A
5 misdemeanor, unless the release of such information is
6 authorized by this Section.

7 (c) No park district shall knowingly employ a person who
8 has been convicted for committing attempted first degree murder
9 or for committing or attempting to commit first degree murder,
10 a Class X felony, or any one or more of the following offenses:

11 (i) those defined in Sections 11-1.20, 11-1.30, 11-1.40,
12 11-1.50, 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15,
13 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
14 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30, 12-13, 12-14,
15 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)
16 those defined in the Cannabis Control Act, except those defined
17 in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those
18 defined in the Illinois Controlled Substances Act; (iv) those
19 defined in the Methamphetamine Control and Community
20 Protection Act; and (v) any offense committed or attempted in
21 any other state or against the laws of the United States,
22 which, if committed or attempted in this State, would have been
23 punishable as one or more of the foregoing offenses. Further,
24 no park district shall knowingly employ a person who has been
25 found to be the perpetrator of sexual or physical abuse of any
26 minor under 18 years of age pursuant to proceedings under

1 Article II of the Juvenile Court Act of 1987. No park district
2 shall knowingly employ a person for whom a criminal background
3 investigation has not been initiated.

4 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

5 Section 955. The Chicago Park District Act is amended by
6 changing Section 16a-5 as follows:

7 (70 ILCS 1505/16a-5)

8 Sec. 16a-5. Criminal background investigations.

9 (a) An applicant for employment with the Chicago Park
10 District is required as a condition of employment to authorize
11 an investigation to determine if the applicant has been
12 convicted of any of the enumerated criminal or drug offenses in
13 subsection (c) of this Section or has been convicted, within 7
14 years of the application for employment with the Chicago Park
15 District, of any other felony under the laws of this State or
16 of any offense committed or attempted in any other state or
17 against the laws of the United States that, if committed or
18 attempted in this State, would have been punishable as a felony
19 under the laws of this State. Authorization for the
20 investigation shall be furnished by the applicant to the
21 Chicago Park District. Upon receipt of this authorization, the
22 Chicago Park District shall submit the applicant's name, sex,
23 race, date of birth, and social security number to the
24 Department of State Police on forms prescribed by the

1 Department of State Police. The Department of State Police
2 shall conduct a search of the Illinois criminal history record
3 information database to ascertain if the applicant being
4 considered for employment has been convicted of committing or
5 attempting to commit any of the enumerated criminal or drug
6 offenses in subsection (c) of this Section or has been
7 convicted, of committing or attempting to commit within 7 years
8 of the application for employment with the Chicago Park
9 District, any other felony under the laws of this State. The
10 Department of State Police shall charge the Chicago Park
11 District a fee for conducting the investigation, which fee
12 shall be deposited in the State Police Services Fund and shall
13 not exceed the cost of the inquiry. The applicant shall not be
14 charged a fee by the Chicago Park District for the
15 investigation.

16 (b) If the search of the Illinois criminal history record
17 database indicates that the applicant has been convicted of
18 committing or attempting to commit any of the enumerated
19 criminal or drug offenses in subsection (c) or has been
20 convicted of committing or attempting to commit, within 7 years
21 of the application for employment with the Chicago Park
22 District, any other felony under the laws of this State, the
23 Department of State Police and the Federal Bureau of
24 Investigation shall furnish, pursuant to a fingerprint based
25 background check, records of convictions, until expunged, to
26 the General Superintendent and Chief Executive Officer of the

1 Chicago Park District. Any information concerning the record of
2 convictions obtained by the General Superintendent and Chief
3 Executive Officer shall be confidential and may only be
4 transmitted to those persons who are necessary to the decision
5 on whether to hire the applicant for employment. A copy of the
6 record of convictions obtained from the Department of State
7 Police shall be provided to the applicant for employment. Any
8 person who releases any confidential information concerning
9 any criminal convictions of an applicant for employment shall
10 be guilty of a Class A misdemeanor, unless the release of such
11 information is authorized by this Section.

12 (c) The Chicago Park District may not knowingly employ a
13 person who has been convicted for committing attempted first
14 degree murder or for committing or attempting to commit first
15 degree murder, a Class X felony, or any one or more of the
16 following offenses: (i) those defined in Sections 11-1.20,
17 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9, 11-14,
18 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
19 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21,
20 11-30, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal
21 Code of 1961; (ii) those defined in the Cannabis Control Act,
22 except those defined in Sections 4(a), 4(b), and 5(a) of that
23 Act; (iii) those defined in the Illinois Controlled Substances
24 Act; (iv) those defined in the Methamphetamine Control and
25 Community Protection Act; and (v) any offense committed or
26 attempted in any other state or against the laws of the United

1 States, which, if committed or attempted in this State, would
2 have been punishable as one or more of the foregoing offenses.
3 Further, the Chicago Park District may not knowingly employ a
4 person who has been found to be the perpetrator of sexual or
5 physical abuse of any minor under 18 years of age pursuant to
6 proceedings under Article II of the Juvenile Court Act of 1987.
7 The Chicago Park District may not knowingly employ a person for
8 whom a criminal background investigation has not been
9 initiated.

10 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

11 Section 960. The Metropolitan Transit Authority Act is
12 amended by changing Section 28b as follows:

13 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

14 Sec. 28b. Any person applying for a position as a driver of
15 a vehicle owned by a private carrier company which provides
16 public transportation pursuant to an agreement with the
17 Authority shall be required to authorize an investigation by
18 the private carrier company to determine if the applicant has
19 been convicted of any of the following offenses: (i) those
20 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
21 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
22 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
23 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
24 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,

1 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,
2 12-16, 12-16.1, 18-1, 18-2, 20-1, 20-1.1, 31A-1, 31A-1.1, and
3 33A-2, and in subsection (a) and subsection (b), clause (1), of
4 Section 12-4 of the Criminal Code of 1961; (ii) those offenses
5 defined in the Cannabis Control Act except those offenses
6 defined in subsections (a) and (b) of Section 4, and subsection
7 (a) of Section 5 of the Cannabis Control Act (iii) those
8 offenses defined in the Illinois Controlled Substances Act;
9 (iv) those offenses defined in the Methamphetamine Control and
10 Community Protection Act; and (v) any offense committed or
11 attempted in any other state or against the laws of the United
12 States, which if committed or attempted in this State would be
13 punishable as one or more of the foregoing offenses. Upon
14 receipt of this authorization, the private carrier company
15 shall submit the applicant's name, sex, race, date of birth,
16 fingerprints and social security number to the Department of
17 State Police on forms prescribed by the Department. The
18 Department of State Police shall conduct an investigation to
19 ascertain if the applicant has been convicted of any of the
20 above enumerated offenses. The Department shall charge the
21 private carrier company a fee for conducting the investigation,
22 which fee shall be deposited in the State Police Services Fund
23 and shall not exceed the cost of the inquiry; and the applicant
24 shall not be charged a fee for such investigation by the
25 private carrier company. The Department of State Police shall
26 furnish, pursuant to positive identification, records of

1 convictions, until expunged, to the private carrier company
2 which requested the investigation. A copy of the record of
3 convictions obtained from the Department shall be provided to
4 the applicant. Any record of conviction received by the private
5 carrier company shall be confidential. Any person who releases
6 any confidential information concerning any criminal
7 convictions of an applicant shall be guilty of a Class A
8 misdemeanor, unless authorized by this Section.

9 (Source: P.A. 94-556, eff. 9-11-05.)

10 Section 965. The School Code is amended by changing
11 Sections 2-3.147, 10-22.39, 21-23a, 34-2.1, and 34-84b as
12 follows:

13 (105 ILCS 5/2-3.147)

14 Sec. 2-3.147. The Ensuring Success in School Task Force.

15 (a) In this Section:

16 "Domestic violence" means abuse by a family or household
17 member, as "abuse" and "family or household members" are
18 defined in Section 103 of the Illinois Domestic Violence Act of
19 1986.

20 "Sexual violence" means sexual assault, abuse, or stalking
21 of an adult or minor child proscribed in the Criminal Code of
22 1961 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
23 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15,
24 and 12-16, including sexual violence committed by perpetrators

1 who are strangers to the victim and sexual violence committed
2 by perpetrators who are known or related by blood or marriage
3 to the victim.

4 (b) The State Board of Education shall convene an Ensuring
5 Success in School Task Force to develop policies, procedures,
6 and protocols to be adopted by school districts for addressing
7 the educational and related needs of children and youth who are
8 parents, expectant parents, or victims of domestic or sexual
9 violence to ensure their ability to stay in school, stay safe
10 while in school, and successfully complete their education. The
11 State Board of Education shall be the agency responsible for
12 providing staff and administrative support to the task force.

13 (c) The Ensuring Success in School Task Force shall do all
14 of the following:

15 (1) Conduct a thorough examination of the barriers to
16 school attendance, safety, and completion for children and
17 youth who are parents, expectant parents, or victims of
18 domestic or sexual violence.

19 (2) Conduct a discovery process that includes relevant
20 research and the identification of effective policies,
21 protocols, and programs within this State and elsewhere.

22 (3) Conduct meetings and public hearings in
23 geographically diverse locations throughout the State to
24 ensure the maximum input from area advocates and service
25 providers, from local education agencies, and from
26 children and youth who are parents, expectant parents, or

1 victims of domestic or sexual violence and their parents or
2 guardians.

3 (4) Establish and adhere to procedures and protocols to
4 allow children and youth who are parents, expectant
5 parents, or victims of domestic or sexual violence, their
6 parents or guardians, and advocates who work on behalf of
7 such children and youth to participate in the task force
8 anonymously and confidentially.

9 (5) Invite the testimony of and confer with experts on
10 relevant topics.

11 (6) Produce a report of the task force's findings on
12 best practices and policies, which shall include a plan
13 with a phased and prioritized implementation timetable
14 with focus on ensuring the successful and safe completion
15 of school for children and youth who are parents, expectant
16 parents, or victims of domestic or sexual violence. The
17 task force shall submit a report to the General Assembly on
18 or before December 1, 2009 on its findings,
19 recommendations, and implementation plan. Any task force
20 reports shall be published on the State Board of
21 Education's Internet website on the date the report is
22 delivered to the General Assembly.

23 (7) Recommend new legislation or proposed rules
24 developed by the task force.

25 (d) The President of the Senate and the Speaker of the
26 House of Representatives shall each appoint one co-chairperson

1 of the Ensuring Success in School Task Force. In addition to
2 the 2 co-chairpersons, the task force shall be comprised of
3 each of the following members, appointed by the State Board of
4 Education, and shall be representative of the geographic,
5 racial, ethnic, and cultural diversity of this State:

6 (1) A representative of a statewide nonprofit,
7 nongovernmental domestic violence organization.

8 (2) A domestic violence victims' advocate or service
9 provider from a different nonprofit, nongovernmental
10 domestic violence organization.

11 (3) A representative of a statewide nonprofit,
12 nongovernmental sexual assault organization.

13 (4) A sexual assault victims' advocate or service
14 provider from a different nonprofit, nongovernmental
15 sexual assault organization.

16 (5) A teen parent advocate or service provider from a
17 nonprofit, nongovernmental organization.

18 (6) A school social worker.

19 (7) A school psychologist.

20 (8) A school counselor.

21 (9) A representative of a statewide professional
22 teachers' organization.

23 (10) A representative of a different statewide
24 professional teachers' organization.

25 (11) A representative of a statewide organization that
26 represents school boards.

1 (12) A representative of a statewide organization
2 representing principals.

3 (13) A representative of City of Chicago School
4 District 299.

5 (14) A representative of a nonprofit, nongovernmental
6 youth services provider.

7 (15) A representative of a statewide nonprofit,
8 nongovernmental multi-issue advocacy organization with
9 expertise in a cross-section of relevant issues.

10 (16) An alternative education service provider.

11 (17) A representative from a regional office of
12 education.

13 (18) A truancy intervention services provider.

14 (19) A youth who is a parent or expectant parent
15 directly affected by the issues, problems, and concerns of
16 staying in school and successfully completing his or her
17 education through high school.

18 (20) A youth who is a victim of domestic or sexual
19 violence directly affected by the issues, problems, and
20 concerns of staying in school and successfully completing
21 his or her education.

22 (21) A parent or guardian of a child or youth who is a
23 parent or expectant parent directly affected by the issues,
24 problems, and concerns of staying in school and
25 successfully completing his or her education.

26 (22) A parent or guardian of a child or youth who is a

1 victim of domestic or sexual violence directly affected by
2 the issues, problems, and concerns of staying in school and
3 successfully completing his or her education.

4 The task force shall also consist of one member appointed by
5 the Minority Leader of the Senate, one member appointed by the
6 Minority Leader of the House of Representatives, the State
7 Superintendent of Education, the Secretary of Human Services,
8 the Director of Healthcare and Family Services, the Director of
9 Children and Family Services, and the Director of Public Health
10 or their designees.

11 (e) Members of the Ensuring Success in School Task Force
12 shall receive no compensation for their participation, but may
13 be reimbursed by the State Board of Education for expenses in
14 connection with their participation, including travel, if
15 funds are available. However, members of the task force who are
16 youth who are parents, expectant parents, or victims of
17 domestic or sexual violence and the parents or guardians of
18 such youth shall be reimbursed for their travel expenses
19 connected to their participation in the task force.

20 (Source: P.A. 95-558, eff. 8-30-07; 95-876, eff. 8-21-08;
21 96-364, eff. 8-13-09.)

22 (105 ILCS 5/10-22.39)

23 Sec. 10-22.39. In-service training programs.

24 (a) To conduct in-service training programs for teachers.

25 (b) In addition to other topics at in-service training

1 programs, school guidance counselors, teachers and other
2 school personnel who work with pupils in grades 7 through 12
3 shall be trained to identify the warning signs of suicidal
4 behavior in adolescents and teens and shall be taught
5 appropriate intervention and referral techniques.

6 (c) School guidance counselors, nurses, teachers and other
7 school personnel who work with pupils may be trained to have a
8 basic knowledge of matters relating to acquired
9 immunodeficiency syndrome (AIDS), including the nature of the
10 disease, its causes and effects, the means of detecting it and
11 preventing its transmission, and the availability of
12 appropriate sources of counseling and referral, and any other
13 information that may be appropriate considering the age and
14 grade level of such pupils. The School Board shall supervise
15 such training. The State Board of Education and the Department
16 of Public Health shall jointly develop standards for such
17 training.

18 (d) In this subsection (d):

19 "Domestic violence" means abuse by a family or household
20 member, as "abuse" and "family or household members" are
21 defined in Section 103 of the Illinois Domestic Violence Act of
22 1986.

23 "Sexual violence" means sexual assault, abuse, or stalking
24 of an adult or minor child proscribed in the Criminal Code of
25 1961 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
26 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15,

1 and 12-16, including sexual violence committed by perpetrators
2 who are strangers to the victim and sexual violence committed
3 by perpetrators who are known or related by blood or marriage
4 to the victim.

5 At least once every 2 years, an in-service training program
6 for school personnel who work with pupils, including, but not
7 limited to, school and school district administrators,
8 teachers, school guidance counselors, school social workers,
9 school counselors, school psychologists, and school nurses,
10 must be conducted by persons with expertise in domestic and
11 sexual violence and the needs of expectant and parenting youth
12 and shall include training concerning (i) communicating with
13 and listening to youth victims of domestic or sexual violence
14 and expectant and parenting youth, (ii) connecting youth
15 victims of domestic or sexual violence and expectant and
16 parenting youth to appropriate in-school services and other
17 agencies, programs, and services as needed, and (iii)
18 implementing the school district's policies, procedures, and
19 protocols with regard to such youth, including
20 confidentiality. At a minimum, school personnel must be trained
21 to understand, provide information and referrals, and address
22 issues pertaining to youth who are parents, expectant parents,
23 or victims of domestic or sexual violence.

24 (e) At least every 2 years, an in-service training program
25 for school personnel who work with pupils must be conducted by
26 persons with expertise in anaphylactic reactions and

1 management.

2 (f) ~~(e)~~ At least once every 2 years, a school board shall
3 conduct in-service training on educator ethics,
4 teacher-student conduct, and school employee-student conduct
5 for all personnel.

6 (Source: P.A. 95-558, eff. 8-30-07; 96-349, eff. 8-13-09;
7 96-431, eff. 8-13-09; revised 9-4-09.)

8 (105 ILCS 5/21-23a) (from Ch. 122, par. 21-23a)

9 Sec. 21-23a. Conviction of certain offenses as grounds for
10 revocation of certificate.

11 (a) Whenever the holder of any certificate issued pursuant
12 to this Article has been convicted of any sex offense or
13 narcotics offense as defined in this Section, the State
14 Superintendent of Education shall forthwith suspend the
15 certificate. If the conviction is reversed and the holder is
16 acquitted of the offense in a new trial or the charges against
17 him are dismissed, the suspending authority shall forthwith
18 terminate the suspension of the certificate. When the
19 conviction becomes final, the State Superintendent of
20 Education shall forthwith revoke the certificate. "Sex
21 offense" as used in this Section means any one or more of the
22 following offenses: (1) any offense defined in Sections 11-6,
23 ~~and~~ 11-9 through 11-9.5, inclusive, and 11-30, Sections 11-14
24 through 11-21, inclusive, Sections 11-23 (if punished as a
25 Class 3 felony), 11-24, 11-25, and 11-26, and Sections 11-1.20,

1 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14,
2 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the Criminal Code of
3 1961; (2) any attempt to commit any of the foregoing offenses,
4 and (3) any offense committed or attempted in any other state
5 which, if committed or attempted in this State, would have been
6 punishable as one or more of the foregoing offenses. "Narcotics
7 offense" as used in this Section means any one or more of the
8 following offenses: (1) any offense defined in the Cannabis
9 Control Act, except those defined in Sections 4(a), 4(b) and
10 5(a) of that Act and any offense for which the holder of any
11 certificate is placed on probation under the provisions of
12 Section 10 of that Act, provided that if the terms and
13 conditions of probation required by the court are not
14 fulfilled, the offense is not eligible for this exception; (2)
15 any offense defined in the Illinois Controlled Substances Act,
16 except any offense for which the holder of any certificate is
17 placed on probation under the provisions of Section 410 of that
18 Act, provided that if the terms and conditions of probation
19 required by the court are not fulfilled, the offense is not
20 eligible for this exception; (3) any offense defined in the
21 Methamphetamine Control and Community Protection Act, except
22 any offense for which the holder of any certificate is placed
23 on probation under the provision of Section 70 of that Act,
24 provided that if the terms and conditions of probation required
25 by the court are not fulfilled, the offense is not eligible for
26 this exception; (4) any attempt to commit any of the foregoing

1 offenses; and (5) any offense committed or attempted in any
2 other state or against the laws of the United States which, if
3 committed or attempted in this State, would have been
4 punishable as one or more of the foregoing offenses. The
5 changes made by this amendatory Act of the 96th General
6 Assembly to the definition of "narcotics offense" in this
7 subsection (a) are declaratory of existing law.

8 (b) Whenever the holder of a certificate issued pursuant to
9 this Article has been convicted of first degree murder,
10 attempted first degree murder, conspiracy to commit first
11 degree murder, attempted conspiracy to commit first degree
12 murder, or a Class X felony or any offense committed or
13 attempted in any other state or against the laws of the United
14 States that, if committed or attempted in this State, would
15 have been punishable as one or more of the foregoing offenses,
16 the State Superintendent of Education shall forthwith suspend
17 the certificate. If the conviction is reversed and the holder
18 is acquitted of that offense in a new trial or the charges that
19 he or she committed that offense are dismissed, the State
20 Superintendent of Education shall forthwith terminate the
21 suspension of the certificate. When the conviction becomes
22 final, the State Superintendent of Education shall forthwith
23 revoke the certificate.

24 (Source: P.A. 96-431, eff. 8-13-09.)

1 Sec. 34-2.1. Local School Councils - Composition -
2 Voter-Eligibility - Elections - Terms.

3 (a) A local school council shall be established for each
4 attendance center within the school district. Each local school
5 council shall consist of the following 11 voting members: the
6 principal of the attendance center, 2 teachers employed and
7 assigned to perform the majority of their employment duties at
8 the attendance center, 6 parents of students currently enrolled
9 at the attendance center and 2 community residents. Neither the
10 parents nor the community residents who serve as members of the
11 local school council shall be employees of the Board of
12 Education. In each secondary attendance center, the local
13 school council shall consist of 12 voting members -- the 11
14 voting members described above and one full-time student
15 member, appointed as provided in subsection (m) below. In the
16 event that the chief executive officer of the Chicago School
17 Reform Board of Trustees determines that a local school council
18 is not carrying out its financial duties effectively, the chief
19 executive officer is authorized to appoint a representative of
20 the business community with experience in finance and
21 management to serve as an advisor to the local school council
22 for the purpose of providing advice and assistance to the local
23 school council on fiscal matters. The advisor shall have access
24 to relevant financial records of the local school council. The
25 advisor may attend executive sessions. The chief executive
26 officer shall issue a written policy defining the circumstances

1 under which a local school council is not carrying out its
2 financial duties effectively.

3 (b) Within 7 days of January 11, 1991, the Mayor shall
4 appoint the members and officers (a Chairperson who shall be a
5 parent member and a Secretary) of each local school council who
6 shall hold their offices until their successors shall be
7 elected and qualified. Members so appointed shall have all the
8 powers and duties of local school councils as set forth in this
9 amendatory Act of 1991. The Mayor's appointments shall not
10 require approval by the City Council.

11 The membership of each local school council shall be
12 encouraged to be reflective of the racial and ethnic
13 composition of the student population of the attendance center
14 served by the local school council.

15 (c) Beginning with the 1995-1996 school year and in every
16 even-numbered year thereafter, the Board shall set second
17 semester Parent Report Card Pick-up Day for Local School
18 Council elections and may schedule elections at year-round
19 schools for the same dates as the remainder of the school
20 system. Elections shall be conducted as provided herein by the
21 Board of Education in consultation with the local school
22 council at each attendance center.

23 (d) Beginning with the 1995-96 school year, the following
24 procedures shall apply to the election of local school council
25 members at each attendance center:

26 (i) The elected members of each local school council

1 shall consist of the 6 parent members and the 2 community
2 resident members.

3 (ii) Each elected member shall be elected by the
4 eligible voters of that attendance center to serve for a
5 two-year term commencing on July 1 immediately following
6 the election described in subsection (c). Eligible voters
7 for each attendance center shall consist of the parents and
8 community residents for that attendance center.

9 (iii) Each eligible voter shall be entitled to cast one
10 vote for up to a total of 5 candidates, irrespective of
11 whether such candidates are parent or community resident
12 candidates.

13 (iv) Each parent voter shall be entitled to vote in the
14 local school council election at each attendance center in
15 which he or she has a child currently enrolled. Each
16 community resident voter shall be entitled to vote in the
17 local school council election at each attendance center for
18 which he or she resides in the applicable attendance area
19 or voting district, as the case may be.

20 (v) Each eligible voter shall be entitled to vote once,
21 but not more than once, in the local school council
22 election at each attendance center at which the voter is
23 eligible to vote.

24 (vi) The 2 teacher members of each local school council
25 shall be appointed as provided in subsection (1) below each
26 to serve for a two-year term coinciding with that of the

1 elected parent and community resident members.

2 (vii) At secondary attendance centers, the voting
3 student member shall be appointed as provided in subsection
4 (m) below to serve for a one-year term coinciding with the
5 beginning of the terms of the elected parent and community
6 members of the local school council.

7 (e) The Council shall publicize the date and place of the
8 election by posting notices at the attendance center, in public
9 places within the attendance boundaries of the attendance
10 center and by distributing notices to the pupils at the
11 attendance center, and shall utilize such other means as it
12 deems necessary to maximize the involvement of all eligible
13 voters.

14 (f) Nomination. The Council shall publicize the opening of
15 nominations by posting notices at the attendance center, in
16 public places within the attendance boundaries of the
17 attendance center and by distributing notices to the pupils at
18 the attendance center, and shall utilize such other means as it
19 deems necessary to maximize the involvement of all eligible
20 voters. Not less than 2 weeks before the election date, persons
21 eligible to run for the Council shall submit their name, date
22 of birth, social security number, if available, and some
23 evidence of eligibility to the Council. The Council shall
24 encourage nomination of candidates reflecting the
25 racial/ethnic population of the students at the attendance
26 center. Each person nominated who runs as a candidate shall

1 disclose, in a manner determined by the Board, any economic
2 interest held by such person, by such person's spouse or
3 children, or by each business entity in which such person has
4 an ownership interest, in any contract with the Board, any
5 local school council or any public school in the school
6 district. Each person nominated who runs as a candidate shall
7 also disclose, in a manner determined by the Board, if he or
8 she ever has been convicted of any of the offenses specified in
9 subsection (c) of Section 34-18.5; provided that neither this
10 provision nor any other provision of this Section shall be
11 deemed to require the disclosure of any information that is
12 contained in any law enforcement record or juvenile court
13 record that is confidential or whose accessibility or
14 disclosure is restricted or prohibited under Section 5-901 or
15 5-905 of the Juvenile Court Act of 1987. Failure to make such
16 disclosure shall render a person ineligible for election or to
17 serve on the local school council. The same disclosure shall be
18 required of persons under consideration for appointment to the
19 Council pursuant to subsections (l) and (m) of this Section.

20 (f-5) Notwithstanding disclosure, a person who has been
21 convicted of any of the following offenses at any time shall be
22 ineligible for election or appointment to a local school
23 council and ineligible for appointment to a local school
24 council pursuant to subsections (l) and (m) of this Section:
25 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
26 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,

1 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
2 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
3 Section 11-14.3, of the Criminal Code of 1961 or (ii) any
4 offense committed or attempted in any other state or against
5 the laws of the United States, which, if committed or attempted
6 in this State, would have been punishable as one or more of the
7 foregoing offenses. Notwithstanding disclosure, a person who
8 has been convicted of any of the following offenses within the
9 10 years previous to the date of nomination or appointment
10 shall be ineligible for election or appointment to a local
11 school council: (i) those defined in Section 401.1, 405.1, or
12 405.2 of the Illinois Controlled Substances Act or (ii) any
13 offense committed or attempted in any other state or against
14 the laws of the United States, which, if committed or attempted
15 in this State, would have been punishable as one or more of the
16 foregoing offenses.

17 Immediately upon election or appointment, incoming local
18 school council members shall be required to undergo a criminal
19 background investigation, to be completed prior to the member
20 taking office, in order to identify any criminal convictions
21 under the offenses enumerated in Section 34-18.5. The
22 investigation shall be conducted by the Department of State
23 Police in the same manner as provided for in Section 34-18.5.
24 However, notwithstanding Section 34-18.5, the social security
25 number shall be provided only if available. If it is determined
26 at any time that a local school council member or member-elect

1 has been convicted of any of the offenses enumerated in this
2 Section or failed to disclose a conviction of any of the
3 offenses enumerated in Section 34-18.5, the general
4 superintendent shall notify the local school council member or
5 member-elect of such determination and the local school council
6 member or member-elect shall be removed from the local school
7 council by the Board, subject to a hearing, convened pursuant
8 to Board rule, prior to removal.

9 (g) At least one week before the election date, the Council
10 shall publicize, in the manner provided in subsection (e), the
11 names of persons nominated for election.

12 (h) Voting shall be in person by secret ballot at the
13 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

14 (i) Candidates receiving the highest number of votes shall
15 be declared elected by the Council. In cases of a tie, the
16 Council shall determine the winner by lot.

17 (j) The Council shall certify the results of the election
18 and shall publish the results in the minutes of the Council.

19 (k) The general superintendent shall resolve any disputes
20 concerning election procedure or results and shall ensure that,
21 except as provided in subsections (e) and (g), no resources of
22 any attendance center shall be used to endorse or promote any
23 candidate.

24 (l) Beginning with the 1995-1996 school year and in every
25 even numbered year thereafter, the Board shall appoint 2
26 teacher members to each local school council. These

1 appointments shall be made in the following manner:

2 (i) The Board shall appoint 2 teachers who are employed
3 and assigned to perform the majority of their employment
4 duties at the attendance center to serve on the local
5 school council of the attendance center for a two-year term
6 coinciding with the terms of the elected parent and
7 community members of that local school council. These
8 appointments shall be made from among those teachers who
9 are nominated in accordance with subsection (f).

10 (ii) A non-binding, advisory poll to ascertain the
11 preferences of the school staff regarding appointments of
12 teachers to the local school council for that attendance
13 center shall be conducted in accordance with the procedures
14 used to elect parent and community Council
15 representatives. At such poll, each member of the school
16 staff shall be entitled to indicate his or her preference
17 for up to 2 candidates from among those who submitted
18 statements of candidacy as described above. These
19 preferences shall be advisory only and the Board shall
20 maintain absolute discretion to appoint teacher members to
21 local school councils, irrespective of the preferences
22 expressed in any such poll.

23 (iii) In the event that a teacher representative is
24 unable to perform his or her employment duties at the
25 school due to illness, disability, leave of absence,
26 disciplinary action, or any other reason, the Board shall

1 declare a temporary vacancy and appoint a replacement
2 teacher representative to serve on the local school council
3 until such time as the teacher member originally appointed
4 pursuant to this subsection (l) resumes service at the
5 attendance center or for the remainder of the term. The
6 replacement teacher representative shall be appointed in
7 the same manner and by the same procedures as teacher
8 representatives are appointed in subdivisions (i) and (ii)
9 of this subsection (l).

10 (m) Beginning with the 1995-1996 school year, and in every
11 year thereafter, the Board shall appoint one student member to
12 each secondary attendance center. These appointments shall be
13 made in the following manner:

14 (i) Appointments shall be made from among those
15 students who submit statements of candidacy to the
16 principal of the attendance center, such statements to be
17 submitted commencing on the first day of the twentieth week
18 of school and continuing for 2 weeks thereafter. The form
19 and manner of such candidacy statements shall be determined
20 by the Board.

21 (ii) During the twenty-second week of school in every
22 year, the principal of each attendance center shall conduct
23 a non-binding, advisory poll to ascertain the preferences
24 of the school students regarding the appointment of a
25 student to the local school council for that attendance
26 center. At such poll, each student shall be entitled to

1 indicate his or her preference for up to one candidate from
2 among those who submitted statements of candidacy as
3 described above. The Board shall promulgate rules to ensure
4 that these non-binding, advisory polls are conducted in a
5 fair and equitable manner and maximize the involvement of
6 all school students. The preferences expressed in these
7 non-binding, advisory polls shall be transmitted by the
8 principal to the Board. However, these preferences shall be
9 advisory only and the Board shall maintain absolute
10 discretion to appoint student members to local school
11 councils, irrespective of the preferences expressed in any
12 such poll.

13 (iii) For the 1995-96 school year only, appointments
14 shall be made from among those students who submitted
15 statements of candidacy to the principal of the attendance
16 center during the first 2 weeks of the school year. The
17 principal shall communicate the results of any nonbinding,
18 advisory poll to the Board. These results shall be advisory
19 only, and the Board shall maintain absolute discretion to
20 appoint student members to local school councils,
21 irrespective of the preferences expressed in any such poll.

22 (n) The Board may promulgate such other rules and
23 regulations for election procedures as may be deemed necessary
24 to ensure fair elections.

25 (o) In the event that a vacancy occurs during a member's
26 term, the Council shall appoint a person eligible to serve on

1 the Council, to fill the unexpired term created by the vacancy,
2 except that any teacher vacancy shall be filled by the Board
3 after considering the preferences of the school staff as
4 ascertained through a non-binding advisory poll of school
5 staff.

6 (p) If less than the specified number of persons is elected
7 within each candidate category, the newly elected local school
8 council shall appoint eligible persons to serve as members of
9 the Council for two-year terms.

10 (q) The Board shall promulgate rules regarding conflicts of
11 interest and disclosure of economic interests which shall apply
12 to local school council members and which shall require reports
13 or statements to be filed by Council members at regular
14 intervals with the Secretary of the Board. Failure to comply
15 with such rules or intentionally falsifying such reports shall
16 be grounds for disqualification from local school council
17 membership. A vacancy on the Council for disqualification may
18 be so declared by the Secretary of the Board. Rules regarding
19 conflicts of interest and disclosure of economic interests
20 promulgated by the Board shall apply to local school council
21 members. No less than 45 days prior to the deadline, the
22 general superintendent shall provide notice, by mail, to each
23 local school council member of all requirements and forms for
24 compliance with economic interest statements.

25 (r) (1) If a parent member of a local school council ceases
26 to have any child enrolled in the attendance center governed by

1 the Local School Council due to the graduation or voluntary
2 transfer of a child or children from the attendance center, the
3 parent's membership on the Local School Council and all voting
4 rights are terminated immediately as of the date of the child's
5 graduation or voluntary transfer. If the child of a parent
6 member of a local school council dies during the member's term
7 in office, the member may continue to serve on the local school
8 council for the balance of his or her term. Further, a local
9 school council member may be removed from the Council by a
10 majority vote of the Council as provided in subsection (c) of
11 Section 34-2.2 if the Council member has missed 3 consecutive
12 regular meetings, not including committee meetings, or 5
13 regular meetings in a 12 month period, not including committee
14 meetings. If a parent member of a local school council ceases
15 to be eligible to serve on the Council for any other reason, he
16 or she shall be removed by the Board subject to a hearing,
17 convened pursuant to Board rule, prior to removal. A vote to
18 remove a Council member by the local school council shall only
19 be valid if the Council member has been notified personally or
20 by certified mail, mailed to the person's last known address,
21 of the Council's intent to vote on the Council member's removal
22 at least 7 days prior to the vote. The Council member in
23 question shall have the right to explain his or her actions and
24 shall be eligible to vote on the question of his or her removal
25 from the Council. The provisions of this subsection shall be
26 contained within the petitions used to nominate Council

1 candidates.

2 (2) A person may continue to serve as a community resident
3 member of a local school council as long as he or she resides
4 in the attendance area served by the school and is not employed
5 by the Board nor is a parent of a student enrolled at the
6 school. If a community resident member ceases to be eligible to
7 serve on the Council, he or she shall be removed by the Board
8 subject to a hearing, convened pursuant to Board rule, prior to
9 removal.

10 (3) A person may continue to serve as a teacher member of a
11 local school council as long as he or she is employed and
12 assigned to perform a majority of his or her duties at the
13 school, provided that if the teacher representative resigns
14 from employment with the Board or voluntarily transfers to
15 another school, the teacher's membership on the local school
16 council and all voting rights are terminated immediately as of
17 the date of the teacher's resignation or upon the date of the
18 teacher's voluntary transfer to another school. If a teacher
19 member of a local school council ceases to be eligible to serve
20 on a local school council for any other reason, that member
21 shall be removed by the Board subject to a hearing, convened
22 pursuant to Board rule, prior to removal.

23 (Source: P.A. 95-1015, eff. 12-15-08.)

24 (105 ILCS 5/34-84b) (from Ch. 122, par. 34-84b)

25 Sec. 34-84b. Conviction of sex or narcotics offense, first

1 degree murder, attempted first degree murder, or Class X felony
2 as grounds for revocation of certificate.

3 (a) Whenever the holder of any certificate issued by the
4 board of education has been convicted of any sex offense or
5 narcotics offense as defined in this Section, the board of
6 education shall forthwith suspend the certificate. If the
7 conviction is reversed and the holder is acquitted of the
8 offense in a new trial or the charges against him are
9 dismissed, the board shall forthwith terminate the suspension
10 of the certificate. When the conviction becomes final, the
11 board shall forthwith revoke the certificate. "Sex offense" as
12 used in this Section means any one or more of the following
13 offenses: (1) any offense defined in Sections 11-6, ~~and~~ 11-9,
14 and 11-30, ~~and~~ Sections 11-14 through 11-21, inclusive, and
15 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
16 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961;
17 (2) any attempt to commit any of the foregoing offenses, and
18 (3) any offense committed or attempted in any other state
19 which, if committed or attempted in this State, would have been
20 punishable as one or more of the foregoing offenses. "Narcotics
21 offense" as used in this Section means any one or more of the
22 following offenses: (1) any offense defined in the Cannabis
23 Control Act except those defined in Sections 4(a), 4(b) and
24 5(a) of that Act and any offense for which the holder of any
25 certificate is placed on probation under the provisions of
26 Section 10 of that Act and fulfills the terms and conditions of

1 probation as may be required by the court; (2) any offense
2 defined in the Illinois Controlled Substances Act except any
3 offense for which the holder of any certificate is placed on
4 probation under the provisions of Section 410 of that Act and
5 fulfills the terms and conditions of probation as may be
6 required by the court; (3) any offense defined in the
7 Methamphetamine Control and Community Protection Act except
8 any offense for which the holder of any certificate is placed
9 on probation under the provision of Section 70 of that Act and
10 fulfills the terms and conditions of probation as may be
11 required by the court; (4) any attempt to commit any of the
12 foregoing offenses; and (5) any offense committed or attempted
13 in any other state or against the laws of the United States
14 which, if committed or attempted in this State, would have been
15 punishable as one or more of the foregoing offenses.

16 (b) Whenever the holder of any certificate issued by the
17 board of education or pursuant to Article 21 or any other
18 provisions of the School Code has been convicted of first
19 degree murder, attempted first degree murder, or a Class X
20 felony, the board of education or the State Superintendent of
21 Education shall forthwith suspend the certificate. If the
22 conviction is reversed and the holder is acquitted of that
23 offense in a new trial or the charges that he or she committed
24 that offense are dismissed, the suspending authority shall
25 forthwith terminate the suspension of the certificate. When the
26 conviction becomes final, the State Superintendent of

1 Education shall forthwith revoke the certificate. The stated
2 offenses of "first degree murder", "attempted first degree
3 murder", and "Class X felony" referred to in this Section
4 include any offense committed in another state that, if
5 committed in this State, would have been punishable as any one
6 of the stated offenses.

7 (Source: P.A. 94-556, eff. 9-11-05.)

8 Section 970. The Medical School Matriculant Criminal
9 History Records Check Act is amended by changing Section 5 as
10 follows:

11 (110 ILCS 57/5)

12 Sec. 5. Definitions.

13 "Matriculant" means an individual who is conditionally
14 admitted as a student to a medical school located in Illinois,
15 pending the medical school's consideration of his or her
16 criminal history records check under this Act.

17 "Sex offender" means any person who is convicted pursuant
18 to Illinois law or any substantially similar federal, Uniform
19 Code of Military Justice, sister state, or foreign country law
20 with any of the following sex offenses set forth in the
21 Criminal Code of 1961:

22 (1) Indecent solicitation of a child.

23 (2) Sexual exploitation of a child.

24 (3) Custodial sexual misconduct.

1 (4) Exploitation of a child.

2 (5) Child pornography.

3 (6) Aggravated child pornography.

4 "Violent felony" means any of the following offenses, as
5 defined by the Criminal Code of 1961:

6 (1) First degree murder.

7 (2) Second degree murder.

8 (3) Predatory criminal sexual assault of a child.

9 (4) Aggravated criminal sexual assault.

10 (5) Criminal sexual assault.

11 (6) Aggravated arson.

12 (7) Aggravated kidnapping.

13 (8) Kidnapping.

14 (9) Aggravated battery resulting in great bodily harm
15 or permanent disability or disfigurement.

16 (Source: P.A. 94-709, eff. 12-5-05.)

17 Section 975. The Illinois Insurance Code is amended by
18 changing Sections 356e and 367 as follows:

19 (215 ILCS 5/356e) (from Ch. 73, par. 968e)

20 Sec. 356e. Victims of certain offenses.

21 (1) No policy of accident and health insurance, which
22 provides benefits for hospital or medical expenses based upon
23 the actual expenses incurred, delivered or issued for delivery
24 to any person in this State shall contain any specific

1 exception to coverage which would preclude the payment under
2 that policy of actual expenses incurred in the examination and
3 testing of a victim of an offense defined in Sections 11-1.20
4 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of
5 1961, as now or hereafter amended, or an attempt to commit such
6 offense to establish that sexual contact did occur or did not
7 occur, and to establish the presence or absence of sexually
8 transmitted disease or infection, and examination and
9 treatment of injuries and trauma sustained by a victim of such
10 offense arising out of the offense. Every policy of accident
11 and health insurance which specifically provides benefits for
12 routine physical examinations shall provide full coverage for
13 expenses incurred in the examination and testing of a victim of
14 an offense defined in Sections 11-1.20 through 11-1.60 or 12-13
15 through 12-16 of the Criminal Code of 1961, as now or hereafter
16 amended, or an attempt to commit such offense as set forth in
17 this Section. This Section shall not apply to a policy which
18 covers hospital and medical expenses for specified illnesses or
19 injuries only.

20 (2) For purposes of enabling the recovery of State funds,
21 any insurance carrier subject to this Section shall upon
22 reasonable demand by the Department of Public Health disclose
23 the names and identities of its insureds entitled to benefits
24 under this provision to the Department of Public Health
25 whenever the Department of Public Health has determined that it
26 has paid, or is about to pay, hospital or medical expenses for

1 which an insurance carrier is liable under this Section. All
2 information received by the Department of Public Health under
3 this provision shall be held on a confidential basis and shall
4 not be subject to subpoena and shall not be made public by the
5 Department of Public Health or used for any purpose other than
6 that authorized by this Section.

7 (3) Whenever the Department of Public Health finds that it
8 has paid all or part of any hospital or medical expenses which
9 an insurance carrier is obligated to pay under this Section,
10 the Department of Public Health shall be entitled to receive
11 reimbursement for its payments from such insurance carrier
12 provided that the Department of Public Health has notified the
13 insurance carrier of its claims before the carrier has paid
14 such benefits to its insureds or in behalf of its insureds.

15 (Source: P.A. 89-187, eff. 7-19-95.)

16 (215 ILCS 5/367) (from Ch. 73, par. 979)

17 Sec. 367. Group accident and health insurance.

18 (1) Group accident and health insurance is hereby declared
19 to be that form of accident and health insurance covering not
20 less than 2 employees, members, or employees of members,
21 written under a master policy issued to any governmental
22 corporation, unit, agency or department thereof, or to any
23 corporation, copartnership, individual employer, or to any
24 association upon application of an executive officer or trustee
25 of such association having a constitution or bylaws and formed

1 in good faith for purposes other than that of obtaining
2 insurance, where officers, members, employees, employees of
3 members or classes or department thereof, may be insured for
4 their individual benefit. In addition a group accident and
5 health policy may be written to insure any group which may be
6 insured under a group life insurance policy. The term
7 "employees" shall include the officers, managers and employees
8 of subsidiary or affiliated corporations, and the individual
9 proprietors, partners and employees of affiliated individuals
10 and firms, when the business of such subsidiary or affiliated
11 corporations, firms or individuals, is controlled by a common
12 employer through stock ownership, contract or otherwise.

13 (2) Any insurance company authorized to write accident and
14 health insurance in this State shall have power to issue group
15 accident and health policies. No policy of group accident and
16 health insurance may be issued or delivered in this State
17 unless a copy of the form thereof shall have been filed with
18 the department and approved by it in accordance with Section
19 355, and it contains in substance those provisions contained in
20 Sections 357.1 through 357.30 as may be applicable to group
21 accident and health insurance and the following provisions:

22 (a) A provision that the policy, the application of the
23 employer, or executive officer or trustee of any
24 association, and the individual applications, if any, of
25 the employees, members or employees of members insured
26 shall constitute the entire contract between the parties,

1 and that all statements made by the employer, or the
2 executive officer or trustee, or by the individual
3 employees, members or employees of members shall (in the
4 absence of fraud) be deemed representations and not
5 warranties, and that no such statement shall be used in
6 defense to a claim under the policy, unless it is contained
7 in a written application.

8 (b) A provision that the insurer will issue to the
9 employer, or to the executive officer or trustee of the
10 association, for delivery to the employee, member or
11 employee of a member, who is insured under such policy, an
12 individual certificate setting forth a statement as to the
13 insurance protection to which he is entitled and to whom
14 payable.

15 (c) A provision that to the group or class thereof
16 originally insured shall be added from time to time all new
17 employees of the employer, members of the association or
18 employees of members eligible to and applying for insurance
19 in such group or class.

20 (3) Anything in this code to the contrary notwithstanding,
21 any group accident and health policy may provide that all or
22 any portion of any indemnities provided by any such policy on
23 account of hospital, nursing, medical or surgical services,
24 may, at the insurer's option, be paid directly to the hospital
25 or person rendering such services; but the policy may not
26 require that the service be rendered by a particular hospital

1 or person. Payment so made shall discharge the insurer's
2 obligation with respect to the amount of insurance so paid.
3 Nothing in this subsection (3) shall prohibit an insurer from
4 providing incentives for insureds to utilize the services of a
5 particular hospital or person.

6 (4) Special group policies may be issued to school
7 districts providing medical or hospital service, or both, for
8 pupils of the district injured while participating in any
9 athletic activity under the jurisdiction of or sponsored or
10 controlled by the district or the authorities of any school
11 thereof. The provisions of this Section governing the issuance
12 of group accident and health insurance shall, insofar as
13 applicable, control the issuance of such policies issued to
14 schools.

15 (5) No policy of group accident and health insurance may be
16 issued or delivered in this State unless it provides that upon
17 the death of the insured employee or group member the
18 dependents' coverage, if any, continues for a period of at
19 least 90 days subject to any other policy provisions relating
20 to termination of dependents' coverage.

21 (6) No group hospital policy covering miscellaneous
22 hospital expenses issued or delivered in this State shall
23 contain any exception or exclusion from coverage which would
24 preclude the payment of expenses incurred for the processing
25 and administration of blood and its components.

26 (7) No policy of group accident and health insurance,

1 delivered in this State more than 120 days after the effective
2 day of the Section, which provides inpatient hospital coverage
3 for sicknesses shall exclude from such coverage the treatment
4 of alcoholism. This subsection shall not apply to a policy
5 which covers only specified sicknesses.

6 (8) No policy of group accident and health insurance, which
7 provides benefits for hospital or medical expenses based upon
8 the actual expenses incurred, issued or delivered in this State
9 shall contain any specific exception to coverage which would
10 preclude the payment of actual expenses incurred in the
11 examination and testing of a victim of an offense defined in
12 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the
13 Criminal Code of 1961, or an attempt to commit such offense, to
14 establish that sexual contact did occur or did not occur, and
15 to establish the presence or absence of sexually transmitted
16 disease or infection, and examination and treatment of injuries
17 and trauma sustained by the victim of such offense, arising out
18 of the offense. Every group policy of accident and health
19 insurance which specifically provides benefits for routine
20 physical examinations shall provide full coverage for expenses
21 incurred in the examination and testing of a victim of an
22 offense defined in Sections 11-1.20 through 11-1.60 or 12-13
23 through 12-16 of the Criminal Code of 1961, or an attempt to
24 commit such offense, as set forth in this Section. This
25 subsection shall not apply to a policy which covers hospital
26 and medical expenses for specified illnesses and injuries only.

1 (9) For purposes of enabling the recovery of State funds,
2 any insurance carrier subject to this Section shall upon
3 reasonable demand by the Department of Public Health disclose
4 the names and identities of its insureds entitled to benefits
5 under this provision to the Department of Public Health
6 whenever the Department of Public Health has determined that it
7 has paid, or is about to pay, hospital or medical expenses for
8 which an insurance carrier is liable under this Section. All
9 information received by the Department of Public Health under
10 this provision shall be held on a confidential basis and shall
11 not be subject to subpoena and shall not be made public by the
12 Department of Public Health or used for any purpose other than
13 that authorized by this Section.

14 (10) Whenever the Department of Public Health finds that it
15 has paid all or part of any hospital or medical expenses which
16 an insurance carrier is obligated to pay under this Section,
17 the Department of Public Health shall be entitled to receive
18 reimbursement for its payments from such insurance carrier
19 provided that the Department of Public Health has notified the
20 insurance carrier of its claim before the carrier has paid the
21 benefits to its insureds or the insureds' assignees.

22 (11) (a) No group hospital, medical or surgical expense
23 policy shall contain any provision whereby benefits
24 otherwise payable thereunder are subject to reduction
25 solely on account of the existence of similar benefits
26 provided under other group or group-type accident and

1 sickness insurance policies where such reduction would
2 operate to reduce total benefits payable under these
3 policies below an amount equal to 100% of total allowable
4 expenses provided under these policies.

5 (b) When dependents of insureds are covered under 2
6 policies, both of which contain coordination of benefits
7 provisions, benefits of the policy of the insured whose
8 birthday falls earlier in the year are determined before
9 those of the policy of the insured whose birthday falls
10 later in the year. Birthday, as used herein, refers only to
11 the month and day in a calendar year, not the year in which
12 the person was born. The Department of Insurance shall
13 promulgate rules defining the order of benefit
14 determination pursuant to this paragraph (b).

15 (12) Every group policy under this Section shall be subject
16 to the provisions of Sections 356g and 356n of this Code.

17 (13) No accident and health insurer providing coverage for
18 hospital or medical expenses on an expense incurred basis shall
19 deny reimbursement for an otherwise covered expense incurred
20 for any organ transplantation procedure solely on the basis
21 that such procedure is deemed experimental or investigational
22 unless supported by the determination of the Office of Health
23 Care Technology Assessment within the Agency for Health Care
24 Policy and Research within the federal Department of Health and
25 Human Services that such procedure is either experimental or
26 investigational or that there is insufficient data or

1 experience to determine whether an organ transplantation
2 procedure is clinically acceptable. If an accident and health
3 insurer has made written request, or had one made on its behalf
4 by a national organization, for determination by the Office of
5 Health Care Technology Assessment within the Agency for Health
6 Care Policy and Research within the federal Department of
7 Health and Human Services as to whether a specific organ
8 transplantation procedure is clinically acceptable and said
9 organization fails to respond to such a request within a period
10 of 90 days, the failure to act may be deemed a determination
11 that the procedure is deemed to be experimental or
12 investigational.

13 (14) Whenever a claim for benefits by an insured under a
14 dental prepayment program is denied or reduced, based on the
15 review of x-ray films, such review must be performed by a
16 dentist.

17 (Source: P.A. 91-549, eff. 8-14-99.)

18 Section 980. The Health Maintenance Organization Act is
19 amended by changing Section 4-4 as follows:

20 (215 ILCS 125/4-4) (from Ch. 111 1/2, par. 1408.4)

21 Sec. 4-4. Sexual assault or abuse victims; coverage of
22 expenses; recovery of State funds; reimbursement of Department
23 of Public Health.

24 (1) Contracts or evidences of coverage issued by a health

1 maintenance organization, which provide benefits for health
2 care services, shall to the full extent of coverage provided
3 for any other emergency or accident care, provide for the
4 payment of actual expenses incurred, without offset or
5 reduction for benefit deductibles or co-insurance amounts, in
6 the examination and testing of a victim of an offense defined
7 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of
8 the Criminal Code of 1961, as now or hereafter amended, or an
9 attempt to commit such offense, to establish that sexual
10 contact did occur or did not occur, and to establish the
11 presence or absence of sexually transmitted disease or
12 infection, and examination and treatment of injuries and trauma
13 sustained by a victim of such offense.

14 (2) For purposes of enabling the recovery of State funds,
15 any health maintenance organization subject to this Section
16 shall upon reasonable demand by the Department of Public Health
17 disclose the names and identities of its enrollees entitled to
18 benefits under this provision to the Department of Public
19 Health whenever the Department of Public Health has determined
20 that it has paid, or is about to pay for, health care services
21 for which a health maintenance organization is liable under
22 this Section. All information received by the Department of
23 Public Health under this provision shall be held on a
24 confidential basis and shall not be subject to subpoena and
25 shall not be made public by the Department of Public Health or
26 used for any purpose other than that authorized by this

1 Section.

2 (3) Whenever the Department of Public Health finds that it
3 has paid for all or part of any health care services for which
4 a health maintenance organization is obligated to pay under
5 this Section, the Department of Public Health shall be entitled
6 to receive reimbursement for its payments from such
7 organization provided that the Department of Public Health has
8 notified the organization of its claims before the organization
9 has paid such benefits to its enrollees or in behalf of its
10 enrollees.

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 Section 985. The Voluntary Health Services Plans Act is
13 amended by changing Section 15.8 as follows:

14 (215 ILCS 165/15.8) (from Ch. 32, par. 609.8)

15 Sec. 15.8. Sexual assault or abuse victims.

16 (1) Policies, contracts or subscription certificates
17 issued by a health services plan corporation, which provide
18 benefits for hospital or medical expenses based upon the actual
19 expenses incurred, shall to the full extent of coverage
20 provided for any other emergency or accident care, provide for
21 the payment of actual expenses incurred, without offset or
22 reduction for benefit deductibles or co-insurance amounts, in
23 the examination and testing of a victim of an offense defined
24 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of

1 the Criminal Code of 1961, as now or hereafter amended, or
2 attempt to commit such offense, to establish that sexual
3 contact did occur or did not occur, and to establish the
4 presence or absence of sexually transmitted disease or
5 infection, and examination and treatment of injuries and trauma
6 sustained by a victim of such offense.

7 (2) For purposes of enabling the recovery of State Funds,
8 any health services plan corporation subject to this Section
9 shall upon reasonable demand by the Department of Public Health
10 disclose the names and identities of its insureds or
11 subscribers entitled to benefits under this provision to the
12 Department of Public Health whenever the Department of Public
13 Health has determined that it has paid, or is about to pay,
14 hospital or medical expenses for which a health care service
15 corporation is liable under this Section. All information
16 received by the Department of Public Health under this
17 provision shall be held on a confidential basis and shall not
18 be subject to subpoena and shall not be made public by the
19 Department of Public Health or used for any purpose other than
20 that authorized by this Section.

21 (3) Whenever the Department of Public Health finds that it
22 has paid all or part of any hospital or medical expenses which
23 a health services plan corporation is obligated to pay under
24 this Section, the Department of Public Health shall be entitled
25 to receive reimbursement for its payments from such corporation
26 provided that the Department of Public Health has notified the

1 corporation of its claims before the corporation has paid such
2 benefits to its subscribers or in behalf of its subscribers.

3 (Source: P.A. 89-187, eff. 7-19-95.)

4 Section 990. The Child Care Act of 1969 is amended by
5 changing Section 4.2 as follows:

6 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

7 Sec. 4.2. (a) No applicant may receive a license from the
8 Department and no person may be employed by a licensed child
9 care facility who refuses to authorize an investigation as
10 required by Section 4.1.

11 (b) In addition to the other provisions of this Section, no
12 applicant may receive a license from the Department and no
13 person may be employed by a child care facility licensed by the
14 Department who has been declared a sexually dangerous person
15 under "An Act in relation to sexually dangerous persons, and
16 providing for their commitment, detention and supervision",
17 approved July 6, 1938, as amended, or convicted of committing
18 or attempting to commit any of the following offenses
19 stipulated under the Criminal Code of 1961:

20 (1) murder;

21 (1.1) solicitation of murder;

22 (1.2) solicitation of murder for hire;

23 (1.3) intentional homicide of an unborn child;

24 (1.4) voluntary manslaughter of an unborn child;

- 1 (1.5) involuntary manslaughter;
- 2 (1.6) reckless homicide;
- 3 (1.7) concealment of a homicidal death;
- 4 (1.8) involuntary manslaughter of an unborn child;
- 5 (1.9) reckless homicide of an unborn child;
- 6 (1.10) drug-induced homicide;
- 7 (2) a sex offense under Article 11, except offenses
- 8 described in Sections 11-7, 11-8, 11-12, ~~and~~ 11-13, 11-35,
- 9 11-40, and 11-45;
- 10 (3) kidnapping;
- 11 (3.1) aggravated unlawful restraint;
- 12 (3.2) forcible detention;
- 13 (3.3) harboring a runaway;
- 14 (3.4) aiding and abetting child abduction;
- 15 (4) aggravated kidnapping;
- 16 (5) child abduction;
- 17 (6) aggravated battery of a child;
- 18 (7) criminal sexual assault;
- 19 (8) aggravated criminal sexual assault;
- 20 (8.1) predatory criminal sexual assault of a child;
- 21 (9) criminal sexual abuse;
- 22 (10) aggravated sexual abuse;
- 23 (11) heinous battery;
- 24 (12) aggravated battery with a firearm;
- 25 (13) tampering with food, drugs, or cosmetics;
- 26 (14) drug induced infliction of great bodily harm;

- 1 (15) hate crime;
- 2 (16) stalking;
- 3 (17) aggravated stalking;
- 4 (18) threatening public officials;
- 5 (19) home invasion;
- 6 (20) vehicular invasion;
- 7 (21) criminal transmission of HIV;
- 8 (22) criminal abuse or neglect of an elderly or
- 9 disabled person;
- 10 (23) child abandonment;
- 11 (24) endangering the life or health of a child;
- 12 (25) ritual mutilation;
- 13 (26) ritualized abuse of a child;
- 14 (27) an offense in any other jurisdiction the elements
- 15 of which are similar and bear a substantial relationship to
- 16 any of the foregoing offenses.

17 (b-1) In addition to the other provisions of this Section,
18 beginning January 1, 2004, no new applicant and, on the date of
19 licensure renewal, no current licensee may operate or receive a
20 license from the Department to operate, no person may be
21 employed by, and no adult person may reside in a child care
22 facility licensed by the Department who has been convicted of
23 committing or attempting to commit any of the following
24 offenses or an offense in any other jurisdiction the elements
25 of which are similar and bear a substantial relationship to any
26 of the following offenses:

1 (I) BODILY HARM

2 (1) Felony aggravated assault.

3 (2) Vehicular endangerment.

4 (3) Felony domestic battery.

5 (4) Aggravated battery.

6 (5) Heinous battery.

7 (6) Aggravated battery with a firearm.

8 (7) Aggravated battery of an unborn child.

9 (8) Aggravated battery of a senior citizen.

10 (9) Intimidation.

11 (10) Compelling organization membership of persons.

12 (11) Abuse and gross neglect of a long term care
13 facility resident.

14 (12) Felony violation of an order of protection.

15 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

16 (1) Felony unlawful use of weapons.

17 (2) Aggravated discharge of a firearm.

18 (3) Reckless discharge of a firearm.

19 (4) Unlawful use of metal piercing bullets.

20 (5) Unlawful sale or delivery of firearms on the
21 premises of any school.

22 (6) Disarming a police officer.

- 1 (7) Obstructing justice.
- 2 (8) Concealing or aiding a fugitive.
- 3 (9) Armed violence.
- 4 (10) Felony contributing to the criminal delinquency
- 5 of a juvenile.

6 (III) DRUG OFFENSES

- 7 (1) Possession of more than 30 grams of cannabis.
- 8 (2) Manufacture of more than 10 grams of cannabis.
- 9 (3) Cannabis trafficking.
- 10 (4) Delivery of cannabis on school grounds.
- 11 (5) Unauthorized production of more than 5 cannabis
- 12 sativa plants.
- 13 (6) Calculated criminal cannabis conspiracy.
- 14 (7) Unauthorized manufacture or delivery of controlled
- 15 substances.
- 16 (8) Controlled substance trafficking.
- 17 (9) Manufacture, distribution, or advertisement of
- 18 look-alike substances.
- 19 (10) Calculated criminal drug conspiracy.
- 20 (11) Street gang criminal drug conspiracy.
- 21 (12) Permitting unlawful use of a building.
- 22 (13) Delivery of controlled, counterfeit, or
- 23 look-alike substances to persons under age 18, or at truck
- 24 stops, rest stops, or safety rest areas, or on school

1 property.

2 (14) Using, engaging, or employing persons under 18 to
3 deliver controlled, counterfeit, or look-alike substances.

4 (15) Delivery of controlled substances.

5 (16) Sale or delivery of drug paraphernalia.

6 (17) Felony possession, sale, or exchange of
7 instruments adapted for use of a controlled substance,
8 methamphetamine, or cannabis by subcutaneous injection.

9 (18) Felony possession of a controlled substance.

10 (19) Any violation of the Methamphetamine Control and
11 Community Protection Act.

12 (b-2) For child care facilities other than foster family
13 homes, the Department may issue a new child care facility
14 license to or renew the existing child care facility license of
15 an applicant, a person employed by a child care facility, or an
16 applicant who has an adult residing in a home child care
17 facility who was convicted of an offense described in
18 subsection (b-1), provided that all of the following
19 requirements are met:

20 (1) The relevant criminal offense occurred more than 5
21 years prior to the date of application or renewal, except
22 for drug offenses. The relevant drug offense must have
23 occurred more than 10 years prior to the date of
24 application or renewal, unless the applicant passed a drug
25 test, arranged and paid for by the child care facility, no
26 less than 5 years after the offense.

1 (2) The Department must conduct a background check and
2 assess all convictions and recommendations of the child
3 care facility to determine if waiver shall apply in
4 accordance with Department administrative rules and
5 procedures.

6 (3) The applicant meets all other requirements and
7 qualifications to be licensed as the pertinent type of
8 child care facility under this Act and the Department's
9 administrative rules.

10 (c) In addition to the other provisions of this Section, no
11 applicant may receive a license from the Department to operate
12 a foster family home, and no adult person may reside in a
13 foster family home licensed by the Department, who has been
14 convicted of committing or attempting to commit any of the
15 following offenses stipulated under the Criminal Code of 1961,
16 the Cannabis Control Act, the Methamphetamine Control and
17 Community Protection Act, and the Illinois Controlled
18 Substances Act:

19 (I) OFFENSES DIRECTED AGAINST THE PERSON

20 (A) KIDNAPPING AND RELATED OFFENSES

21 (1) Unlawful restraint.

22 (B) BODILY HARM

23 (2) Felony aggravated assault.

- 1 (3) Vehicular endangerment.
- 2 (4) Felony domestic battery.
- 3 (5) Aggravated battery.
- 4 (6) Heinous battery.
- 5 (7) Aggravated battery with a firearm.
- 6 (8) Aggravated battery of an unborn child.
- 7 (9) Aggravated battery of a senior citizen.
- 8 (10) Intimidation.
- 9 (11) Compelling organization membership of persons.
- 10 (12) Abuse and gross neglect of a long term care
- 11 facility resident.
- 12 (13) Felony violation of an order of protection.

13 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 14 (14) Felony theft.
- 15 (15) Robbery.
- 16 (16) Armed robbery.
- 17 (17) Aggravated robbery.
- 18 (18) Vehicular hijacking.
- 19 (19) Aggravated vehicular hijacking.
- 20 (20) Burglary.
- 21 (21) Possession of burglary tools.
- 22 (22) Residential burglary.
- 23 (23) Criminal fortification of a residence or
- 24 building.

1 (24) Arson.

2 (25) Aggravated arson.

3 (26) Possession of explosive or explosive incendiary
4 devices.

5 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

6 (27) Felony unlawful use of weapons.

7 (28) Aggravated discharge of a firearm.

8 (29) Reckless discharge of a firearm.

9 (30) Unlawful use of metal piercing bullets.

10 (31) Unlawful sale or delivery of firearms on the
11 premises of any school.

12 (32) Disarming a police officer.

13 (33) Obstructing justice.

14 (34) Concealing or aiding a fugitive.

15 (35) Armed violence.

16 (36) Felony contributing to the criminal delinquency
17 of a juvenile.

18 (IV) DRUG OFFENSES

19 (37) Possession of more than 30 grams of cannabis.

20 (38) Manufacture of more than 10 grams of cannabis.

21 (39) Cannabis trafficking.

22 (40) Delivery of cannabis on school grounds.

1 (41) Unauthorized production of more than 5 cannabis
2 sativa plants.

3 (42) Calculated criminal cannabis conspiracy.

4 (43) Unauthorized manufacture or delivery of
5 controlled substances.

6 (44) Controlled substance trafficking.

7 (45) Manufacture, distribution, or advertisement of
8 look-alike substances.

9 (46) Calculated criminal drug conspiracy.

10 (46.5) Streetgang criminal drug conspiracy.

11 (47) Permitting unlawful use of a building.

12 (48) Delivery of controlled, counterfeit, or
13 look-alike substances to persons under age 18, or at truck
14 stops, rest stops, or safety rest areas, or on school
15 property.

16 (49) Using, engaging, or employing persons under 18 to
17 deliver controlled, counterfeit, or look-alike substances.

18 (50) Delivery of controlled substances.

19 (51) Sale or delivery of drug paraphernalia.

20 (52) Felony possession, sale, or exchange of
21 instruments adapted for use of a controlled substance,
22 methamphetamine, or cannabis by subcutaneous injection.

23 (53) Any violation of the Methamphetamine Control and
24 Community Protection Act.

25 (d) Notwithstanding subsection (c), the Department may
26 issue a new foster family home license or may renew an existing

1 foster family home license of an applicant who was convicted of
2 an offense described in subsection (c), provided all of the
3 following requirements are met:

4 (1) The relevant criminal offense or offenses occurred
5 more than 10 years prior to the date of application or
6 renewal.

7 (2) The applicant had previously disclosed the
8 conviction or convictions to the Department for purposes of
9 a background check.

10 (3) After the disclosure, the Department either placed
11 a child in the home or the foster family home license was
12 issued.

13 (4) During the background check, the Department had
14 assessed and waived the conviction in compliance with the
15 existing statutes and rules in effect at the time of the
16 waiver.

17 (5) The applicant meets all other requirements and
18 qualifications to be licensed as a foster family home under
19 this Act and the Department's administrative rules.

20 (6) The applicant has a history of providing a safe,
21 stable home environment and appears able to continue to
22 provide a safe, stable home environment.

23 (Source: P.A. 93-151, eff. 7-10-03; 94-556, eff. 9-11-05.)

24 Section 995. The Health Care Worker Background Check Act is
25 amended by changing Section 25 as follows:

1 (225 ILCS 46/25)

2 Sec. 25. Persons ineligible to be hired by health care
3 employers and long-term care facilities.

4 (a) In the discretion of the Director of Public Health, as
5 soon after January 1, 1996, January 1, 1997, January 1, 2006,
6 or October 1, 2007, as applicable, and as is reasonably
7 practical, no health care employer shall knowingly hire,
8 employ, or retain any individual in a position with duties
9 involving direct care for clients, patients, or residents, and
10 no long-term care facility shall knowingly hire, employ, or
11 retain any individual in a position with duties that involve or
12 may involve contact with residents or access to the living
13 quarters or the financial, medical, or personal records of
14 residents, who has been convicted of committing or attempting
15 to commit one or more of the following offenses: those defined
16 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
17 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
18 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
19 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,
20 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3,
21 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14,
22 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33,
23 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1,
24 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2, or
25 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of

1 1961; those provided in Section 4 of the Wrongs to Children
2 Act; those provided in Section 53 of the Criminal Jurisprudence
3 Act; those defined in Section 5, 5.1, 5.2, 7, or 9 of the
4 Cannabis Control Act; those defined in the Methamphetamine
5 Control and Community Protection Act; or those defined in
6 Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the
7 Illinois Controlled Substances Act, unless the applicant or
8 employee obtains a waiver pursuant to Section 40.

9 (a-1) In the discretion of the Director of Public Health,
10 as soon after January 1, 2004 or October 1, 2007, as
11 applicable, and as is reasonably practical, no health care
12 employer shall knowingly hire any individual in a position with
13 duties involving direct care for clients, patients, or
14 residents, and no long-term care facility shall knowingly hire
15 any individual in a position with duties that involve or may
16 involve contact with residents or access to the living quarters
17 or the financial, medical, or personal records of residents,
18 who has (i) been convicted of committing or attempting to
19 commit one or more of the offenses defined in Section 12-3.3,
20 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,
21 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of
22 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card
23 and Debit Card Act; or Section 11-9.1A of the Criminal Code of
24 1961 or Section 5.1 of the Wrongs to Children Act; or (ii)
25 violated Section 50-50 of the Nurse Practice Act, unless the
26 applicant or employee obtains a waiver pursuant to Section 40

1 of this Act.

2 A health care employer is not required to retain an
3 individual in a position with duties involving direct care for
4 clients, patients, or residents, and no long-term care facility
5 is required to retain an individual in a position with duties
6 that involve or may involve contact with residents or access to
7 the living quarters or the financial, medical, or personal
8 records of residents, who has been convicted of committing or
9 attempting to commit one or more of the offenses enumerated in
10 this subsection.

11 (b) A health care employer shall not hire, employ, or
12 retain any individual in a position with duties involving
13 direct care of clients, patients, or residents, and no
14 long-term care facility shall knowingly hire, employ, or retain
15 any individual in a position with duties that involve or may
16 involve contact with residents or access to the living quarters
17 or the financial, medical, or personal records of residents, if
18 the health care employer becomes aware that the individual has
19 been convicted in another state of committing or attempting to
20 commit an offense that has the same or similar elements as an
21 offense listed in subsection (a) or (a-1), as verified by court
22 records, records from a state agency, or an FBI criminal
23 history record check, unless the applicant or employee obtains
24 a waiver pursuant to Section 40 of this Act. This shall not be
25 construed to mean that a health care employer has an obligation
26 to conduct a criminal history records check in other states in

1 which an employee has resided.

2 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;
3 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

4 Section 1000. The Liquor Control Act of 1934 is amended by
5 changing Section 6-2 as follows:

6 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

7 Sec. 6-2. Issuance of licenses to certain persons
8 prohibited.

9 (a) Except as otherwise provided in subsection (b) of this
10 Section and in paragraph (1) of subsection (a) of Section 3-12,
11 no license of any kind issued by the State Commission or any
12 local commission shall be issued to:

13 (1) A person who is not a resident of any city, village
14 or county in which the premises covered by the license are
15 located; except in case of railroad or boat licenses.

16 (2) A person who is not of good character and
17 reputation in the community in which he resides.

18 (3) A person who is not a citizen of the United States.

19 (4) A person who has been convicted of a felony under
20 any Federal or State law, unless the Commission determines
21 that such person has been sufficiently rehabilitated to
22 warrant the public trust after considering matters set
23 forth in such person's application and the Commission's
24 investigation. The burden of proof of sufficient

1 rehabilitation shall be on the applicant.

2 (5) A person who has been convicted of keeping a place
3 of prostitution or keeping a place of juvenile
4 prostitution, promoting prostitution that involves keeping
5 a place of prostitution, or promoting juvenile
6 prostitution that involves keeping a place of juvenile
7 prostitution ~~being the keeper or is keeping a house of ill~~
8 ~~fame.~~

9 (6) A person who has been convicted of pandering or
10 other crime or misdemeanor opposed to decency and morality.

11 (7) A person whose license issued under this Act has
12 been revoked for cause.

13 (8) A person who at the time of application for renewal
14 of any license issued hereunder would not be eligible for
15 such license upon a first application.

16 (9) A copartnership, if any general partnership
17 thereof, or any limited partnership thereof, owning more
18 than 5% of the aggregate limited partner interest in such
19 copartnership would not be eligible to receive a license
20 hereunder for any reason other than residence within the
21 political subdivision, unless residency is required by
22 local ordinance.

23 (10) A corporation or limited liability company, if any
24 member, officer, manager or director thereof, or any
25 stockholder or stockholders owning in the aggregate more
26 than 5% of the stock of such corporation, would not be

1 eligible to receive a license hereunder for any reason
2 other than citizenship and residence within the political
3 subdivision.

4 (10a) A corporation or limited liability company
5 unless it is incorporated or organized in Illinois, or
6 unless it is a foreign corporation or foreign limited
7 liability company which is qualified under the Business
8 Corporation Act of 1983 or the Limited Liability Company
9 Act to transact business in Illinois. The Commission shall
10 permit and accept from an applicant for a license under
11 this Act proof prepared from the Secretary of State's
12 website that the corporation or limited liability company
13 is in good standing and is qualified under the Business
14 Corporation Act of 1983 or the Limited Liability Company
15 Act to transact business in Illinois.

16 (11) A person whose place of business is conducted by a
17 manager or agent unless the manager or agent possesses the
18 same qualifications required by the licensee.

19 (12) A person who has been convicted of a violation of
20 any Federal or State law concerning the manufacture,
21 possession or sale of alcoholic liquor, subsequent to the
22 passage of this Act or has forfeited his bond to appear in
23 court to answer charges for any such violation.

24 (13) A person who does not beneficially own the
25 premises for which a license is sought, or does not have a
26 lease thereon for the full period for which the license is

1 to be issued.

2 (14) Any law enforcing public official, including
3 members of local liquor control commissions, any mayor,
4 alderman, or member of the city council or commission, any
5 president of the village board of trustees, any member of a
6 village board of trustees, or any president or member of a
7 county board; and no such official shall have a direct
8 interest in the manufacture, sale, or distribution of
9 alcoholic liquor, except that a license may be granted to
10 such official in relation to premises that are not located
11 within the territory subject to the jurisdiction of that
12 official if the issuance of such license is approved by the
13 State Liquor Control Commission and except that a license
14 may be granted, in a city or village with a population of
15 50,000 or less, to any alderman, member of a city council,
16 or member of a village board of trustees in relation to
17 premises that are located within the territory subject to
18 the jurisdiction of that official if (i) the sale of
19 alcoholic liquor pursuant to the license is incidental to
20 the selling of food, (ii) the issuance of the license is
21 approved by the State Commission, (iii) the issuance of the
22 license is in accordance with all applicable local
23 ordinances in effect where the premises are located, and
24 (iv) the official granted a license does not vote on
25 alcoholic liquor issues pending before the board or council
26 to which the license holder is elected. Notwithstanding any

1 provision of this paragraph (14) to the contrary, an
2 alderman or member of a city council or commission, a
3 member of a village board of trustees other than the
4 president of the village board of trustees, or a member of
5 a county board other than the president of a county board
6 may have a direct interest in the manufacture, sale, or
7 distribution of alcoholic liquor as long as he or she is
8 not a law enforcing public official, a mayor, a village
9 board president, or president of a county board. To prevent
10 any conflict of interest, the elected official with the
11 direct interest in the manufacture, sale, or distribution
12 of alcoholic liquor cannot participate in any meetings,
13 hearings, or decisions on matters impacting the
14 manufacture, sale, or distribution of alcoholic liquor.

15 (15) A person who is not a beneficial owner of the
16 business to be operated by the licensee.

17 (16) A person who has been convicted of a gambling
18 offense as proscribed by any of subsections (a) (3) through
19 (a) (11) of Section 28-1 of, or as proscribed by Section
20 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
21 proscribed by a statute replaced by any of the aforesaid
22 statutory provisions.

23 (17) A person or entity to whom a federal wagering
24 stamp has been issued by the federal government, unless the
25 person or entity is eligible to be issued a license under
26 the Raffles Act or the Illinois Pull Tabs and Jar Games

1 Act.

2 (18) A person who intends to sell alcoholic liquors for
3 use or consumption on his or her licensed retail premises
4 who does not have liquor liability insurance coverage for
5 that premises in an amount that is at least equal to the
6 maximum liability amounts set out in subsection (a) of
7 Section 6-21.

8 (b) A criminal conviction of a corporation is not grounds
9 for the denial, suspension, or revocation of a license applied
10 for or held by the corporation if the criminal conviction was
11 not the result of a violation of any federal or State law
12 concerning the manufacture, possession or sale of alcoholic
13 liquor, the offense that led to the conviction did not result
14 in any financial gain to the corporation and the corporation
15 has terminated its relationship with each director, officer,
16 employee, or controlling shareholder whose actions directly
17 contributed to the conviction of the corporation. The
18 Commission shall determine if all provisions of this subsection
19 (b) have been met before any action on the corporation's
20 license is initiated.

21 (Source: P.A. 94-5, eff. 6-3-05; 94-289, eff. 1-1-06; 94-381,
22 eff. 7-29-05; 95-331, eff. 8-21-07.)

23 Section 1005. The Illinois Public Aid Code is amended by
24 changing Section 4-1.7 as follows:

1 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

2 Sec. 4-1.7. Enforcement of Parental Child Support
3 Obligation. If the parent or parents of the child are failing
4 to meet or are delinquent in their legal obligation to support
5 the child, the parent or other person having custody of the
6 child or the Department of Healthcare and Family Services may
7 request the law enforcement officer authorized or directed by
8 law to so act to file action for the enforcement of such
9 remedies as the law provides for the fulfillment of the child
10 support obligation.

11 If a parent has a judicial remedy against the other parent
12 to compel child support, or if, as the result of an action
13 initiated by or in behalf of one parent against the other, a
14 child support order has been entered in respect to which there
15 is noncompliance or delinquency, or where the order so entered
16 may be changed upon petition to the court to provide additional
17 support, the parent or other person having custody of the child
18 or the Department of Healthcare and Family Services may request
19 the appropriate law enforcement officer to seek enforcement of
20 the remedy, or of the support order, or a change therein to
21 provide additional support. If the law enforcement officer is
22 not authorized by law to so act in these instances, the parent,
23 or if so authorized by law the other person having custody of
24 the child, or the Department of Healthcare and Family Services
25 may initiate an action to enforce these remedies.

26 A parent or other person having custody of the child must

1 comply with the requirements of Title IV of the federal Social
2 Security Act, and the regulations duly promulgated thereunder,
3 and any rules promulgated by the Illinois Department regarding
4 enforcement of the child support obligation. The Department of
5 Healthcare and Family Services and the Department of Human
6 Services may provide by rule for the grant or continuation of
7 aid to the person for a temporary period if he or she accepts
8 counseling or other services designed to increase his or her
9 motivation to seek enforcement of the child support obligation.

10 In addition to any other definition of failure or refusal
11 to comply with the requirements of Title IV of the federal
12 Social Security Act, or Illinois Department rule, in the case
13 of failure to attend court hearings, the parent or other person
14 can show cooperation by attending a court hearing or, if a
15 court hearing cannot be scheduled within 14 days following the
16 court hearing that was missed, by signing a statement that the
17 parent or other person is now willing to cooperate in the child
18 support enforcement process and will appear at any later
19 scheduled court date. The parent or other person can show
20 cooperation by signing such a statement only once. If failure
21 to attend the court hearing or other failure to cooperate
22 results in the case being dismissed, such a statement may be
23 signed after 2 months.

24 No denial or termination of medical assistance pursuant to
25 this Section shall commence during pregnancy of the parent or
26 other person having custody of the child or for 30 days after

1 the termination of such pregnancy. The termination of medical
2 assistance may commence thereafter if the Department of
3 Healthcare and Family Services determines that the failure or
4 refusal to comply with this Section persists. Postponement of
5 denial or termination of medical assistance during pregnancy
6 under this paragraph shall be effective only to the extent it
7 does not conflict with federal law or regulation.

8 Any evidence a parent or other person having custody of the
9 child gives in order to comply with the requirements of this
10 Section shall not render him or her liable to prosecution under
11 Section 11-35 or 11-40 ~~Sections 11-7 or 11-8~~ of the "Criminal
12 Code of 1961", approved July 28, 1961, as amended.

13 When so requested, the Department of Healthcare and Family
14 Services and the Department of Human Services shall provide
15 such services and assistance as the law enforcement officer may
16 require in connection with the filing of any action hereunder.

17 The Department of Healthcare and Family Services and the
18 Department of Human Services, as an expense of administration,
19 may also provide applicants for and recipients of aid with such
20 services and assistance, including assumption of the
21 reasonable costs of prosecuting any action or proceeding, as
22 may be necessary to enable them to enforce the child support
23 liability required hereunder.

24 Nothing in this Section shall be construed as a requirement
25 that an applicant or recipient file an action for dissolution
26 of marriage against his or her spouse.

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 Section 1008. The Abused and Neglected Child Reporting Act
3 is amended by changing Section 4.5 as follows:

4 (325 ILCS 5/4.5)

5 Sec. 4.5. Electronic and information technology workers;
6 reporting child pornography.

7 (a) In this Section:

8 "Child pornography" means child pornography as described
9 in Section 11-20.1 of the Criminal Code of 1961 or aggravated
10 child pornography as described in Section 11-20.1B ~~11-20.3~~ of
11 the Criminal Code of 1961.

12 "Electronic and information technology equipment" means
13 equipment used in the creation, manipulation, storage,
14 display, or transmission of data, including internet and
15 intranet systems, software applications, operating systems,
16 video and multimedia, telecommunications products, kiosks,
17 information transaction machines, copiers, printers, and
18 desktop and portable computers.

19 "Electronic and information technology equipment worker"
20 means a person who in the scope and course of his or her
21 employment or business installs, repairs, or otherwise
22 services electronic and information technology equipment for a
23 fee but does not include (i) an employee, independent
24 contractor, or other agent of a telecommunications carrier or

1 telephone or telecommunications cooperative, as those terms
2 are defined in the Public Utilities Act, or (ii) an employee,
3 independent contractor, or other agent of a provider of
4 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

5 (b) If an electronic and information technology equipment
6 worker discovers any depiction of child pornography while
7 installing, repairing, or otherwise servicing an item of
8 electronic and information technology equipment, that worker
9 or the worker's employer shall immediately report the discovery
10 to the local law enforcement agency or to the Cyber Tipline at
11 the National Center for Missing & Exploited Children.

12 (c) If a report is filed in accordance with the
13 requirements of 42 U.S.C. 13032, the requirements of this
14 Section 4.5 will be deemed to have been met.

15 (d) An electronic and information technology equipment
16 worker or electronic and information technology equipment
17 worker's employer who reports a discovery of child pornography
18 as required under this Section is immune from any criminal,
19 civil, or administrative liability in connection with making
20 the report, except for willful or wanton misconduct.

21 (e) Failure to report a discovery of child pornography as
22 required under this Section is a business offense subject to a
23 fine of \$1,001.

24 (Source: P.A. 95-944, eff. 8-29-08.)

25 Section 1010. The Intergovernmental Missing Child Recovery

1 Act of 1984 is amended by changing Section 2 as follows:

2 (325 ILCS 40/2) (from Ch. 23, par. 2252)

3 Sec. 2. As used in this Act: (a) "Department" means the
4 Department of State Police.

5 (b) "Director" means the Director of the Department of
6 State Police.

7 (c) "Unit of Local Government" is defined as in Article
8 VII, Section 1 of the Illinois Constitution and includes both
9 home rule units and units which are not home rule units. The
10 term is also defined to include all public school districts
11 subject to the provisions of The School Code.

12 (d) "Child" means a person under 21 years of age.

13 (e) A "LEADS terminal" is an interactive computerized
14 communication and processing unit which permits a direct
15 on-line communication with the Department of State Police's
16 central data repository, the Law Enforcement Agencies Data
17 System (LEADS).

18 (f) A "Primary contact agency" means a law enforcement
19 agency which maintains a LEADS terminal, or has immediate
20 access to one on a 24-hour-per-day, 7-day-per-week basis by
21 written agreement with another law enforcement agency, and is
22 designated by the I SEARCH policy board to be the agency
23 responsible for coordinating the joint efforts between the
24 Department of State Police and the I SEARCH program
25 participants.

1 (g) "Illinois State Enforcement Agencies to Recover
2 Children Unit" or "I SEARCH Unit" means a combination of units
3 of local government within a contiguous geographical area
4 served by one or more LEADS terminals and established to
5 collectively address the missing and exploited children
6 problem in their respective geographical areas.

7 (h) "Missing child" means any person under 21 years of age
8 whose whereabouts are unknown to his or her parents or legal
9 guardian.

10 (i) "Exploitation" means activities and actions which
11 include, but are not limited to, child pornography, aggravated
12 child pornography, child prostitution, child sexual abuse,
13 drug and substance abuse by children, and child suicide.

14 (j) "Participating agency" means a law enforcement agency
15 that does not receive State funding, but signs an agreement of
16 intergovernmental cooperation with the Department to perform
17 the duties of an I SEARCH Unit.

18 (Source: P.A. 85-1209.)

19 Section 1015. The Sexual Assault Survivors Emergency
20 Treatment Act is amended by changing Section 1a as follows:

21 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

22 Sec. 1a. Definitions. In this Act:

23 "Ambulance provider" means an individual or entity that
24 owns and operates a business or service using ambulances or

1 emergency medical services vehicles to transport emergency
2 patients.

3 "Areawide sexual assault treatment plan" means a plan,
4 developed by the hospitals in the community or area to be
5 served, which provides for hospital emergency services to
6 sexual assault survivors that shall be made available by each
7 of the participating hospitals.

8 "Department" means the Department of Public Health.

9 "Emergency contraception" means medication as approved by
10 the federal Food and Drug Administration (FDA) that can
11 significantly reduce the risk of pregnancy if taken within 72
12 hours after sexual assault.

13 "Follow-up healthcare" means healthcare services related
14 to a sexual assault, including laboratory services and pharmacy
15 services, rendered within 90 days of the initial visit for
16 hospital emergency services.

17 "Forensic services" means the collection of evidence
18 pursuant to a statewide sexual assault evidence collection
19 program administered by the Department of State Police, using
20 the Illinois State Police Sexual Assault Evidence Collection
21 Kit.

22 "Health care professional" means a physician, a physician
23 assistant, or an advanced practice nurse.

24 "Hospital" has the meaning given to that term in the
25 Hospital Licensing Act.

26 "Hospital emergency services" means healthcare delivered

1 to outpatients within or under the care and supervision of
2 personnel working in a designated emergency department of a
3 hospital, including, but not limited to, care ordered by such
4 personnel for a sexual assault survivor in the emergency
5 department.

6 "Illinois State Police Sexual Assault Evidence Collection
7 Kit" means a prepackaged set of materials and forms to be used
8 for the collection of evidence relating to sexual assault. The
9 standardized evidence collection kit for the State of Illinois
10 shall be the Illinois State Police Sexual Assault Evidence
11 Collection Kit.

12 "Nurse" means a nurse licensed under the Nurse Practice
13 Act.

14 "Physician" means a person licensed to practice medicine in
15 all its branches.

16 "Sexual assault" means an act of nonconsensual sexual
17 conduct or sexual penetration, as defined in Section 11-0.1
18 ~~12-12~~ of the Criminal Code of 1961, including, without
19 limitation, acts prohibited under Sections 11-1.20 through
20 11-1.60 ~~12-13 through 12-16~~ of the Criminal Code of 1961.

21 "Sexual assault survivor" means a person who presents for
22 hospital emergency services in relation to injuries or trauma
23 resulting from a sexual assault.

24 "Sexual assault transfer plan" means a written plan
25 developed by a hospital and approved by the Department, which
26 describes the hospital's procedures for transferring sexual

1 assault survivors to another hospital in order to receive
2 emergency treatment.

3 "Sexual assault treatment plan" means a written plan
4 developed by a hospital that describes the hospital's
5 procedures and protocols for providing hospital emergency
6 services and forensic services to sexual assault survivors who
7 present themselves for such services, either directly or
8 through transfer from another hospital.

9 "Transfer services" means the appropriate medical
10 screening examination and necessary stabilizing treatment
11 prior to the transfer of a sexual assault survivor to a
12 hospital that provides hospital emergency services and
13 forensic services to sexual assault survivors pursuant to a
14 sexual assault treatment plan or areawide sexual assault
15 treatment plan.

16 (Source: P.A. 95-432, eff. 1-1-08; 96-328, eff. 8-11-09.)

17 Section 1020. The Consent by Minors to Medical Procedures
18 Act is amended by changing Section 3 as follows:

19 (410 ILCS 210/3) (from Ch. 111, par. 4503)

20 Sec. 3. (a) Where a hospital, a physician licensed to
21 practice medicine or surgery, an advanced practice nurse who
22 has a written collaborative agreement with a collaborating
23 physician that authorizes provision of services for minors, or
24 a physician assistant who has been delegated authority to

1 provide services for minors renders emergency treatment or
2 first aid or a licensed dentist renders emergency dental
3 treatment to a minor, consent of the minor's parent or legal
4 guardian need not be obtained if, in the sole opinion of the
5 physician, advanced practice nurse, physician assistant,
6 dentist, or hospital, the obtaining of consent is not
7 reasonably feasible under the circumstances without adversely
8 affecting the condition of such minor's health.

9 (b) Where a minor is the victim of a predatory criminal
10 sexual assault of a child, aggravated criminal sexual assault,
11 criminal sexual assault, aggravated criminal sexual abuse or
12 criminal sexual abuse, as provided in Sections 11-1.20 through
13 11-1.60 ~~12-13 through 12-16~~ of the Criminal Code of 1961, as
14 now or hereafter amended, the consent of the minor's parent or
15 legal guardian need not be obtained to authorize a hospital,
16 physician, advanced practice nurse, physician assistant, or
17 other medical personnel to furnish medical care or counseling
18 related to the diagnosis or treatment of any disease or injury
19 arising from such offense. The minor may consent to such
20 counseling, diagnosis or treatment as if the minor had reached
21 his or her age of majority. Such consent shall not be voidable,
22 nor subject to later disaffirmance, because of minority.

23 (Source: P.A. 93-962, eff. 8-20-04.)

24 Section 1025. The Illinois Vehicle Code is amended by
25 changing Sections 6-106.1, 6-206, and 6-508 as follows:

1 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

2 Sec. 6-106.1. School bus driver permit.

3 (a) The Secretary of State shall issue a school bus driver
4 permit to those applicants who have met all the requirements of
5 the application and screening process under this Section to
6 insure the welfare and safety of children who are transported
7 on school buses throughout the State of Illinois. Applicants
8 shall obtain the proper application required by the Secretary
9 of State from their prospective or current employer and submit
10 the completed application to the prospective or current
11 employer along with the necessary fingerprint submission as
12 required by the Department of State Police to conduct
13 fingerprint based criminal background checks on current and
14 future information available in the state system and current
15 information available through the Federal Bureau of
16 Investigation's system. Applicants who have completed the
17 fingerprinting requirements shall not be subjected to the
18 fingerprinting process when applying for subsequent permits or
19 submitting proof of successful completion of the annual
20 refresher course. Individuals who on the effective date of this
21 Act possess a valid school bus driver permit that has been
22 previously issued by the appropriate Regional School
23 Superintendent are not subject to the fingerprinting
24 provisions of this Section as long as the permit remains valid
25 and does not lapse. The applicant shall be required to pay all

1 related application and fingerprinting fees as established by
2 rule including, but not limited to, the amounts established by
3 the Department of State Police and the Federal Bureau of
4 Investigation to process fingerprint based criminal background
5 investigations. All fees paid for fingerprint processing
6 services under this Section shall be deposited into the State
7 Police Services Fund for the cost incurred in processing the
8 fingerprint based criminal background investigations. All
9 other fees paid under this Section shall be deposited into the
10 Road Fund for the purpose of defraying the costs of the
11 Secretary of State in administering this Section. All
12 applicants must:

13 1. be 21 years of age or older;

14 2. possess a valid and properly classified driver's
15 license issued by the Secretary of State;

16 3. possess a valid driver's license, which has not been
17 revoked, suspended, or canceled for 3 years immediately
18 prior to the date of application, or have not had his or
19 her commercial motor vehicle driving privileges
20 disqualified within the 3 years immediately prior to the
21 date of application;

22 4. successfully pass a written test, administered by
23 the Secretary of State, on school bus operation, school bus
24 safety, and special traffic laws relating to school buses
25 and submit to a review of the applicant's driving habits by
26 the Secretary of State at the time the written test is

1 given;

2 5. demonstrate ability to exercise reasonable care in
3 the operation of school buses in accordance with rules
4 promulgated by the Secretary of State;

5 6. demonstrate physical fitness to operate school
6 buses by submitting the results of a medical examination,
7 including tests for drug use for each applicant not subject
8 to such testing pursuant to federal law, conducted by a
9 licensed physician, an advanced practice nurse who has a
10 written collaborative agreement with a collaborating
11 physician which authorizes him or her to perform medical
12 examinations, or a physician assistant who has been
13 delegated the performance of medical examinations by his or
14 her supervising physician within 90 days of the date of
15 application according to standards promulgated by the
16 Secretary of State;

17 7. affirm under penalties of perjury that he or she has
18 not made a false statement or knowingly concealed a
19 material fact in any application for permit;

20 8. have completed an initial classroom course,
21 including first aid procedures, in school bus driver safety
22 as promulgated by the Secretary of State; and after
23 satisfactory completion of said initial course an annual
24 refresher course; such courses and the agency or
25 organization conducting such courses shall be approved by
26 the Secretary of State; failure to complete the annual

1 refresher course, shall result in cancellation of the
2 permit until such course is completed;

3 9. not have been convicted of 2 or more serious traffic
4 offenses, as defined by rule, within one year prior to the
5 date of application that may endanger the life or safety of
6 any of the driver's passengers within the duration of the
7 permit period;

8 10. not have been convicted of reckless driving,
9 driving while intoxicated, or reckless homicide resulting
10 from the operation of a motor vehicle within 3 years of the
11 date of application;

12 11. not have been convicted of committing or attempting
13 to commit any one or more of the following offenses: (i)
14 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,
15 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,
16 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
17 11-9, 11-9.1, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
18 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
19 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-3.1,
20 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2,
21 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1,
22 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1,
23 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1,
24 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in
25 subsection (a) and subsection (b), clause (1), of Section
26 12-4 of the Criminal Code of 1961; (ii) those offenses

1 defined in the Cannabis Control Act except those offenses
2 defined in subsections (a) and (b) of Section 4, and
3 subsection (a) of Section 5 of the Cannabis Control Act;
4 (iii) those offenses defined in the Illinois Controlled
5 Substances Act; (iv) those offenses defined in the
6 Methamphetamine Control and Community Protection Act; (v)
7 any offense committed or attempted in any other state or
8 against the laws of the United States, which if committed
9 or attempted in this State would be punishable as one or
10 more of the foregoing offenses; (vi) the offenses defined
11 in Section 4.1 and 5.1 of the Wrongs to Children Act or
12 Section 11-9.1A of the Criminal Code of 1961; and (vii)
13 those offenses defined in Section 6-16 of the Liquor
14 Control Act of 1934;

15 12. not have been repeatedly involved as a driver in
16 motor vehicle collisions or been repeatedly convicted of
17 offenses against laws and ordinances regulating the
18 movement of traffic, to a degree which indicates lack of
19 ability to exercise ordinary and reasonable care in the
20 safe operation of a motor vehicle or disrespect for the
21 traffic laws and the safety of other persons upon the
22 highway;

23 13. not have, through the unlawful operation of a motor
24 vehicle, caused an accident resulting in the death of any
25 person; and

26 14. not have, within the last 5 years, been adjudged to

1 be afflicted with or suffering from any mental disability
2 or disease.

3 (b) A school bus driver permit shall be valid for a period
4 specified by the Secretary of State as set forth by rule. It
5 shall be renewable upon compliance with subsection (a) of this
6 Section.

7 (c) A school bus driver permit shall contain the holder's
8 driver's license number, legal name, residence address, zip
9 code, social security number and date of birth, a brief
10 description of the holder and a space for signature. The
11 Secretary of State may require a suitable photograph of the
12 holder.

13 (d) The employer shall be responsible for conducting a
14 pre-employment interview with prospective school bus driver
15 candidates, distributing school bus driver applications and
16 medical forms to be completed by the applicant, and submitting
17 the applicant's fingerprint cards to the Department of State
18 Police that are required for the criminal background
19 investigations. The employer shall certify in writing to the
20 Secretary of State that all pre-employment conditions have been
21 successfully completed including the successful completion of
22 an Illinois specific criminal background investigation through
23 the Department of State Police and the submission of necessary
24 fingerprints to the Federal Bureau of Investigation for
25 criminal history information available through the Federal
26 Bureau of Investigation system. The applicant shall present the

1 certification to the Secretary of State at the time of
2 submitting the school bus driver permit application.

3 (e) Permits shall initially be provisional upon receiving
4 certification from the employer that all pre-employment
5 conditions have been successfully completed, and upon
6 successful completion of all training and examination
7 requirements for the classification of the vehicle to be
8 operated, the Secretary of State shall provisionally issue a
9 School Bus Driver Permit. The permit shall remain in a
10 provisional status pending the completion of the Federal Bureau
11 of Investigation's criminal background investigation based
12 upon fingerprinting specimens submitted to the Federal Bureau
13 of Investigation by the Department of State Police. The Federal
14 Bureau of Investigation shall report the findings directly to
15 the Secretary of State. The Secretary of State shall remove the
16 bus driver permit from provisional status upon the applicant's
17 successful completion of the Federal Bureau of Investigation's
18 criminal background investigation.

19 (f) A school bus driver permit holder shall notify the
20 employer and the Secretary of State if he or she is convicted
21 in another state of an offense that would make him or her
22 ineligible for a permit under subsection (a) of this Section.
23 The written notification shall be made within 5 days of the
24 entry of the conviction. Failure of the permit holder to
25 provide the notification is punishable as a petty offense for a
26 first violation and a Class B misdemeanor for a second or

1 subsequent violation.

2 (g) Cancellation; suspension; notice and procedure.

3 (1) The Secretary of State shall cancel a school bus
4 driver permit of an applicant whose criminal background
5 investigation discloses that he or she is not in compliance
6 with the provisions of subsection (a) of this Section.

7 (2) The Secretary of State shall cancel a school bus
8 driver permit when he or she receives notice that the
9 permit holder fails to comply with any provision of this
10 Section or any rule promulgated for the administration of
11 this Section.

12 (3) The Secretary of State shall cancel a school bus
13 driver permit if the permit holder's restricted commercial
14 or commercial driving privileges are withdrawn or
15 otherwise invalidated.

16 (4) The Secretary of State may not issue a school bus
17 driver permit for a period of 3 years to an applicant who
18 fails to obtain a negative result on a drug test as
19 required in item 6 of subsection (a) of this Section or
20 under federal law.

21 (5) The Secretary of State shall forthwith suspend a
22 school bus driver permit for a period of 3 years upon
23 receiving notice that the holder has failed to obtain a
24 negative result on a drug test as required in item 6 of
25 subsection (a) of this Section or under federal law.

26 (6) The Secretary of State shall suspend a school bus

1 driver permit for a period of 3 years upon receiving notice
2 from the employer that the holder failed to perform the
3 inspection procedure set forth in subsection (a) or (b) of
4 Section 12-816 of this Code.

5 The Secretary of State shall notify the State
6 Superintendent of Education and the permit holder's
7 prospective or current employer that the applicant has (1) has
8 failed a criminal background investigation or (2) is no longer
9 eligible for a school bus driver permit; and of the related
10 cancellation of the applicant's provisional school bus driver
11 permit. The cancellation shall remain in effect pending the
12 outcome of a hearing pursuant to Section 2-118 of this Code.
13 The scope of the hearing shall be limited to the issuance
14 criteria contained in subsection (a) of this Section. A
15 petition requesting a hearing shall be submitted to the
16 Secretary of State and shall contain the reason the individual
17 feels he or she is entitled to a school bus driver permit. The
18 permit holder's employer shall notify in writing to the
19 Secretary of State that the employer has certified the removal
20 of the offending school bus driver from service prior to the
21 start of that school bus driver's next workshift. An employing
22 school board that fails to remove the offending school bus
23 driver from service is subject to the penalties defined in
24 Section 3-14.23 of the School Code. A school bus contractor who
25 violates a provision of this Section is subject to the
26 penalties defined in Section 6-106.11.

1 All valid school bus driver permits issued under this
2 Section prior to January 1, 1995, shall remain effective until
3 their expiration date unless otherwise invalidated.

4 (h) When a school bus driver permit holder who is a service
5 member is called to active duty, the employer of the permit
6 holder shall notify the Secretary of State, within 30 days of
7 notification from the permit holder, that the permit holder has
8 been called to active duty. Upon notification pursuant to this
9 subsection, (i) the Secretary of State shall characterize the
10 permit as inactive until a permit holder renews the permit as
11 provided in subsection (i) of this Section, and (ii) if a
12 permit holder fails to comply with the requirements of this
13 Section while called to active duty, the Secretary of State
14 shall not characterize the permit as invalid.

15 (i) A school bus driver permit holder who is a service
16 member returning from active duty must, within 90 days, renew a
17 permit characterized as inactive pursuant to subsection (h) of
18 this Section by complying with the renewal requirements of
19 subsection (b) of this Section.

20 (j) For purposes of subsections (h) and (i) of this
21 Section:

22 "Active duty" means active duty pursuant to an executive
23 order of the President of the United States, an act of the
24 Congress of the United States, or an order of the Governor.

25 "Service member" means a member of the Armed Services or
26 reserve forces of the United States or a member of the Illinois

1 National Guard.

2 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
3 revised 12-1-09.)

4 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

5 Sec. 6-206. Discretionary authority to suspend or revoke
6 license or permit; Right to a hearing.

7 (a) The Secretary of State is authorized to suspend or
8 revoke the driving privileges of any person without preliminary
9 hearing upon a showing of the person's records or other
10 sufficient evidence that the person:

11 1. Has committed an offense for which mandatory
12 revocation of a driver's license or permit is required upon
13 conviction;

14 2. Has been convicted of not less than 3 offenses
15 against traffic regulations governing the movement of
16 vehicles committed within any 12 month period. No
17 revocation or suspension shall be entered more than 6
18 months after the date of last conviction;

19 3. Has been repeatedly involved as a driver in motor
20 vehicle collisions or has been repeatedly convicted of
21 offenses against laws and ordinances regulating the
22 movement of traffic, to a degree that indicates lack of
23 ability to exercise ordinary and reasonable care in the
24 safe operation of a motor vehicle or disrespect for the
25 traffic laws and the safety of other persons upon the

1 highway;

2 4. Has by the unlawful operation of a motor vehicle
3 caused or contributed to an accident resulting in death or
4 injury requiring immediate professional treatment in a
5 medical facility or doctor's office to any person, except
6 that any suspension or revocation imposed by the Secretary
7 of State under the provisions of this subsection shall
8 start no later than 6 months after being convicted of
9 violating a law or ordinance regulating the movement of
10 traffic, which violation is related to the accident, or
11 shall start not more than one year after the date of the
12 accident, whichever date occurs later;

13 5. Has permitted an unlawful or fraudulent use of a
14 driver's license, identification card, or permit;

15 6. Has been lawfully convicted of an offense or
16 offenses in another state, including the authorization
17 contained in Section 6-203.1, which if committed within
18 this State would be grounds for suspension or revocation;

19 7. Has refused or failed to submit to an examination
20 provided for by Section 6-207 or has failed to pass the
21 examination;

22 8. Is ineligible for a driver's license or permit under
23 the provisions of Section 6-103;

24 9. Has made a false statement or knowingly concealed a
25 material fact or has used false information or
26 identification in any application for a license,

1 identification card, or permit;

2 10. Has possessed, displayed, or attempted to
3 fraudulently use any license, identification card, or
4 permit not issued to the person;

5 11. Has operated a motor vehicle upon a highway of this
6 State when the person's driving privilege or privilege to
7 obtain a driver's license or permit was revoked or
8 suspended unless the operation was authorized by a
9 monitoring device driving permit, judicial driving permit
10 issued prior to January 1, 2009, probationary license to
11 drive, or a restricted driving permit issued under this
12 Code;

13 12. Has submitted to any portion of the application
14 process for another person or has obtained the services of
15 another person to submit to any portion of the application
16 process for the purpose of obtaining a license,
17 identification card, or permit for some other person;

18 13. Has operated a motor vehicle upon a highway of this
19 State when the person's driver's license or permit was
20 invalid under the provisions of Sections 6-107.1 and 6-110;

21 14. Has committed a violation of Section 6-301,
22 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
23 of the Illinois Identification Card Act;

24 15. Has been convicted of violating Section 21-2 of the
25 Criminal Code of 1961 relating to criminal trespass to
26 vehicles in which case, the suspension shall be for one

1 year;

2 16. Has been convicted of violating Section 11-204 of
3 this Code relating to fleeing from a peace officer;

4 17. Has refused to submit to a test, or tests, as
5 required under Section 11-501.1 of this Code and the person
6 has not sought a hearing as provided for in Section
7 11-501.1;

8 18. Has, since issuance of a driver's license or
9 permit, been adjudged to be afflicted with or suffering
10 from any mental disability or disease;

11 19. Has committed a violation of paragraph (a) or (b)
12 of Section 6-101 relating to driving without a driver's
13 license;

14 20. Has been convicted of violating Section 6-104
15 relating to classification of driver's license;

16 21. Has been convicted of violating Section 11-402 of
17 this Code relating to leaving the scene of an accident
18 resulting in damage to a vehicle in excess of \$1,000, in
19 which case the suspension shall be for one year;

20 22. Has used a motor vehicle in violating paragraph
21 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
22 the Criminal Code of 1961 relating to unlawful use of
23 weapons, in which case the suspension shall be for one
24 year;

25 23. Has, as a driver, been convicted of committing a
26 violation of paragraph (a) of Section 11-502 of this Code

1 for a second or subsequent time within one year of a
2 similar violation;

3 24. Has been convicted by a court-martial or punished
4 by non-judicial punishment by military authorities of the
5 United States at a military installation in Illinois of or
6 for a traffic related offense that is the same as or
7 similar to an offense specified under Section 6-205 or
8 6-206 of this Code;

9 25. Has permitted any form of identification to be used
10 by another in the application process in order to obtain or
11 attempt to obtain a license, identification card, or
12 permit;

13 26. Has altered or attempted to alter a license or has
14 possessed an altered license, identification card, or
15 permit;

16 27. Has violated Section 6-16 of the Liquor Control Act
17 of 1934;

18 28. Has been convicted of the illegal possession, while
19 operating or in actual physical control, as a driver, of a
20 motor vehicle, of any controlled substance prohibited
21 under the Illinois Controlled Substances Act, any cannabis
22 prohibited under the Cannabis Control Act, or any
23 methamphetamine prohibited under the Methamphetamine
24 Control and Community Protection Act, in which case the
25 person's driving privileges shall be suspended for one
26 year, and any driver who is convicted of a second or

1 subsequent offense, within 5 years of a previous
2 conviction, for the illegal possession, while operating or
3 in actual physical control, as a driver, of a motor
4 vehicle, of any controlled substance prohibited under the
5 Illinois Controlled Substances Act, any cannabis
6 prohibited under the Cannabis Control Act, or any
7 methamphetamine prohibited under the Methamphetamine
8 Control and Community Protection Act shall be suspended for
9 5 years. Any defendant found guilty of this offense while
10 operating a motor vehicle, shall have an entry made in the
11 court record by the presiding judge that this offense did
12 occur while the defendant was operating a motor vehicle and
13 order the clerk of the court to report the violation to the
14 Secretary of State;

15 29. Has been convicted of the following offenses that
16 were committed while the person was operating or in actual
17 physical control, as a driver, of a motor vehicle: criminal
18 sexual assault, predatory criminal sexual assault of a
19 child, aggravated criminal sexual assault, criminal sexual
20 abuse, aggravated criminal sexual abuse, juvenile pimping,
21 soliciting for a juvenile prostitute, promoting juvenile
22 prostitution as described in subdivision (a) (1), (a) (2),
23 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961,
24 and the manufacture, sale or delivery of controlled
25 substances or instruments used for illegal drug use or
26 abuse in which case the driver's driving privileges shall

1 be suspended for one year;

2 30. Has been convicted a second or subsequent time for
3 any combination of the offenses named in paragraph 29 of
4 this subsection, in which case the person's driving
5 privileges shall be suspended for 5 years;

6 31. Has refused to submit to a test as required by
7 Section 11-501.6 or has submitted to a test resulting in an
8 alcohol concentration of 0.08 or more or any amount of a
9 drug, substance, or compound resulting from the unlawful
10 use or consumption of cannabis as listed in the Cannabis
11 Control Act, a controlled substance as listed in the
12 Illinois Controlled Substances Act, an intoxicating
13 compound as listed in the Use of Intoxicating Compounds
14 Act, or methamphetamine as listed in the Methamphetamine
15 Control and Community Protection Act, in which case the
16 penalty shall be as prescribed in Section 6-208.1;

17 32. Has been convicted of Section 24-1.2 of the
18 Criminal Code of 1961 relating to the aggravated discharge
19 of a firearm if the offender was located in a motor vehicle
20 at the time the firearm was discharged, in which case the
21 suspension shall be for 3 years;

22 33. Has as a driver, who was less than 21 years of age
23 on the date of the offense, been convicted a first time of
24 a violation of paragraph (a) of Section 11-502 of this Code
25 or a similar provision of a local ordinance;

26 34. Has committed a violation of Section 11-1301.5 of

1 this Code;

2 35. Has committed a violation of Section 11-1301.6 of
3 this Code;

4 36. Is under the age of 21 years at the time of arrest
5 and has been convicted of not less than 2 offenses against
6 traffic regulations governing the movement of vehicles
7 committed within any 24 month period. No revocation or
8 suspension shall be entered more than 6 months after the
9 date of last conviction;

10 37. Has committed a violation of subsection (c) of
11 Section 11-907 of this Code that resulted in damage to the
12 property of another or the death or injury of another;

13 38. Has been convicted of a violation of Section 6-20
14 of the Liquor Control Act of 1934 or a similar provision of
15 a local ordinance;

16 39. Has committed a second or subsequent violation of
17 Section 11-1201 of this Code;

18 40. Has committed a violation of subsection (a-1) of
19 Section 11-908 of this Code;

20 41. Has committed a second or subsequent violation of
21 Section 11-605.1 of this Code within 2 years of the date of
22 the previous violation, in which case the suspension shall
23 be for 90 days;

24 42. Has committed a violation of subsection (a-1) of
25 Section 11-1301.3 of this Code;

26 43. Has received a disposition of court supervision for

1 a violation of subsection (a), (d), or (e) of Section 6-20
2 of the Liquor Control Act of 1934 or a similar provision of
3 a local ordinance, in which case the suspension shall be
4 for a period of 3 months;

5 44. Is under the age of 21 years at the time of arrest
6 and has been convicted of an offense against traffic
7 regulations governing the movement of vehicles after
8 having previously had his or her driving privileges
9 suspended or revoked pursuant to subparagraph 36 of this
10 Section; or

11 45. Has, in connection with or during the course of a
12 formal hearing conducted under Section 2-118 of this Code:
13 (i) committed perjury; (ii) submitted fraudulent or
14 falsified documents; (iii) submitted documents that have
15 been materially altered; or (iv) submitted, as his or her
16 own, documents that were in fact prepared or composed for
17 another person.

18 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
19 and 27 of this subsection, license means any driver's license,
20 any traffic ticket issued when the person's driver's license is
21 deposited in lieu of bail, a suspension notice issued by the
22 Secretary of State, a duplicate or corrected driver's license,
23 a probationary driver's license or a temporary driver's
24 license.

25 (b) If any conviction forming the basis of a suspension or
26 revocation authorized under this Section is appealed, the

1 Secretary of State may rescind or withhold the entry of the
2 order of suspension or revocation, as the case may be, provided
3 that a certified copy of a stay order of a court is filed with
4 the Secretary of State. If the conviction is affirmed on
5 appeal, the date of the conviction shall relate back to the
6 time the original judgment of conviction was entered and the 6
7 month limitation prescribed shall not apply.

8 (c) 1. Upon suspending or revoking the driver's license or
9 permit of any person as authorized in this Section, the
10 Secretary of State shall immediately notify the person in
11 writing of the revocation or suspension. The notice to be
12 deposited in the United States mail, postage prepaid, to the
13 last known address of the person.

14 2. If the Secretary of State suspends the driver's
15 license of a person under subsection 2 of paragraph (a) of
16 this Section, a person's privilege to operate a vehicle as
17 an occupation shall not be suspended, provided an affidavit
18 is properly completed, the appropriate fee received, and a
19 permit issued prior to the effective date of the
20 suspension, unless 5 offenses were committed, at least 2 of
21 which occurred while operating a commercial vehicle in
22 connection with the driver's regular occupation. All other
23 driving privileges shall be suspended by the Secretary of
24 State. Any driver prior to operating a vehicle for
25 occupational purposes only must submit the affidavit on
26 forms to be provided by the Secretary of State setting

1 forth the facts of the person's occupation. The affidavit
2 shall also state the number of offenses committed while
3 operating a vehicle in connection with the driver's regular
4 occupation. The affidavit shall be accompanied by the
5 driver's license. Upon receipt of a properly completed
6 affidavit, the Secretary of State shall issue the driver a
7 permit to operate a vehicle in connection with the driver's
8 regular occupation only. Unless the permit is issued by the
9 Secretary of State prior to the date of suspension, the
10 privilege to drive any motor vehicle shall be suspended as
11 set forth in the notice that was mailed under this Section.
12 If an affidavit is received subsequent to the effective
13 date of this suspension, a permit may be issued for the
14 remainder of the suspension period.

15 The provisions of this subparagraph shall not apply to
16 any driver required to possess a CDL for the purpose of
17 operating a commercial motor vehicle.

18 Any person who falsely states any fact in the affidavit
19 required herein shall be guilty of perjury under Section
20 6-302 and upon conviction thereof shall have all driving
21 privileges revoked without further rights.

22 3. At the conclusion of a hearing under Section 2-118
23 of this Code, the Secretary of State shall either rescind
24 or continue an order of revocation or shall substitute an
25 order of suspension; or, good cause appearing therefor,
26 rescind, continue, change, or extend the order of

1 suspension. If the Secretary of State does not rescind the
2 order, the Secretary may upon application, to relieve undue
3 hardship (as defined by the rules of the Secretary of
4 State), issue a restricted driving permit granting the
5 privilege of driving a motor vehicle between the
6 petitioner's residence and petitioner's place of
7 employment or within the scope of the petitioner's
8 employment related duties, or to allow the petitioner to
9 transport himself or herself, or a family member of the
10 petitioner's household to a medical facility, to receive
11 necessary medical care, to allow the petitioner to
12 transport himself or herself to and from alcohol or drug
13 remedial or rehabilitative activity recommended by a
14 licensed service provider, or to allow the petitioner to
15 transport himself or herself or a family member of the
16 petitioner's household to classes, as a student, at an
17 accredited educational institution, or to allow the
18 petitioner to transport children living in the
19 petitioner's household to and from daycare. The petitioner
20 must demonstrate that no alternative means of
21 transportation is reasonably available and that the
22 petitioner will not endanger the public safety or welfare.
23 Those multiple offenders identified in subdivision (b)4 of
24 Section 6-208 of this Code, however, shall not be eligible
25 for the issuance of a restricted driving permit.

26 (A) If a person's license or permit is revoked or

1 suspended due to 2 or more convictions of violating
2 Section 11-501 of this Code or a similar provision of a
3 local ordinance or a similar out-of-state offense, or
4 Section 9-3 of the Criminal Code of 1961, where the use
5 of alcohol or other drugs is recited as an element of
6 the offense, or a similar out-of-state offense, or a
7 combination of these offenses, arising out of separate
8 occurrences, that person, if issued a restricted
9 driving permit, may not operate a vehicle unless it has
10 been equipped with an ignition interlock device as
11 defined in Section 1-129.1.

12 (B) If a person's license or permit is revoked or
13 suspended 2 or more times within a 10 year period due
14 to any combination of:

15 (i) a single conviction of violating Section
16 11-501 of this Code or a similar provision of a
17 local ordinance or a similar out-of-state offense
18 or Section 9-3 of the Criminal Code of 1961, where
19 the use of alcohol or other drugs is recited as an
20 element of the offense, or a similar out-of-state
21 offense; or

22 (ii) a statutory summary suspension under
23 Section 11-501.1; or

24 (iii) a suspension under Section 6-203.1;
25 arising out of separate occurrences; that person, if
26 issued a restricted driving permit, may not operate a

1 vehicle unless it has been equipped with an ignition
2 interlock device as defined in Section 1-129.1.

3 (C) The person issued a permit conditioned upon the
4 use of an ignition interlock device must pay to the
5 Secretary of State DUI Administration Fund an amount
6 not to exceed \$30 per month. The Secretary shall
7 establish by rule the amount and the procedures, terms,
8 and conditions relating to these fees.

9 (D) If the restricted driving permit is issued for
10 employment purposes, then the prohibition against
11 operating a motor vehicle that is not equipped with an
12 ignition interlock device does not apply to the
13 operation of an occupational vehicle owned or leased by
14 that person's employer when used solely for employment
15 purposes.

16 (E) In each case the Secretary may issue a
17 restricted driving permit for a period deemed
18 appropriate, except that all permits shall expire
19 within one year from the date of issuance. The
20 Secretary may not, however, issue a restricted driving
21 permit to any person whose current revocation is the
22 result of a second or subsequent conviction for a
23 violation of Section 11-501 of this Code or a similar
24 provision of a local ordinance or any similar
25 out-of-state offense, or Section 9-3 of the Criminal
26 Code of 1961, where the use of alcohol or other drugs

1 is recited as an element of the offense, or any similar
2 out-of-state offense, or any combination of those
3 offenses, until the expiration of at least one year
4 from the date of the revocation. A restricted driving
5 permit issued under this Section shall be subject to
6 cancellation, revocation, and suspension by the
7 Secretary of State in like manner and for like cause as
8 a driver's license issued under this Code may be
9 cancelled, revoked, or suspended; except that a
10 conviction upon one or more offenses against laws or
11 ordinances regulating the movement of traffic shall be
12 deemed sufficient cause for the revocation,
13 suspension, or cancellation of a restricted driving
14 permit. The Secretary of State may, as a condition to
15 the issuance of a restricted driving permit, require
16 the applicant to participate in a designated driver
17 remedial or rehabilitative program. The Secretary of
18 State is authorized to cancel a restricted driving
19 permit if the permit holder does not successfully
20 complete the program.

21 (c-3) In the case of a suspension under paragraph 43 of
22 subsection (a), reports received by the Secretary of State
23 under this Section shall, except during the actual time the
24 suspension is in effect, be privileged information and for use
25 only by the courts, police officers, prosecuting authorities,
26 the driver licensing administrator of any other state, the

1 Secretary of State, or the parent or legal guardian of a driver
2 under the age of 18. However, beginning January 1, 2008, if the
3 person is a CDL holder, the suspension shall also be made
4 available to the driver licensing administrator of any other
5 state, the U.S. Department of Transportation, and the affected
6 driver or motor carrier or prospective motor carrier upon
7 request.

8 (c-4) In the case of a suspension under paragraph 43 of
9 subsection (a), the Secretary of State shall notify the person
10 by mail that his or her driving privileges and driver's license
11 will be suspended one month after the date of the mailing of
12 the notice.

13 (c-5) The Secretary of State may, as a condition of the
14 reissuance of a driver's license or permit to an applicant
15 whose driver's license or permit has been suspended before he
16 or she reached the age of 21 years pursuant to any of the
17 provisions of this Section, require the applicant to
18 participate in a driver remedial education course and be
19 retested under Section 6-109 of this Code.

20 (d) This Section is subject to the provisions of the
21 Drivers License Compact.

22 (e) The Secretary of State shall not issue a restricted
23 driving permit to a person under the age of 16 years whose
24 driving privileges have been suspended or revoked under any
25 provisions of this Code.

26 (f) In accordance with 49 C.F.R. 384, the Secretary of

1 State may not issue a restricted driving permit for the
2 operation of a commercial motor vehicle to a person holding a
3 CDL whose driving privileges have been suspended, revoked,
4 cancelled, or disqualified under any provisions of this Code.

5 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
6 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
7 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
8 eff. 8-11-09; 96-607, eff. 8-24-09.)

9 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

10 Sec. 6-508. Commercial Driver's License (CDL) -
11 qualification standards.

12 (a) Testing.

13 (1) General. No person shall be issued an original or
14 renewal CDL unless that person is domiciled in this State.
15 The Secretary shall cause to be administered such tests as
16 the Secretary deems necessary to meet the requirements of
17 49 C.F.R. Part 383, subparts F, G, H, and J.

18 (2) Third party testing. The Secretary of state may
19 authorize a "third party tester", pursuant to 49 C.F.R.
20 Part 383.75, to administer the skills test or tests
21 specified by Federal Motor Carrier Safety Administration
22 pursuant to the Commercial Motor Vehicle Safety Act of 1986
23 and any appropriate federal rule.

24 (b) Waiver of Skills Test. The Secretary of State may waive
25 the skills test specified in this Section for a driver

1 applicant for a commercial driver license who meets the
2 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

3 (c) Limitations on issuance of a CDL. A CDL, or a
4 commercial driver instruction permit, shall not be issued to a
5 person while the person is subject to a disqualification from
6 driving a commercial motor vehicle, or unless otherwise
7 permitted by this Code, while the person's driver's license is
8 suspended, revoked or cancelled in any state, or any territory
9 or province of Canada; nor may a CDL be issued to a person who
10 has a CDL issued by any other state, or foreign jurisdiction,
11 unless the person first surrenders all such licenses. No CDL
12 shall be issued to or renewed for a person who does not meet
13 the requirement of 49 CFR 391.41(b)(11). The requirement may be
14 met with the aid of a hearing aid.

15 (c-1) The Secretary may issue a CDL with a school bus
16 driver endorsement to allow a person to drive the type of bus
17 described in subsection (d-5) of Section 6-104 of this Code.
18 The CDL with a school bus driver endorsement may be issued only
19 to a person meeting the following requirements:

20 (1) the person has submitted his or her fingerprints to
21 the Department of State Police in the form and manner
22 prescribed by the Department of State Police. These
23 fingerprints shall be checked against the fingerprint
24 records now and hereafter filed in the Department of State
25 Police and Federal Bureau of Investigation criminal
26 history records databases;

1 (2) the person has passed a written test, administered
2 by the Secretary of State, on charter bus operation,
3 charter bus safety, and certain special traffic laws
4 relating to school buses determined by the Secretary of
5 State to be relevant to charter buses, and submitted to a
6 review of the driver applicant's driving habits by the
7 Secretary of State at the time the written test is given;

8 (3) the person has demonstrated physical fitness to
9 operate school buses by submitting the results of a medical
10 examination, including tests for drug use; and

11 (4) the person has not been convicted of committing or
12 attempting to commit any one or more of the following
13 offenses: (i) those offenses defined in Sections 9-1,
14 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
15 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40,
16 11-1.50, 11-1.60, 11-6, 11-9, 11-9.1, 11-14, 11-14.3,
17 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
18 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
19 11-21, 11-22, 11-30, 12-3.1, 12-4.1, 12-4.2, 12-4.3,
20 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4,
21 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
22 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5,
23 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1,
24 31A-1.1, and 33A-2, and in subsection (a) and subsection
25 (b), clause (1), of Section 12-4 of the Criminal Code of
26 1961; (ii) those offenses defined in the Cannabis Control

1 Act except those offenses defined in subsections (a) and
2 (b) of Section 4, and subsection (a) of Section 5 of the
3 Cannabis Control Act; (iii) those offenses defined in the
4 Illinois Controlled Substances Act; (iv) those offenses
5 defined in the Methamphetamine Control and Community
6 Protection Act; (v) any offense committed or attempted in
7 any other state or against the laws of the United States,
8 which if committed or attempted in this State would be
9 punishable as one or more of the foregoing offenses; (vi)
10 the offenses defined in Sections 4.1 and 5.1 of the Wrongs
11 to Children Act or Section 11-9.1A of the Criminal Code of
12 1961; and (vii) those offenses defined in Section 6-16 of
13 the Liquor Control Act of 1934.

14 The Department of State Police shall charge a fee for
15 conducting the criminal history records check, which shall be
16 deposited into the State Police Services Fund and may not
17 exceed the actual cost of the records check.

18 (c-2) The Secretary shall issue a CDL with a school bus
19 endorsement to allow a person to drive a school bus as defined
20 in this Section. The CDL shall be issued according to the
21 requirements outlined in 49 C.F.R. 383. A person may not
22 operate a school bus as defined in this Section without a
23 school bus endorsement. The Secretary of State may adopt rules
24 consistent with Federal guidelines to implement this
25 subsection (c-2).

26 (d) Commercial driver instruction permit. A commercial

1 driver instruction permit may be issued to any person holding a
2 valid Illinois driver's license if such person successfully
3 passes such tests as the Secretary determines to be necessary.
4 A commercial driver instruction permit shall not be issued to a
5 person who does not meet the requirements of 49 CFR 391.41
6 (b)(11), except for the renewal of a commercial driver
7 instruction permit for a person who possesses a commercial
8 instruction permit prior to the effective date of this
9 amendatory Act of 1999.

10 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;
11 95-331, eff. 8-21-07; 95-382, eff. 8-23-07.)

12 Section 1030. The Juvenile Court Act of 1987 is amended by
13 changing Sections 1-8, 2-17, 2-25, 3-19, 3-26, 4-16, 4-23,
14 5-170, and 5-730 as follows:

15 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

16 Sec. 1-8. Confidentiality and accessibility of juvenile
17 court records.

18 (A) Inspection and copying of juvenile court records
19 relating to a minor who is the subject of a proceeding under
20 this Act shall be restricted to the following:

21 (1) The minor who is the subject of record, his
22 parents, guardian and counsel.

23 (2) Law enforcement officers and law enforcement
24 agencies when such information is essential to executing an

1 arrest or search warrant or other compulsory process, or to
2 conducting an ongoing investigation or relating to a minor
3 who has been adjudicated delinquent and there has been a
4 previous finding that the act which constitutes the
5 previous offense was committed in furtherance of criminal
6 activities by a criminal street gang.

7 Before July 1, 1994, for the purposes of this Section,
8 "criminal street gang" means any ongoing organization,
9 association, or group of 3 or more persons, whether formal
10 or informal, having as one of its primary activities the
11 commission of one or more criminal acts and that has a
12 common name or common identifying sign, symbol or specific
13 color apparel displayed, and whose members individually or
14 collectively engage in or have engaged in a pattern of
15 criminal activity.

16 Beginning July 1, 1994, for purposes of this Section,
17 "criminal street gang" has the meaning ascribed to it in
18 Section 10 of the Illinois Streetgang Terrorism Omnibus
19 Prevention Act.

20 (3) Judges, hearing officers, prosecutors, probation
21 officers, social workers or other individuals assigned by
22 the court to conduct a pre-adjudication or predisposition
23 investigation, and individuals responsible for supervising
24 or providing temporary or permanent care and custody for
25 minors pursuant to the order of the juvenile court when
26 essential to performing their responsibilities.

1 (4) Judges, prosecutors and probation officers:

2 (a) in the course of a trial when institution of
3 criminal proceedings has been permitted or required
4 under Section 5-805; or

5 (b) when criminal proceedings have been permitted
6 or required under Section 5-805 and a minor is the
7 subject of a proceeding to determine the amount of
8 bail; or

9 (c) when criminal proceedings have been permitted
10 or required under Section 5-805 and a minor is the
11 subject of a pre-trial investigation, pre-sentence
12 investigation or fitness hearing, or proceedings on an
13 application for probation; or

14 (d) when a minor becomes 17 years of age or older,
15 and is the subject of criminal proceedings, including a
16 hearing to determine the amount of bail, a pre-trial
17 investigation, a pre-sentence investigation, a fitness
18 hearing, or proceedings on an application for
19 probation.

20 (5) Adult and Juvenile Prisoner Review Boards.

21 (6) Authorized military personnel.

22 (7) Victims, their subrogees and legal
23 representatives; however, such persons shall have access
24 only to the name and address of the minor and information
25 pertaining to the disposition or alternative adjustment
26 plan of the juvenile court.

1 (8) Persons engaged in bona fide research, with the
2 permission of the presiding judge of the juvenile court and
3 the chief executive of the agency that prepared the
4 particular records; provided that publication of such
5 research results in no disclosure of a minor's identity and
6 protects the confidentiality of the record.

7 (9) The Secretary of State to whom the Clerk of the
8 Court shall report the disposition of all cases, as
9 required in Section 6-204 of the Illinois Vehicle Code.
10 However, information reported relative to these offenses
11 shall be privileged and available only to the Secretary of
12 State, courts, and police officers.

13 (10) The administrator of a bonafide substance abuse
14 student assistance program with the permission of the
15 presiding judge of the juvenile court.

16 (11) Mental health professionals on behalf of the
17 Illinois Department of Corrections or the Department of
18 Human Services or prosecutors who are evaluating,
19 prosecuting, or investigating a potential or actual
20 petition brought under the Sexually Persons Commitment Act
21 relating to a person who is the subject of juvenile court
22 records or the respondent to a petition brought under the
23 Sexually Violent Persons Commitment Act, who is the subject
24 of juvenile court records sought. Any records and any
25 information obtained from those records under this
26 paragraph (11) may be used only in sexually violent persons

1 commitment proceedings.

2 (A-1) Findings and exclusions of paternity entered in
3 proceedings occurring under Article II of this Act shall be
4 disclosed, in a manner and form approved by the Presiding Judge
5 of the Juvenile Court, to the Department of Healthcare and
6 Family Services when necessary to discharge the duties of the
7 Department of Healthcare and Family Services under Article X of
8 the Illinois Public Aid Code.

9 (B) A minor who is the victim in a juvenile proceeding
10 shall be provided the same confidentiality regarding
11 disclosure of identity as the minor who is the subject of
12 record.

13 (C) Except as otherwise provided in this subsection (C),
14 juvenile court records shall not be made available to the
15 general public but may be inspected by representatives of
16 agencies, associations and news media or other properly
17 interested persons by general or special order of the court
18 presiding over matters pursuant to this Act.

19 (0.1) In cases where the records concern a pending
20 juvenile court case, the party seeking to inspect the
21 juvenile court records shall provide actual notice to the
22 attorney or guardian ad litem of the minor whose records
23 are sought.

24 (0.2) In cases where the records concern a juvenile
25 court case that is no longer pending, the party seeking to
26 inspect the juvenile court records shall provide actual

1 notice to the minor or the minor's parent or legal
2 guardian, and the matter shall be referred to the chief
3 judge presiding over matters pursuant to this Act.

4 (0.3) In determining whether the records should be
5 available for inspection, the court shall consider the
6 minor's interest in confidentiality and rehabilitation
7 over the moving party's interest in obtaining the
8 information. The State's Attorney, the minor, and the
9 minor's parents, guardian, and counsel shall at all times
10 have the right to examine court files and records. For
11 purposes of obtaining documents pursuant to this Section, a
12 civil subpoena is not an order of the court.

13 (0.4) Any records obtained in violation of this
14 subsection (C) shall not be admissible in any criminal or
15 civil proceeding, or operate to disqualify a minor from
16 subsequently holding public office, or operate as a
17 forfeiture of any public benefit, right, privilege, or
18 right to receive any license granted by public authority.

19 (1) The court shall allow the general public to have
20 access to the name, address, and offense of a minor who is
21 adjudicated a delinquent minor under this Act under either
22 of the following circumstances:

23 (A) The adjudication of delinquency was based upon
24 the minor's commission of first degree murder, attempt
25 to commit first degree murder, aggravated criminal
26 sexual assault, or criminal sexual assault; or

1 (B) The court has made a finding that the minor was
2 at least 13 years of age at the time the act was
3 committed and the adjudication of delinquency was
4 based upon the minor's commission of: (i) an act in
5 furtherance of the commission of a felony as a member
6 of or on behalf of a criminal street gang, (ii) an act
7 involving the use of a firearm in the commission of a
8 felony, (iii) an act that would be a Class X felony
9 offense under or the minor's second or subsequent Class
10 2 or greater felony offense under the Cannabis Control
11 Act if committed by an adult, (iv) an act that would be
12 a second or subsequent offense under Section 402 of the
13 Illinois Controlled Substances Act if committed by an
14 adult, (v) an act that would be an offense under
15 Section 401 of the Illinois Controlled Substances Act
16 if committed by an adult, (vi) an act that would be a
17 second or subsequent offense under Section 60 of the
18 Methamphetamine Control and Community Protection Act,
19 or (vii) an act that would be an offense under another
20 Section of the Methamphetamine Control and Community
21 Protection Act.

22 (2) The court shall allow the general public to have
23 access to the name, address, and offense of a minor who is
24 at least 13 years of age at the time the offense is
25 committed and who is convicted, in criminal proceedings
26 permitted or required under Section 5-4, under either of

1 the following circumstances:

2 (A) The minor has been convicted of first degree
3 murder, attempt to commit first degree murder,
4 aggravated criminal sexual assault, or criminal sexual
5 assault,

6 (B) The court has made a finding that the minor was
7 at least 13 years of age at the time the offense was
8 committed and the conviction was based upon the minor's
9 commission of: (i) an offense in furtherance of the
10 commission of a felony as a member of or on behalf of a
11 criminal street gang, (ii) an offense involving the use
12 of a firearm in the commission of a felony, (iii) a
13 Class X felony offense under or a second or subsequent
14 Class 2 or greater felony offense under the Cannabis
15 Control Act, (iv) a second or subsequent offense under
16 Section 402 of the Illinois Controlled Substances Act,
17 (v) an offense under Section 401 of the Illinois
18 Controlled Substances Act, (vi) an act that would be a
19 second or subsequent offense under Section 60 of the
20 Methamphetamine Control and Community Protection Act,
21 or (vii) an act that would be an offense under another
22 Section of the Methamphetamine Control and Community
23 Protection Act.

24 (D) Pending or following any adjudication of delinquency
25 for any offense defined in Sections 11-1.20 through 11-1.60 or
26 12-13 through 12-16 of the Criminal Code of 1961, the victim of

1 any such offense shall receive the rights set out in Sections 4
2 and 6 of the Bill of Rights for Victims and Witnesses of
3 Violent Crime Act; and the juvenile who is the subject of the
4 adjudication, notwithstanding any other provision of this Act,
5 shall be treated as an adult for the purpose of affording such
6 rights to the victim.

7 (E) Nothing in this Section shall affect the right of a
8 Civil Service Commission or appointing authority of any state,
9 county or municipality examining the character and fitness of
10 an applicant for employment with a law enforcement agency,
11 correctional institution, or fire department to ascertain
12 whether that applicant was ever adjudicated to be a delinquent
13 minor and, if so, to examine the records of disposition or
14 evidence which were made in proceedings under this Act.

15 (F) Following any adjudication of delinquency for a crime
16 which would be a felony if committed by an adult, or following
17 any adjudication of delinquency for a violation of Section
18 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the
19 State's Attorney shall ascertain whether the minor respondent
20 is enrolled in school and, if so, shall provide a copy of the
21 dispositional order to the principal or chief administrative
22 officer of the school. Access to such juvenile records shall be
23 limited to the principal or chief administrative officer of the
24 school and any guidance counselor designated by him.

25 (G) Nothing contained in this Act prevents the sharing or
26 disclosure of information or records relating or pertaining to

1 juveniles subject to the provisions of the Serious Habitual
2 Offender Comprehensive Action Program when that information is
3 used to assist in the early identification and treatment of
4 habitual juvenile offenders.

5 (H) When a Court hearing a proceeding under Article II of
6 this Act becomes aware that an earlier proceeding under Article
7 II had been heard in a different county, that Court shall
8 request, and the Court in which the earlier proceedings were
9 initiated shall transmit, an authenticated copy of the Court
10 record, including all documents, petitions, and orders filed
11 therein and the minute orders, transcript of proceedings, and
12 docket entries of the Court.

13 (I) The Clerk of the Circuit Court shall report to the
14 Department of State Police, in the form and manner required by
15 the Department of State Police, the final disposition of each
16 minor who has been arrested or taken into custody before his or
17 her 17th birthday for those offenses required to be reported
18 under Section 5 of the Criminal Identification Act. Information
19 reported to the Department under this Section may be maintained
20 with records that the Department files under Section 2.1 of the
21 Criminal Identification Act.

22 (Source: P.A. 95-123, eff. 8-13-07; 96-212, eff. 8-10-09.)

23 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

24 Sec. 2-17. Guardian ad litem.

25 (1) Immediately upon the filing of a petition alleging that

1 the minor is a person described in Sections 2-3 or 2-4 of this
2 Article, the court shall appoint a guardian ad litem for the
3 minor if:

4 (a) such petition alleges that the minor is an abused
5 or neglected child; or

6 (b) such petition alleges that charges alleging the
7 commission of any of the sex offenses defined in Article 11
8 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
9 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
10 Criminal Code of 1961, as amended, have been filed against
11 a defendant in any court and that such minor is the alleged
12 victim of the acts of defendant in the commission of such
13 offense.

14 Unless the guardian ad litem appointed pursuant to this
15 paragraph (1) is an attorney at law he shall be represented in
16 the performance of his duties by counsel. The guardian ad litem
17 shall represent the best interests of the minor and shall
18 present recommendations to the court consistent with that duty.

19 (2) Before proceeding with the hearing, the court shall
20 appoint a guardian ad litem for the minor if

21 (a) no parent, guardian, custodian or relative of the
22 minor appears at the first or any subsequent hearing of the
23 case;

24 (b) the petition prays for the appointment of a
25 guardian with power to consent to adoption; or

26 (c) the petition for which the minor is before the

1 court resulted from a report made pursuant to the Abused
2 and Neglected Child Reporting Act.

3 (3) The court may appoint a guardian ad litem for the minor
4 whenever it finds that there may be a conflict of interest
5 between the minor and his parents or other custodian or that it
6 is otherwise in the minor's best interest to do so.

7 (4) Unless the guardian ad litem is an attorney, he shall
8 be represented by counsel.

9 (5) The reasonable fees of a guardian ad litem appointed
10 under this Section shall be fixed by the court and charged to
11 the parents of the minor, to the extent they are able to pay.
12 If the parents are unable to pay those fees, they shall be paid
13 from the general fund of the county.

14 (6) A guardian ad litem appointed under this Section, shall
15 receive copies of any and all classified reports of child abuse
16 and neglect made under the Abused and Neglected Child Reporting
17 Act in which the minor who is the subject of a report under the
18 Abused and Neglected Child Reporting Act, is also the minor for
19 whom the guardian ad litem is appointed under this Section.

20 (7) The appointed guardian ad litem shall remain the
21 child's guardian ad litem throughout the entire juvenile trial
22 court proceedings, including permanency hearings and
23 termination of parental rights proceedings, unless there is a
24 substitution entered by order of the court.

25 (8) The guardian ad litem or an agent of the guardian ad
26 litem shall have a minimum of one in-person contact with the

1 minor and one contact with one of the current foster parents or
2 caregivers prior to the adjudicatory hearing, and at least one
3 additional in-person contact with the child and one contact
4 with one of the current foster parents or caregivers after the
5 adjudicatory hearing but prior to the first permanency hearing
6 and one additional in-person contact with the child and one
7 contact with one of the current foster parents or caregivers
8 each subsequent year. For good cause shown, the judge may
9 excuse face-to-face interviews required in this subsection.

10 (9) In counties with a population of 100,000 or more but
11 less than 3,000,000, each guardian ad litem must successfully
12 complete a training program approved by the Department of
13 Children and Family Services. The Department of Children and
14 Family Services shall provide training materials and documents
15 to guardians ad litem who are not mandated to attend the
16 training program. The Department of Children and Family
17 Services shall develop and distribute to all guardians ad litem
18 a bibliography containing information including but not
19 limited to the juvenile court process, termination of parental
20 rights, child development, medical aspects of child abuse, and
21 the child's need for safety and permanence.

22 (Source: P.A. 89-462, eff. 5-29-96; 90-27, eff. 1-1-98; 90-28,
23 eff. 1-1-98.)

24 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

25 Sec. 2-25. Order of protection.

1 (1) The court may make an order of protection in assistance
2 of or as a condition of any other order authorized by this Act.
3 The order of protection shall be based on the health, safety
4 and best interests of the minor and may set forth reasonable
5 conditions of behavior to be observed for a specified period.
6 Such an order may require a person:

7 (a) to stay away from the home or the minor;

8 (b) to permit a parent to visit the minor at stated
9 periods;

10 (c) to abstain from offensive conduct against the
11 minor, his parent or any person to whom custody of the
12 minor is awarded;

13 (d) to give proper attention to the care of the home;

14 (e) to cooperate in good faith with an agency to which
15 custody of a minor is entrusted by the court or with an
16 agency or association to which the minor is referred by the
17 court;

18 (f) to prohibit and prevent any contact whatsoever with
19 the respondent minor by a specified individual or
20 individuals who are alleged in either a criminal or
21 juvenile proceeding to have caused injury to a respondent
22 minor or a sibling of a respondent minor;

23 (g) to refrain from acts of commission or omission that
24 tend to make the home not a proper place for the minor;

25 (h) to refrain from contacting the minor and the foster
26 parents in any manner that is not specified in writing in

1 the case plan.

2 (2) The court shall enter an order of protection to
3 prohibit and prevent any contact between a respondent minor or
4 a sibling of a respondent minor and any person named in a
5 petition seeking an order of protection who has been convicted
6 of heinous battery ~~under Section 12-4.1~~, aggravated battery of
7 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~
8 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~
9 ~~Section 12-14~~, predatory criminal sexual assault of a child
10 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~
11 ~~12-15~~, or aggravated criminal sexual abuse as described in
12 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been
13 convicted of an offense that resulted in the death of a child,
14 or has violated a previous order of protection under this
15 Section.

16 (3) When the court issues an order of protection against
17 any person as provided by this Section, the court shall direct
18 a copy of such order to the Sheriff of that county. The Sheriff
19 shall furnish a copy of the order of protection to the
20 Department of State Police within 24 hours of receipt, in the
21 form and manner required by the Department. The Department of
22 State Police shall maintain a complete record and index of such
23 orders of protection and make this data available to all local
24 law enforcement agencies.

25 (4) After notice and opportunity for hearing afforded to a
26 person subject to an order of protection, the order may be

1 modified or extended for a further specified period or both or
2 may be terminated if the court finds that the health, safety,
3 and best interests of the minor and the public will be served
4 thereby.

5 (5) An order of protection may be sought at any time during
6 the course of any proceeding conducted pursuant to this Act if
7 such an order is consistent with the health, safety, and best
8 interests of the minor. Any person against whom an order of
9 protection is sought may retain counsel to represent him at a
10 hearing, and has rights to be present at the hearing, to be
11 informed prior to the hearing in writing of the contents of the
12 petition seeking a protective order and of the date, place and
13 time of such hearing, and to cross examine witnesses called by
14 the petitioner and to present witnesses and argument in
15 opposition to the relief sought in the petition.

16 (6) Diligent efforts shall be made by the petitioner to
17 serve any person or persons against whom any order of
18 protection is sought with written notice of the contents of the
19 petition seeking a protective order and of the date, place and
20 time at which the hearing on the petition is to be held. When a
21 protective order is being sought in conjunction with a
22 temporary custody hearing, if the court finds that the person
23 against whom the protective order is being sought has been
24 notified of the hearing or that diligent efforts have been made
25 to notify such person, the court may conduct a hearing. If a
26 protective order is sought at any time other than in

1 conjunction with a temporary custody hearing, the court may not
2 conduct a hearing on the petition in the absence of the person
3 against whom the order is sought unless the petitioner has
4 notified such person by personal service at least 3 days before
5 the hearing or has sent written notice by first class mail to
6 such person's last known address at least 5 days before the
7 hearing.

8 (7) A person against whom an order of protection is being
9 sought who is neither a parent, guardian, legal custodian or
10 responsible relative as described in Section 1-5 is not a party
11 or respondent as defined in that Section and shall not be
12 entitled to the rights provided therein. Such person does not
13 have a right to appointed counsel or to be present at any
14 hearing other than the hearing in which the order of protection
15 is being sought or a hearing directly pertaining to that order.
16 Unless the court orders otherwise, such person does not have a
17 right to inspect the court file.

18 (8) All protective orders entered under this Section shall
19 be in writing. Unless the person against whom the order was
20 obtained was present in court when the order was issued, the
21 sheriff, other law enforcement official or special process
22 server shall promptly serve that order upon that person and
23 file proof of such service, in the manner provided for service
24 of process in civil proceedings. The person against whom the
25 protective order was obtained may seek a modification of the
26 order by filing a written motion to modify the order within 7

1 days after actual receipt by the person of a copy of the order.
2 Any modification of the order granted by the court must be
3 determined to be consistent with the best interests of the
4 minor.

5 (9) If a petition is filed charging a violation of a
6 condition contained in the protective order and if the court
7 determines that this violation is of a critical service
8 necessary to the safety and welfare of the minor, the court may
9 proceed to findings and an order for temporary custody.

10 (Source: P.A. 95-405, eff. 6-1-08.)

11 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

12 Sec. 3-19. Guardian ad litem.

13 (1) Immediately upon the filing of a petition alleging that
14 the minor requires authoritative intervention, the court may
15 appoint a guardian ad litem for the minor if

16 (a) such petition alleges that the minor is the victim
17 of sexual abuse or misconduct; or

18 (b) such petition alleges that charges alleging the
19 commission of any of the sex offenses defined in Article 11
20 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
21 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
22 Criminal Code of 1961, as amended, have been filed against
23 a defendant in any court and that such minor is the alleged
24 victim of the acts of the defendant in the commission of
25 such offense.

1 (2) Unless the guardian ad litem appointed pursuant to
2 paragraph (1) is an attorney at law he shall be represented in
3 the performance of his duties by counsel.

4 (3) Before proceeding with the hearing, the court shall
5 appoint a guardian ad litem for the minor if

6 (a) no parent, guardian, custodian or relative of the
7 minor appears at the first or any subsequent hearing of the
8 case;

9 (b) the petition prays for the appointment of a
10 guardian with power to consent to adoption; or

11 (c) the petition for which the minor is before the
12 court resulted from a report made pursuant to the Abused
13 and Neglected Child Reporting Act.

14 (4) The court may appoint a guardian ad litem for the minor
15 whenever it finds that there may be a conflict of interest
16 between the minor and his parents or other custodian or that it
17 is otherwise in the minor's interest to do so.

18 (5) The reasonable fees of a guardian ad litem appointed
19 under this Section shall be fixed by the court and charged to
20 the parents of the minor, to the extent they are able to pay.
21 If the parents are unable to pay those fees, they shall be paid
22 from the general fund of the county.

23 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

24 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

25 Sec. 3-26. Order of protection.

1 (1) The court may make an order of protection in assistance
2 of or as a condition of any other order authorized by this Act.
3 The order of protection may set forth reasonable conditions of
4 behavior to be observed for a specified period. Such an order
5 may require a person:

6 (a) To stay away from the home or the minor;

7 (b) To permit a parent to visit the minor at stated
8 periods;

9 (c) To abstain from offensive conduct against the
10 minor, his parent or any person to whom custody of the
11 minor is awarded;

12 (d) To give proper attention to the care of the home;

13 (e) To cooperate in good faith with an agency to which
14 custody of a minor is entrusted by the court or with an
15 agency or association to which the minor is referred by the
16 court;

17 (f) To prohibit and prevent any contact whatsoever with
18 the respondent minor by a specified individual or
19 individuals who are alleged in either a criminal or
20 juvenile proceeding to have caused injury to a respondent
21 minor or a sibling of a respondent minor;

22 (g) To refrain from acts of commission or omission that
23 tend to make the home not a proper place for the minor.

24 (2) The court shall enter an order of protection to
25 prohibit and prevent any contact between a respondent minor or
26 a sibling of a respondent minor and any person named in a

1 petition seeking an order of protection who has been convicted
2 of heinous battery ~~under Section 12-4.1~~, aggravated battery of
3 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~
4 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~
5 ~~Section 12-14~~, predatory criminal sexual assault of a child
6 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~
7 ~~12-15~~, or aggravated criminal sexual abuse as described in
8 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been
9 convicted of an offense that resulted in the death of a child,
10 or has violated a previous order of protection under this
11 Section.

12 (3) When the court issues an order of protection against
13 any person as provided by this Section, the court shall direct
14 a copy of such order to the Sheriff of that county. The Sheriff
15 shall furnish a copy of the order of protection to the
16 Department of State Police within 24 hours of receipt, in the
17 form and manner required by the Department. The Department of
18 State Police shall maintain a complete record and index of such
19 orders of protection and make this data available to all local
20 law enforcement agencies.

21 (4) After notice and opportunity for hearing afforded to a
22 person subject to an order of protection, the order may be
23 modified or extended for a further specified period or both or
24 may be terminated if the court finds that the best interests of
25 the minor and the public will be served thereby.

26 (5) An order of protection may be sought at any time during

1 the course of any proceeding conducted pursuant to this Act.
2 Any person against whom an order of protection is sought may
3 retain counsel to represent him at a hearing, and has rights to
4 be present at the hearing, to be informed prior to the hearing
5 in writing of the contents of the petition seeking a protective
6 order and of the date, place and time of such hearing, and to
7 cross examine witnesses called by the petitioner and to present
8 witnesses and argument in opposition to the relief sought in
9 the petition.

10 (6) Diligent efforts shall be made by the petitioner to
11 serve any person or persons against whom any order of
12 protection is sought with written notice of the contents of the
13 petition seeking a protective order and of the date, place and
14 time at which the hearing on the petition is to be held. When a
15 protective order is being sought in conjunction with a shelter
16 care hearing, if the court finds that the person against whom
17 the protective order is being sought has been notified of the
18 hearing or that diligent efforts have been made to notify such
19 person, the court may conduct a hearing. If a protective order
20 is sought at any time other than in conjunction with a shelter
21 care hearing, the court may not conduct a hearing on the
22 petition in the absence of the person against whom the order is
23 sought unless the petitioner has notified such person by
24 personal service at least 3 days before the hearing or has sent
25 written notice by first class mail to such person's last known
26 address at least 5 days before the hearing.

1 (7) A person against whom an order of protection is being
2 sought who is neither a parent, guardian, legal custodian or
3 responsible relative as described in Section 1-5 is not a party
4 or respondent as defined in that Section and shall not be
5 entitled to the rights provided therein. Such person does not
6 have a right to appointed counsel or to be present at any
7 hearing other than the hearing in which the order of protection
8 is being sought or a hearing directly pertaining to that order.
9 Unless the court orders otherwise, such person does not have a
10 right to inspect the court file.

11 (8) All protective orders entered under this Section shall
12 be in writing. Unless the person against whom the order was
13 obtained was present in court when the order was issued, the
14 sheriff, other law enforcement official or special process
15 server shall promptly serve that order upon that person and
16 file proof of such service, in the manner provided for service
17 of process in civil proceedings. The person against whom the
18 protective order was obtained may seek a modification of the
19 order by filing a written motion to modify the order within 7
20 days after actual receipt by the person of a copy of the order.

21 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
22 90-655, eff. 7-30-98.)

23 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

24 Sec. 4-16. Guardian ad litem.

25 (1) Immediately upon the filing of a petition alleging that

1 the minor is a person described in Section 4-3 of this Act, the
2 court may appoint a guardian ad litem for the minor if:

3 (a) such petition alleges that the minor is the victim
4 of sexual abuse or misconduct; or

5 (b) such petition alleges that charges alleging the
6 commission of any of the sex offenses defined in Article 11
7 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
8 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
9 Criminal Code of 1961, as amended, have been filed against
10 a defendant in any court and that such minor is the alleged
11 victim of the acts of the defendant in the commission of
12 such offense.

13 Unless the guardian ad litem appointed pursuant to this
14 paragraph (1) is an attorney at law he shall be represented in
15 the performance of his duties by counsel.

16 (2) Before proceeding with the hearing, the court shall
17 appoint a guardian ad litem for the minor if

18 (a) no parent, guardian, custodian or relative of the
19 minor appears at the first or any subsequent hearing of the
20 case;

21 (b) the petition prays for the appointment of a
22 guardian with power to consent to adoption; or

23 (c) the petition for which the minor is before the
24 court resulted from a report made pursuant to the Abused
25 and Neglected Child Reporting Act.

26 (3) The court may appoint a guardian ad litem for the minor

1 whenever it finds that there may be a conflict of interest
2 between the minor and his parents or other custodian or that it
3 is otherwise in the minor's interest to do so.

4 (4) Unless the guardian ad litem is an attorney, he shall
5 be represented by counsel.

6 (5) The reasonable fees of a guardian ad litem appointed
7 under this Section shall be fixed by the court and charged to
8 the parents of the minor, to the extent they are able to pay.
9 If the parents are unable to pay those fees, they shall be paid
10 from the general fund of the county.

11 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

12 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

13 Sec. 4-23. Order of protection.

14 (1) The court may make an order of protection in assistance
15 of or as a condition of any other order authorized by this Act.
16 The order of protection may set forth reasonable conditions of
17 behavior to be observed for a specified period. Such an order
18 may require a person:

19 (a) To stay away from the home or the minor;

20 (b) To permit a parent to visit the minor at stated
21 periods;

22 (c) To abstain from offensive conduct against the
23 minor, his parent or any person to whom custody of the
24 minor is awarded;

25 (d) To give proper attention to the care of the home;

1 (e) To cooperate in good faith with an agency to which
2 custody of a minor is entrusted by the court or with an
3 agency or association to which the minor is referred by the
4 court;

5 (f) To prohibit and prevent any contact whatsoever with
6 the respondent minor by a specified individual or
7 individuals who are alleged in either a criminal or
8 juvenile proceeding to have caused injury to a respondent
9 minor or a sibling of a respondent minor;

10 (g) To refrain from acts of commission or omission that
11 tend to make the home not a proper place for the minor.

12 (2) The court shall enter an order of protection to
13 prohibit and prevent any contact between a respondent minor or
14 a sibling of a respondent minor and any person named in a
15 petition seeking an order of protection who has been convicted
16 of heinous battery ~~under Section 12-4.1~~, aggravated battery of
17 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~
18 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~
19 ~~Section 12-14~~, predatory criminal sexual assault of a child
20 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~
21 ~~12-15~~, or aggravated criminal sexual abuse as described in
22 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been
23 convicted of an offense that resulted in the death of a child,
24 or has violated a previous order of protection under this
25 Section.

26 (3) When the court issues an order of protection against

1 any person as provided by this Section, the court shall direct
2 a copy of such order to the Sheriff of that county. The Sheriff
3 shall furnish a copy of the order of protection to the
4 Department of State Police within 24 hours of receipt, in the
5 form and manner required by the Department. The Department of
6 State Police shall maintain a complete record and index of such
7 orders of protection and make this data available to all local
8 law enforcement agencies.

9 (4) After notice and opportunity for hearing afforded to a
10 person subject to an order of protection, the order may be
11 modified or extended for a further specified period or both or
12 may be terminated if the court finds that the best interests of
13 the minor and the public will be served thereby.

14 (5) An order of protection may be sought at any time during
15 the course of any proceeding conducted pursuant to this Act.
16 Any person against whom an order of protection is sought may
17 retain counsel to represent him at a hearing, and has rights to
18 be present at the hearing, to be informed prior to the hearing
19 in writing of the contents of the petition seeking a protective
20 order and of the date, place and time of such hearing, and to
21 cross examine witnesses called by the petitioner and to present
22 witnesses and argument in opposition to the relief sought in
23 the petition.

24 (6) Diligent efforts shall be made by the petitioner to
25 serve any person or persons against whom any order of
26 protection is sought with written notice of the contents of the

1 petition seeking a protective order and of the date, place and
2 time at which the hearing on the petition is to be held. When a
3 protective order is being sought in conjunction with a shelter
4 care hearing, if the court finds that the person against whom
5 the protective order is being sought has been notified of the
6 hearing or that diligent efforts have been made to notify such
7 person, the court may conduct a hearing. If a protective order
8 is sought at any time other than in conjunction with a shelter
9 care hearing, the court may not conduct a hearing on the
10 petition in the absence of the person against whom the order is
11 sought unless the petitioner has notified such person by
12 personal service at least 3 days before the hearing or has sent
13 written notice by first class mail to such person's last known
14 address at least 5 days before the hearing.

15 (7) A person against whom an order of protection is being
16 sought who is neither a parent, guardian, legal custodian or
17 responsible relative as described in Section 1-5 is not a party
18 or respondent as defined in that Section and shall not be
19 entitled to the rights provided therein. Such person does not
20 have a right to appointed counsel or to be present at any
21 hearing other than the hearing in which the order of protection
22 is being sought or a hearing directly pertaining to that order.
23 Unless the court orders otherwise, such person does not have a
24 right to inspect the court file.

25 (8) All protective orders entered under this Section shall
26 be in writing. Unless the person against whom the order was

1 obtained was present in court when the order was issued, the
2 sheriff, other law enforcement official or special process
3 server shall promptly serve that order upon that person and
4 file proof of such service, in the manner provided for service
5 of process in civil proceedings. The person against whom the
6 protective order was obtained may seek a modification of the
7 order by filing a written motion to modify the order within 7
8 days after actual receipt by the person of a copy of the order.
9 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
10 90-655, eff. 7-30-98.)

11 (705 ILCS 405/5-170)

12 Sec. 5-170. Representation by counsel.

13 (a) In a proceeding under this Article, a minor who was
14 under 13 years of age at the time of the commission of an act
15 that if committed by an adult would be a violation of Section
16 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 11-1.20, 11-1.30,
17 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
18 12-16 of the Criminal Code of 1961 must be represented by
19 counsel during the entire custodial interrogation of the minor.

20 (b) In a judicial proceeding under this Article, a minor
21 may not waive the right to the assistance of counsel in his or
22 her defense.

23 (Source: P.A. 94-345, eff. 7-26-05.)

24 (705 ILCS 405/5-730)

1 Sec. 5-730. Order of protection.

2 (1) The court may make an order of protection in assistance
3 of or as a condition of any other order authorized by this Act.
4 The order of protection may set forth reasonable conditions of
5 behavior to be observed for a specified period. The order may
6 require a person:

7 (a) to stay away from the home or the minor;

8 (b) to permit a parent to visit the minor at stated
9 periods;

10 (c) to abstain from offensive conduct against the
11 minor, his or her parent or any person to whom custody of
12 the minor is awarded;

13 (d) to give proper attention to the care of the home;

14 (e) to cooperate in good faith with an agency to which
15 custody of a minor is entrusted by the court or with an
16 agency or association to which the minor is referred by the
17 court;

18 (f) to prohibit and prevent any contact whatsoever with
19 the respondent minor by a specified individual or
20 individuals who are alleged in either a criminal or
21 juvenile proceeding to have caused injury to a respondent
22 minor or a sibling of a respondent minor;

23 (g) to refrain from acts of commission or omission that
24 tend to make the home not a proper place for the minor.

25 (2) The court shall enter an order of protection to
26 prohibit and prevent any contact between a respondent minor or

1 a sibling of a respondent minor and any person named in a
2 petition seeking an order of protection who has been convicted
3 of heinous battery ~~under Section 12-4.1~~, aggravated battery of
4 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~
5 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~
6 ~~Section 12-14~~, predatory criminal sexual assault of a child
7 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~
8 ~~12-15~~, or aggravated criminal sexual abuse as described in
9 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been
10 convicted of an offense that resulted in the death of a child,
11 or has violated a previous order of protection under this
12 Section.

13 (3) When the court issues an order of protection against
14 any person as provided by this Section, the court shall direct
15 a copy of such order to the sheriff of that county. The sheriff
16 shall furnish a copy of the order of protection to the
17 Department of State Police within 24 hours of receipt, in the
18 form and manner required by the Department. The Department of
19 State Police shall maintain a complete record and index of the
20 orders of protection and make this data available to all local
21 law enforcement agencies.

22 (4) After notice and opportunity for hearing afforded to a
23 person subject to an order of protection, the order may be
24 modified or extended for a further specified period or both or
25 may be terminated if the court finds that the best interests of
26 the minor and the public will be served by the modification,

1 extension, or termination.

2 (5) An order of protection may be sought at any time during
3 the course of any proceeding conducted under this Act. Any
4 person against whom an order of protection is sought may retain
5 counsel to represent him or her at a hearing, and has rights to
6 be present at the hearing, to be informed prior to the hearing
7 in writing of the contents of the petition seeking a protective
8 order and of the date, place, and time of the hearing, and to
9 cross-examine witnesses called by the petitioner and to present
10 witnesses and argument in opposition to the relief sought in
11 the petition.

12 (6) Diligent efforts shall be made by the petitioner to
13 serve any person or persons against whom any order of
14 protection is sought with written notice of the contents of the
15 petition seeking a protective order and of the date, place and
16 time at which the hearing on the petition is to be held. When a
17 protective order is being sought in conjunction with a shelter
18 care or detention hearing, if the court finds that the person
19 against whom the protective order is being sought has been
20 notified of the hearing or that diligent efforts have been made
21 to notify the person, the court may conduct a hearing. If a
22 protective order is sought at any time other than in
23 conjunction with a shelter care or detention hearing, the court
24 may not conduct a hearing on the petition in the absence of the
25 person against whom the order is sought unless the petitioner
26 has notified the person by personal service at least 3 days

1 before the hearing or has sent written notice by first class
2 mail to the person's last known address at least 5 days before
3 the hearing.

4 (7) A person against whom an order of protection is being
5 sought who is neither a parent, guardian, or legal custodian or
6 responsible relative as described in Section 1-5 of this Act or
7 is not a party or respondent as defined in that Section shall
8 not be entitled to the rights provided in that Section. The
9 person does not have a right to appointed counsel or to be
10 present at any hearing other than the hearing in which the
11 order of protection is being sought or a hearing directly
12 pertaining to that order. Unless the court orders otherwise,
13 the person does not have a right to inspect the court file.

14 (8) All protective orders entered under this Section shall
15 be in writing. Unless the person against whom the order was
16 obtained was present in court when the order was issued, the
17 sheriff, other law enforcement official, or special process
18 server shall promptly serve that order upon that person and
19 file proof of that service, in the manner provided for service
20 of process in civil proceedings. The person against whom the
21 protective order was obtained may seek a modification of the
22 order by filing a written motion to modify the order within 7
23 days after actual receipt by the person of a copy of the order.
24 (Source: P.A. 90-590, eff. 1-1-99.)

25 Section 1035. The Criminal Code of 1961 is amended by

1 changing Sections 1-6, 2-10.1, 3-5, 3-6, 8-2, 12-3.2, 12-11,
2 12-18.1, 12-30, 36-1, and 37-1 as follows:

3 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

4 Sec. 1-6. Place of trial.

5 (a) Generally.

6 Criminal actions shall be tried in the county where the
7 offense was committed, except as otherwise provided by law. The
8 State is not required to prove during trial that the alleged
9 offense occurred in any particular county in this State. When a
10 defendant contests the place of trial under this Section, all
11 proceedings regarding this issue shall be conducted under
12 Section 114-1 of the Code of Criminal Procedure of 1963. All
13 objections of improper place of trial are waived by a defendant
14 unless made before trial.

15 (b) Assailant and Victim in Different Counties.

16 If a person committing an offense upon the person of
17 another is located in one county and his victim is located in
18 another county at the time of the commission of the offense,
19 trial may be had in either of said counties.

20 (c) Death and Cause of Death in Different Places or
21 Undetermined.

22 If cause of death is inflicted in one county and death
23 ensues in another county, the offender may be tried in either
24 county. If neither the county in which the cause of death was
25 inflicted nor the county in which death ensued are known before

1 trial, the offender may be tried in the county where the body
2 was found.

3 (d) Offense Commenced Outside the State.

4 If the commission of an offense commenced outside the State
5 is consummated within this State, the offender shall be tried
6 in the county where the offense is consummated.

7 (e) Offenses Committed in Bordering Navigable Waters.

8 If an offense is committed on any of the navigable waters
9 bordering on this State, the offender may be tried in any
10 county adjacent to such navigable water.

11 (f) Offenses Committed while in Transit.

12 If an offense is committed upon any railroad car, vehicle,
13 watercraft or aircraft passing within this State, and it cannot
14 readily be determined in which county the offense was
15 committed, the offender may be tried in any county through
16 which such railroad car, vehicle, watercraft or aircraft has
17 passed.

18 (g) Theft.

19 A person who commits theft of property may be tried in any
20 county in which he exerted control over such property.

21 (h) Bigamy.

22 A person who commits the offense of bigamy may be tried in
23 any county where the bigamous marriage or bigamous cohabitation
24 has occurred.

25 (i) Kidnaping.

26 A person who commits the offense of kidnaping may be tried

1 in any county in which his victim has traveled or has been
2 confined during the course of the offense.

3 (j) Pandering.

4 A person who commits the offense of pandering as set forth
5 in Section 11-14.3 may be tried in any county in which the
6 prostitution was practiced or in any county in which any act in
7 furtherance of the offense shall have been committed.

8 (k) Treason.

9 A person who commits the offense of treason may be tried in
10 any county.

11 (l) Criminal Defamation.

12 If criminal defamation is spoken, printed or written in one
13 county and is received or circulated in another or other
14 counties, the offender shall be tried in the county where the
15 defamation is spoken, printed or written. If the defamation is
16 spoken, printed or written outside this state, or the offender
17 resides outside this state, the offender may be tried in any
18 county in this state in which the defamation was circulated or
19 received.

20 (m) Inchoate Offenses.

21 A person who commits an inchoate offense may be tried in
22 any county in which any act which is an element of the offense,
23 including the agreement in conspiracy, is committed.

24 (n) Accountability for Conduct of Another.

25 Where a person in one county solicits, aids, abets, agrees,
26 or attempts to aid another in the planning or commission of an

1 offense in another county, he may be tried for the offense in
2 either county.

3 (o) Child Abduction.

4 A person who commits the offense of child abduction may be
5 tried in any county in which his victim has traveled, been
6 detained, concealed or removed to during the course of the
7 offense. Notwithstanding the foregoing, unless for good cause
8 shown, the preferred place of trial shall be the county of the
9 residence of the lawful custodian.

10 (p) A person who commits the offense of narcotics
11 racketeering may be tried in any county where cannabis or a
12 controlled substance which is the basis for the charge of
13 narcotics racketeering was used; acquired; transferred or
14 distributed to, from or through; or any county where any act
15 was performed to further the use; acquisition, transfer or
16 distribution of said cannabis or controlled substance; any
17 money, property, property interest, or any other asset
18 generated by narcotics activities was acquired, used, sold,
19 transferred or distributed to, from or through; or, any
20 enterprise interest obtained as a result of narcotics
21 racketeering was acquired, used, transferred or distributed
22 to, from or through, or where any activity was conducted by the
23 enterprise or any conduct to further the interests of such an
24 enterprise.

25 (q) A person who commits the offense of money laundering
26 may be tried in any county where any part of a financial

1 transaction in criminally derived property took place or in any
2 county where any money or monetary instrument which is the
3 basis for the offense was acquired, used, sold, transferred or
4 distributed to, from or through.

5 (r) A person who commits the offense of cannabis
6 trafficking or controlled substance trafficking may be tried in
7 any county.

8 (s) A person who commits the offense of online sale of
9 stolen property, online theft by deception, or electronic
10 fencing may be tried in any county where any one or more
11 elements of the offense took place, regardless of whether the
12 element of the offense was the result of acts by the accused,
13 the victim or by another person, and regardless of whether the
14 defendant was ever physically present within the boundaries of
15 the county.

16 (t) A person who commits the offense of identity theft or
17 aggravated identity theft may be tried in any one of the
18 following counties in which: (1) the offense occurred; (2) the
19 information used to commit the offense was illegally used; or
20 (3) the victim resides.

21 If a person is charged with more than one violation of
22 identity theft or aggravated identity theft and those
23 violations may be tried in more than one county, any of those
24 counties is a proper venue for all of the violations.

25 (Source: P.A. 94-51, eff. 1-1-06; 94-179, eff. 7-12-05; 95-331,
26 eff. 8-21-07.)

1 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

2 Sec. 2-10.1. "Severely or profoundly mentally retarded
3 person" means a person (i) whose intelligence quotient does not
4 exceed 40 or (ii) whose intelligence quotient does not exceed
5 55 and who suffers from significant mental illness to the
6 extent that the person's ability to exercise rational judgment
7 is impaired. In any proceeding in which the defendant is
8 charged with committing a violation of Section 10-2, 10-5,
9 11-1.30, 11-1.60, 11-14.4, 11-15.1, 11-19.1, 11-19.2, 11-20.1,
10 11-20.1B, 11-20.3, 12-4.3, 12-14, or 12-16 of this Code against
11 a victim who is alleged to be a severely or profoundly mentally
12 retarded person, any findings concerning the victim's status as
13 a severely or profoundly mentally retarded person, made by a
14 court after a judicial admission hearing concerning the victim
15 under Articles V and VI of Chapter 4 of the Mental Health and
16 Developmental Disabilities Code shall be admissible.

17 (Source: P.A. 92-434, eff. 1-1-02.)

18 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

19 Sec. 3-5. General Limitations.

20 (a) A prosecution for: (1) first degree murder, attempt to
21 commit first degree murder, second degree murder, involuntary
22 manslaughter, reckless homicide, leaving the scene of a motor
23 vehicle accident involving death or personal injuries under
24 Section 11-401 of the Illinois Vehicle Code, failing to give

1 information and render aid under Section 11-403 of the Illinois
2 Vehicle Code, concealment of homicidal death, treason, arson,
3 aggravated arson, forgery, child pornography under paragraph
4 (1) of subsection (a) of Section 11-20.1, aggravated child
5 pornography under paragraph (1) of subsection (a) of Section
6 11-20.1B ~~11-20.3~~, or (2) any offense involving sexual conduct
7 or sexual penetration, as defined by Section 11-0.1 ~~12-12~~ of
8 this Code in which the DNA profile of the offender is obtained
9 and entered into a DNA database within 10 years after the
10 commission of the offense, may be commenced at any time. Clause
11 (2) of this subsection (a) applies if either: (i) the victim
12 reported the offense to law enforcement authorities within 3
13 years after the commission of the offense unless a longer
14 period for reporting the offense to law enforcement authorities
15 is provided in Section 3-6 or (ii) the victim is murdered
16 during the course of the offense or within 2 years after the
17 commission of the offense.

18 (b) Unless the statute describing the offense provides
19 otherwise, or the period of limitation is extended by Section
20 3-6, a prosecution for any offense not designated in Subsection
21 (a) must be commenced within 3 years after the commission of
22 the offense if it is a felony, or within one year and 6 months
23 after its commission if it is a misdemeanor.

24 (Source: P.A. 95-899, eff. 1-1-09; 96-292, eff. 1-1-10.)

1 Sec. 3-6. Extended limitations. The period within which a
2 prosecution must be commenced under the provisions of Section
3 3-5 or other applicable statute is extended under the following
4 conditions:

5 (a) A prosecution for theft involving a breach of a
6 fiduciary obligation to the aggrieved person may be commenced
7 as follows:

8 (1) If the aggrieved person is a minor or a person
9 under legal disability, then during the minority or legal
10 disability or within one year after the termination
11 thereof.

12 (2) In any other instance, within one year after the
13 discovery of the offense by an aggrieved person, or by a
14 person who has legal capacity to represent an aggrieved
15 person or has a legal duty to report the offense, and is
16 not himself or herself a party to the offense; or in the
17 absence of such discovery, within one year after the proper
18 prosecuting officer becomes aware of the offense. However,
19 in no such case is the period of limitation so extended
20 more than 3 years beyond the expiration of the period
21 otherwise applicable.

22 (b) A prosecution for any offense based upon misconduct in
23 office by a public officer or employee may be commenced within
24 one year after discovery of the offense by a person having a
25 legal duty to report such offense, or in the absence of such
26 discovery, within one year after the proper prosecuting officer

1 becomes aware of the offense. However, in no such case is the
2 period of limitation so extended more than 3 years beyond the
3 expiration of the period otherwise applicable.

4 (c) (Blank).

5 (d) A prosecution for child pornography, aggravated child
6 pornography, indecent solicitation of a child, soliciting for a
7 juvenile prostitute, juvenile pimping, ~~or~~ exploitation of a
8 child, or promoting juvenile prostitution except for keeping a
9 place of juvenile prostitution may be commenced within one year
10 of the victim attaining the age of 18 years. However, in no
11 such case shall the time period for prosecution expire sooner
12 than 3 years after the commission of the offense. When the
13 victim is under 18 years of age, a prosecution for criminal
14 sexual abuse may be commenced within one year of the victim
15 attaining the age of 18 years. However, in no such case shall
16 the time period for prosecution expire sooner than 3 years
17 after the commission of the offense.

18 (e) Except as otherwise provided in subdivision (j), a
19 prosecution for any offense involving sexual conduct or sexual
20 penetration, as defined in Section 11-0.1 ~~12-12~~ of this Code,
21 where the defendant was within a professional or fiduciary
22 relationship or a purported professional or fiduciary
23 relationship with the victim at the time of the commission of
24 the offense may be commenced within one year after the
25 discovery of the offense by the victim.

26 (f) A prosecution for any offense set forth in Section 44

1 of the "Environmental Protection Act", approved June 29, 1970,
2 as amended, may be commenced within 5 years after the discovery
3 of such an offense by a person or agency having the legal duty
4 to report the offense or in the absence of such discovery,
5 within 5 years after the proper prosecuting officer becomes
6 aware of the offense.

7 (f-5) A prosecution for any offense set forth in Section
8 16G-15 or 16G-20 of this Code may be commenced within 5 years
9 after the discovery of the offense by the victim of that
10 offense.

11 (g) (Blank).

12 (h) (Blank).

13 (i) Except as otherwise provided in subdivision (j), a
14 prosecution for criminal sexual assault, aggravated criminal
15 sexual assault, or aggravated criminal sexual abuse may be
16 commenced within 10 years of the commission of the offense if
17 the victim reported the offense to law enforcement authorities
18 within 3 years after the commission of the offense.

19 Nothing in this subdivision (i) shall be construed to
20 shorten a period within which a prosecution must be commenced
21 under any other provision of this Section.

22 (j) When the victim is under 18 years of age at the time of
23 the offense, a prosecution for criminal sexual assault,
24 aggravated criminal sexual assault, predatory criminal sexual
25 assault of a child, aggravated criminal sexual abuse, or felony
26 criminal sexual abuse, or a prosecution for failure of a person

1 who is required to report an alleged or suspected commission of
2 any of these offenses under the Abused and Neglected Child
3 Reporting Act may be commenced within 20 years after the child
4 victim attains 18 years of age. When the victim is under 18
5 years of age at the time of the offense, a prosecution for
6 misdemeanor criminal sexual abuse may be commenced within 10
7 years after the child victim attains 18 years of age.

8 Nothing in this subdivision (j) shall be construed to
9 shorten a period within which a prosecution must be commenced
10 under any other provision of this Section.

11 (k) A prosecution for theft involving real property
12 exceeding \$100,000 in value under Section 16-1, identity theft
13 under Section 16G-15, aggravated identity theft under Section
14 16G-20, or any offense set forth in Article 16H may be
15 commenced within 7 years of the last act committed in
16 furtherance of the crime.

17 (Source: P.A. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10.)

18 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

19 Sec. 8-2. Conspiracy.

20 (a) Elements of the offense. A person commits the offense
21 of conspiracy when, with intent that an offense be committed,
22 he or she agrees with another to the commission of that
23 offense. No person may be convicted of conspiracy to commit an
24 offense unless an act in furtherance of that agreement is
25 alleged and proved to have been committed by him or her or by a

1 co-conspirator.

2 (b) Co-conspirators. It is not a defense to conspiracy that
3 the person or persons with whom the accused is alleged to have
4 conspired:

- 5 (1) have not been prosecuted or convicted,
- 6 (2) have been convicted of a different offense,
- 7 (3) are not amenable to justice,
- 8 (4) have been acquitted, or
- 9 (5) lacked the capacity to commit an offense.

10 (c) Sentence.

11 (1) Except as otherwise provided in this subsection or
12 Code, a person convicted of conspiracy to commit:

13 (A) a Class X felony shall be sentenced for a Class
14 1 felony;

15 (B) a Class 1 felony shall be sentenced for a Class
16 2 felony;

17 (C) a Class 2 felony shall be sentenced for a Class
18 3 felony;

19 (D) a Class 3 felony shall be sentenced for a Class
20 4 felony;

21 (E) a Class 4 felony shall be sentenced for a Class
22 4 felony; and

23 (F) a misdemeanor may be fined or imprisoned or
24 both not to exceed the maximum provided for the offense
25 that is the object of the conspiracy.

26 (2) A person convicted of conspiracy to commit any of

1 the following offenses shall be sentenced for a Class X
2 felony:

3 (A) aggravated insurance fraud conspiracy when the
4 person is an organizer of the conspiracy (720 ILCS
5 5/46-4); or

6 (B) aggravated governmental entity insurance fraud
7 conspiracy when the person is an organizer of the
8 conspiracy (720 ILCS 5/46-4).

9 (3) A person convicted of conspiracy to commit any of
10 the following offenses shall be sentenced for a Class 1
11 felony:

12 (A) first degree murder (720 ILCS 5/9-1); or

13 (B) aggravated insurance fraud (720 ILCS 5/46-3)
14 or aggravated governmental insurance fraud (720 ILCS
15 5/46-3).

16 (4) A person convicted of conspiracy to commit
17 insurance fraud (720 ILCS 5/46-3) or governmental entity
18 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a
19 Class 2 felony.

20 (5) A person convicted of conspiracy to commit any of
21 the following offenses shall be sentenced for a Class 3
22 felony:

23 (A) soliciting for a prostitute (720 ILCS
24 5/11-14.3(a)(1) ~~5/11-15~~);

25 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or
26 5/11-14.3(a)(2)(B) ~~5/11-16~~);

1 (C) keeping a place of prostitution (720 ILCS
2 5/11-14.3(a)(1) ~~5/11-17~~);

3 (D) pimping (720 ILCS 5/11-14.3(a)(2)(C) ~~5/11-19~~);

4 (E) unlawful use of weapons under Section
5 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

6 (F) unlawful use of weapons under Section
7 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

8 (G) gambling (720 ILCS 5/28-1);

9 (H) keeping a gambling place (720 ILCS 5/28-3);

10 (I) registration of federal gambling stamps
11 violation (720 ILCS 5/28-4);

12 (J) look-alike substances violation (720 ILCS
13 570/404);

14 (K) miscellaneous controlled substance violation
15 under Section 406(b) (720 ILCS 570/406(b)); or

16 (L) an inchoate offense related to any of the
17 principal offenses set forth in this item (5).

18 (Source: P.A. 96-710, eff. 1-1-10.)

19 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

20 Sec. 12-3.2. Domestic Battery.

21 (a) A person commits domestic battery if he intentionally
22 or knowingly without legal justification by any means:

23 (1) Causes bodily harm to any family or household
24 member as defined in subsection (3) of Section 112A-3 of
25 the Code of Criminal Procedure of 1963, as amended;

1 (2) Makes physical contact of an insulting or provoking
2 nature with any family or household member as defined in
3 subsection (3) of Section 112A-3 of the Code of Criminal
4 Procedure of 1963, as amended.

5 (b) Sentence. Domestic battery is a Class A misdemeanor.
6 Domestic battery is a Class 4 felony if the defendant has any
7 prior conviction under this Code for domestic battery (Section
8 12-3.2) or violation of an order of protection (Section 12-30),
9 or any prior conviction under the law of another jurisdiction
10 for an offense which is substantially similar. Domestic battery
11 is a Class 4 felony if the defendant has any prior conviction
12 under this Code for first degree murder (Section 9-1), attempt
13 to commit first degree murder (Section 8-4), aggravated
14 domestic battery (Section 12-3.3), aggravated battery (Section
15 12-4), heinous battery (Section 12-4.1), aggravated battery
16 with a firearm (Section 12-4.2), aggravated battery of a child
17 (Section 12-4.3), aggravated battery of an unborn child
18 (Section 12-4.4), aggravated battery of a senior citizen
19 (Section 12-4.6), stalking (Section 12-7.3), aggravated
20 stalking (Section 12-7.4), criminal sexual assault (Section
21 11-1.20 or 12-13), aggravated criminal sexual assault (Section
22 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated
23 kidnapping (Section 10-2), predatory criminal sexual assault
24 of a child (Section 11-1.40 or 12-14.1), aggravated criminal
25 sexual abuse (Section 11-1.60 or 12-16), unlawful restraint
26 (Section 10-3), aggravated unlawful restraint (Section

1 10-3.1), aggravated arson (Section 20-1.1), or aggravated
2 discharge of a firearm (Section 24-1.2), or any prior
3 conviction under the law of another jurisdiction for any
4 offense that is substantially similar to the offenses listed in
5 this Section, when any of these offenses have been committed
6 against a family or household member as defined in Section
7 112A-3 of the Code of Criminal Procedure of 1963. In addition
8 to any other sentencing alternatives, for any second or
9 subsequent conviction of violating this Section, the offender
10 shall be mandatorily sentenced to a minimum of 72 consecutive
11 hours of imprisonment. The imprisonment shall not be subject to
12 suspension, nor shall the person be eligible for probation in
13 order to reduce the sentence.

14 (c) Domestic battery committed in the presence of a child.
15 In addition to any other sentencing alternatives, a defendant
16 who commits, in the presence of a child, a felony domestic
17 battery (enhanced under subsection (b)), aggravated domestic
18 battery (Section 12-3.3), aggravated battery (Section 12-4),
19 unlawful restraint (Section 10-3), or aggravated unlawful
20 restraint (Section 10-3.1) against a family or household
21 member, as defined in Section 112A-3 of the Code of Criminal
22 Procedure of 1963, shall be required to serve a mandatory
23 minimum imprisonment of 10 days or perform 300 hours of
24 community service, or both. The defendant shall further be
25 liable for the cost of any counseling required for the child at
26 the discretion of the court in accordance with subsection (b)

1 of Section 5-5-6 of the Unified Code of Corrections. For
2 purposes of this Section, "child" means a person under 18 years
3 of age who is the defendant's or victim's child or step-child
4 or who is a minor child residing within or visiting the
5 household of the defendant or victim. For purposes of this
6 Section, "in the presence of a child" means in the physical
7 presence of a child or knowing or having reason to know that a
8 child is present and may see or hear an act constituting one of
9 the offenses listed in this subsection.

10 (d) Upon conviction of domestic battery, the court shall
11 advise the defendant orally or in writing, substantially as
12 follows: "An individual convicted of domestic battery may be
13 subject to federal criminal penalties for possessing,
14 transporting, shipping, or receiving any firearm or ammunition
15 in violation of the federal Gun Control Act of 1968 (18 U.S.C.
16 922(g) (8) and (9))." A notation shall be made in the court file
17 that the admonition was given.

18 (Source: P.A. 96-287, eff. 8-11-09.)

19 (720 ILCS 5/12-11) (from Ch. 38, par. 12-11)

20 Sec. 12-11. Home Invasion.

21 (a) A person who is not a peace officer acting in the line
22 of duty commits home invasion when without authority he or she
23 knowingly enters the dwelling place of another when he or she
24 knows or has reason to know that one or more persons is present
25 or he or she knowingly enters the dwelling place of another and

1 remains in such dwelling place until he or she knows or has
2 reason to know that one or more persons is present and

3 (1) While armed with a dangerous weapon, other than a
4 firearm, uses force or threatens the imminent use of force
5 upon any person or persons within such dwelling place
6 whether or not injury occurs, or

7 (2) Intentionally causes any injury, except as
8 provided in subsection (a)(5), to any person or persons
9 within such dwelling place, or

10 (3) While armed with a firearm uses force or threatens
11 the imminent use of force upon any person or persons within
12 such dwelling place whether or not injury occurs, or

13 (4) Uses force or threatens the imminent use of force
14 upon any person or persons within such dwelling place
15 whether or not injury occurs and during the commission of
16 the offense personally discharges a firearm, or

17 (5) Personally discharges a firearm that proximately
18 causes great bodily harm, permanent disability, permanent
19 disfigurement, or death to another person within such
20 dwelling place, or

21 (6) Commits, against any person or persons within that
22 dwelling place, a violation of Section 11-1.20, 11-1.30,
23 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15,
24 or 12-16 of the Criminal Code of 1961.

25 (b) It is an affirmative defense to a charge of home
26 invasion that the accused who knowingly enters the dwelling

1 place of another and remains in such dwelling place until he or
2 she knows or has reason to know that one or more persons is
3 present either immediately leaves such premises or surrenders
4 to the person or persons lawfully present therein without
5 either attempting to cause or causing serious bodily injury to
6 any person present therein.

7 (c) Sentence. Home invasion in violation of subsection
8 (a)(1), (a)(2) or (a)(6) is a Class X felony. A violation of
9 subsection (a)(3) is a Class X felony for which 15 years shall
10 be added to the term of imprisonment imposed by the court. A
11 violation of subsection (a)(4) is a Class X felony for which 20
12 years shall be added to the term of imprisonment imposed by the
13 court. A violation of subsection (a)(5) is a Class X felony for
14 which 25 years or up to a term of natural life shall be added to
15 the term of imprisonment imposed by the court.

16 (d) For purposes of this Section, "dwelling place of
17 another" includes a dwelling place where the defendant
18 maintains a tenancy interest but from which the defendant has
19 been barred by a divorce decree, judgment of dissolution of
20 marriage, order of protection, or other court order.

21 (Source: P.A. 90-787, eff. 8-14-98; 91-404, eff. 1-1-00;
22 91-928, eff. 6-1-01.)

23 (720 ILCS 5/12-18.1) (from Ch. 38, par. 12-18.1)

24 Sec. 12-18.1. Civil Liability. (a) If any person has been
25 convicted of any offense defined in Section 11-1.20, 11-1.30,

1 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15, or 12-16 of
2 this Act, a victim of such offense has a cause of action for
3 damages against any person or entity who, by the manufacture,
4 production, or wholesale distribution of any obscene material
5 which was possessed or viewed by the person convicted of the
6 offense, proximately caused such person, through his or her
7 reading or viewing of the obscene material, to commit the
8 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
9 11-1.60, 12-13, 12-14, 12-15, or 12-16. No victim may recover
10 in any such action unless he or she proves by a preponderance
11 of the evidence that: (1) the reading or viewing of the
12 specific obscene material manufactured, produced, or
13 distributed wholesale by the defendant proximately caused the
14 person convicted of the violation of Section 11-1.20, 11-1.30,
15 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15, or 12-16 to
16 commit such violation and (2) the defendant knew or had reason
17 to know that the manufacture, production, or wholesale
18 distribution of such material was likely to cause a violation
19 of an offense substantially of the type enumerated.

20 (b) The manufacturer, producer or wholesale distributor
21 shall be liable to the victim for:

22 (1) actual damages incurred by the victim, including
23 medical costs;

24 (2) court costs and reasonable attorneys fees;

25 (3) infliction of emotional distress;

26 (4) pain and suffering; and

1 (5) loss of consortium.

2 (c) Every action under this Section shall be commenced
3 within 3 years after the conviction of the defendant for a
4 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
5 11-1.60, 12-13, 12-14, 12-15 or 12-16 of this Code. However, if
6 the victim was under the age of 18 years at the time of the
7 conviction of the defendant for a violation of Section 11-1.20,
8 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15 or
9 12-16 of this Code, an action under this Section shall be
10 commenced within 3 years after the victim attains the age of 18
11 years.

12 (d) For the purposes of this Section:

13 (1) "obscene" has the meaning ascribed to it in subsection
14 (b) of Section 11-20 of this Code;

15 (2) "wholesale distributor" means any individual,
16 partnership, corporation, association, or other legal entity
17 which stands between the manufacturer and the retail seller in
18 purchases, consignments, contracts for sale or rental of the
19 obscene material;

20 (3) "producer" means any individual, partnership,
21 corporation, association, or other legal entity which finances
22 or supervises, to any extent, the production or making of
23 obscene material;

24 (4) "manufacturer" means any individual, partnership,
25 corporation, association, or other legal entity which
26 manufactures, assembles or produces obscene material.

1 (Source: P.A. 86-857.)

2 (720 ILCS 5/12-30) (from Ch. 38, par. 12-30)
3 Sec. 12-30. Violation of an order of protection.

4 (a) A person commits violation of an order of protection
5 if:

6 (1) He or she commits an act which was prohibited by a
7 court or fails to commit an act which was ordered by a
8 court in violation of:

9 (i) a remedy in a valid order of protection
10 authorized under paragraphs (1), (2), (3), (14), or
11 (14.5) of subsection (b) of Section 214 of the Illinois
12 Domestic Violence Act of 1986,

13 (ii) a remedy, which is substantially similar to
14 the remedies authorized under paragraphs (1), (2),
15 (3), (14) or (14.5) of subsection (b) of Section 214 of
16 the Illinois Domestic Violence Act of 1986, in a valid
17 order of protection, which is authorized under the laws
18 of another state, tribe or United States territory,

19 (iii) any other remedy when the act constitutes a
20 crime against the protected parties as the term
21 protected parties is defined in Section 112A-4 of the
22 Code of Criminal Procedure of 1963; and

23 (2) Such violation occurs after the offender has been
24 served notice of the contents of the order, pursuant to the
25 Illinois Domestic Violence Act of 1986 or any substantially

1 similar statute of another state, tribe or United States
2 territory, or otherwise has acquired actual knowledge of
3 the contents of the order.

4 An order of protection issued by a state, tribal or
5 territorial court related to domestic or family violence shall
6 be deemed valid if the issuing court had jurisdiction over the
7 parties and matter under the law of the state, tribe or
8 territory. There shall be a presumption of validity where an
9 order is certified and appears authentic on its face.

10 (a-5) Failure to provide reasonable notice and opportunity
11 to be heard shall be an affirmative defense to any charge or
12 process filed seeking enforcement of a foreign order of
13 protection.

14 (b) For purposes of this Section, an "order of protection"
15 may have been issued in a criminal or civil proceeding.

16 (c) Nothing in this Section shall be construed to diminish
17 the inherent authority of the courts to enforce their lawful
18 orders through civil or criminal contempt proceedings.

19 (d) Violation of an order of protection under subsection
20 (a) of this Section is a Class A misdemeanor. Violation of an
21 order of protection under subsection (a) of this Section is a
22 Class 4 felony if the defendant has any prior conviction under
23 this Code for domestic battery (Section 12-3.2) or violation of
24 an order of protection (Section 12-30). Violation of an order
25 of protection is a Class 4 felony if the defendant has any
26 prior conviction under this Code for first degree murder

1 (Section 9-1), attempt to commit first degree murder (Section
2 8-4), aggravated domestic battery (Section 12-3.3), aggravated
3 battery (Section 12-4), heinous battery (Section 12-4.1),
4 aggravated battery with a firearm (Section 12-4.2), aggravated
5 battery of a child (Section 12-4.3), aggravated battery of an
6 unborn child (Section 12-4.4), aggravated battery of a senior
7 citizen (Section 12-4.6), stalking (Section 12-7.3),
8 aggravated stalking (Section 12-7.4), criminal sexual assault
9 (Section 11-1.20 or 12-13), aggravated criminal sexual assault
10 (Section 11-1.30 or 12-14), kidnapping (Section 10-1),
11 aggravated kidnapping (Section 10-2), predatory criminal
12 sexual assault of a child (Section 11-1.40 or 12-14.1),
13 aggravated criminal sexual abuse (Section 11-1.60 or 12-16),
14 unlawful restraint (Section 10-3), aggravated unlawful
15 restraint (Section 10-3.1), aggravated arson (Section 20-1.1),
16 or aggravated discharge of a firearm (Section 24-1.2), when any
17 of these offenses have been committed against a family or
18 household member as defined in Section 112A-3 of the Code of
19 Criminal Procedure of 1963. The court shall impose a minimum
20 penalty of 24 hours imprisonment for defendant's second or
21 subsequent violation of any order of protection; unless the
22 court explicitly finds that an increased penalty or such period
23 of imprisonment would be manifestly unjust. In addition to any
24 other penalties, the court may order the defendant to pay a
25 fine as authorized under Section 5-9-1 of the Unified Code of
26 Corrections or to make restitution to the victim under Section

1 5-5-6 of the Unified Code of Corrections. In addition to any
2 other penalties, including those imposed by Section 5-9-1.5 of
3 the Unified Code of Corrections, the court shall impose an
4 additional fine of \$20 as authorized by Section 5-9-1.11 of the
5 Unified Code of Corrections upon any person convicted of or
6 placed on supervision for a violation of this Section. The
7 additional fine shall be imposed for each violation of this
8 Section.

9 (e) The limitations placed on law enforcement liability by
10 Section 305 of the Illinois Domestic Violence Act of 1986 apply
11 to actions taken under this Section.

12 (Source: P.A. 91-112, eff. 10-1-99; 91-357, eff. 7-29-99;
13 92-827, eff. 8-22-02.)

14 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

15 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
16 with the knowledge and consent of the owner in the commission
17 of, or in the attempt to commit as defined in Section 8-4 of
18 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
19 11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a
20 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
21 11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,
22 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of
23 precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1,
24 20-2, ~~29D-15.2,~~ 24-1.2, 24-1.2-5, 24-1.5, ~~or~~ 28-1, or 29D-15.2
25 of this Code, paragraph (a) of Section 12-4 of this Code,

1 paragraph (a) of Section 11-1.50, paragraph (a) of Section
2 12-15, paragraph (a), (c), or (d) of Section 11-1.60, or
3 paragraphs (a), (c) or (d) of Section 12-16 of this Code, or
4 paragraph (a)(6) or (a)(7) of Section 24-1 of this Code; (b)
5 Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the
6 vessel, vehicle or aircraft contains more than 10 cartons of
7 such cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use
8 Tax Act if the vessel, vehicle or aircraft contains more than
9 10 cartons of such cigarettes; (d) Section 44 of the
10 Environmental Protection Act; (e) 11-204.1 of the Illinois
11 Vehicle Code; (f) the offenses described in the following
12 provisions of the Illinois Vehicle Code: Section 11-501
13 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A),
14 (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g) an offense described in
15 subsection (g) of Section 6-303 of the Illinois Vehicle Code;
16 or (h) an offense described in subsection (e) of Section 6-101
17 of the Illinois Vehicle Code; may be seized and delivered
18 forthwith to the sheriff of the county of seizure.

19 Within 15 days after such delivery the sheriff shall give
20 notice of seizure to each person according to the following
21 method: Upon each such person whose right, title or interest is
22 of record in the office of the Secretary of State, the
23 Secretary of Transportation, the Administrator of the Federal
24 Aviation Agency, or any other Department of this State, or any
25 other state of the United States if such vessel, vehicle or
26 aircraft is required to be so registered, as the case may be,

1 by mailing a copy of the notice by certified mail to the
2 address as given upon the records of the Secretary of State,
3 the Department of Aeronautics, Department of Public Works and
4 Buildings or any other Department of this State or the United
5 States if such vessel, vehicle or aircraft is required to be so
6 registered. Within that 15 day period the sheriff shall also
7 notify the State's Attorney of the county of seizure about the
8 seizure.

9 In addition, any mobile or portable equipment used in the
10 commission of an act which is in violation of Section 7g of the
11 Metropolitan Water Reclamation District Act shall be subject to
12 seizure and forfeiture under the same procedures provided in
13 this Article for the seizure and forfeiture of vessels,
14 vehicles and aircraft, and any such equipment shall be deemed a
15 vessel, vehicle or aircraft for purposes of this Article.

16 When a person discharges a firearm at another individual
17 from a vehicle with the knowledge and consent of the owner of
18 the vehicle and with the intent to cause death or great bodily
19 harm to that individual and as a result causes death or great
20 bodily harm to that individual, the vehicle shall be subject to
21 seizure and forfeiture under the same procedures provided in
22 this Article for the seizure and forfeiture of vehicles used in
23 violations of clauses (a), (b), (c), or (d) of this Section.

24 If the spouse of the owner of a vehicle seized for an
25 offense described in subsection (g) of Section 6-303 of the
26 Illinois Vehicle Code, a violation of subdivision (c-1)(1),

1 (c-1) (2), (c-1) (3), (d) (1) (A), or (d) (1) (D) of Section 11-501
2 of the Illinois Vehicle Code, or Section 9-3 of this Code makes
3 a showing that the seized vehicle is the only source of
4 transportation and it is determined that the financial hardship
5 to the family as a result of the seizure outweighs the benefit
6 to the State from the seizure, the vehicle may be forfeited to
7 the spouse or family member and the title to the vehicle shall
8 be transferred to the spouse or family member who is properly
9 licensed and who requires the use of the vehicle for employment
10 or family transportation purposes. A written declaration of
11 forfeiture of a vehicle under this Section shall be sufficient
12 cause for the title to be transferred to the spouse or family
13 member. The provisions of this paragraph shall apply only to
14 one forfeiture per vehicle. If the vehicle is the subject of a
15 subsequent forfeiture proceeding by virtue of a subsequent
16 conviction of either spouse or the family member, the spouse or
17 family member to whom the vehicle was forfeited under the first
18 forfeiture proceeding may not utilize the provisions of this
19 paragraph in another forfeiture proceeding. If the owner of the
20 vehicle seized owns more than one vehicle, the procedure set
21 out in this paragraph may be used for only one vehicle.

22 Property declared contraband under Section 40 of the
23 Illinois Streetgang Terrorism Omnibus Prevention Act may be
24 seized and forfeited under this Article.

25 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10; revised
26 10-9-09.)

1 (720 ILCS 5/37-1) (from Ch. 38, par. 37-1)

2 Sec. 37-1. Maintaining Public Nuisance. Any building used
3 in the commission of offenses prohibited by Sections 9-1, 10-1,
4 10-2, 11-14, 11-15, 11-16, 11-17, 11-20, 11-20.1, 11-20.1B,
5 11-20.3, 11-21, 11-22, 12-5.1, 16-1, 20-2, 23-1, 23-1(a)(1),
6 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or 39A-1, or subdivision
7 (a)(1), (a)(2)(A), or (a)(2)(B) of Section 11-14.3, of the
8 Criminal Code of 1961, or prohibited by the Illinois Controlled
9 Substances Act, the Methamphetamine Control and Community
10 Protection Act, or the Cannabis Control Act, or used in the
11 commission of an inchoate offense relative to any of the
12 aforesaid principal offenses, or any real property erected,
13 established, maintained, owned, leased, or used by a streetgang
14 for the purpose of conducting streetgang related activity as
15 defined in Section 10 of the Illinois Streetgang Terrorism
16 Omnibus Prevention Act is a public nuisance.

17 (b) Sentence. A person convicted of knowingly maintaining
18 such a public nuisance commits a Class A misdemeanor. Each
19 subsequent offense under this Section is a Class 4 felony.

20 (Source: P.A. 94-556, eff. 9-11-05.)

21 Section 1040. The Code of Criminal Procedure of 1963 is
22 amended by changing Sections 110-6.3, 110-10, 111-8, 114-4,
23 115-7, 115-7.2, 115-7.3, 115-10, 115-10.3, 115-11, 115-11.1,
24 115-13, 115-16, 116-4, 124B-10, 124B-100, 124B-420, and

1 124B-500 as follows:

2 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

3 Sec. 110-6.3. Denial of bail in stalking and aggravated
4 stalking offenses.

5 (a) Upon verified petition by the State, the court shall
6 hold a hearing to determine whether bail should be denied to a
7 defendant who is charged with stalking or aggravated stalking,
8 when it is alleged that the defendant's admission to bail poses
9 a real and present threat to the physical safety of the alleged
10 victim of the offense, and denial of release on bail or
11 personal recognizance is necessary to prevent fulfillment of
12 the threat upon which the charge is based.

13 (1) A petition may be filed without prior notice to the
14 defendant at the first appearance before a judge, or within
15 21 calendar days, except as provided in Section 110-6,
16 after arrest and release of the defendant upon reasonable
17 notice to defendant; provided that while the petition is
18 pending before the court, the defendant if previously
19 released shall not be detained.

20 (2) The hearing shall be held immediately upon the
21 defendant's appearance before the court, unless for good
22 cause shown the defendant or the State seeks a continuance.
23 A continuance on motion of the defendant may not exceed 5
24 calendar days, and the defendant may be held in custody
25 during the continuance. A continuance on the motion of the

1 State may not exceed 3 calendar days; however, the
2 defendant may be held in custody during the continuance
3 under this provision if the defendant has been previously
4 found to have violated an order of protection or has been
5 previously convicted of, or granted court supervision for,
6 any of the offenses set forth in Sections 11-1.20, 11-1.30,
7 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.2, 12-3.3, 12-4,
8 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15 or
9 12-16 of the Criminal Code of 1961, against the same person
10 as the alleged victim of the stalking or aggravated
11 stalking offense.

12 (b) The court may deny bail to the defendant when, after
13 the hearing, it is determined that:

14 (1) the proof is evident or the presumption great that
15 the defendant has committed the offense of stalking or
16 aggravated stalking; and

17 (2) the defendant poses a real and present threat to
18 the physical safety of the alleged victim of the offense;
19 and

20 (3) the denial of release on bail or personal
21 recognizance is necessary to prevent fulfillment of the
22 threat upon which the charge is based; and

23 (4) the court finds that no condition or combination of
24 conditions set forth in subsection (b) of Section 110-10 of
25 this Code, including mental health treatment at a community
26 mental health center, hospital, or facility of the

1 Department of Human Services, can reasonably assure the
2 physical safety of the alleged victim of the offense.

3 (c) Conduct of the hearings.

4 (1) The hearing on the defendant's culpability and
5 threat to the alleged victim of the offense shall be
6 conducted in accordance with the following provisions:

7 (A) Information used by the court in its findings
8 or stated in or offered at the hearing may be by way of
9 proffer based upon reliable information offered by the
10 State or by defendant. Defendant has the right to be
11 represented by counsel, and if he is indigent, to have
12 counsel appointed for him. Defendant shall have the
13 opportunity to testify, to present witnesses in his own
14 behalf, and to cross-examine witnesses if any are
15 called by the State. The defendant has the right to
16 present witnesses in his favor. When the ends of
17 justice so require, the court may exercise its
18 discretion and compel the appearance of a complaining
19 witness. The court shall state on the record reasons
20 for granting a defense request to compel the presence
21 of a complaining witness. Cross-examination of a
22 complaining witness at the pretrial detention hearing
23 for the purpose of impeaching the witness' credibility
24 is insufficient reason to compel the presence of the
25 witness. In deciding whether to compel the appearance
26 of a complaining witness, the court shall be

1 considerate of the emotional and physical well-being
2 of the witness. The pretrial detention hearing is not
3 to be used for the purposes of discovery, and the post
4 arraignment rules of discovery do not apply. The State
5 shall tender to the defendant, prior to the hearing,
6 copies of defendant's criminal history, if any, if
7 available, and any written or recorded statements and
8 the substance of any oral statements made by any
9 person, if relied upon by the State. The rules
10 concerning the admissibility of evidence in criminal
11 trials do not apply to the presentation and
12 consideration of information at the hearing. At the
13 trial concerning the offense for which the hearing was
14 conducted neither the finding of the court nor any
15 transcript or other record of the hearing shall be
16 admissible in the State's case in chief, but shall be
17 admissible for impeachment, or as provided in Section
18 115-10.1 of this Code, or in a perjury proceeding.

19 (B) A motion by the defendant to suppress evidence
20 or to suppress a confession shall not be entertained.
21 Evidence that proof may have been obtained as the
22 result of an unlawful search and seizure or through
23 improper interrogation is not relevant to this state of
24 the prosecution.

25 (2) The facts relied upon by the court to support a
26 finding that:

1 (A) the defendant poses a real and present threat
2 to the physical safety of the alleged victim of the
3 offense; and

4 (B) the denial of release on bail or personal
5 recognizance is necessary to prevent fulfillment of
6 the threat upon which the charge is based;
7 shall be supported by clear and convincing evidence
8 presented by the State.

9 (d) Factors to be considered in making a determination of
10 the threat to the alleged victim of the offense. The court may,
11 in determining whether the defendant poses, at the time of the
12 hearing, a real and present threat to the physical safety of
13 the alleged victim of the offense, consider but shall not be
14 limited to evidence or testimony concerning:

15 (1) The nature and circumstances of the offense
16 charged;

17 (2) The history and characteristics of the defendant
18 including:

19 (A) Any evidence of the defendant's prior criminal
20 history indicative of violent, abusive or assaultive
21 behavior, or lack of that behavior. The evidence may
22 include testimony or documents received in juvenile
23 proceedings, criminal, quasi-criminal, civil
24 commitment, domestic relations or other proceedings;

25 (B) Any evidence of the defendant's psychological,
26 psychiatric or other similar social history that tends

1 to indicate a violent, abusive, or assaultive nature,
2 or lack of any such history.

3 (3) The nature of the threat which is the basis of the
4 charge against the defendant;

5 (4) Any statements made by, or attributed to the
6 defendant, together with the circumstances surrounding
7 them;

8 (5) The age and physical condition of any person
9 assaulted by the defendant;

10 (6) Whether the defendant is known to possess or have
11 access to any weapon or weapons;

12 (7) Whether, at the time of the current offense or any
13 other offense or arrest, the defendant was on probation,
14 parole, mandatory supervised release or other release from
15 custody pending trial, sentencing, appeal or completion of
16 sentence for an offense under federal or state law;

17 (8) Any other factors, including those listed in
18 Section 110-5 of this Code, deemed by the court to have a
19 reasonable bearing upon the defendant's propensity or
20 reputation for violent, abusive or assaultive behavior, or
21 lack of that behavior.

22 (e) The court shall, in any order denying bail to a person
23 charged with stalking or aggravated stalking:

24 (1) briefly summarize the evidence of the defendant's
25 culpability and its reasons for concluding that the
26 defendant should be held without bail;

1 (2) direct that the defendant be committed to the
2 custody of the sheriff for confinement in the county jail
3 pending trial;

4 (3) direct that the defendant be given a reasonable
5 opportunity for private consultation with counsel, and for
6 communication with others of his choice by visitation, mail
7 and telephone; and

8 (4) direct that the sheriff deliver the defendant as
9 required for appearances in connection with court
10 proceedings.

11 (f) If the court enters an order for the detention of the
12 defendant under subsection (e) of this Section, the defendant
13 shall be brought to trial on the offense for which he is
14 detained within 90 days after the date on which the order for
15 detention was entered. If the defendant is not brought to trial
16 within the 90 day period required by this subsection (f), he
17 shall not be held longer without bail. In computing the 90 day
18 period, the court shall omit any period of delay resulting from
19 a continuance granted at the request of the defendant. The
20 court shall immediately notify the alleged victim of the
21 offense that the defendant has been admitted to bail under this
22 subsection.

23 (g) Any person shall be entitled to appeal any order
24 entered under this Section denying bail to the defendant.

25 (h) The State may appeal any order entered under this
26 Section denying any motion for denial of bail.

1 (i) Nothing in this Section shall be construed as modifying
2 or limiting in any way the defendant's presumption of innocence
3 in further criminal proceedings.

4 (Source: P.A. 90-14, eff. 7-1-97; 91-445, eff. 1-1-00.)

5 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

6 Sec. 110-10. Conditions of bail bond.

7 (a) If a person is released prior to conviction, either
8 upon payment of bail security or on his or her own
9 recognizance, the conditions of the bail bond shall be that he
10 or she will:

11 (1) Appear to answer the charge in the court having
12 jurisdiction on a day certain and thereafter as ordered by
13 the court until discharged or final order of the court;

14 (2) Submit himself or herself to the orders and process
15 of the court;

16 (3) Not depart this State without leave of the court;

17 (4) Not violate any criminal statute of any
18 jurisdiction;

19 (5) At a time and place designated by the court,
20 surrender all firearms in his or her possession to a law
21 enforcement officer designated by the court to take custody
22 of and impound the firearms and physically surrender his or
23 her Firearm Owner's Identification Card to the clerk of the
24 circuit court when the offense the person has been charged
25 with is a forcible felony, stalking, aggravated stalking,

1 domestic battery, any violation of the Illinois Controlled
2 Substances Act, the Methamphetamine Control and Community
3 Protection Act, or the Cannabis Control Act that is
4 classified as a Class 2 or greater felony, or any felony
5 violation of Article 24 of the Criminal Code of 1961; the
6 court may, however, forgo the imposition of this condition
7 when the circumstances of the case clearly do not warrant
8 it or when its imposition would be impractical; all legally
9 possessed firearms shall be returned to the person upon the
10 charges being dismissed, or if the person is found not
11 guilty, unless the finding of not guilty is by reason of
12 insanity; and

13 (6) At a time and place designated by the court, submit
14 to a psychological evaluation when the person has been
15 charged with a violation of item (4) of subsection (a) of
16 Section 24-1 of the Criminal Code of 1961 and that
17 violation occurred in a school or in any conveyance owned,
18 leased, or contracted by a school to transport students to
19 or from school or a school-related activity, or on any
20 public way within 1,000 feet of real property comprising
21 any school.

22 Psychological evaluations ordered pursuant to this Section
23 shall be completed promptly and made available to the State,
24 the defendant, and the court. As a further condition of bail
25 under these circumstances, the court shall order the defendant
26 to refrain from entering upon the property of the school,

1 including any conveyance owned, leased, or contracted by a
2 school to transport students to or from school or a
3 school-related activity, or on any public way within 1,000 feet
4 of real property comprising any school. Upon receipt of the
5 psychological evaluation, either the State or the defendant may
6 request a change in the conditions of bail, pursuant to Section
7 110-6 of this Code. The court may change the conditions of bail
8 to include a requirement that the defendant follow the
9 recommendations of the psychological evaluation, including
10 undergoing psychiatric treatment. The conclusions of the
11 psychological evaluation and any statements elicited from the
12 defendant during its administration are not admissible as
13 evidence of guilt during the course of any trial on the charged
14 offense, unless the defendant places his or her mental
15 competency in issue.

16 (b) The court may impose other conditions, such as the
17 following, if the court finds that such conditions are
18 reasonably necessary to assure the defendant's appearance in
19 court, protect the public from the defendant, or prevent the
20 defendant's unlawful interference with the orderly
21 administration of justice:

22 (1) Report to or appear in person before such person or
23 agency as the court may direct;

24 (2) Refrain from possessing a firearm or other
25 dangerous weapon;

26 (3) Refrain from approaching or communicating with

1 particular persons or classes of persons;

2 (4) Refrain from going to certain described
3 geographical areas or premises;

4 (5) Refrain from engaging in certain activities or
5 indulging in intoxicating liquors or in certain drugs;

6 (6) Undergo treatment for drug addiction or
7 alcoholism;

8 (7) Undergo medical or psychiatric treatment;

9 (8) Work or pursue a course of study or vocational
10 training;

11 (9) Attend or reside in a facility designated by the
12 court;

13 (10) Support his or her dependents;

14 (11) If a minor resides with his or her parents or in a
15 foster home, attend school, attend a non-residential
16 program for youths, and contribute to his or her own
17 support at home or in a foster home;

18 (12) Observe any curfew ordered by the court;

19 (13) Remain in the custody of such designated person or
20 organization agreeing to supervise his release. Such third
21 party custodian shall be responsible for notifying the
22 court if the defendant fails to observe the conditions of
23 release which the custodian has agreed to monitor, and
24 shall be subject to contempt of court for failure so to
25 notify the court;

26 (14) Be placed under direct supervision of the Pretrial

1 Services Agency, Probation Department or Court Services
2 Department in a pretrial bond home supervision capacity
3 with or without the use of an approved electronic
4 monitoring device subject to Article 8A of Chapter V of the
5 Unified Code of Corrections;

6 (14.1) The court shall impose upon a defendant who is
7 charged with any alcohol, cannabis, methamphetamine, or
8 controlled substance violation and is placed under direct
9 supervision of the Pretrial Services Agency, Probation
10 Department or Court Services Department in a pretrial bond
11 home supervision capacity with the use of an approved
12 monitoring device, as a condition of such bail bond, a fee
13 that represents costs incidental to the electronic
14 monitoring for each day of such bail supervision ordered by
15 the court, unless after determining the inability of the
16 defendant to pay the fee, the court assesses a lesser fee
17 or no fee as the case may be. The fee shall be collected by
18 the clerk of the circuit court. The clerk of the circuit
19 court shall pay all monies collected from this fee to the
20 county treasurer for deposit in the substance abuse
21 services fund under Section 5-1086.1 of the Counties Code;

22 (14.2) The court shall impose upon all defendants,
23 including those defendants subject to paragraph (14.1)
24 above, placed under direct supervision of the Pretrial
25 Services Agency, Probation Department or Court Services
26 Department in a pretrial bond home supervision capacity

1 with the use of an approved monitoring device, as a
2 condition of such bail bond, a fee which shall represent
3 costs incidental to such electronic monitoring for each day
4 of such bail supervision ordered by the court, unless after
5 determining the inability of the defendant to pay the fee,
6 the court assesses a lesser fee or no fee as the case may
7 be. The fee shall be collected by the clerk of the circuit
8 court. The clerk of the circuit court shall pay all monies
9 collected from this fee to the county treasurer who shall
10 use the monies collected to defray the costs of
11 corrections. The county treasurer shall deposit the fee
12 collected in the county working cash fund under Section
13 6-27001 or Section 6-29002 of the Counties Code, as the
14 case may be;

15 (14.3) The Chief Judge of the Judicial Circuit may
16 establish reasonable fees to be paid by a person receiving
17 pretrial services while under supervision of a pretrial
18 services agency, probation department, or court services
19 department. Reasonable fees may be charged for pretrial
20 services including, but not limited to, pretrial
21 supervision, diversion programs, electronic monitoring,
22 victim impact services, drug and alcohol testing, DNA
23 testing, GPS electronic monitoring, assessments and
24 evaluations related to domestic violence and other
25 victims, and victim mediation services. The person
26 receiving pretrial services may be ordered to pay all costs

1 incidental to pretrial services in accordance with his or
2 her ability to pay those costs;

3 (14.4) For persons charged with violating Section
4 11-501 of the Illinois Vehicle Code, refrain from operating
5 a motor vehicle not equipped with an ignition interlock
6 device, as defined in Section 1-129.1 of the Illinois
7 Vehicle Code, pursuant to the rules promulgated by the
8 Secretary of State for the installation of ignition
9 interlock devices. Under this condition the court may allow
10 a defendant who is not self-employed to operate a vehicle
11 owned by the defendant's employer that is not equipped with
12 an ignition interlock device in the course and scope of the
13 defendant's employment;

14 (15) Comply with the terms and conditions of an order
15 of protection issued by the court under the Illinois
16 Domestic Violence Act of 1986 or an order of protection
17 issued by the court of another state, tribe, or United
18 States territory;

19 (16) Under Section 110-6.5 comply with the conditions
20 of the drug testing program; and

21 (17) Such other reasonable conditions as the court may
22 impose.

23 (c) When a person is charged with an offense under Section
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
25 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961",
26 involving a victim who is a minor under 18 years of age living

1 in the same household with the defendant at the time of the
2 offense, in granting bail or releasing the defendant on his own
3 recognizance, the judge shall impose conditions to restrict the
4 defendant's access to the victim which may include, but are not
5 limited to conditions that he will:

6 1. Vacate the Household.

7 2. Make payment of temporary support to his dependents.

8 3. Refrain from contact or communication with the child
9 victim, except as ordered by the court.

10 (d) When a person is charged with a criminal offense and
11 the victim is a family or household member as defined in
12 Article 112A, conditions shall be imposed at the time of the
13 defendant's release on bond that restrict the defendant's
14 access to the victim. Unless provided otherwise by the court,
15 the restrictions shall include requirements that the defendant
16 do the following:

17 (1) refrain from contact or communication with the
18 victim for a minimum period of 72 hours following the
19 defendant's release; and

20 (2) refrain from entering or remaining at the victim's
21 residence for a minimum period of 72 hours following the
22 defendant's release.

23 (e) Local law enforcement agencies shall develop
24 standardized bond forms for use in cases involving family or
25 household members as defined in Article 112A, including
26 specific conditions of bond as provided in subsection (d).

1 Failure of any law enforcement department to develop or use
2 those forms shall in no way limit the applicability and
3 enforcement of subsections (d) and (f).

4 (f) If the defendant is admitted to bail after conviction
5 the conditions of the bail bond shall be that he will, in
6 addition to the conditions set forth in subsections (a) and (b)
7 hereof:

8 (1) Duly prosecute his appeal;

9 (2) Appear at such time and place as the court may
10 direct;

11 (3) Not depart this State without leave of the court;

12 (4) Comply with such other reasonable conditions as the
13 court may impose; and

14 (5) If the judgment is affirmed or the cause reversed
15 and remanded for a new trial, forthwith surrender to the
16 officer from whose custody he was bailed.

17 (g) Upon a finding of guilty for any felony offense, the
18 defendant shall physically surrender, at a time and place
19 designated by the court, any and all firearms in his or her
20 possession and his or her Firearm Owner's Identification Card
21 as a condition of remaining on bond pending sentencing.

22 (Source: P.A. 95-331, eff. 8-21-07; 96-340, eff. 8-11-09.)

23 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

24 Sec. 111-8. Orders of protection to prohibit domestic
25 violence.

1 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
2 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
3 11-1.60, 11-14.3 that involves soliciting for a prostitute,
4 11-14.4 that involves soliciting for a juvenile prostitute,
5 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,
6 12-2, 12-3, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.3, 12-4.6, 12-5,
7 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
8 12-14.1, 12-15, 12-16, 19-4, 21-1, 21-2, or 21-3 of the
9 Criminal Code of 1961 or Section 1-1 of the Harassing and
10 Obscene Communications Act is alleged in an information,
11 complaint or indictment on file, and the alleged offender and
12 victim are family or household members, as defined in the
13 Illinois Domestic Violence Act, as now or hereafter amended,
14 the People through the respective State's Attorneys may by
15 separate petition and upon notice to the defendant, except as
16 provided in subsection (c) herein, request the court to issue
17 an order of protection.

18 (b) In addition to any other remedies specified in Section
19 208 of the Illinois Domestic Violence Act, as now or hereafter
20 amended, the order may direct the defendant to initiate no
21 contact with the alleged victim or victims who are family or
22 household members and to refrain from entering the residence,
23 school or place of business of the alleged victim or victims.

24 (c) The court may grant emergency relief without notice
25 upon a showing of immediate and present danger of abuse to the
26 victim or minor children of the victim and may enter a

1 temporary order pending notice and full hearing on the matter.

2 (Source: P.A. 94-325, eff. 1-1-06.)

3 (725 ILCS 5/114-4) (from Ch. 38, par. 114-4)

4 Sec. 114-4. Motion for continuance.

5 (a) The defendant or the State may move for a continuance.
6 If the motion is made more than 30 days after arraignment the
7 court shall require that it be in writing and supported by
8 affidavit.

9 (b) A written motion for continuance made by defendant more
10 than 30 days after arraignment may be granted when:

11 (1) Counsel for the defendant is ill, has died, or is
12 held to trial in another cause; or

13 (2) Counsel for the defendant has been unable to
14 prepare for trial because of illness or because he has been
15 held to trial in another cause; or

16 (3) A material witness is unavailable and the defense
17 will be prejudiced by the absence of his testimony;
18 however, this shall not be a ground for continuance if the
19 State will stipulate that the testimony of the witness
20 would be as alleged; or

21 (4) The defendant cannot stand trial because of
22 physical or mental incompetency; or

23 (5) Pre-trial publicity concerning the case has caused
24 a prejudice against defendant on the part of the community;
25 or

1 (6) The amendment of a charge or a bill of particulars
2 has taken the defendant by surprise and he cannot fairly
3 defend against such an amendment without a continuance.

4 (c) A written motion for continuance made by the State more
5 than 30 days after arraignment may be granted when:

6 (1) The prosecutor assigned to the case is ill, has
7 died, or is held to trial in another cause; or

8 (2) A material witness is unavailable and the
9 prosecution will be prejudiced by the absence of his
10 testimony; however this shall not be a ground for
11 continuance if the defendant will stipulate that the
12 testimony of the witness would be as alleged; or

13 (3) Pre-trial publicity concerning the case has caused
14 a prejudice against the prosecution on the part of the
15 community.

16 (d) The court may upon the written motion of either party
17 or upon the court's own motion order a continuance for grounds
18 not stated in subsections (b) and (c) of this Section if he
19 finds that the interests of justice so require.

20 (e) All motions for continuance are addressed to the
21 discretion of the trial court and shall be considered in the
22 light of the diligence shown on the part of the movant. Where 1
23 year has expired since the filing of an information or
24 indictments, filed after January 1, 1980, if the court finds
25 that the State has failed to use due diligence in bringing the
26 case to trial, the court may, after a hearing had on the cause,

1 on its own motion, dismiss the information or indictment. Any
2 demand that the defendant had made for a speedy trial under
3 Section 103-5 of this code shall not abate if the State files a
4 new information or the grand jury reindicts in the cause.

5 After a hearing has been held upon the issue of the State's
6 diligence and the court has found that the State has failed to
7 use due diligence in pursuing the prosecution, the court may
8 not dismiss the indictment or information without granting the
9 State one more court date upon which to proceed. Such date
10 shall be not less than 14 nor more than 30 days from the date of
11 the court's finding. If the State is not prepared to proceed
12 upon that date, the court shall dismiss the indictment or
13 information, as provided in this Section.

14 (f) After trial has begun a reasonably brief continuance
15 may be granted to either side in the interests of justice.

16 (g) During the time the General Assembly is in session, the
17 court shall, on motion of either party or on its own motion,
18 grant a continuance where the party or his attorney is a member
19 of either house of the General Assembly whose presence is
20 necessary for the full, fair trial of the cause and, in the
21 case of an attorney, where the attorney was retained by the
22 party before the cause was set for trial.

23 (h) This Section shall be construed to the end that
24 criminal cases are tried with due diligence consonant with the
25 rights of the defendant and the State to a speedy, fair and
26 impartial trial.

1 (i) Physical incapacity of a defendant may be grounds for a
2 continuance at any time. If, upon written motion of the
3 defendant or the State or upon the court's own motion, and
4 after presentation of affidavits or evidence, the court
5 determines that the defendant is physically unable to appear in
6 court or to assist in his defense, or that such appearance
7 would endanger his health or result in substantial prejudice, a
8 continuance shall be granted. If such continuance precedes the
9 appearance of counsel for such defendant the court shall
10 simultaneously appoint counsel in the manner prescribed by
11 Section 113-3 of this Act. Such continuance shall suspend the
12 provisions of Section 103-5 of this Act, which periods of time
13 limitation shall commence anew when the court, after
14 presentation of additional affidavits or evidence, has
15 determined that such physical incapacity has been
16 substantially removed.

17 (j) In actions arising out of building code violations or
18 violations of municipal ordinances caused by the failure of a
19 building or structure to conform to the minimum standards of
20 health and safety, the court shall grant a continuance only
21 upon a written motion by the party seeking the continuance
22 specifying the reason why such continuance should be granted.

23 (k) In prosecutions for violations of Section 10-1, 10-2,
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
25 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961"
26 involving a victim or witness who is a minor under 18 years of

1 age, the court shall, in ruling on any motion or other request
2 for a delay or continuance of proceedings, consider and give
3 weight to the adverse impact the delay or continuance may have
4 on the well-being of a child or witness.

5 (1) The court shall consider the age of the victim and the
6 condition of the victim's health when ruling on a motion for a
7 continuance.

8 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

9 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

10 Sec. 115-7. a. In prosecutions for predatory criminal
11 sexual assault of a child, aggravated criminal sexual assault,
12 criminal sexual assault, aggravated criminal sexual abuse,
13 criminal sexual abuse, or criminal transmission of HIV; and in
14 prosecutions for battery and aggravated battery, when the
15 commission of the offense involves sexual penetration or sexual
16 conduct as defined in Section 11-0.1 ~~12-12~~ of the Criminal Code
17 of 1961; and with the trial or retrial of the offenses formerly
18 known as rape, deviate sexual assault, indecent liberties with
19 a child, and aggravated indecent liberties with a child, the
20 prior sexual activity or the reputation of the alleged victim
21 or corroborating witness under Section 115-7.3 of this Code is
22 inadmissible except (1) as evidence concerning the past sexual
23 conduct of the alleged victim or corroborating witness under
24 Section 115-7.3 of this Code with the accused when this
25 evidence is offered by the accused upon the issue of whether

1 the alleged victim or corroborating witness under Section
2 115-7.3 of this Code consented to the sexual conduct with
3 respect to which the offense is alleged; or (2) when
4 constitutionally required to be admitted.

5 b. No evidence admissible under this Section shall be
6 introduced unless ruled admissible by the trial judge after an
7 offer of proof has been made at a hearing to be held in camera
8 in order to determine whether the defense has evidence to
9 impeach the witness in the event that prior sexual activity
10 with the defendant is denied. Such offer of proof shall include
11 reasonably specific information as to the date, time and place
12 of the past sexual conduct between the alleged victim or
13 corroborating witness under Section 115-7.3 of this Code and
14 the defendant. Unless the court finds that reasonably specific
15 information as to date, time or place, or some combination
16 thereof, has been offered as to prior sexual activity with the
17 defendant, counsel for the defendant shall be ordered to
18 refrain from inquiring into prior sexual activity between the
19 alleged victim or corroborating witness under Section 115-7.3
20 of this Code and the defendant. The court shall not admit
21 evidence under this Section unless it determines at the hearing
22 that the evidence is relevant and the probative value of the
23 evidence outweighs the danger of unfair prejudice. The evidence
24 shall be admissible at trial to the extent an order made by the
25 court specifies the evidence that may be admitted and areas
26 with respect to which the alleged victim or corroborating

1 witness under Section 115-7.3 of this Code may be examined or
2 cross examined.

3 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
4 90-132, eff. 1-1-98.)

5 (725 ILCS 5/115-7.2) (from Ch. 38, par. 115-7.2)

6 Sec. 115-7.2. In a prosecution for an illegal sexual act
7 perpetrated upon a victim, including but not limited to
8 prosecutions for violations of Sections 11-1.20 through
9 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961, or
10 ritualized abuse of a child under Section 12-33 of the Criminal
11 Code of 1961, testimony by an expert, qualified by the court
12 relating to any recognized and accepted form of post-traumatic
13 stress syndrome shall be admissible as evidence.

14 (Source: P.A. 87-1167.)

15 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

16 Sec. 115-10. Certain hearsay exceptions.

17 (a) In a prosecution for a physical or sexual act
18 perpetrated upon or against a child under the age of 13, or a
19 person who was a moderately, severely, or profoundly mentally
20 retarded person as defined in this Code and in Section 2-10.1
21 of the Criminal Code of 1961 at the time the act was committed,
22 including but not limited to prosecutions for violations of
23 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the
24 Criminal Code of 1961 and prosecutions for violations of

1 Sections 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3
2 (unlawful restraint), 10-3.1 (aggravated unlawful restraint),
3 10-4 (forcible detention), 10-5 (child abduction), 10-6
4 (harboring a runaway), 10-7 (aiding or abetting child
5 abduction), 11-9 (public indecency), 11-11 (sexual relations
6 within families), 11-21 (harmful material), 12-1 (assault),
7 12-2 (aggravated assault), 12-3 (battery), 12-3.2 (domestic
8 battery), 12-4 (aggravated battery), 12-4.1 (heinous battery),
9 12-4.2 (aggravated battery with a firearm), 12-4.3 (aggravated
10 battery of a child), 12-4.7 (drug induced infliction of great
11 bodily harm), 12-5 (reckless conduct), 12-6 (intimidation),
12 12-6.1 (compelling organization membership of persons), 12-7.1
13 (hate crime), 12-7.3 (stalking), 12-7.4 (aggravated stalking),
14 12-10 (tattooing body of minor), 12-11 (home invasion), 12-21.5
15 (child abandonment), 12-21.6 (endangering the life or health of
16 a child) or 12-32 (ritual mutilation) of the Criminal Code of
17 1961 or any sex offense as defined in subsection (B) of Section
18 2 of the Sex Offender Registration Act, the following evidence
19 shall be admitted as an exception to the hearsay rule:

20 (1) testimony by the victim of an out of court
21 statement made by the victim that he or she complained of
22 such act to another; and

23 (2) testimony of an out of court statement made by the
24 victim describing any complaint of such act or matter or
25 detail pertaining to any act which is an element of an
26 offense which is the subject of a prosecution for a sexual

1 or physical act against that victim.

2 (b) Such testimony shall only be admitted if:

3 (1) The court finds in a hearing conducted outside the
4 presence of the jury that the time, content, and
5 circumstances of the statement provide sufficient
6 safeguards of reliability; and

7 (2) The child or moderately, severely, or profoundly
8 mentally retarded person either:

9 (A) testifies at the proceeding; or

10 (B) is unavailable as a witness and there is
11 corroborative evidence of the act which is the subject
12 of the statement; and

13 (3) In a case involving an offense perpetrated against
14 a child under the age of 13, the out of court statement was
15 made before the victim attained 13 years of age or within 3
16 months after the commission of the offense, whichever
17 occurs later, but the statement may be admitted regardless
18 of the age of the victim at the time of the proceeding.

19 (c) If a statement is admitted pursuant to this Section,
20 the court shall instruct the jury that it is for the jury to
21 determine the weight and credibility to be given the statement
22 and that, in making the determination, it shall consider the
23 age and maturity of the child, or the intellectual capabilities
24 of the moderately, severely, or profoundly mentally retarded
25 person, the nature of the statement, the circumstances under
26 which the statement was made, and any other relevant factor.

1 (d) The proponent of the statement shall give the adverse
2 party reasonable notice of his intention to offer the statement
3 and the particulars of the statement.

4 (e) Statements described in paragraphs (1) and (2) of
5 subsection (a) shall not be excluded on the basis that they
6 were obtained as a result of interviews conducted pursuant to a
7 protocol adopted by a Child Advocacy Advisory Board as set
8 forth in subsections (c), (d), and (e) of Section 3 of the
9 Children's Advocacy Center Act or that an interviewer or
10 witness to the interview was or is an employee, agent, or
11 investigator of a State's Attorney's office.

12 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10.)

13 (725 ILCS 5/115-10.3)

14 Sec. 115-10.3. Hearsay exception regarding elder adults.

15 (a) In a prosecution for a physical act, abuse, neglect, or
16 financial exploitation perpetrated upon or against an eligible
17 adult, as defined in the Elder Abuse and Neglect Act, who has
18 been diagnosed by a physician to suffer from (i) any form of
19 dementia, developmental disability, or other form of mental
20 incapacity or (ii) any physical infirmity, including but not
21 limited to prosecutions for violations of Sections 10-1, 10-2,
22 10-3, 10-3.1, 10-4, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
23 11-1.60, 11-11, 12-1, 12-2, 12-3, 12-3.2, 12-4, 12-4.1, 12-4.2,
24 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11,
25 12-11.1, 12-13, 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3, 17-1,

1 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1.1, 24-1.2, and 33A-2
2 of the Criminal Code of 1961, the following evidence shall be
3 admitted as an exception to the hearsay rule:

4 (1) testimony by an eligible adult, of an out of court
5 statement made by the eligible adult, that he or she
6 complained of such act to another; and

7 (2) testimony of an out of court statement made by the
8 eligible adult, describing any complaint of such act or
9 matter or detail pertaining to any act which is an element
10 of an offense which is the subject of a prosecution for a
11 physical act, abuse, neglect, or financial exploitation
12 perpetrated upon or against the eligible adult.

13 (b) Such testimony shall only be admitted if:

14 (1) The court finds in a hearing conducted outside the
15 presence of the jury that the time, content, and
16 circumstances of the statement provide sufficient
17 safeguards of reliability; and

18 (2) The eligible adult either:

19 (A) testifies at the proceeding; or

20 (B) is unavailable as a witness and there is
21 corroborative evidence of the act which is the subject
22 of the statement.

23 (c) If a statement is admitted pursuant to this Section,
24 the court shall instruct the jury that it is for the jury to
25 determine the weight and credibility to be given the statement
26 and that, in making the determination, it shall consider the

1 condition of the eligible adult, the nature of the statement,
2 the circumstances under which the statement was made, and any
3 other relevant factor.

4 (d) The proponent of the statement shall give the adverse
5 party reasonable notice of his or her intention to offer the
6 statement and the particulars of the statement.

7 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

8 (725 ILCS 5/115-11) (from Ch. 38, par. 115-11)

9 Sec. 115-11. In a prosecution for a criminal offense
10 defined in Article 11 or in Section 11-1.20, 11-1.30, 11-1.40,
11 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
12 "Criminal Code of 1961", where the alleged victim of the
13 offense is a minor under 18 years of age, the court may exclude
14 from the proceedings while the victim is testifying, all
15 persons, who, in the opinion of the court, do not have a direct
16 interest in the case, except the media.

17 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

18 (725 ILCS 5/115-11.1) (from Ch. 38, par. 115-11.1)

19 Sec. 115-11.1. Use of "Rape". The use of the word "rape",
20 "rapist", or any derivative of "rape" by any victim, witness,
21 State's Attorney, defense attorney, judge or other court
22 personnel in any prosecutions of offenses in Sections 11-1.20
23 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of
24 1961, as amended, is not inadmissible.

1 (Source: P.A. 83-1117.)

2 (725 ILCS 5/115-13) (from Ch. 38, par. 115-13)

3 Sec. 115-13. In a prosecution for violation of Section
4 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
5 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961",
6 statements made by the victim to medical personnel for purposes
7 of medical diagnosis or treatment including descriptions of the
8 cause of symptom, pain or sensations, or the inception or
9 general character of the cause or external source thereof
10 insofar as reasonably pertinent to diagnosis or treatment shall
11 be admitted as an exception to the hearsay rule.

12 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

13 (725 ILCS 5/115-16)

14 Sec. 115-16. Witness disqualification. No person shall be
15 disqualified as a witness in a criminal case or proceeding by
16 reason of his or her interest in the event of the case or
17 proceeding, as a party or otherwise, or by reason of his or her
18 having been convicted of a crime; but the interest or
19 conviction may be shown for the purpose of affecting the
20 credibility of the witness. A defendant in a criminal case or
21 proceeding shall only at his or her own request be deemed a
22 competent witness, and the person's neglect to testify shall
23 not create a presumption against the person, nor shall the
24 court permit a reference or comment to be made to or upon that

1 neglect.

2 In criminal cases, husband and wife may testify for or
3 against each other. Neither, however, may testify as to any
4 communication or admission made by either of them to the other
5 or as to any conversation between them during marriage, except
6 in cases in which either is charged with an offense against the
7 person or property of the other, in case of spouse abandonment,
8 when the interests of their child or children or of any child
9 or children in either spouse's care, custody, or control are
10 directly involved, when either is charged under Section
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
12 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 and the
13 victim is a minor under 18 years of age in either spouse's
14 care, custody, or control at the time of the offense, or as to
15 matters in which either has acted as agent of the other.

16 (Source: P.A. 89-234, eff. 1-1-96; 89-428, eff. 12-13-95;
17 89-462, eff. 5-29-96.)

18 (725 ILCS 5/116-4)

19 Sec. 116-4. Preservation of evidence for forensic testing.

20 (a) Before or after the trial in a prosecution for a
21 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
22 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
23 Code of 1961 or in a prosecution for an offense defined in
24 Article 9 of that Code, or in a prosecution for an attempt in
25 violation of Section 8-4 of that Code of any of the

1 above-enumerated offenses, unless otherwise provided herein
2 under subsection (b) or (c), a law enforcement agency or an
3 agent acting on behalf of the law enforcement agency shall
4 preserve, subject to a continuous chain of custody, any
5 physical evidence in their possession or control that is
6 reasonably likely to contain forensic evidence, including, but
7 not limited to, fingerprints or biological material secured in
8 relation to a trial and with sufficient documentation to locate
9 that evidence.

10 (b) After a judgment of conviction is entered, the evidence
11 shall either be impounded with the Clerk of the Circuit Court
12 or shall be securely retained by a law enforcement agency.
13 Retention shall be permanent in cases where a sentence of death
14 is imposed. Retention shall be until the completion of the
15 sentence, including the period of mandatory supervised release
16 for the offense, or January 1, 2006, whichever is later, for
17 any conviction for an offense or an attempt of an offense
18 defined in Article 9 of the Criminal Code of 1961 or in Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
20 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or for 7
21 years following any conviction for any other felony for which
22 the defendant's genetic profile may be taken by a law
23 enforcement agency and submitted for comparison in a forensic
24 DNA database for unsolved offenses.

25 (c) After a judgment of conviction is entered, the law
26 enforcement agency required to retain evidence described in

1 subsection (a) may petition the court with notice to the
2 defendant or, in cases where the defendant has died, his
3 estate, his attorney of record, or an attorney appointed for
4 that purpose by the court for entry of an order allowing it to
5 dispose of evidence if, after a hearing, the court determines
6 by a preponderance of the evidence that:

7 (1) it has no significant value for forensic science
8 analysis and should be returned to its rightful owner,
9 destroyed, used for training purposes, or as otherwise
10 provided by law; or

11 (2) it has no significant value for forensic science
12 analysis and is of a size, bulk, or physical character not
13 usually retained by the law enforcement agency and cannot
14 practicably be retained by the law enforcement agency; or

15 (3) there no longer exists a reasonable basis to
16 require the preservation of the evidence because of the
17 death of the defendant; however, this paragraph (3) does
18 not apply if a sentence of death was imposed.

19 (d) The court may order the disposition of the evidence if
20 the defendant is allowed the opportunity to take reasonable
21 measures to remove or preserve portions of the evidence in
22 question for future testing.

23 (d-5) Any order allowing the disposition of evidence
24 pursuant to subsection (c) or (d) shall be a final and
25 appealable order. No evidence shall be disposed of until 30
26 days after the order is entered, and if a notice of appeal is

1 filed, no evidence shall be disposed of until the mandate has
2 been received by the circuit court from the appellate court.

3 (d-10) All records documenting the possession, control,
4 storage, and destruction of evidence and all police reports,
5 evidence control or inventory records, and other reports cited
6 in this Section, including computer records, must be retained
7 for as long as the evidence exists and may not be disposed of
8 without the approval of the Local Records Commission.

9 (e) In this Section, "law enforcement agency" includes any
10 of the following or an agent acting on behalf of any of the
11 following: a municipal police department, county sheriff's
12 office, any prosecuting authority, the Department of State
13 Police, or any other State, university, county, federal, or
14 municipal police unit or police force.

15 "Biological material" includes, but is not limited to, any
16 blood, hair, saliva, or semen from which genetic marker
17 groupings may be obtained.

18 (Source: P.A. 91-871, eff. 1-1-01; 92-459, eff. 8-22-01.)

19 (725 ILCS 5/124B-10)

20 Sec. 124B-10. Applicability; offenses. This Article
21 applies to forfeiture of property in connection with the
22 following:

23 (1) A violation of Section 10A-10 of the Criminal Code
24 of 1961 (involuntary servitude; involuntary servitude of a
25 minor; trafficking of persons for forced labor or

1 services).

2 (2) A violation of subdivision (a)(1) of Section
3 11-14.4 of the Criminal Code of 1961 (promoting juvenile
4 prostitution) or a violation of Section 11-17.1 of the
5 Criminal Code of 1961 (keeping a place of juvenile
6 prostitution).

7 (3) A violation of subdivision (a)(4) of Section
8 11-14.4 of the Criminal Code of 1961 (promoting juvenile
9 prostitution) or a violation of Section 11-19.2 of the
10 Criminal Code of 1961 (exploitation of a child).

11 (4) A violation of Section 11-20 of the Criminal Code
12 of 1961 (obscenity).

13 (5) A second or subsequent violation of Section 11-20.1
14 of the Criminal Code of 1961 (child pornography).

15 (6) A violation of Section 11-20.1B or 11-20.3 of the
16 Criminal Code of 1961 (aggravated child pornography).

17 (7) A violation of Section 16D-5 of the Criminal Code
18 of 1961 (computer fraud).

19 (8) A felony violation of Article 17B of the Criminal
20 Code of 1961 (WIC fraud).

21 (9) A felony violation of Section 26-5 of the Criminal
22 Code of 1961 (dog fighting).

23 (10) A violation of Article 29D of the Criminal Code of
24 1961 (terrorism).

25 (11) A felony violation of Section 4.01 of the Humane
26 Care for Animals Act (animals in entertainment).

1 (Source: P.A. 96-712, eff. 1-1-10.)

2 (725 ILCS 5/124B-100)

3 Sec. 124B-100. Definition; "offense". For purposes of this
4 Article, "offense" is defined as follows:

5 (1) In the case of forfeiture authorized under Section
6 10A-15 of the Criminal Code of 1961, "offense" means the
7 offense of involuntary servitude, involuntary servitude of
8 a minor, or trafficking of persons for forced labor or
9 services in violation of Section 10A-10 of that Code.

10 (2) In the case of forfeiture authorized under
11 subdivision (a)(1) of Section 11-14.4, or Section 11-17.1,
12 of the Criminal Code of 1961, "offense" means the offense
13 of promoting juvenile prostitution or keeping a place of
14 juvenile prostitution in violation of subdivision (a)(1)
15 of Section 11-14.4, or Section 11-17.1, of that Code.

16 (3) In the case of forfeiture authorized under
17 subdivision (a)(4) of Section 11-14.4, or Section 11-19.2,
18 of the Criminal Code of 1961, "offense" means the offense
19 of promoting juvenile prostitution or exploitation of a
20 child in violation of subdivision (a)(4) of Section
21 11-14.4, or Section 11-19.2, of that Code.

22 (4) In the case of forfeiture authorized under Section
23 11-20 of the Criminal Code of 1961, "offense" means the
24 offense of obscenity in violation of that Section.

25 (5) In the case of forfeiture authorized under Section

1 11-20.1 of the Criminal Code of 1961, "offense" means the
2 offense of child pornography in violation of Section
3 11-20.1 of that Code.

4 (6) In the case of forfeiture authorized under Section
5 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
6 means the offense of aggravated child pornography in
7 violation of Section 11-20.1B or 11-20.3 of that Code.

8 (7) In the case of forfeiture authorized under Section
9 16D-6 of the Criminal Code of 1961, "offense" means the
10 offense of computer fraud in violation of Section 16D-5 of
11 that Code.

12 (8) In the case of forfeiture authorized under Section
13 17B-25 of the Criminal Code of 1961, "offense" means any
14 felony violation of Article 17B of that Code.

15 (9) In the case of forfeiture authorized under Section
16 29D-65 of the Criminal Code of 1961, "offense" means any
17 offense under Article 29D of that Code.

18 (10) In the case of forfeiture authorized under Section
19 4.01 of the Humane Care for Animals Act or Section 26-5 of
20 the Criminal Code of 1961, "offense" means any felony
21 offense under either of those Sections.

22 (Source: P.A. 96-712, eff. 1-1-10.)

23 (725 ILCS 5/124B-420)

24 Sec. 124B-420. Distribution of property and sale proceeds.

25 (a) All moneys and the sale proceeds of all other property

1 forfeited and seized under this Part 400 shall be distributed
2 as follows:

3 (1) 50% shall be distributed to the unit of local
4 government whose officers or employees conducted the
5 investigation into the offense and caused the arrest or
6 arrests and prosecution leading to the forfeiture, except
7 that if the investigation, arrest or arrests, and
8 prosecution leading to the forfeiture were undertaken by
9 the sheriff, this portion shall be distributed to the
10 county for deposit into a special fund in the county
11 treasury appropriated to the sheriff. Amounts distributed
12 to the county for the sheriff or to units of local
13 government under this paragraph shall be used for
14 enforcement of laws or ordinances governing obscenity and
15 child pornography. If the investigation, arrest or
16 arrests, and prosecution leading to the forfeiture were
17 undertaken solely by a State agency, however, the portion
18 designated in this paragraph shall be paid into the State
19 treasury to be used for enforcement of laws governing
20 obscenity and child pornography.

21 (2) 25% shall be distributed to the county in which the
22 prosecution resulting in the forfeiture was instituted,
23 deposited into a special fund in the county treasury, and
24 appropriated to the State's Attorney for use in the
25 enforcement of laws governing obscenity and child
26 pornography.

1 (3) 25% shall be distributed to the Office of the
2 State's Attorneys Appellate Prosecutor and deposited into
3 the Obscenity Profits Forfeiture Fund, which is hereby
4 created in the State treasury, to be used by the Office of
5 the State's Attorneys Appellate Prosecutor for additional
6 expenses incurred in prosecuting appeals arising under
7 Sections 11-20, 11-20.1, 11-20.1B, and 11-20.3 of the
8 Criminal Code of 1961. Any amounts remaining in the Fund
9 after all additional expenses have been paid shall be used
10 by the Office to reduce the participating county
11 contributions to the Office on a pro-rated basis as
12 determined by the board of governors of the Office of the
13 State's Attorneys Appellate Prosecutor based on the
14 populations of the participating counties.

15 (b) Before any distribution under subsection (a), the
16 Attorney General or State's Attorney shall retain from the
17 forfeited moneys or sale proceeds, or both, sufficient moneys
18 to cover expenses related to the administration and sale of the
19 forfeited property.

20 (Source: P.A. 96-712, eff. 1-1-10.)

21 (725 ILCS 5/124B-500)

22 Sec. 124B-500. Persons and property subject to forfeiture.
23 A person who commits the offense of promoting juvenile
24 prostitution, keeping a place of juvenile prostitution,
25 exploitation of a child, child pornography, or aggravated child

1 pornography under subdivision (a)(1) or (a)(4) of Section
2 11-14.4 or under Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B,
3 or 11-20.3 of the Criminal Code of 1961 shall forfeit the
4 following property to the State of Illinois:

5 (1) Any profits or proceeds and any property the person
6 has acquired or maintained in violation of subdivision
7 (a)(1) or (a)(4) of Section 11-14.4 or in violation of
8 Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B, or 11-20.3 of
9 the Criminal Code of 1961 that the sentencing court
10 determines, after a forfeiture hearing under this Article,
11 to have been acquired or maintained as a result of keeping
12 a place of juvenile prostitution, exploitation of a child,
13 child pornography, or aggravated child pornography.

14 (2) Any interest in, securities of, claim against, or
15 property or contractual right of any kind affording a
16 source of influence over any enterprise that the person has
17 established, operated, controlled, or conducted in
18 violation of subdivision (a)(1) or (a)(4) of Section
19 11-14.4 or in violation of Section 11-17.1, 11-19.2,
20 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961
21 that the sentencing court determines, after a forfeiture
22 hearing under this Article, to have been acquired or
23 maintained as a result of keeping a place of juvenile
24 prostitution, exploitation of a child, child pornography,
25 or aggravated child pornography.

26 (3) Any computer that contains a depiction of child

1 pornography in any encoded or decoded format in violation
2 of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal
3 Code of 1961. For purposes of this paragraph (3),
4 "computer" has the meaning ascribed to it in Section 16D-2
5 of the Criminal Code of 1961.

6 (Source: P.A. 96-712, eff. 1-1-10.)

7 Section 1045. The Bill of Rights for Children is amended by
8 changing Section 3 as follows:

9 (725 ILCS 115/3) (from Ch. 38, par. 1353)

10 Sec. 3. Rights to present child impact statement.

11 (a) In any case where a defendant has been convicted of a
12 violent crime involving a child or a juvenile has been
13 adjudicated a delinquent for any offense defined in Sections
14 11-6, 11-20.1, 11-20.1B, and 11-20.3 and in Sections 11-1.20
15 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of
16 1961, except those in which both parties have agreed to the
17 imposition of a specific sentence, and a parent or legal
18 guardian of the child involved is present in the courtroom at
19 the time of the sentencing or the disposition hearing, the
20 parent or legal guardian upon his or her request shall have the
21 right to address the court regarding the impact which the
22 defendant's criminal conduct or the juvenile's delinquent
23 conduct has had upon the child. If the parent or legal guardian
24 chooses to exercise this right, the impact statement must have

1 been prepared in writing in conjunction with the Office of the
2 State's Attorney prior to the initial hearing or sentencing,
3 before it can be presented orally at the sentencing hearing.
4 The court shall consider any statements made by the parent or
5 legal guardian, along with all other appropriate factors in
6 determining the sentence of the defendant or disposition of
7 such juvenile.

8 (b) The crime victim has the right to prepare a victim
9 impact statement and present it to the office of the State's
10 Attorney at any time during the proceedings.

11 (c) This Section shall apply to any child victims of any
12 offense defined in Sections 11-1.20 through 11-1.60 or 12-13
13 through 12-16 of the Criminal Code of 1961 during any
14 dispositional hearing under Section 5-705 of the Juvenile Court
15 Act of 1987 which takes place pursuant to an adjudication of
16 delinquency for any such offense.

17 (Source: P.A. 96-292, eff. 1-1-10.)

18 Section 1047. The Rights of Crime Victims and Witnesses Act
19 is amended by changing Section 3 as follows:

20 (725 ILCS 120/3) (from Ch. 38, par. 1403)

21 Sec. 3. The terms used in this Act, unless the context
22 clearly requires otherwise, shall have the following meanings:

23 (a) "Crime victim" and "victim" mean (1) a person
24 physically injured in this State as a result of a violent crime

1 perpetrated or attempted against that person or (2) a person
2 who suffers injury to or loss of property as a result of a
3 violent crime perpetrated or attempted against that person or
4 (3) a single representative who may be the spouse, parent,
5 child or sibling of a person killed as a result of a violent
6 crime perpetrated against the person killed or the spouse,
7 parent, child or sibling of any person granted rights under
8 this Act who is physically or mentally incapable of exercising
9 such rights, except where the spouse, parent, child or sibling
10 is also the defendant or prisoner or (4) any person against
11 whom a violent crime has been committed or (5) any person who
12 has suffered personal injury as a result of a violation of
13 Section 11-501 of the Illinois Vehicle Code, or of a similar
14 provision of a local ordinance, or of Section 9-3 of the
15 Criminal Code of 1961, as amended or (6) in proceedings under
16 the Juvenile Court Act of 1987, both parents, legal guardians,
17 foster parents, or a single adult representative of a minor or
18 disabled person who is a crime victim.

19 (b) "Witness" means any person who personally observed the
20 commission of a violent crime and who will testify on behalf of
21 the State of Illinois in the criminal prosecution of the
22 violent crime.

23 (c) "Violent Crime" means any felony in which force or
24 threat of force was used against the victim, or any offense
25 involving sexual exploitation, sexual conduct or sexual
26 penetration, or a violation of Section 11-20.1, 11-20.1B, or

1 11-20.3 of the Criminal Code of 1961, domestic battery,
2 violation of an order of protection, stalking, or any
3 misdemeanor which results in death or great bodily harm to the
4 victim or any violation of Section 9-3 of the Criminal Code of
5 1961, or Section 11-501 of the Illinois Vehicle Code, or a
6 similar provision of a local ordinance, if the violation
7 resulted in personal injury or death, and includes any action
8 committed by a juvenile that would be a violent crime if
9 committed by an adult. For the purposes of this paragraph,
10 "personal injury" shall include any Type A injury as indicated
11 on the traffic accident report completed by a law enforcement
12 officer that requires immediate professional attention in
13 either a doctor's office or medical facility. A type A injury
14 shall include severely bleeding wounds, distorted extremities,
15 and injuries that require the injured party to be carried from
16 the scene.

17 (d) "Sentencing Hearing" means any hearing where a sentence
18 is imposed by the court on a convicted defendant and includes
19 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2
20 and 5-7-7 of the Unified Code of Corrections except those cases
21 in which both parties have agreed to the imposition of a
22 specific sentence.

23 (e) "Court proceedings" includes the preliminary hearing,
24 any hearing the effect of which may be the release of the
25 defendant from custody or to alter the conditions of bond, the
26 trial, sentencing hearing, notice of appeal, any modification

1 of sentence, probation revocation hearings or parole hearings.

2 (f) "Concerned citizen" includes relatives of the victim,
3 friends of the victim, witnesses to the crime, or any other
4 person associated with the victim or prisoner.

5 (Source: P.A. 95-591, eff. 6-1-08; 95-876, eff. 8-21-08;
6 96-292, eff. 1-1-10; 96-875, eff. 1-22-10.)

7 Section 1050. The Sex Offense Victim Polygraph Act is
8 amended by changing Section 1 as follows:

9 (725 ILCS 200/1) (from Ch. 38, par. 1551)

10 Sec. 1. Lie Detector Tests. (a) No law enforcement officer,
11 State's Attorney or other official shall require an alleged
12 victim of an offense described in Sections 11-1.20 through
13 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961, as
14 amended, to submit to a polygraph examination or any form of a
15 mechanical or electrical lie detector test as a condition for
16 proceeding with the investigation, charging or prosecution of
17 such offense, and such test shall be administered to such
18 victim solely at the victim's request.

19 (b) A victim's refusal to submit to a polygraph or any form
20 of a mechanical or electrical lie detector test shall not
21 mitigate against the investigation, charging or prosecution of
22 the pending case as originally charged.

23 (Source: P.A. 85-664.)

1 Section 1055. The Sexually Violent Persons Commitment Act
2 is amended by changing Section 5 as follows:

3 (725 ILCS 207/5)

4 Sec. 5. Definitions. As used in this Act, the term:

5 (a) "Department" means the Department of Human Services.

6 (b) "Mental disorder" means a congenital or acquired
7 condition affecting the emotional or volitional capacity that
8 predisposes a person to engage in acts of sexual violence.

9 (c) "Secretary" means the Secretary of Human Services.

10 (d) "Sexually motivated" means that one of the purposes for
11 an act is for the actor's sexual arousal or gratification.

12 (e) "Sexually violent offense" means any of the following:

13 (1) Any crime specified in Section 11-1.20, 11-1.30,
14 11-1.40, 11-1.60, 11-6, 11-20.1, 11-20.3, 12-13, 12-14,
15 12-14.1, or 12-16 of the Criminal Code of 1961; or

16 (1.5) Any former law of this State specified in Section
17 11-1 (rape), 11-3 (deviate sexual assault), 11-4 (indecent
18 liberties with a child) or 11-4.1 (aggravated indecent
19 liberties with a child) of the Criminal Code of 1961; or

20 (2) First degree murder, if it is determined by the
21 agency with jurisdiction to have been sexually motivated;
22 or

23 (3) Any solicitation, conspiracy or attempt to commit a
24 crime under paragraph (e) (1) or (e) (2) of this Section.

25 (f) "Sexually violent person" means a person who has been

1 convicted of a sexually violent offense, has been adjudicated
2 delinquent for a sexually violent offense, or has been found
3 not guilty of a sexually violent offense by reason of insanity
4 and who is dangerous because he or she suffers from a mental
5 disorder that makes it substantially probable that the person
6 will engage in acts of sexual violence.

7 (Source: P.A. 96-292, eff. 1-1-10; 96-328, eff. 8-11-09.)

8 Section 1060. The Statewide Grand Jury Act is amended by
9 changing Sections 2 and 3 as follows:

10 (725 ILCS 215/2) (from Ch. 38, par. 1702)

11 Sec. 2. (a) County grand juries and State's Attorneys have
12 always had and shall continue to have primary responsibility
13 for investigating, indicting, and prosecuting persons who
14 violate the criminal laws of the State of Illinois. However, in
15 recent years organized terrorist activity directed against
16 innocent civilians and certain criminal enterprises have
17 developed that require investigation, indictment, and
18 prosecution on a statewide or multicounty level. The criminal
19 enterprises exist as a result of the allure of profitability
20 present in narcotic activity, the unlawful sale and transfer of
21 firearms, and streetgang related felonies and organized
22 terrorist activity is supported by the contribution of money
23 and expert assistance from geographically diverse sources. In
24 order to shut off the life blood of terrorism and weaken or

1 eliminate the criminal enterprises, assets, and property used
2 to further these offenses must be frozen, and any profit must
3 be removed. State statutes exist that can accomplish that goal.
4 Among them are the offense of money laundering, the Cannabis
5 and Controlled Substances Tax Act, violations of Article 29D of
6 the Criminal Code of 1961, the Narcotics Profit Forfeiture Act,
7 and gunrunning. Local prosecutors need investigative personnel
8 and specialized training to attack and eliminate these profits.
9 In light of the transitory and complex nature of conduct that
10 constitutes these criminal activities, the many diverse
11 property interests that may be used, acquired directly or
12 indirectly as a result of these criminal activities, and the
13 many places that illegally obtained property may be located, it
14 is the purpose of this Act to create a limited, multicounty
15 Statewide Grand Jury with authority to investigate, indict, and
16 prosecute: narcotic activity, including cannabis and
17 controlled substance trafficking, narcotics racketeering,
18 money laundering, violations of the Cannabis and Controlled
19 Substances Tax Act, and violations of Article 29D of the
20 Criminal Code of 1961; the unlawful sale and transfer of
21 firearms; gunrunning; and streetgang related felonies.

22 (b) A Statewide Grand Jury may also investigate, indict,
23 and prosecute violations facilitated by the use of a computer
24 of any of the following offenses: indecent solicitation of a
25 child, sexual exploitation of a child, soliciting for a
26 juvenile prostitute, keeping a place of juvenile prostitution,

1 juvenile pimping, ~~or~~ child pornography, aggravated child
2 pornography, or promoting juvenile prostitution except as
3 described in subdivision (a)(4) of Section 11-14.4 of the
4 Criminal Code of 1961.

5 (Source: P.A. 91-225, eff. 1-1-00; 92-854, eff. 12-5-02.)

6 (725 ILCS 215/3) (from Ch. 38, par. 1703)

7 Sec. 3. Written application for the appointment of a
8 Circuit Judge to convene and preside over a Statewide Grand
9 Jury, with jurisdiction extending throughout the State, shall
10 be made to the Chief Justice of the Supreme Court. Upon such
11 written application, the Chief Justice of the Supreme Court
12 shall appoint a Circuit Judge from the circuit where the
13 Statewide Grand Jury is being sought to be convened, who shall
14 make a determination that the convening of a Statewide Grand
15 Jury is necessary.

16 In such application the Attorney General shall state that
17 the convening of a Statewide Grand Jury is necessary because of
18 an alleged offense or offenses set forth in this Section
19 involving more than one county of the State and identifying any
20 such offense alleged; and

21 (a) that he or she believes that the grand jury
22 function for the investigation and indictment of the
23 offense or offenses cannot effectively be performed by a
24 county grand jury together with the reasons for such
25 belief, and

1 (b) (1) that each State's Attorney with jurisdiction
2 over an offense or offenses to be investigated has
3 consented to the impaneling of the Statewide Grand
4 Jury, or

5 (2) if one or more of the State's Attorneys having
6 jurisdiction over an offense or offenses to be
7 investigated fails to consent to the impaneling of the
8 Statewide Grand Jury, the Attorney General shall set
9 forth good cause for impaneling the Statewide Grand
10 Jury.

11 If the Circuit Judge determines that the convening of a
12 Statewide Grand Jury is necessary, he or she shall convene and
13 impanel the Statewide Grand Jury with jurisdiction extending
14 throughout the State to investigate and return indictments:

15 (a) For violations of any of the following or for any
16 other criminal offense committed in the course of violating
17 any of the following: Article 29D of the Criminal Code of
18 1961, the Illinois Controlled Substances Act, the Cannabis
19 Control Act, the Methamphetamine Control and Community
20 Protection Act, the Narcotics Profit Forfeiture Act, or the
21 Cannabis and Controlled Substances Tax Act; a streetgang
22 related felony offense; Section 24-2.1, 24-2.2, 24-3,
23 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
24 24-1(a) (4), 24-1(a) (6), 24-1(a) (7), 24-1(a) (9),
25 24-1(a) (10), or 24-1(c) of the Criminal Code of 1961; or a
26 money laundering offense; provided that the violation or

1 offense involves acts occurring in more than one county of
2 this State; and

3 (a-5) For violations facilitated by the use of a
4 computer, including the use of the Internet, the World Wide
5 Web, electronic mail, message board, newsgroup, or any
6 other commercial or noncommercial on-line service, of any
7 of the following offenses: indecent solicitation of a
8 child, sexual exploitation of a child, soliciting for a
9 juvenile prostitute, keeping a place of juvenile
10 prostitution, juvenile pimping, ~~or~~ child pornography,
11 aggravated child pornography, or promoting juvenile
12 prostitution except as described in subdivision (a)(4) of
13 Section 11-14.4 of the Criminal Code of 1961; and

14 (b) For the offenses of perjury, subornation of
15 perjury, communicating with jurors and witnesses, and
16 harassment of jurors and witnesses, as they relate to
17 matters before the Statewide Grand Jury.

18 "Streetgang related" has the meaning ascribed to it in
19 Section 10 of the Illinois Streetgang Terrorism Omnibus
20 Prevention Act.

21 Upon written application by the Attorney General for the
22 convening of an additional Statewide Grand Jury, the Chief
23 Justice of the Supreme Court shall appoint a Circuit Judge from
24 the circuit for which the additional Statewide Grand Jury is
25 sought. The Circuit Judge shall determine the necessity for an
26 additional Statewide Grand Jury in accordance with the

1 provisions of this Section. No more than 2 Statewide Grand
2 Juries may be empaneled at any time.

3 (Source: P.A. 94-556, eff. 9-11-05.)

4 Section 1065. The Unified Code of Corrections is amended by
5 changing Sections 3-1-2, 3-3-7, 5-3-2, 5-4-1, 5-4-3, 5-4-3.2,
6 5-5-3, 5-5-3.2, 5-5-6, 5-6-1, 5-6-3, 5-6-3.1, 5-8-1, 5-8-4, and
7 5-9-1.7 as follows:

8 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

9 Sec. 3-1-2. Definitions.

10 (a) "Chief Administrative Officer" means the person
11 designated by the Director to exercise the powers and duties of
12 the Department of Corrections in regard to committed persons
13 within a correctional institution or facility, and includes the
14 superintendent of any juvenile institution or facility.

15 (a-5) "Sex offense" for the purposes of paragraph (16) of
16 subsection (a) of Section 3-3-7, paragraph (10) of subsection
17 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
18 Section 5-6-3.1 only means:

19 (i) A violation of any of the following Sections of the
20 Criminal Code of 1961: 10-7 (aiding or abetting child
21 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
22 luring), 11-6 (indecent solicitation of a child), 11-6.5
23 (indecent solicitation of an adult), 11-14.4 (promoting
24 juvenile prostitution), 11-15.1 (soliciting for a juvenile

1 prostitute), 11-17.1 (keeping a place of juvenile
2 prostitution), 11-18.1 (patronizing a juvenile
3 prostitute), 11-19.1 (juvenile pimping), 11-19.2
4 (exploitation of a child), 11-20.1 (child pornography),
5 11-20.1B or 11-20.3 (aggravated child pornography),
6 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
7 child), or 12-33 (ritualized abuse of a child). An attempt
8 to commit any of these offenses.

9 (ii) A violation of any of the following Sections of
10 the Criminal Code of 1961: 11-1.20 or 12-13 (criminal
11 sexual assault), 11-1.30 or 12-14 (aggravated criminal
12 sexual assault), 11-1.60 or 12-16 (aggravated criminal
13 sexual abuse), and subsection (a) of Section 11-1.50 or
14 subsection (a) of Section 12-15 (criminal sexual abuse). An
15 attempt to commit any of these offenses.

16 (iii) A violation of any of the following Sections of
17 the Criminal Code of 1961 when the defendant is not a
18 parent of the victim:

- 19 10-1 (kidnapping),
- 20 10-2 (aggravated kidnapping),
- 21 10-3 (unlawful restraint),
- 22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

24 (iv) A violation of any former law of this State
25 substantially equivalent to any offense listed in this
26 subsection (a-5).

1 An offense violating federal law or the law of another
2 state that is substantially equivalent to any offense listed in
3 this subsection (a-5) shall constitute a sex offense for the
4 purpose of this subsection (a-5). A finding or adjudication as
5 a sexually dangerous person under any federal law or law of
6 another state that is substantially equivalent to the Sexually
7 Dangerous Persons Act shall constitute an adjudication for a
8 sex offense for the purposes of this subsection (a-5).

9 (b) "Commitment" means a judicially determined placement
10 in the custody of the Department of Corrections on the basis of
11 delinquency or conviction.

12 (c) "Committed Person" is a person committed to the
13 Department, however a committed person shall not be considered
14 to be an employee of the Department of Corrections for any
15 purpose, including eligibility for a pension, benefits, or any
16 other compensation or rights or privileges which may be
17 provided to employees of the Department.

18 (c-5) "Computer scrub software" means any third-party
19 added software, designed to delete information from the
20 computer unit, the hard drive, or other software, which would
21 eliminate and prevent discovery of browser activity, including
22 but not limited to Internet history, address bar or bars, cache
23 or caches, and/or cookies, and which would over-write files in
24 a way so as to make previous computer activity, including but
25 not limited to website access, more difficult to discover.

26 (d) "Correctional Institution or Facility" means any

1 building or part of a building where committed persons are kept
2 in a secured manner.

3 (e) In the case of functions performed before the effective
4 date of this amendatory Act of the 94th General Assembly,
5 "Department" means the Department of Corrections of this State.
6 In the case of functions performed on or after the effective
7 date of this amendatory Act of the 94th General Assembly,
8 "Department" has the meaning ascribed to it in subsection
9 (f-5).

10 (f) In the case of functions performed before the effective
11 date of this amendatory Act of the 94th General Assembly,
12 "Director" means the Director of the Department of Corrections.
13 In the case of functions performed on or after the effective
14 date of this amendatory Act of the 94th General Assembly,
15 "Director" has the meaning ascribed to it in subsection (f-5).

16 (f-5) In the case of functions performed on or after the
17 effective date of this amendatory Act of the 94th General
18 Assembly, references to "Department" or "Director" refer to
19 either the Department of Corrections or the Director of
20 Corrections or to the Department of Juvenile Justice or the
21 Director of Juvenile Justice unless the context is specific to
22 the Department of Juvenile Justice or the Director of Juvenile
23 Justice.

24 (g) "Discharge" means the final termination of a commitment
25 to the Department of Corrections.

26 (h) "Discipline" means the rules and regulations for the

1 maintenance of order and the protection of persons and property
2 within the institutions and facilities of the Department and
3 their enforcement.

4 (i) "Escape" means the intentional and unauthorized
5 absence of a committed person from the custody of the
6 Department.

7 (j) "Furlough" means an authorized leave of absence from
8 the Department of Corrections for a designated purpose and
9 period of time.

10 (k) "Parole" means the conditional and revocable release of
11 a committed person under the supervision of a parole officer.

12 (l) "Prisoner Review Board" means the Board established in
13 Section 3-3-1(a), independent of the Department, to review
14 rules and regulations with respect to good time credits, to
15 hear charges brought by the Department against certain
16 prisoners alleged to have violated Department rules with
17 respect to good time credits, to set release dates for certain
18 prisoners sentenced under the law in effect prior to the
19 effective date of this Amendatory Act of 1977, to hear requests
20 and make recommendations to the Governor with respect to
21 pardon, reprieve or commutation, to set conditions for parole
22 and mandatory supervised release and determine whether
23 violations of those conditions justify revocation of parole or
24 release, and to assume all other functions previously exercised
25 by the Illinois Parole and Pardon Board.

26 (m) Whenever medical treatment, service, counseling, or

1 care is referred to in this Unified Code of Corrections, such
2 term may be construed by the Department or Court, within its
3 discretion, to include treatment, service or counseling by a
4 Christian Science practitioner or nursing care appropriate
5 therewith whenever request therefor is made by a person subject
6 to the provisions of this Act.

7 (n) "Victim" shall have the meaning ascribed to it in
8 subsection (a) of Section 3 of the Bill of Rights for Victims
9 and Witnesses of Violent Crime Act.

10 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10; revised
11 10-9-09.)

12 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

13 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
14 Release.

15 (a) The conditions of parole or mandatory supervised
16 release shall be such as the Prisoner Review Board deems
17 necessary to assist the subject in leading a law-abiding life.
18 The conditions of every parole and mandatory supervised release
19 are that the subject:

20 (1) not violate any criminal statute of any
21 jurisdiction during the parole or release term;

22 (2) refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) report to an agent of the Department of
25 Corrections;

1 (4) permit the agent to visit him or her at his or her
2 home, employment, or elsewhere to the extent necessary for
3 the agent to discharge his or her duties;

4 (5) attend or reside in a facility established for the
5 instruction or residence of persons on parole or mandatory
6 supervised release;

7 (6) secure permission before visiting or writing a
8 committed person in an Illinois Department of Corrections
9 facility;

10 (7) report all arrests to an agent of the Department of
11 Corrections as soon as permitted by the arresting authority
12 but in no event later than 24 hours after release from
13 custody;

14 (7.5) if convicted of a sex offense as defined in the
15 Sex Offender Management Board Act, the individual shall
16 undergo and successfully complete sex offender treatment
17 conducted in conformance with the standards developed by
18 the Sex Offender Management Board Act by a treatment
19 provider approved by the Board;

20 (7.6) if convicted of a sex offense as defined in the
21 Sex Offender Management Board Act, refrain from residing at
22 the same address or in the same condominium unit or
23 apartment unit or in the same condominium complex or
24 apartment complex with another person he or she knows or
25 reasonably should know is a convicted sex offender or has
26 been placed on supervision for a sex offense; the

1 provisions of this paragraph do not apply to a person
2 convicted of a sex offense who is placed in a Department of
3 Corrections licensed transitional housing facility for sex
4 offenders, or is in any facility operated or licensed by
5 the Department of Children and Family Services or by the
6 Department of Human Services, or is in any licensed medical
7 facility;

8 (7.7) if convicted for an offense that would qualify
9 the accused as a sexual predator under the Sex Offender
10 Registration Act on or after the effective date of this
11 amendatory Act of the 94th General Assembly, wear an
12 approved electronic monitoring device as defined in
13 Section 5-8A-2 for the duration of the person's parole,
14 mandatory supervised release term, or extended mandatory
15 supervised release term and if convicted for an offense of
16 criminal sexual assault, aggravated criminal sexual
17 assault, predatory criminal sexual assault of a child,
18 criminal sexual abuse, aggravated criminal sexual abuse,
19 or ritualized abuse of a child committed on or after August
20 11, 2009 (the effective date of Public Act 96-236) ~~this~~
21 ~~amendatory Act of the 96th General Assembly~~ when the victim
22 was under 18 years of age at the time of the commission of
23 the offense and the defendant used force or the threat of
24 force in the commission of the offense wear an approved
25 electronic monitoring device as defined in Section 5-8A-2
26 that has Global Positioning System (GPS) capability for the

1 duration of the person's parole, mandatory supervised
2 release term, or extended mandatory supervised release
3 term;

4 (7.8) if convicted for an offense committed on or after
5 the effective date of this amendatory Act of the 95th
6 General Assembly that would qualify the accused as a child
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the
8 Criminal Code of 1961, refrain from communicating with or
9 contacting, by means of the Internet, a person who is not
10 related to the accused and whom the accused reasonably
11 believes to be under 18 years of age; for purposes of this
12 paragraph (7.8), "Internet" has the meaning ascribed to it
13 in Section 16J-5 of the Criminal Code of 1961; and a person
14 is not related to the accused if the person is not: (i) the
15 spouse, brother, or sister of the accused; (ii) a
16 descendant of the accused; (iii) a first or second cousin
17 of the accused; or (iv) a step-child or adopted child of
18 the accused;

19 (7.9) if convicted under Section 11-6, 11-20.1,
20 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961,
21 consent to search of computers, PDAs, cellular phones, and
22 other devices under his or her control that are capable of
23 accessing the Internet or storing electronic files, in
24 order to confirm Internet protocol addresses reported in
25 accordance with the Sex Offender Registration Act and
26 compliance with conditions in this Act;

1 (7.10) if convicted for an offense that would qualify
2 the accused as a sex offender or sexual predator under the
3 Sex Offender Registration Act on or after the effective
4 date of this amendatory Act of the 95th General Assembly,
5 not possess prescription drugs for erectile dysfunction;

6 (7.11) if convicted for an offense under Section 11-6,
7 11-9.1, 11-14.4 that involves soliciting for a juvenile
8 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
9 of the Criminal Code of 1961, or any attempt to commit any
10 of these offenses, committed on or after June 1, 2009 (the
11 effective date of Public Act 95-983):

12 (i) not access or use a computer or any other
13 device with Internet capability without the prior
14 written approval of the Department;

15 (ii) submit to periodic unannounced examinations
16 of the offender's computer or any other device with
17 Internet capability by the offender's supervising
18 agent, a law enforcement officer, or assigned computer
19 or information technology specialist, including the
20 retrieval and copying of all data from the computer or
21 device and any internal or external peripherals and
22 removal of such information, equipment, or device to
23 conduct a more thorough inspection;

24 (iii) submit to the installation on the offender's
25 computer or device with Internet capability, at the
26 offender's expense, of one or more hardware or software

1 systems to monitor the Internet use; and

2 (iv) submit to any other appropriate restrictions
3 concerning the offender's use of or access to a
4 computer or any other device with Internet capability
5 imposed by the Board, the Department or the offender's
6 supervising agent;

7 (7.12) if convicted of a sex offense as defined in the
8 Sex Offender Registration Act committed on or after January
9 1, 2010 (the effective date of Public Act 96-262) ~~this~~
10 ~~amendatory Act of the 96th General Assembly~~, refrain from
11 accessing or using a social networking website as defined
12 in Section 16D-2 of the Criminal Code of 1961;

13 (7.13) ~~(7.12)~~ if convicted of a sex offense as defined
14 in Section 2 of the Sex Offender Registration Act committed
15 on or after January 1, 2010 (the effective date of Public
16 Act 96-362) ~~this amendatory Act of the 96th General~~
17 ~~Assembly~~ that requires the person to register as a sex
18 offender under that Act, may not knowingly use any computer
19 scrub software on any computer that the sex offender uses;

20 (8) obtain permission of an agent of the Department of
21 Corrections before leaving the State of Illinois;

22 (9) obtain permission of an agent of the Department of
23 Corrections before changing his or her residence or
24 employment;

25 (10) consent to a search of his or her person,
26 property, or residence under his or her control;

1 (11) refrain from the use or possession of narcotics or
2 other controlled substances in any form, or both, or any
3 paraphernalia related to those substances and submit to a
4 urinalysis test as instructed by a parole agent of the
5 Department of Corrections;

6 (12) not frequent places where controlled substances
7 are illegally sold, used, distributed, or administered;

8 (13) not knowingly associate with other persons on
9 parole or mandatory supervised release without prior
10 written permission of his or her parole agent and not
11 associate with persons who are members of an organized gang
12 as that term is defined in the Illinois Streetgang
13 Terrorism Omnibus Prevention Act;

14 (14) provide true and accurate information, as it
15 relates to his or her adjustment in the community while on
16 parole or mandatory supervised release or to his or her
17 conduct while incarcerated, in response to inquiries by his
18 or her parole agent or of the Department of Corrections;

19 (15) follow any specific instructions provided by the
20 parole agent that are consistent with furthering
21 conditions set and approved by the Prisoner Review Board or
22 by law, exclusive of placement on electronic detention, to
23 achieve the goals and objectives of his or her parole or
24 mandatory supervised release or to protect the public.
25 These instructions by the parole agent may be modified at
26 any time, as the agent deems appropriate;

1 (16) if convicted of a sex offense as defined in
2 subsection (a-5) of Section 3-1-2 of this Code, unless the
3 offender is a parent or guardian of the person under 18
4 years of age present in the home and no non-familial minors
5 are present, not participate in a holiday event involving
6 children under 18 years of age, such as distributing candy
7 or other items to children on Halloween, wearing a Santa
8 Claus costume on or preceding Christmas, being employed as
9 a department store Santa Claus, or wearing an Easter Bunny
10 costume on or preceding Easter; and

11 (17) if convicted of a violation of an order of
12 protection under Section 12-30 of the Criminal Code of
13 1961, be placed under electronic surveillance as provided
14 in Section 5-8A-7 of this Code.

15 (b) The Board may in addition to other conditions require
16 that the subject:

17 (1) work or pursue a course of study or vocational
18 training;

19 (2) undergo medical or psychiatric treatment, or
20 treatment for drug addiction or alcoholism;

21 (3) attend or reside in a facility established for the
22 instruction or residence of persons on probation or parole;

23 (4) support his dependents;

24 (5) (blank);

25 (6) (blank);

26 (7) comply with the terms and conditions of an order of

1 protection issued pursuant to the Illinois Domestic
2 Violence Act of 1986, enacted by the 84th General Assembly,
3 or an order of protection issued by the court of another
4 state, tribe, or United States territory;

5 (7.5) if convicted for an offense committed on or after
6 the effective date of this amendatory Act of the 95th
7 General Assembly that would qualify the accused as a child
8 sex offender as defined in Section 11-9.3 or 11-9.4 of the
9 Criminal Code of 1961, refrain from communicating with or
10 contacting, by means of the Internet, a person who is
11 related to the accused and whom the accused reasonably
12 believes to be under 18 years of age; for purposes of this
13 paragraph (7.5), "Internet" has the meaning ascribed to it
14 in Section 16J-5 of the Criminal Code of 1961; and a person
15 is related to the accused if the person is: (i) the spouse,
16 brother, or sister of the accused; (ii) a descendant of the
17 accused; (iii) a first or second cousin of the accused; or
18 (iv) a step-child or adopted child of the accused;

19 (7.6) if convicted for an offense committed on or after
20 June 1, 2009 (the effective date of Public Act 95-983) that
21 would qualify as a sex offense as defined in the Sex
22 Offender Registration Act:

23 (i) not access or use a computer or any other
24 device with Internet capability without the prior
25 written approval of the Department;

26 (ii) submit to periodic unannounced examinations

1 of the offender's computer or any other device with
2 Internet capability by the offender's supervising
3 agent, a law enforcement officer, or assigned computer
4 or information technology specialist, including the
5 retrieval and copying of all data from the computer or
6 device and any internal or external peripherals and
7 removal of such information, equipment, or device to
8 conduct a more thorough inspection;

9 (iii) submit to the installation on the offender's
10 computer or device with Internet capability, at the
11 offender's expense, of one or more hardware or software
12 systems to monitor the Internet use; and

13 (iv) submit to any other appropriate restrictions
14 concerning the offender's use of or access to a
15 computer or any other device with Internet capability
16 imposed by the Board, the Department or the offender's
17 supervising agent; and

18 (8) in addition, if a minor:

19 (i) reside with his parents or in a foster home;

20 (ii) attend school;

21 (iii) attend a non-residential program for youth;

22 or

23 (iv) contribute to his own support at home or in a
24 foster home.

25 (b-1) In addition to the conditions set forth in
26 subsections (a) and (b), persons required to register as sex

1 offenders pursuant to the Sex Offender Registration Act, upon
2 release from the custody of the Illinois Department of
3 Corrections, may be required by the Board to comply with the
4 following specific conditions of release:

5 (1) reside only at a Department approved location;

6 (2) comply with all requirements of the Sex Offender
7 Registration Act;

8 (3) notify third parties of the risks that may be
9 occasioned by his or her criminal record;

10 (4) obtain the approval of an agent of the Department
11 of Corrections prior to accepting employment or pursuing a
12 course of study or vocational training and notify the
13 Department prior to any change in employment, study, or
14 training;

15 (5) not be employed or participate in any volunteer
16 activity that involves contact with children, except under
17 circumstances approved in advance and in writing by an
18 agent of the Department of Corrections;

19 (6) be electronically monitored for a minimum of 12
20 months from the date of release as determined by the Board;

21 (7) refrain from entering into a designated geographic
22 area except upon terms approved in advance by an agent of
23 the Department of Corrections. The terms may include
24 consideration of the purpose of the entry, the time of day,
25 and others accompanying the person;

26 (8) refrain from having any contact, including written

1 or oral communications, directly or indirectly, personally
2 or by telephone, letter, or through a third party with
3 certain specified persons including, but not limited to,
4 the victim or the victim's family without the prior written
5 approval of an agent of the Department of Corrections;

6 (9) refrain from all contact, directly or indirectly,
7 personally, by telephone, letter, or through a third party,
8 with minor children without prior identification and
9 approval of an agent of the Department of Corrections;

10 (10) neither possess or have under his or her control
11 any material that is sexually oriented, sexually
12 stimulating, or that shows male or female sex organs or any
13 pictures depicting children under 18 years of age nude or
14 any written or audio material describing sexual
15 intercourse or that depicts or alludes to sexual activity,
16 including but not limited to visual, auditory, telephonic,
17 or electronic media, or any matter obtained through access
18 to any computer or material linked to computer access use;

19 (11) not patronize any business providing sexually
20 stimulating or sexually oriented entertainment nor utilize
21 "900" or adult telephone numbers;

22 (12) not reside near, visit, or be in or about parks,
23 schools, day care centers, swimming pools, beaches,
24 theaters, or any other places where minor children
25 congregate without advance approval of an agent of the
26 Department of Corrections and immediately report any

1 incidental contact with minor children to the Department;

2 (13) not possess or have under his or her control
3 certain specified items of contraband related to the
4 incidence of sexually offending as determined by an agent
5 of the Department of Corrections;

6 (14) may be required to provide a written daily log of
7 activities if directed by an agent of the Department of
8 Corrections;

9 (15) comply with all other special conditions that the
10 Department may impose that restrict the person from
11 high-risk situations and limit access to potential
12 victims;

13 (16) take an annual polygraph exam;

14 (17) maintain a log of his or her travel; or

15 (18) obtain prior approval of his or her parole officer
16 before driving alone in a motor vehicle.

17 (c) The conditions under which the parole or mandatory
18 supervised release is to be served shall be communicated to the
19 person in writing prior to his release, and he shall sign the
20 same before release. A signed copy of these conditions,
21 including a copy of an order of protection where one had been
22 issued by the criminal court, shall be retained by the person
23 and another copy forwarded to the officer in charge of his
24 supervision.

25 (d) After a hearing under Section 3-3-9, the Prisoner
26 Review Board may modify or enlarge the conditions of parole or

1 mandatory supervised release.

2 (e) The Department shall inform all offenders committed to
3 the Department of the optional services available to them upon
4 release and shall assist inmates in availing themselves of such
5 optional services upon their release on a voluntary basis.

6 (f) When the subject is in compliance with all conditions
7 of his or her parole or mandatory supervised release, the
8 subject shall receive a reduction of the period of his or her
9 parole or mandatory supervised release of 90 days upon passage
10 of the high school level Test of General Educational
11 Development during the period of his or her parole or mandatory
12 supervised release. This reduction in the period of a subject's
13 term of parole or mandatory supervised release shall be
14 available only to subjects who have not previously earned a
15 high school diploma or who have not previously passed the high
16 school level Test of General Educational Development.

17 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
18 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
19 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
20 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
21 revised 9-25-09.)

22 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

23 Sec. 5-3-2. Presentence Report.

24 (a) In felony cases, the presentence report shall set
25 forth:

1 (1) the defendant's history of delinquency or
2 criminality, physical and mental history and condition,
3 family situation and background, economic status,
4 education, occupation and personal habits;

5 (2) information about special resources within the
6 community which might be available to assist the
7 defendant's rehabilitation, including treatment centers,
8 residential facilities, vocational training services,
9 correctional manpower programs, employment opportunities,
10 special educational programs, alcohol and drug abuse
11 programming, psychiatric and marriage counseling, and
12 other programs and facilities which could aid the
13 defendant's successful reintegration into society;

14 (3) the effect the offense committed has had upon the
15 victim or victims thereof, and any compensatory benefit
16 that various sentencing alternatives would confer on such
17 victim or victims;

18 (4) information concerning the defendant's status
19 since arrest, including his record if released on his own
20 recognizance, or the defendant's achievement record if
21 released on a conditional pre-trial supervision program;

22 (5) when appropriate, a plan, based upon the personal,
23 economic and social adjustment needs of the defendant,
24 utilizing public and private community resources as an
25 alternative to institutional sentencing;

26 (6) any other matters that the investigatory officer

1 deems relevant or the court directs to be included; and

2 (7) information concerning defendant's eligibility for
3 a sentence to a county impact incarceration program under
4 Section 5-8-1.2 of this Code.

5 (b) The investigation shall include a physical and mental
6 examination of the defendant when so ordered by the court. If
7 the court determines that such an examination should be made,
8 it shall issue an order that the defendant submit to
9 examination at such time and place as designated by the court
10 and that such examination be conducted by a physician,
11 psychologist or psychiatrist designated by the court. Such an
12 examination may be conducted in a court clinic if so ordered by
13 the court. The cost of such examination shall be paid by the
14 county in which the trial is held.

15 (b-5) In cases involving felony sex offenses in which the
16 offender is being considered for probation only or any felony
17 offense that is sexually motivated as defined in the Sex
18 Offender Management Board Act in which the offender is being
19 considered for probation only, the investigation shall include
20 a sex offender evaluation by an evaluator approved by the Board
21 and conducted in conformance with the standards developed under
22 the Sex Offender Management Board Act. In cases in which the
23 offender is being considered for any mandatory prison sentence,
24 the investigation shall not include a sex offender evaluation.

25 (c) In misdemeanor, business offense or petty offense
26 cases, except as specified in subsection (d) of this Section,

1 when a presentence report has been ordered by the court, such
2 presentence report shall contain information on the
3 defendant's history of delinquency or criminality and shall
4 further contain only those matters listed in any of paragraphs
5 (1) through (6) of subsection (a) or in subsection (b) of this
6 Section as are specified by the court in its order for the
7 report.

8 (d) In cases under Sections 11-1.50, Section 12-15, and
9 ~~Section 12-30~~ of the Criminal Code of 1961, as amended, the
10 presentence report shall set forth information about alcohol,
11 drug abuse, psychiatric, and marriage counseling or other
12 treatment programs and facilities, information on the
13 defendant's history of delinquency or criminality, and shall
14 contain those additional matters listed in any of paragraphs
15 (1) through (6) of subsection (a) or in subsection (b) of this
16 Section as are specified by the court.

17 (e) Nothing in this Section shall cause the defendant to be
18 held without bail or to have his bail revoked for the purpose
19 of preparing the presentence report or making an examination.

20 (Source: P.A. 96-322, eff. 1-1-10.)

21 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

22 Sec. 5-4-1. Sentencing Hearing.

23 (a) Except when the death penalty is sought under hearing
24 procedures otherwise specified, after a determination of
25 guilt, a hearing shall be held to impose the sentence. However,

1 prior to the imposition of sentence on an individual being
2 sentenced for an offense based upon a charge for a violation of
3 Section 11-501 of the Illinois Vehicle Code or a similar
4 provision of a local ordinance, the individual must undergo a
5 professional evaluation to determine if an alcohol or other
6 drug abuse problem exists and the extent of such a problem.
7 Programs conducting these evaluations shall be licensed by the
8 Department of Human Services. However, if the individual is not
9 a resident of Illinois, the court may, in its discretion,
10 accept an evaluation from a program in the state of such
11 individual's residence. The court may in its sentencing order
12 approve an eligible defendant for placement in a Department of
13 Corrections impact incarceration program as provided in
14 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
15 order recommend a defendant for placement in a Department of
16 Corrections substance abuse treatment program as provided in
17 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
18 upon the defendant being accepted in a program by the
19 Department of Corrections. At the hearing the court shall:

20 (1) consider the evidence, if any, received upon the
21 trial;

22 (2) consider any presentence reports;

23 (3) consider the financial impact of incarceration
24 based on the financial impact statement filed with the
25 clerk of the court by the Department of Corrections;

26 (4) consider evidence and information offered by the

1 parties in aggravation and mitigation;

2 (4.5) consider substance abuse treatment, eligibility
3 screening, and an assessment, if any, of the defendant by
4 an agent designated by the State of Illinois to provide
5 assessment services for the Illinois courts;

6 (5) hear arguments as to sentencing alternatives;

7 (6) afford the defendant the opportunity to make a
8 statement in his own behalf;

9 (7) afford the victim of a violent crime or a violation
10 of Section 11-501 of the Illinois Vehicle Code, or a
11 similar provision of a local ordinance, or a qualified
12 individual affected by: (i) a violation of Section 405,
13 405.1, 405.2, or 407 of the Illinois Controlled Substances
14 Act or a violation of Section 55 or Section 65 of the
15 Methamphetamine Control and Community Protection Act, or
16 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
17 except as described in subdivisions (a)(2)(A) and
18 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
19 Criminal Code of 1961, committed by the defendant the
20 opportunity to make a statement concerning the impact on
21 the victim and to offer evidence in aggravation or
22 mitigation; provided that the statement and evidence
23 offered in aggravation or mitigation must first be prepared
24 in writing in conjunction with the State's Attorney before
25 it may be presented orally at the hearing. Any sworn
26 testimony offered by the victim is subject to the

1 defendant's right to cross-examine. All statements and
2 evidence offered under this paragraph (7) shall become part
3 of the record of the court. For the purpose of this
4 paragraph (7), "qualified individual" means any person who
5 (i) lived or worked within the territorial jurisdiction
6 where the offense took place when the offense took place;
7 and (ii) is familiar with various public places within the
8 territorial jurisdiction where the offense took place when
9 the offense took place. For the purposes of this paragraph
10 (7), "qualified individual" includes any peace officer, or
11 any member of any duly organized State, county, or
12 municipal peace unit assigned to the territorial
13 jurisdiction where the offense took place when the offense
14 took place;

15 (8) in cases of reckless homicide afford the victim's
16 spouse, guardians, parents or other immediate family
17 members an opportunity to make oral statements; and

18 (9) in cases involving a felony sex offense as defined
19 under the Sex Offender Management Board Act, consider the
20 results of the sex offender evaluation conducted pursuant
21 to Section 5-3-2 of this Act.

22 (b) All sentences shall be imposed by the judge based upon
23 his independent assessment of the elements specified above and
24 any agreement as to sentence reached by the parties. The judge
25 who presided at the trial or the judge who accepted the plea of
26 guilty shall impose the sentence unless he is no longer sitting

1 as a judge in that court. Where the judge does not impose
2 sentence at the same time on all defendants who are convicted
3 as a result of being involved in the same offense, the
4 defendant or the State's Attorney may advise the sentencing
5 court of the disposition of any other defendants who have been
6 sentenced.

7 (c) In imposing a sentence for a violent crime or for an
8 offense of operating or being in physical control of a vehicle
9 while under the influence of alcohol, any other drug or any
10 combination thereof, or a similar provision of a local
11 ordinance, when such offense resulted in the personal injury to
12 someone other than the defendant, the trial judge shall specify
13 on the record the particular evidence, information, factors in
14 mitigation and aggravation or other reasons that led to his
15 sentencing determination. The full verbatim record of the
16 sentencing hearing shall be filed with the clerk of the court
17 and shall be a public record.

18 (c-1) In imposing a sentence for the offense of aggravated
19 kidnapping for ransom, home invasion, armed robbery,
20 aggravated vehicular hijacking, aggravated discharge of a
21 firearm, or armed violence with a category I weapon or category
22 II weapon, the trial judge shall make a finding as to whether
23 the conduct leading to conviction for the offense resulted in
24 great bodily harm to a victim, and shall enter that finding and
25 the basis for that finding in the record.

26 (c-2) If the defendant is sentenced to prison, other than

1 when a sentence of natural life imprisonment or a sentence of
2 death is imposed, at the time the sentence is imposed the judge
3 shall state on the record in open court the approximate period
4 of time the defendant will serve in custody according to the
5 then current statutory rules and regulations for early release
6 found in Section 3-6-3 and other related provisions of this
7 Code. This statement is intended solely to inform the public,
8 has no legal effect on the defendant's actual release, and may
9 not be relied on by the defendant on appeal.

10 The judge's statement, to be given after pronouncing the
11 sentence, other than when the sentence is imposed for one of
12 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
13 shall include the following:

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois as
18 applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, assuming the defendant receives all of his or her good
21 conduct credit, the period of estimated actual custody is ...
22 years and ... months, less up to 180 days additional good
23 conduct credit for meritorious service. If the defendant,
24 because of his or her own misconduct or failure to comply with
25 the institutional regulations, does not receive those credits,
26 the actual time served in prison will be longer. The defendant

1 may also receive an additional one-half day good conduct credit
2 for each day of participation in vocational, industry,
3 substance abuse, and educational programs as provided for by
4 Illinois statute."

5 When the sentence is imposed for one of the offenses
6 enumerated in paragraph (a)(3) of Section 3-6-3, other than
7 when the sentence is imposed for one of the offenses enumerated
8 in paragraph (a)(2) of Section 3-6-3 committed on or after June
9 19, 1998, and other than when the sentence is imposed for
10 reckless homicide as defined in subsection (e) of Section 9-3
11 of the Criminal Code of 1961 if the offense was committed on or
12 after January 1, 1999, and other than when the sentence is
13 imposed for aggravated arson if the offense was committed on or
14 after July 27, 2001 (the effective date of Public Act 92-176),
15 the judge's statement, to be given after pronouncing the
16 sentence, shall include the following:

17 "The purpose of this statement is to inform the public of
18 the actual period of time this defendant is likely to spend in
19 prison as a result of this sentence. The actual period of
20 prison time served is determined by the statutes of Illinois as
21 applied to this sentence by the Illinois Department of
22 Corrections and the Illinois Prisoner Review Board. In this
23 case, assuming the defendant receives all of his or her good
24 conduct credit, the period of estimated actual custody is ...
25 years and ... months, less up to 90 days additional good
26 conduct credit for meritorious service. If the defendant,

1 because of his or her own misconduct or failure to comply with
2 the institutional regulations, does not receive those credits,
3 the actual time served in prison will be longer. The defendant
4 may also receive an additional one-half day good conduct credit
5 for each day of participation in vocational, industry,
6 substance abuse, and educational programs as provided for by
7 Illinois statute."

8 When the sentence is imposed for one of the offenses
9 enumerated in paragraph (a)(2) of Section 3-6-3, other than
10 first degree murder, and the offense was committed on or after
11 June 19, 1998, and when the sentence is imposed for reckless
12 homicide as defined in subsection (e) of Section 9-3 of the
13 Criminal Code of 1961 if the offense was committed on or after
14 January 1, 1999, and when the sentence is imposed for
15 aggravated driving under the influence of alcohol, other drug
16 or drugs, or intoxicating compound or compounds, or any
17 combination thereof as defined in subparagraph (F) of paragraph
18 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
19 Code, and when the sentence is imposed for aggravated arson if
20 the offense was committed on or after July 27, 2001 (the
21 effective date of Public Act 92-176), the judge's statement, to
22 be given after pronouncing the sentence, shall include the
23 following:

24 "The purpose of this statement is to inform the public of
25 the actual period of time this defendant is likely to spend in
26 prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois as
2 applied to this sentence by the Illinois Department of
3 Corrections and the Illinois Prisoner Review Board. In this
4 case, the defendant is entitled to no more than 4 1/2 days of
5 good conduct credit for each month of his or her sentence of
6 imprisonment. Therefore, this defendant will serve at least 85%
7 of his or her sentence. Assuming the defendant receives 4 1/2
8 days credit for each month of his or her sentence, the period
9 of estimated actual custody is ... years and ... months. If the
10 defendant, because of his or her own misconduct or failure to
11 comply with the institutional regulations receives lesser
12 credit, the actual time served in prison will be longer."

13 When a sentence of imprisonment is imposed for first degree
14 murder and the offense was committed on or after June 19, 1998,
15 the judge's statement, to be given after pronouncing the
16 sentence, shall include the following:

17 "The purpose of this statement is to inform the public of
18 the actual period of time this defendant is likely to spend in
19 prison as a result of this sentence. The actual period of
20 prison time served is determined by the statutes of Illinois as
21 applied to this sentence by the Illinois Department of
22 Corrections and the Illinois Prisoner Review Board. In this
23 case, the defendant is not entitled to good conduct credit.
24 Therefore, this defendant will serve 100% of his or her
25 sentence."

26 When the sentencing order recommends placement in a

1 substance abuse program for any offense that results in
2 incarceration in a Department of Corrections facility and the
3 crime was committed on or after September 1, 2003 (the
4 effective date of Public Act 93-354), the judge's statement, in
5 addition to any other judge's statement required under this
6 Section, to be given after pronouncing the sentence, shall
7 include the following:

8 "The purpose of this statement is to inform the public of
9 the actual period of time this defendant is likely to spend in
10 prison as a result of this sentence. The actual period of
11 prison time served is determined by the statutes of Illinois as
12 applied to this sentence by the Illinois Department of
13 Corrections and the Illinois Prisoner Review Board. In this
14 case, the defendant shall receive no good conduct credit under
15 clause (3) of subsection (a) of Section 3-6-3 until he or she
16 participates in and completes a substance abuse treatment
17 program or receives a waiver from the Director of Corrections
18 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

19 (c-4) Before the sentencing hearing and as part of the
20 presentence investigation under Section 5-3-1, the court shall
21 inquire of the defendant whether the defendant is currently
22 serving in or is a veteran of the Armed Forces of the United
23 States. If the defendant is currently serving in the Armed
24 Forces of the United States or is a veteran of the Armed Forces
25 of the United States and has been diagnosed as having a mental
26 illness by a qualified psychiatrist or clinical psychologist or

1 physician, the court may:

2 (1) order that the officer preparing the presentence
3 report consult with the United States Department of
4 Veterans Affairs, Illinois Department of Veterans'
5 Affairs, or another agency or person with suitable
6 knowledge or experience for the purpose of providing the
7 court with information regarding treatment options
8 available to the defendant, including federal, State, and
9 local programming; and

10 (2) consider the treatment recommendations of any
11 diagnosing or treating mental health professionals
12 together with the treatment options available to the
13 defendant in imposing sentence.

14 For the purposes of this subsection (c-4), "qualified
15 psychiatrist" means a reputable physician licensed in Illinois
16 to practice medicine in all its branches, who has specialized
17 in the diagnosis and treatment of mental and nervous disorders
18 for a period of not less than 5 years.

19 (d) When the defendant is committed to the Department of
20 Corrections, the State's Attorney shall and counsel for the
21 defendant may file a statement with the clerk of the court to
22 be transmitted to the department, agency or institution to
23 which the defendant is committed to furnish such department,
24 agency or institution with the facts and circumstances of the
25 offense for which the person was committed together with all
26 other factual information accessible to them in regard to the

1 person prior to his commitment relative to his habits,
2 associates, disposition and reputation and any other facts and
3 circumstances which may aid such department, agency or
4 institution during its custody of such person. The clerk shall
5 within 10 days after receiving any such statements transmit a
6 copy to such department, agency or institution and a copy to
7 the other party, provided, however, that this shall not be
8 cause for delay in conveying the person to the department,
9 agency or institution to which he has been committed.

10 (e) The clerk of the court shall transmit to the
11 department, agency or institution, if any, to which the
12 defendant is committed, the following:

13 (1) the sentence imposed;

14 (2) any statement by the court of the basis for
15 imposing the sentence;

16 (3) any presentence reports;

17 (3.5) any sex offender evaluations;

18 (3.6) any substance abuse treatment eligibility
19 screening and assessment of the defendant by an agent
20 designated by the State of Illinois to provide assessment
21 services for the Illinois courts;

22 (4) the number of days, if any, which the defendant has
23 been in custody and for which he is entitled to credit
24 against the sentence, which information shall be provided
25 to the clerk by the sheriff;

26 (4.1) any finding of great bodily harm made by the

1 court with respect to an offense enumerated in subsection
2 (c-1);

3 (5) all statements filed under subsection (d) of this
4 Section;

5 (6) any medical or mental health records or summaries
6 of the defendant;

7 (7) the municipality where the arrest of the offender
8 or the commission of the offense has occurred, where such
9 municipality has a population of more than 25,000 persons;

10 (8) all statements made and evidence offered under
11 paragraph (7) of subsection (a) of this Section; and

12 (9) all additional matters which the court directs the
13 clerk to transmit.

14 (Source: P.A. 95-331, eff. 8-21-07; 96-86, eff. 1-1-10.)

15 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

16 Sec. 5-4-3. Persons convicted of, or found delinquent for,
17 certain offenses or institutionalized as sexually dangerous;
18 specimens; genetic marker groups.

19 (a) Any person convicted of, found guilty under the
20 Juvenile Court Act of 1987 for, or who received a disposition
21 of court supervision for, a qualifying offense or attempt of a
22 qualifying offense, convicted or found guilty of any offense
23 classified as a felony under Illinois law, convicted or found
24 guilty of any offense requiring registration under the Sex
25 Offender Registration Act, found guilty or given supervision

1 for any offense classified as a felony under the Juvenile Court
2 Act of 1987, convicted or found guilty of, under the Juvenile
3 Court Act of 1987, any offense requiring registration under the
4 Sex Offender Registration Act, or institutionalized as a
5 sexually dangerous person under the Sexually Dangerous Persons
6 Act, or committed as a sexually violent person under the
7 Sexually Violent Persons Commitment Act shall, regardless of
8 the sentence or disposition imposed, be required to submit
9 specimens of blood, saliva, or tissue to the Illinois
10 Department of State Police in accordance with the provisions of
11 this Section, provided such person is:

12 (1) convicted of a qualifying offense or attempt of a
13 qualifying offense on or after July 1, 1990 and sentenced
14 to a term of imprisonment, periodic imprisonment, fine,
15 probation, conditional discharge or any other form of
16 sentence, or given a disposition of court supervision for
17 the offense;

18 (1.5) found guilty or given supervision under the
19 Juvenile Court Act of 1987 for a qualifying offense or
20 attempt of a qualifying offense on or after January 1,
21 1997;

22 (2) ordered institutionalized as a sexually dangerous
23 person on or after July 1, 1990;

24 (3) convicted of a qualifying offense or attempt of a
25 qualifying offense before July 1, 1990 and is presently
26 confined as a result of such conviction in any State

1 correctional facility or county jail or is presently
2 serving a sentence of probation, conditional discharge or
3 periodic imprisonment as a result of such conviction;

4 (3.5) convicted or found guilty of any offense
5 classified as a felony under Illinois law or found guilty
6 or given supervision for such an offense under the Juvenile
7 Court Act of 1987 on or after August 22, 2002;

8 (4) presently institutionalized as a sexually
9 dangerous person or presently institutionalized as a
10 person found guilty but mentally ill of a sexual offense or
11 attempt to commit a sexual offense;

12 (4.5) ordered committed as a sexually violent person on
13 or after the effective date of the Sexually Violent Persons
14 Commitment Act; or

15 (5) seeking transfer to or residency in Illinois under
16 Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of
17 Corrections and the Interstate Compact for Adult Offender
18 Supervision or the Interstate Agreements on Sexually
19 Dangerous Persons Act.

20 Notwithstanding other provisions of this Section, any
21 person incarcerated in a facility of the Illinois Department of
22 Corrections or the Illinois Department of Juvenile Justice on
23 or after August 22, 2002, whether for a term of years, natural
24 life, or a sentence of death, who has not yet submitted a
25 sample of blood, saliva, or tissue shall be required to submit
26 a specimen of blood, saliva, or tissue prior to his or her

1 final discharge, or release on parole or mandatory supervised
2 release, as a condition of his or her parole or mandatory
3 supervised release, or within 6 months from August 13, 2009
4 (the effective date of Public Act 96-426) ~~the effective date of~~
5 ~~this amendatory Act of the 96th General Assembly~~, whichever is
6 sooner. A person ~~Persons~~ incarcerated on or after August 13,
7 2009 (the effective date of Public Act 96-426) ~~the effective~~
8 ~~date of this amendatory Act of the 96th General Assembly~~ shall
9 be required to submit a sample within 45 days of incarceration,
10 or prior to his or her final discharge, or release on parole or
11 mandatory supervised release, as a condition of his or her
12 parole or mandatory supervised release, whichever is sooner.
13 These specimens shall be placed into the State or national DNA
14 database, to be used in accordance with other provisions of
15 this Section, by the Illinois State Police.

16 Notwithstanding other provisions of this Section, any
17 person sentenced to life imprisonment in a facility of the
18 Illinois Department of Corrections after the effective date of
19 this amendatory Act of the 94th General Assembly or sentenced
20 to death after the effective date of this amendatory Act of the
21 94th General Assembly shall be required to provide a specimen
22 of blood, saliva, or tissue within 45 days after sentencing or
23 disposition at a collection site designated by the Illinois
24 Department of State Police. Any person serving a sentence of
25 life imprisonment in a facility of the Illinois Department of
26 Corrections on the effective date of this amendatory Act of the

1 94th General Assembly or any person who is under a sentence of
2 death on the effective date of this amendatory Act of the 94th
3 General Assembly shall be required to provide a specimen of
4 blood, saliva, or tissue upon request at a collection site
5 designated by the Illinois Department of State Police.

6 (a-5) Any person who was otherwise convicted of or received
7 a disposition of court supervision for any other offense under
8 the Criminal Code of 1961 or who was found guilty or given
9 supervision for such a violation under the Juvenile Court Act
10 of 1987, may, regardless of the sentence imposed, be required
11 by an order of the court to submit specimens of blood, saliva,
12 or tissue to the Illinois Department of State Police in
13 accordance with the provisions of this Section.

14 (b) Any person required by paragraphs (a)(1), (a)(1.5),
15 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
16 saliva, or tissue shall provide specimens of blood, saliva, or
17 tissue within 45 days after sentencing or disposition at a
18 collection site designated by the Illinois Department of State
19 Police.

20 (c) Any person required by paragraphs (a)(3), (a)(4), and
21 (a)(4.5) to provide specimens of blood, saliva, or tissue shall
22 be required to provide such samples prior to final discharge or
23 within 6 months from August 13, 2009 (the effective date of
24 Public Act 96-426) ~~the effective date of this amendatory Act of~~
25 ~~the 96th General Assembly~~, whichever is sooner. These specimens
26 shall be placed into the State or national DNA database, to be

1 used in accordance with other provisions of this Act, by the
2 Illinois State Police.

3 (c-5) Any person required by paragraph (a)(5) to provide
4 specimens of blood, saliva, or tissue shall, where feasible, be
5 required to provide the specimens before being accepted for
6 conditioned residency in Illinois under the interstate compact
7 or agreement, but no later than 45 days after arrival in this
8 State.

9 (c-6) The Illinois Department of State Police may determine
10 which type of specimen or specimens, blood, saliva, or tissue,
11 is acceptable for submission to the Division of Forensic
12 Services for analysis.

13 (d) The Illinois Department of State Police shall provide
14 all equipment and instructions necessary for the collection of
15 blood samples. The collection of samples shall be performed in
16 a medically approved manner. Only a physician authorized to
17 practice medicine, a registered nurse or other qualified person
18 trained in venipuncture may withdraw blood for the purposes of
19 this Act. The samples shall thereafter be forwarded to the
20 Illinois Department of State Police, Division of Forensic
21 Services, for analysis and categorizing into genetic marker
22 groupings.

23 (d-1) The Illinois Department of State Police shall provide
24 all equipment and instructions necessary for the collection of
25 saliva samples. The collection of saliva samples shall be
26 performed in a medically approved manner. Only a person trained

1 in the instructions promulgated by the Illinois State Police on
2 collecting saliva may collect saliva for the purposes of this
3 Section. The samples shall thereafter be forwarded to the
4 Illinois Department of State Police, Division of Forensic
5 Services, for analysis and categorizing into genetic marker
6 groupings.

7 (d-2) The Illinois Department of State Police shall provide
8 all equipment and instructions necessary for the collection of
9 tissue samples. The collection of tissue samples shall be
10 performed in a medically approved manner. Only a person trained
11 in the instructions promulgated by the Illinois State Police on
12 collecting tissue may collect tissue for the purposes of this
13 Section. The samples shall thereafter be forwarded to the
14 Illinois Department of State Police, Division of Forensic
15 Services, for analysis and categorizing into genetic marker
16 groupings.

17 (d-5) To the extent that funds are available, the Illinois
18 Department of State Police shall contract with qualified
19 personnel and certified laboratories for the collection,
20 analysis, and categorization of known samples, except as
21 provided in subsection (n) of this Section.

22 (d-6) Agencies designated by the Illinois Department of
23 State Police and the Illinois Department of State Police may
24 contract with third parties to provide for the collection or
25 analysis of DNA, or both, of an offender's blood, saliva, and
26 tissue samples, except as provided in subsection (n) of this

1 Section.

2 (e) The genetic marker groupings shall be maintained by the
3 Illinois Department of State Police, Division of Forensic
4 Services.

5 (f) The genetic marker grouping analysis information
6 obtained pursuant to this Act shall be confidential and shall
7 be released only to peace officers of the United States, of
8 other states or territories, of the insular possessions of the
9 United States, of foreign countries duly authorized to receive
10 the same, to all peace officers of the State of Illinois and to
11 all prosecutorial agencies, and to defense counsel as provided
12 by Section 116-5 of the Code of Criminal Procedure of 1963. The
13 genetic marker grouping analysis information obtained pursuant
14 to this Act shall be used only for (i) valid law enforcement
15 identification purposes and as required by the Federal Bureau
16 of Investigation for participation in the National DNA
17 database, (ii) technology validation purposes, (iii) a
18 population statistics database, (iv) quality assurance
19 purposes if personally identifying information is removed, (v)
20 assisting in the defense of the criminally accused pursuant to
21 Section 116-5 of the Code of Criminal Procedure of 1963, or
22 (vi) identifying and assisting in the prosecution of a person
23 who is suspected of committing a sexual assault as defined in
24 Section 1a of the Sexual Assault Survivors Emergency Treatment
25 Act. Notwithstanding any other statutory provision to the
26 contrary, all information obtained under this Section shall be

1 maintained in a single State data base, which may be uploaded
2 into a national database, and which information may be subject
3 to expungement only as set forth in subsection (f-1).

4 (f-1) Upon receipt of notification of a reversal of a
5 conviction based on actual innocence, or of the granting of a
6 pardon pursuant to Section 12 of Article V of the Illinois
7 Constitution, if that pardon document specifically states that
8 the reason for the pardon is the actual innocence of an
9 individual whose DNA record has been stored in the State or
10 national DNA identification index in accordance with this
11 Section by the Illinois Department of State Police, the DNA
12 record shall be expunged from the DNA identification index, and
13 the Department shall by rule prescribe procedures to ensure
14 that the record and any samples, analyses, or other documents
15 relating to such record, whether in the possession of the
16 Department or any law enforcement or police agency, or any
17 forensic DNA laboratory, including any duplicates or copies
18 thereof, are destroyed and a letter is sent to the court
19 verifying the expungement is completed.

20 (f-5) Any person who intentionally uses genetic marker
21 grouping analysis information, or any other information
22 derived from a DNA sample, beyond the authorized uses as
23 provided under this Section, or any other Illinois law, is
24 guilty of a Class 4 felony, and shall be subject to a fine of
25 not less than \$5,000.

26 (f-6) The Illinois Department of State Police may contract

1 with third parties for the purposes of implementing this
2 amendatory Act of the 93rd General Assembly, except as provided
3 in subsection (n) of this Section. Any other party contracting
4 to carry out the functions of this Section shall be subject to
5 the same restrictions and requirements of this Section insofar
6 as applicable, as the Illinois Department of State Police, and
7 to any additional restrictions imposed by the Illinois
8 Department of State Police.

9 (g) For the purposes of this Section, "qualifying offense"
10 means any of the following:

11 (1) any violation or inchoate violation of Section
12 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
13 12-16 of the Criminal Code of 1961;

14 (1.1) any violation or inchoate violation of Section
15 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
16 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which
17 persons are convicted on or after July 1, 2001;

18 (2) any former statute of this State which defined a
19 felony sexual offense;

20 (3) (blank);

21 (4) any inchoate violation of Section 9-3.1, 11-9.3,
22 12-7.3, or 12-7.4 of the Criminal Code of 1961; or

23 (5) any violation or inchoate violation of Article 29D
24 of the Criminal Code of 1961.

25 (g-5) (Blank).

26 (h) The Illinois Department of State Police shall be the

1 State central repository for all genetic marker grouping
2 analysis information obtained pursuant to this Act. The
3 Illinois Department of State Police may promulgate rules for
4 the form and manner of the collection of blood, saliva, or
5 tissue samples and other procedures for the operation of this
6 Act. The provisions of the Administrative Review Law shall
7 apply to all actions taken under the rules so promulgated.

8 (i) (1) A person required to provide a blood, saliva, or
9 tissue specimen shall cooperate with the collection of the
10 specimen and any deliberate act by that person intended to
11 impede, delay or stop the collection of the blood, saliva,
12 or tissue specimen is a Class A misdemeanor.

13 (2) In the event that a person's DNA sample is not
14 adequate for any reason, the person shall provide another
15 DNA sample for analysis. Duly authorized law enforcement
16 and corrections personnel may employ reasonable force in
17 cases in which an individual refuses to provide a DNA
18 sample required under this Act.

19 (j) Any person required by subsection (a) to submit
20 specimens of blood, saliva, or tissue to the Illinois
21 Department of State Police for analysis and categorization into
22 genetic marker grouping, in addition to any other disposition,
23 penalty, or fine imposed, shall pay an analysis fee of \$200. If
24 the analysis fee is not paid at the time of sentencing, the
25 court shall establish a fee schedule by which the entire amount
26 of the analysis fee shall be paid in full, such schedule not to

1 exceed 24 months from the time of conviction. The inability to
2 pay this analysis fee shall not be the sole ground to
3 incarcerate the person.

4 (k) All analysis and categorization fees provided for by
5 subsection (j) shall be regulated as follows:

6 (1) The State Offender DNA Identification System Fund
7 is hereby created as a special fund in the State Treasury.

8 (2) All fees shall be collected by the clerk of the
9 court and forwarded to the State Offender DNA
10 Identification System Fund for deposit. The clerk of the
11 circuit court may retain the amount of \$10 from each
12 collected analysis fee to offset administrative costs
13 incurred in carrying out the clerk's responsibilities
14 under this Section.

15 (3) Fees deposited into the State Offender DNA
16 Identification System Fund shall be used by Illinois State
17 Police crime laboratories as designated by the Director of
18 State Police. These funds shall be in addition to any
19 allocations made pursuant to existing laws and shall be
20 designated for the exclusive use of State crime
21 laboratories. These uses may include, but are not limited
22 to, the following:

23 (A) Costs incurred in providing analysis and
24 genetic marker categorization as required by
25 subsection (d).

26 (B) Costs incurred in maintaining genetic marker

1 groupings as required by subsection (e).

2 (C) Costs incurred in the purchase and maintenance
3 of equipment for use in performing analyses.

4 (D) Costs incurred in continuing research and
5 development of new techniques for analysis and genetic
6 marker categorization.

7 (E) Costs incurred in continuing education,
8 training, and professional development of forensic
9 scientists regularly employed by these laboratories.

10 (1) The failure of a person to provide a specimen, or of
11 any person or agency to collect a specimen, within the 45 day
12 period shall in no way alter the obligation of the person to
13 submit such specimen, or the authority of the Illinois
14 Department of State Police or persons designated by the
15 Department to collect the specimen, or the authority of the
16 Illinois Department of State Police to accept, analyze and
17 maintain the specimen or to maintain or upload results of
18 genetic marker grouping analysis information into a State or
19 national database.

20 (m) If any provision of this amendatory Act of the 93rd
21 General Assembly is held unconstitutional or otherwise
22 invalid, the remainder of this amendatory Act of the 93rd
23 General Assembly is not affected.

24 (n) Neither the Department of State Police, the Division of
25 Forensic Services, nor any laboratory of the Division of
26 Forensic Services may contract out forensic testing for the

1 purpose of an active investigation or a matter pending before a
2 court of competent jurisdiction without the written consent of
3 the prosecuting agency. For the purposes of this subsection
4 (n), "forensic testing" includes the analysis of physical
5 evidence in an investigation or other proceeding for the
6 prosecution of a violation of the Criminal Code of 1961 or for
7 matters adjudicated under the Juvenile Court Act of 1987, and
8 includes the use of forensic databases and databanks, including
9 DNA, firearm, and fingerprint databases, and expert testimony.
10 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;
11 revised 9-15-09.)

12 (730 ILCS 5/5-4-3.2)

13 Sec. 5-4-3.2. Collection and storage of Internet protocol
14 addresses.

15 (a) Cyber-crimes Location Database. The Attorney General
16 is hereby authorized to establish and maintain the "Illinois
17 Cyber-crimes Location Database" (ICLD) to collect, store, and
18 use Internet protocol (IP) addresses for purposes of
19 investigating and prosecuting child exploitation crimes on the
20 Internet.

21 (b) "Internet protocol address" means the string of numbers
22 by which a location on the Internet is identified by routers or
23 other computers connected to the Internet.

24 (c) Collection of Internet Protocol addresses.

25 (1) Collection upon commitment under the Sexually

1 Dangerous Persons Act. Upon motion for a defendant's
2 confinement under the Sexually Dangerous Persons Act for
3 criminal charges under Section 11-6, 11-20.1, 11-20.1B,
4 11-20.3, or 11-21 of the Criminal Code of 1961, the State's
5 Attorney or Attorney General shall record all Internet
6 protocol (IP) addresses which the defendant may access from
7 his or her residence or place of employment, registered in
8 his or her name, or otherwise has under his or her control
9 or custody.

10 (2) Collection upon conviction. Upon conviction for
11 crimes under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
12 11-21 of the Criminal Code of 1961, a State's Attorney
13 shall record from defendants all Internet protocol (IP)
14 addresses which the defendant may access from his or her
15 residence or place of employment, registered in his or her
16 name, or otherwise has under his or her control or custody,
17 regardless of the sentence or disposition imposed.

18 (d) Storage and use of the Database. Internet protocol (IP)
19 addresses recorded pursuant to this Section shall be submitted
20 to the Attorney General for storage and use in the Illinois
21 Cyber-crimes Location Database. The Attorney General and its
22 designated agents may access the database for the purpose of
23 investigation and prosecution of crimes listed in this Section.
24 In addition, the Attorney General is authorized to share
25 information stored in the database with the National Center for
26 Missing and Exploited Children (NCMEC) and any federal, state,

1 or local law enforcement agencies for the investigation or
2 prosecution of child exploitation crimes.

3 (Source: P.A. 95-579, eff. 8-31-07.)

4 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

5 Sec. 5-5-3. Disposition.

6 (a) (Blank).

7 (b) (Blank).

8 (c) (1) (Blank).

9 (2) A period of probation, a term of periodic
10 imprisonment or conditional discharge shall not be imposed
11 for the following offenses. The court shall sentence the
12 offender to not less than the minimum term of imprisonment
13 set forth in this Code for the following offenses, and may
14 order a fine or restitution or both in conjunction with
15 such term of imprisonment:

16 (A) First degree murder where the death penalty is
17 not imposed.

18 (B) Attempted first degree murder.

19 (C) A Class X felony.

20 (D) A violation of Section 401.1 or 407 of the
21 Illinois Controlled Substances Act, or a violation of
22 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
23 of that Act which relates to more than 5 grams of a
24 substance containing heroin, cocaine, fentanyl, or an
25 analog thereof.

1 (E) A violation of Section 5.1 or 9 of the Cannabis
2 Control Act.

3 (F) A Class 2 or greater felony if the offender had
4 been convicted of a Class 2 or greater felony,
5 including any state or federal conviction for an
6 offense that contained, at the time it was committed,
7 the same elements as an offense now (the date of the
8 offense committed after the prior Class 2 or greater
9 felony) classified as a Class 2 or greater felony,
10 within 10 years of the date on which the offender
11 committed the offense for which he or she is being
12 sentenced, except as otherwise provided in Section
13 40-10 of the Alcoholism and Other Drug Abuse and
14 Dependency Act.

15 (F-5) A violation of Section 24-1, 24-1.1, or
16 24-1.6 of the Criminal Code of 1961 for which
17 imprisonment is prescribed in those Sections.

18 (G) Residential burglary, except as otherwise
19 provided in Section 40-10 of the Alcoholism and Other
20 Drug Abuse and Dependency Act.

21 (H) Criminal sexual assault.

22 (I) Aggravated battery of a senior citizen.

23 (J) A forcible felony if the offense was related to
24 the activities of an organized gang.

25 Before July 1, 1994, for the purposes of this
26 paragraph, "organized gang" means an association of 5

1 or more persons, with an established hierarchy, that
2 encourages members of the association to perpetrate
3 crimes or provides support to the members of the
4 association who do commit crimes.

5 Beginning July 1, 1994, for the purposes of this
6 paragraph, "organized gang" has the meaning ascribed
7 to it in Section 10 of the Illinois Streetgang
8 Terrorism Omnibus Prevention Act.

9 (K) Vehicular hijacking.

10 (L) A second or subsequent conviction for the
11 offense of hate crime when the underlying offense upon
12 which the hate crime is based is felony aggravated
13 assault or felony mob action.

14 (M) A second or subsequent conviction for the
15 offense of institutional vandalism if the damage to the
16 property exceeds \$300.

17 (N) A Class 3 felony violation of paragraph (1) of
18 subsection (a) of Section 2 of the Firearm Owners
19 Identification Card Act.

20 (O) A violation of Section 12-6.1 of the Criminal
21 Code of 1961.

22 (P) A violation of paragraph (1), (2), (3), (4),
23 (5), or (7) of subsection (a) of Section 11-20.1 of the
24 Criminal Code of 1961.

25 (Q) A violation of Section 20-1.2 or 20-1.3 of the
26 Criminal Code of 1961.

1 (R) A violation of Section 24-3A of the Criminal
2 Code of 1961.

3 (S) (Blank).

4 (T) A second or subsequent violation of the
5 Methamphetamine Control and Community Protection Act.

6 (U) A second or subsequent violation of Section
7 6-303 of the Illinois Vehicle Code committed while his
8 or her driver's license, permit, or privilege was
9 revoked because of a violation of Section 9-3 of the
10 Criminal Code of 1961, relating to the offense of
11 reckless homicide, or a similar provision of a law of
12 another state.

13 (V) A violation of paragraph (4) of subsection (c)
14 of Section 11-20.1B or paragraph (4) of subsection (c)
15 of Section 11-20.3 of the Criminal Code of 1961.

16 (W) A violation of Section 24-3.5 of the Criminal
17 Code of 1961.

18 (X) A violation of subsection (a) of Section 31-1a
19 of the Criminal Code of 1961.

20 (Y) A conviction for unlawful possession of a
21 firearm by a street gang member when the firearm was
22 loaded or contained firearm ammunition.

23 (3) (Blank).

24 (4) A minimum term of imprisonment of not less than 10
25 consecutive days or 30 days of community service shall be
26 imposed for a violation of paragraph (c) of Section 6-303

1 of the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8)
4 of this subsection (c), a minimum of 100 hours of community
5 service shall be imposed for a second violation of Section
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300
8 hours of community service, as determined by the court,
9 shall be imposed for a second violation of subsection (c)
10 of Section 6-303 of the Illinois Vehicle Code.

11 (4.4) Except as provided in paragraphs (4.5), (4.6),
12 and (4.9) of this subsection (c), a minimum term of
13 imprisonment of 30 days or 300 hours of community service,
14 as determined by the court, shall be imposed for a third or
15 subsequent violation of Section 6-303 of the Illinois
16 Vehicle Code.

17 (4.5) A minimum term of imprisonment of 30 days shall
18 be imposed for a third violation of subsection (c) of
19 Section 6-303 of the Illinois Vehicle Code.

20 (4.6) Except as provided in paragraph (4.10) of this
21 subsection (c), a minimum term of imprisonment of 180 days
22 shall be imposed for a fourth or subsequent violation of
23 subsection (c) of Section 6-303 of the Illinois Vehicle
24 Code.

25 (4.7) A minimum term of imprisonment of not less than
26 30 consecutive days, or 300 hours of community service,

1 shall be imposed for a violation of subsection (a-5) of
2 Section 6-303 of the Illinois Vehicle Code, as provided in
3 subsection (b-5) of that Section.

4 (4.8) A mandatory prison sentence shall be imposed for
5 a second violation of subsection (a-5) of Section 6-303 of
6 the Illinois Vehicle Code, as provided in subsection (c-5)
7 of that Section. The person's driving privileges shall be
8 revoked for a period of not less than 5 years from the date
9 of his or her release from prison.

10 (4.9) A mandatory prison sentence of not less than 4
11 and not more than 15 years shall be imposed for a third
12 violation of subsection (a-5) of Section 6-303 of the
13 Illinois Vehicle Code, as provided in subsection (d-2.5) of
14 that Section. The person's driving privileges shall be
15 revoked for the remainder of his or her life.

16 (4.10) A mandatory prison sentence for a Class 1 felony
17 shall be imposed, and the person shall be eligible for an
18 extended term sentence, for a fourth or subsequent
19 violation of subsection (a-5) of Section 6-303 of the
20 Illinois Vehicle Code, as provided in subsection (d-3.5) of
21 that Section. The person's driving privileges shall be
22 revoked for the remainder of his or her life.

23 (5) The court may sentence a corporation or
24 unincorporated association convicted of any offense to:

25 (A) a period of conditional discharge;

26 (B) a fine;

1 (C) make restitution to the victim under Section
2 5-5-6 of this Code.

3 (5.1) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.2) or (5.3), a person
5 convicted of violating subsection (c) of Section 11-907 of
6 the Illinois Vehicle Code shall have his or her driver's
7 license, permit, or privileges suspended for at least 90
8 days but not more than one year, if the violation resulted
9 in damage to the property of another person.

10 (5.2) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.3), a person convicted
12 of violating subsection (c) of Section 11-907 of the
13 Illinois Vehicle Code shall have his or her driver's
14 license, permit, or privileges suspended for at least 180
15 days but not more than 2 years, if the violation resulted
16 in injury to another person.

17 (5.3) In addition to any other penalties imposed, a
18 person convicted of violating subsection (c) of Section
19 11-907 of the Illinois Vehicle Code shall have his or her
20 driver's license, permit, or privileges suspended for 2
21 years, if the violation resulted in the death of another
22 person.

23 (5.4) In addition to any other penalties imposed, a
24 person convicted of violating Section 3-707 of the Illinois
25 Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for 3 months and until he

1 or she has paid a reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed, a
3 person convicted of violating Section 3-707 of the Illinois
4 Vehicle Code during a period in which his or her driver's
5 license, permit, or privileges were suspended for a
6 previous violation of that Section shall have his or her
7 driver's license, permit, or privileges suspended for an
8 additional 6 months after the expiration of the original
9 3-month suspension and until he or she has paid a
10 reinstatement fee of \$100.

11 (6) (Blank).

12 (7) (Blank).

13 (8) (Blank).

14 (9) A defendant convicted of a second or subsequent
15 offense of ritualized abuse of a child may be sentenced to
16 a term of natural life imprisonment.

17 (10) (Blank).

18 (11) The court shall impose a minimum fine of \$1,000
19 for a first offense and \$2,000 for a second or subsequent
20 offense upon a person convicted of or placed on supervision
21 for battery when the individual harmed was a sports
22 official or coach at any level of competition and the act
23 causing harm to the sports official or coach occurred
24 within an athletic facility or within the immediate
25 vicinity of the athletic facility at which the sports
26 official or coach was an active participant of the athletic

1 contest held at the athletic facility. For the purposes of
2 this paragraph (11), "sports official" means a person at an
3 athletic contest who enforces the rules of the contest,
4 such as an umpire or referee; "athletic facility" means an
5 indoor or outdoor playing field or recreational area where
6 sports activities are conducted; and "coach" means a person
7 recognized as a coach by the sanctioning authority that
8 conducted the sporting event.

9 (12) A person may not receive a disposition of court
10 supervision for a violation of Section 5-16 of the Boat
11 Registration and Safety Act if that person has previously
12 received a disposition of court supervision for a violation
13 of that Section.

14 (13) A person convicted of or placed on court
15 supervision for an assault or aggravated assault when the
16 victim and the offender are family or household members as
17 defined in Section 103 of the Illinois Domestic Violence
18 Act of 1986 or convicted of domestic battery or aggravated
19 domestic battery may be required to attend a Partner Abuse
20 Intervention Program under protocols set forth by the
21 Illinois Department of Human Services under such terms and
22 conditions imposed by the court. The costs of such classes
23 shall be paid by the offender.

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of the

1 Unified Code of Corrections which may include evidence of the
2 defendant's life, moral character and occupation during the
3 time since the original sentence was passed. The trial court
4 shall then impose sentence upon the defendant. The trial court
5 may impose any sentence which could have been imposed at the
6 original trial subject to Section 5-5-4 of the Unified Code of
7 Corrections. If a sentence is vacated on appeal or on
8 collateral attack due to the failure of the trier of fact at
9 trial to determine beyond a reasonable doubt the existence of a
10 fact (other than a prior conviction) necessary to increase the
11 punishment for the offense beyond the statutory maximum
12 otherwise applicable, either the defendant may be re-sentenced
13 to a term within the range otherwise provided or, if the State
14 files notice of its intention to again seek the extended
15 sentence, the defendant shall be afforded a new trial.

16 (e) In cases where prosecution for aggravated criminal
17 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
18 Code of 1961 results in conviction of a defendant who was a
19 family member of the victim at the time of the commission of
20 the offense, the court shall consider the safety and welfare of
21 the victim and may impose a sentence of probation only where:

22 (1) the court finds (A) or (B) or both are appropriate:

23 (A) the defendant is willing to undergo a court
24 approved counseling program for a minimum duration of 2
25 years; or

26 (B) the defendant is willing to participate in a

1 court approved plan including but not limited to the
2 defendant's:

3 (i) removal from the household;

4 (ii) restricted contact with the victim;

5 (iii) continued financial support of the
6 family;

7 (iv) restitution for harm done to the victim;

8 and

9 (v) compliance with any other measures that
10 the court may deem appropriate; and

11 (2) the court orders the defendant to pay for the
12 victim's counseling services, to the extent that the court
13 finds, after considering the defendant's income and
14 assets, that the defendant is financially capable of paying
15 for such services, if the victim was under 18 years of age
16 at the time the offense was committed and requires
17 counseling as a result of the offense.

18 Probation may be revoked or modified pursuant to Section
19 5-6-4; except where the court determines at the hearing that
20 the defendant violated a condition of his or her probation
21 restricting contact with the victim or other family members or
22 commits another offense with the victim or other family
23 members, the court shall revoke the defendant's probation and
24 impose a term of imprisonment.

25 For the purposes of this Section, "family member" and
26 "victim" shall have the meanings ascribed to them in Section

1 11-0.1 ~~12-12~~ of the Criminal Code of 1961.

2 (f) (Blank).

3 (g) Whenever a defendant is convicted of an offense under
4 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
5 11-14.3, 11-14.4 except for an offense that involves keeping a
6 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
7 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
8 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
9 defendant shall undergo medical testing to determine whether
10 the defendant has any sexually transmissible disease,
11 including a test for infection with human immunodeficiency
12 virus (HIV) or any other identified causative agent of acquired
13 immunodeficiency syndrome (AIDS). Any such medical test shall
14 be performed only by appropriately licensed medical
15 practitioners and may include an analysis of any bodily fluids
16 as well as an examination of the defendant's person. Except as
17 otherwise provided by law, the results of such test shall be
18 kept strictly confidential by all medical personnel involved in
19 the testing and must be personally delivered in a sealed
20 envelope to the judge of the court in which the conviction was
21 entered for the judge's inspection in camera. Acting in
22 accordance with the best interests of the victim and the
23 public, the judge shall have the discretion to determine to
24 whom, if anyone, the results of the testing may be revealed.
25 The court shall notify the defendant of the test results. The
26 court shall also notify the victim if requested by the victim,

1 and if the victim is under the age of 15 and if requested by the
2 victim's parents or legal guardian, the court shall notify the
3 victim's parents or legal guardian of the test results. The
4 court shall provide information on the availability of HIV
5 testing and counseling at Department of Public Health
6 facilities to all parties to whom the results of the testing
7 are revealed and shall direct the State's Attorney to provide
8 the information to the victim when possible. A State's Attorney
9 may petition the court to obtain the results of any HIV test
10 administered under this Section, and the court shall grant the
11 disclosure if the State's Attorney shows it is relevant in
12 order to prosecute a charge of criminal transmission of HIV
13 under Section 12-16.2 of the Criminal Code of 1961 against the
14 defendant. The court shall order that the cost of any such test
15 shall be paid by the county and may be taxed as costs against
16 the convicted defendant.

17 (g-5) When an inmate is tested for an airborne communicable
18 disease, as determined by the Illinois Department of Public
19 Health including but not limited to tuberculosis, the results
20 of the test shall be personally delivered by the warden or his
21 or her designee in a sealed envelope to the judge of the court
22 in which the inmate must appear for the judge's inspection in
23 camera if requested by the judge. Acting in accordance with the
24 best interests of those in the courtroom, the judge shall have
25 the discretion to determine what if any precautions need to be
26 taken to prevent transmission of the disease in the courtroom.

1 (h) Whenever a defendant is convicted of an offense under
2 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
3 defendant shall undergo medical testing to determine whether
4 the defendant has been exposed to human immunodeficiency virus
5 (HIV) or any other identified causative agent of acquired
6 immunodeficiency syndrome (AIDS). Except as otherwise provided
7 by law, the results of such test shall be kept strictly
8 confidential by all medical personnel involved in the testing
9 and must be personally delivered in a sealed envelope to the
10 judge of the court in which the conviction was entered for the
11 judge's inspection in camera. Acting in accordance with the
12 best interests of the public, the judge shall have the
13 discretion to determine to whom, if anyone, the results of the
14 testing may be revealed. The court shall notify the defendant
15 of a positive test showing an infection with the human
16 immunodeficiency virus (HIV). The court shall provide
17 information on the availability of HIV testing and counseling
18 at Department of Public Health facilities to all parties to
19 whom the results of the testing are revealed and shall direct
20 the State's Attorney to provide the information to the victim
21 when possible. A State's Attorney may petition the court to
22 obtain the results of any HIV test administered under this
23 Section, and the court shall grant the disclosure if the
24 State's Attorney shows it is relevant in order to prosecute a
25 charge of criminal transmission of HIV under Section 12-16.2 of
26 the Criminal Code of 1961 against the defendant. The court

1 shall order that the cost of any such test shall be paid by the
2 county and may be taxed as costs against the convicted
3 defendant.

4 (i) All fines and penalties imposed under this Section for
5 any violation of Chapters 3, 4, 6, and 11 of the Illinois
6 Vehicle Code, or a similar provision of a local ordinance, and
7 any violation of the Child Passenger Protection Act, or a
8 similar provision of a local ordinance, shall be collected and
9 disbursed by the circuit clerk as provided under Section 27.5
10 of the Clerks of Courts Act.

11 (j) In cases when prosecution for any violation of Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
13 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
14 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
15 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
16 12-15, or 12-16 of the Criminal Code of 1961, any violation of
17 the Illinois Controlled Substances Act, any violation of the
18 Cannabis Control Act, or any violation of the Methamphetamine
19 Control and Community Protection Act results in conviction, a
20 disposition of court supervision, or an order of probation
21 granted under Section 10 of the Cannabis Control Act, Section
22 410 of the Illinois Controlled Substance Act, or Section 70 of
23 the Methamphetamine Control and Community Protection Act of a
24 defendant, the court shall determine whether the defendant is
25 employed by a facility or center as defined under the Child
26 Care Act of 1969, a public or private elementary or secondary

1 school, or otherwise works with children under 18 years of age
2 on a daily basis. When a defendant is so employed, the court
3 shall order the Clerk of the Court to send a copy of the
4 judgment of conviction or order of supervision or probation to
5 the defendant's employer by certified mail. If the employer of
6 the defendant is a school, the Clerk of the Court shall direct
7 the mailing of a copy of the judgment of conviction or order of
8 supervision or probation to the appropriate regional
9 superintendent of schools. The regional superintendent of
10 schools shall notify the State Board of Education of any
11 notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted
13 of a felony and who has not been previously convicted of a
14 misdemeanor or felony and who is sentenced to a term of
15 imprisonment in the Illinois Department of Corrections shall as
16 a condition of his or her sentence be required by the court to
17 attend educational courses designed to prepare the defendant
18 for a high school diploma and to work toward a high school
19 diploma or to work toward passing the high school level Test of
20 General Educational Development (GED) or to work toward
21 completing a vocational training program offered by the
22 Department of Corrections. If a defendant fails to complete the
23 educational training required by his or her sentence during the
24 term of incarceration, the Prisoner Review Board shall, as a
25 condition of mandatory supervised release, require the
26 defendant, at his or her own expense, to pursue a course of

1 study toward a high school diploma or passage of the GED test.
2 The Prisoner Review Board shall revoke the mandatory supervised
3 release of a defendant who wilfully fails to comply with this
4 subsection (j-5) upon his or her release from confinement in a
5 penal institution while serving a mandatory supervised release
6 term; however, the inability of the defendant after making a
7 good faith effort to obtain financial aid or pay for the
8 educational training shall not be deemed a wilful failure to
9 comply. The Prisoner Review Board shall recommit the defendant
10 whose mandatory supervised release term has been revoked under
11 this subsection (j-5) as provided in Section 3-3-9. This
12 subsection (j-5) does not apply to a defendant who has a high
13 school diploma or has successfully passed the GED test. This
14 subsection (j-5) does not apply to a defendant who is
15 determined by the court to be developmentally disabled or
16 otherwise mentally incapable of completing the educational or
17 vocational program.

18 (k) (Blank).

19 (l) (A) Except as provided in paragraph (C) of subsection
20 (l), whenever a defendant, who is an alien as defined by
21 the Immigration and Nationality Act, is convicted of any
22 felony or misdemeanor offense, the court after sentencing
23 the defendant may, upon motion of the State's Attorney,
24 hold sentence in abeyance and remand the defendant to the
25 custody of the Attorney General of the United States or his
26 or her designated agent to be deported when:

1 (1) a final order of deportation has been issued
2 against the defendant pursuant to proceedings under
3 the Immigration and Nationality Act, and

4 (2) the deportation of the defendant would not
5 deprecate the seriousness of the defendant's conduct
6 and would not be inconsistent with the ends of justice.

7 Otherwise, the defendant shall be sentenced as
8 provided in this Chapter V.

9 (B) If the defendant has already been sentenced for a
10 felony or misdemeanor offense, or has been placed on
11 probation under Section 10 of the Cannabis Control Act,
12 Section 410 of the Illinois Controlled Substances Act, or
13 Section 70 of the Methamphetamine Control and Community
14 Protection Act, the court may, upon motion of the State's
15 Attorney to suspend the sentence imposed, commit the
16 defendant to the custody of the Attorney General of the
17 United States or his or her designated agent when:

18 (1) a final order of deportation has been issued
19 against the defendant pursuant to proceedings under
20 the Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not
22 deprecate the seriousness of the defendant's conduct
23 and would not be inconsistent with the ends of justice.

24 (C) This subsection (1) does not apply to offenders who
25 are subject to the provisions of paragraph (2) of
26 subsection (a) of Section 3-6-3.

1 (D) Upon motion of the State's Attorney, if a defendant
2 sentenced under this Section returns to the jurisdiction of
3 the United States, the defendant shall be recommitted to
4 the custody of the county from which he or she was
5 sentenced. Thereafter, the defendant shall be brought
6 before the sentencing court, which may impose any sentence
7 that was available under Section 5-5-3 at the time of
8 initial sentencing. In addition, the defendant shall not be
9 eligible for additional good conduct credit for
10 meritorious service as provided under Section 3-6-6.

11 (m) A person convicted of criminal defacement of property
12 under Section 21-1.3 of the Criminal Code of 1961, in which the
13 property damage exceeds \$300 and the property damaged is a
14 school building, shall be ordered to perform community service
15 that may include cleanup, removal, or painting over the
16 defacement.

17 (n) The court may sentence a person convicted of a
18 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
19 Code of 1961 (i) to an impact incarceration program if the
20 person is otherwise eligible for that program under Section
21 5-8-1.1, (ii) to community service, or (iii) if the person is
22 an addict or alcoholic, as defined in the Alcoholism and Other
23 Drug Abuse and Dependency Act, to a substance or alcohol abuse
24 program licensed under that Act.

25 (o) Whenever a person is convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to
2 renewal on an annual basis in accordance with the provisions of
3 license renewal established by the Secretary of State.

4 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
5 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
6 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
7 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
8 eff. 12-3-09.)

9 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

10 (Text of Section before amendment by P.A. 96-339)

11 Sec. 5-5-3.2. Factors in Aggravation.

12 (a) The following factors shall be accorded weight in favor
13 of imposing a term of imprisonment or may be considered by the
14 court as reasons to impose a more severe sentence under Section
15 5-8-1 or Article 4.5 of Chapter V:

16 (1) the defendant's conduct caused or threatened
17 serious harm;

18 (2) the defendant received compensation for committing
19 the offense;

20 (3) the defendant has a history of prior delinquency or
21 criminal activity;

22 (4) the defendant, by the duties of his office or by
23 his position, was obliged to prevent the particular offense
24 committed or to bring the offenders committing it to
25 justice;

1 (5) the defendant held public office at the time of the
2 offense, and the offense related to the conduct of that
3 office;

4 (6) the defendant utilized his professional reputation
5 or position in the community to commit the offense, or to
6 afford him an easier means of committing it;

7 (7) the sentence is necessary to deter others from
8 committing the same crime;

9 (8) the defendant committed the offense against a
10 person 60 years of age or older or such person's property;

11 (9) the defendant committed the offense against a
12 person who is physically handicapped or such person's
13 property;

14 (10) by reason of another individual's actual or
15 perceived race, color, creed, religion, ancestry, gender,
16 sexual orientation, physical or mental disability, or
17 national origin, the defendant committed the offense
18 against (i) the person or property of that individual; (ii)
19 the person or property of a person who has an association
20 with, is married to, or has a friendship with the other
21 individual; or (iii) the person or property of a relative
22 (by blood or marriage) of a person described in clause (i)
23 or (ii). For the purposes of this Section, "sexual
24 orientation" means heterosexuality, homosexuality, or
25 bisexuality;

26 (11) the offense took place in a place of worship or on

1 the grounds of a place of worship, immediately prior to,
2 during or immediately following worship services. For
3 purposes of this subparagraph, "place of worship" shall
4 mean any church, synagogue or other building, structure or
5 place used primarily for religious worship;

6 (12) the defendant was convicted of a felony committed
7 while he was released on bail or his own recognizance
8 pending trial for a prior felony and was convicted of such
9 prior felony, or the defendant was convicted of a felony
10 committed while he was serving a period of probation,
11 conditional discharge, or mandatory supervised release
12 under subsection (d) of Section 5-8-1 for a prior felony;

13 (13) the defendant committed or attempted to commit a
14 felony while he was wearing a bulletproof vest. For the
15 purposes of this paragraph (13), a bulletproof vest is any
16 device which is designed for the purpose of protecting the
17 wearer from bullets, shot or other lethal projectiles;

18 (14) the defendant held a position of trust or
19 supervision such as, but not limited to, family member as
20 defined in Section 12-12 of the Criminal Code of 1961,
21 teacher, scout leader, baby sitter, or day care worker, in
22 relation to a victim under 18 years of age, and the
23 defendant committed an offense in violation of Section
24 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
25 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
26 against that victim;

1 (15) the defendant committed an offense related to the
2 activities of an organized gang. For the purposes of this
3 factor, "organized gang" has the meaning ascribed to it in
4 Section 10 of the Streetgang Terrorism Omnibus Prevention
5 Act;

6 (16) the defendant committed an offense in violation of
7 one of the following Sections while in a school, regardless
8 of the time of day or time of year; on any conveyance
9 owned, leased, or contracted by a school to transport
10 students to or from school or a school related activity; on
11 the real property of a school; or on a public way within
12 1,000 feet of the real property comprising any school:
13 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
14 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
15 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
16 33A-2 of the Criminal Code of 1961;

17 (16.5) the defendant committed an offense in violation
18 of one of the following Sections while in a day care
19 center, regardless of the time of day or time of year; on
20 the real property of a day care center, regardless of the
21 time of day or time of year; or on a public way within
22 1,000 feet of the real property comprising any day care
23 center, regardless of the time of day or time of year:
24 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
26 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or

1 33A-2 of the Criminal Code of 1961;

2 (17) the defendant committed the offense by reason of
3 any person's activity as a community policing volunteer or
4 to prevent any person from engaging in activity as a
5 community policing volunteer. For the purpose of this
6 Section, "community policing volunteer" has the meaning
7 ascribed to it in Section 2-3.5 of the Criminal Code of
8 1961;

9 (18) the defendant committed the offense in a nursing
10 home or on the real property comprising a nursing home. For
11 the purposes of this paragraph (18), "nursing home" means a
12 skilled nursing or intermediate long term care facility
13 that is subject to license by the Illinois Department of
14 Public Health under the Nursing Home Care Act;

15 (19) the defendant was a federally licensed firearm
16 dealer and was previously convicted of a violation of
17 subsection (a) of Section 3 of the Firearm Owners
18 Identification Card Act and has now committed either a
19 felony violation of the Firearm Owners Identification Card
20 Act or an act of armed violence while armed with a firearm;

21 (20) the defendant (i) committed the offense of
22 reckless homicide under Section 9-3 of the Criminal Code of
23 1961 or the offense of driving under the influence of
24 alcohol, other drug or drugs, intoxicating compound or
25 compounds or any combination thereof under Section 11-501
26 of the Illinois Vehicle Code or a similar provision of a

1 local ordinance and (ii) was operating a motor vehicle in
2 excess of 20 miles per hour over the posted speed limit as
3 provided in Article VI of Chapter 11 of the Illinois
4 Vehicle Code;

5 (21) the defendant (i) committed the offense of
6 reckless driving or aggravated reckless driving under
7 Section 11-503 of the Illinois Vehicle Code and (ii) was
8 operating a motor vehicle in excess of 20 miles per hour
9 over the posted speed limit as provided in Article VI of
10 Chapter 11 of the Illinois Vehicle Code;

11 (22) the defendant committed the offense against a
12 person that the defendant knew, or reasonably should have
13 known, was a member of the Armed Forces of the United
14 States serving on active duty. For purposes of this clause
15 (22), the term "Armed Forces" means any of the Armed Forces
16 of the United States, including a member of any reserve
17 component thereof or National Guard unit called to active
18 duty;

19 (23) the defendant committed the offense against a
20 person who was elderly, disabled, or infirm by taking
21 advantage of a family or fiduciary relationship with the
22 elderly, disabled, or infirm person; ~~or~~

23 (24) the defendant committed any offense under Section
24 11-20.1 of the Criminal Code of 1961 and possessed 100 or
25 more images; ~~or~~

26 (25) the defendant committed the offense while the

1 defendant or the victim was in a train, bus, or other
2 vehicle used for public transportation; or -

3 (26) ~~(25)~~ the defendant committed the offense of child
4 pornography or aggravated child pornography, specifically
5 including paragraph (1), (2), (3), (4), (5), or (7) of
6 subsection (a) of Section 11-20.1 of the Criminal Code of
7 1961 where a child engaged in, solicited for, depicted in,
8 or posed in any act of sexual penetration or bound,
9 fettered, or subject to sadistic, masochistic, or
10 sadomasochistic abuse in a sexual context and specifically
11 including paragraph (1), (2), (3), (4), (5), or (7) of
12 subsection (a) of Section 11-20.3 of the Criminal Code of
13 1961 where a child engaged in, solicited for, depicted in,
14 or posed in any act of sexual penetration or bound,
15 fettered, or subject to sadistic, masochistic, or
16 sadomasochistic abuse in a sexual context.

17 For the purposes of this Section:

18 "School" is defined as a public or private elementary or
19 secondary school, community college, college, or university.

20 "Day care center" means a public or private State certified
21 and licensed day care center as defined in Section 2.09 of the
22 Child Care Act of 1969 that displays a sign in plain view
23 stating that the property is a day care center.

24 "Public transportation" means the transportation or
25 conveyance of persons by means available to the general public,
26 and includes paratransit services.

1 (b) The following factors, related to all felonies, may be
2 considered by the court as reasons to impose an extended term
3 sentence under Section 5-8-2 upon any offender:

4 (1) When a defendant is convicted of any felony, after
5 having been previously convicted in Illinois or any other
6 jurisdiction of the same or similar class felony or greater
7 class felony, when such conviction has occurred within 10
8 years after the previous conviction, excluding time spent
9 in custody, and such charges are separately brought and
10 tried and arise out of different series of acts; or

11 (2) When a defendant is convicted of any felony and the
12 court finds that the offense was accompanied by
13 exceptionally brutal or heinous behavior indicative of
14 wanton cruelty; or

15 (3) When a defendant is convicted of any felony
16 committed against:

17 (i) a person under 12 years of age at the time of
18 the offense or such person's property;

19 (ii) a person 60 years of age or older at the time
20 of the offense or such person's property; or

21 (iii) a person physically handicapped at the time
22 of the offense or such person's property; or

23 (4) When a defendant is convicted of any felony and the
24 offense involved any of the following types of specific
25 misconduct committed as part of a ceremony, rite,
26 initiation, observance, performance, practice or activity

1 of any actual or ostensible religious, fraternal, or social
2 group:

3 (i) the brutalizing or torturing of humans or
4 animals;

5 (ii) the theft of human corpses;

6 (iii) the kidnapping of humans;

7 (iv) the desecration of any cemetery, religious,
8 fraternal, business, governmental, educational, or
9 other building or property; or

10 (v) ritualized abuse of a child; or

11 (5) When a defendant is convicted of a felony other
12 than conspiracy and the court finds that the felony was
13 committed under an agreement with 2 or more other persons
14 to commit that offense and the defendant, with respect to
15 the other individuals, occupied a position of organizer,
16 supervisor, financier, or any other position of management
17 or leadership, and the court further finds that the felony
18 committed was related to or in furtherance of the criminal
19 activities of an organized gang or was motivated by the
20 defendant's leadership in an organized gang; or

21 (6) When a defendant is convicted of an offense
22 committed while using a firearm with a laser sight attached
23 to it. For purposes of this paragraph, "laser sight" has
24 the meaning ascribed to it in Section 24.6-5 of the
25 Criminal Code of 1961; or

26 (7) When a defendant who was at least 17 years of age

1 at the time of the commission of the offense is convicted
2 of a felony and has been previously adjudicated a
3 delinquent minor under the Juvenile Court Act of 1987 for
4 an act that if committed by an adult would be a Class X or
5 Class 1 felony when the conviction has occurred within 10
6 years after the previous adjudication, excluding time
7 spent in custody; or

8 (8) When a defendant commits any felony and the
9 defendant used, possessed, exercised control over, or
10 otherwise directed an animal to assault a law enforcement
11 officer engaged in the execution of his or her official
12 duties or in furtherance of the criminal activities of an
13 organized gang in which the defendant is engaged.

14 (c) The following factors may be considered by the court as
15 reasons to impose an extended term sentence under Section 5-8-2
16 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

17 (1) When a defendant is convicted of first degree
18 murder, after having been previously convicted in Illinois
19 of any offense listed under paragraph (c)(2) of Section
20 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
21 within 10 years after the previous conviction, excluding
22 time spent in custody, and the charges are separately
23 brought and tried and arise out of different series of
24 acts.

25 (1.5) When a defendant is convicted of first degree
26 murder, after having been previously convicted of domestic

1 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
2 (720 ILCS 5/12-3.3) committed on the same victim or after
3 having been previously convicted of violation of an order
4 of protection (720 ILCS 5/12-30) in which the same victim
5 was the protected person.

6 (2) When a defendant is convicted of voluntary
7 manslaughter, second degree murder, involuntary
8 manslaughter, or reckless homicide in which the defendant
9 has been convicted of causing the death of more than one
10 individual.

11 (3) When a defendant is convicted of aggravated
12 criminal sexual assault or criminal sexual assault, when
13 there is a finding that aggravated criminal sexual assault
14 or criminal sexual assault was also committed on the same
15 victim by one or more other individuals, and the defendant
16 voluntarily participated in the crime with the knowledge of
17 the participation of the others in the crime, and the
18 commission of the crime was part of a single course of
19 conduct during which there was no substantial change in the
20 nature of the criminal objective.

21 (4) If the victim was under 18 years of age at the time
22 of the commission of the offense, when a defendant is
23 convicted of aggravated criminal sexual assault or
24 predatory criminal sexual assault of a child under
25 subsection (a)(1) of Section 12-14.1 of the Criminal Code
26 of 1961 (720 ILCS 5/11-1.40 or 5/12-14.1).

1 (5) When a defendant is convicted of a felony violation
2 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
3 5/24-1) and there is a finding that the defendant is a
4 member of an organized gang.

5 (6) When a defendant was convicted of unlawful use of
6 weapons under Section 24-1 of the Criminal Code of 1961
7 (720 ILCS 5/24-1) for possessing a weapon that is not
8 readily distinguishable as one of the weapons enumerated in
9 Section 24-1 of the Criminal Code of 1961 (720 ILCS
10 5/24-1).

11 (7) When a defendant is convicted of an offense
12 involving the illegal manufacture of a controlled
13 substance under Section 401 of the Illinois Controlled
14 Substances Act (720 ILCS 570/401), the illegal manufacture
15 of methamphetamine under Section 25 of the Methamphetamine
16 Control and Community Protection Act (720 ILCS 646/25), or
17 the illegal possession of explosives and an emergency
18 response officer in the performance of his or her duties is
19 killed or injured at the scene of the offense while
20 responding to the emergency caused by the commission of the
21 offense. In this paragraph, "emergency" means a situation
22 in which a person's life, health, or safety is in jeopardy;
23 and "emergency response officer" means a peace officer,
24 community policing volunteer, fireman, emergency medical
25 technician-ambulance, emergency medical
26 technician-intermediate, emergency medical

1 technician-paramedic, ambulance driver, other medical
2 assistance or first aid personnel, or hospital emergency
3 room personnel.

4 (d) For the purposes of this Section, "organized gang" has
5 the meaning ascribed to it in Section 10 of the Illinois
6 Streetgang Terrorism Omnibus Prevention Act.

7 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
8 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
9 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
10 96-328, eff. 8-11-09; revised 9-25-09.)

11 (Text of Section after amendment by P.A. 96-339)
12 Sec. 5-5-3.2. Factors in Aggravation.

13 (a) The following factors shall be accorded weight in favor
14 of imposing a term of imprisonment or may be considered by the
15 court as reasons to impose a more severe sentence under Section
16 5-8-1 or Article 4.5 of Chapter V:

17 (1) the defendant's conduct caused or threatened
18 serious harm;

19 (2) the defendant received compensation for committing
20 the offense;

21 (3) the defendant has a history of prior delinquency or
22 criminal activity;

23 (4) the defendant, by the duties of his office or by
24 his position, was obliged to prevent the particular offense
25 committed or to bring the offenders committing it to

1 justice;

2 (5) the defendant held public office at the time of the
3 offense, and the offense related to the conduct of that
4 office;

5 (6) the defendant utilized his professional reputation
6 or position in the community to commit the offense, or to
7 afford him an easier means of committing it;

8 (7) the sentence is necessary to deter others from
9 committing the same crime;

10 (8) the defendant committed the offense against a
11 person 60 years of age or older or such person's property;

12 (9) the defendant committed the offense against a
13 person who is physically handicapped or such person's
14 property;

15 (10) by reason of another individual's actual or
16 perceived race, color, creed, religion, ancestry, gender,
17 sexual orientation, physical or mental disability, or
18 national origin, the defendant committed the offense
19 against (i) the person or property of that individual; (ii)
20 the person or property of a person who has an association
21 with, is married to, or has a friendship with the other
22 individual; or (iii) the person or property of a relative
23 (by blood or marriage) of a person described in clause (i)
24 or (ii). For the purposes of this Section, "sexual
25 orientation" means heterosexuality, homosexuality, or
26 bisexuality;

1 (11) the offense took place in a place of worship or on
2 the grounds of a place of worship, immediately prior to,
3 during or immediately following worship services. For
4 purposes of this subparagraph, "place of worship" shall
5 mean any church, synagogue or other building, structure or
6 place used primarily for religious worship;

7 (12) the defendant was convicted of a felony committed
8 while he was released on bail or his own recognizance
9 pending trial for a prior felony and was convicted of such
10 prior felony, or the defendant was convicted of a felony
11 committed while he was serving a period of probation,
12 conditional discharge, or mandatory supervised release
13 under subsection (d) of Section 5-8-1 for a prior felony;

14 (13) the defendant committed or attempted to commit a
15 felony while he was wearing a bulletproof vest. For the
16 purposes of this paragraph (13), a bulletproof vest is any
17 device which is designed for the purpose of protecting the
18 wearer from bullets, shot or other lethal projectiles;

19 (14) the defendant held a position of trust or
20 supervision such as, but not limited to, family member as
21 defined in Section 11-0.1 ~~12-12~~ of the Criminal Code of
22 1961, teacher, scout leader, baby sitter, or day care
23 worker, in relation to a victim under 18 years of age, and
24 the defendant committed an offense in violation of Section
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
26 11-14.4 except for an offense that involves keeping a place

1 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
2 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
3 or 12-16 of the Criminal Code of 1961 against that victim;

4 (15) the defendant committed an offense related to the
5 activities of an organized gang. For the purposes of this
6 factor, "organized gang" has the meaning ascribed to it in
7 Section 10 of the Streetgang Terrorism Omnibus Prevention
8 Act;

9 (16) the defendant committed an offense in violation of
10 one of the following Sections while in a school, regardless
11 of the time of day or time of year; on any conveyance
12 owned, leased, or contracted by a school to transport
13 students to or from school or a school related activity; on
14 the real property of a school; or on a public way within
15 1,000 feet of the real property comprising any school:
16 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
17 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
19 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
20 33A-2 of the Criminal Code of 1961;

21 (16.5) the defendant committed an offense in violation
22 of one of the following Sections while in a day care
23 center, regardless of the time of day or time of year; on
24 the real property of a day care center, regardless of the
25 time of day or time of year; or on a public way within
26 1,000 feet of the real property comprising any day care

1 center, regardless of the time of day or time of year:
2 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
3 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
5 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
6 33A-2 of the Criminal Code of 1961;

7 (17) the defendant committed the offense by reason of
8 any person's activity as a community policing volunteer or
9 to prevent any person from engaging in activity as a
10 community policing volunteer. For the purpose of this
11 Section, "community policing volunteer" has the meaning
12 ascribed to it in Section 2-3.5 of the Criminal Code of
13 1961;

14 (18) the defendant committed the offense in a nursing
15 home or on the real property comprising a nursing home. For
16 the purposes of this paragraph (18), "nursing home" means a
17 skilled nursing or intermediate long term care facility
18 that is subject to license by the Illinois Department of
19 Public Health under the Nursing Home Care Act or the MR/DD
20 Community Care Act;

21 (19) the defendant was a federally licensed firearm
22 dealer and was previously convicted of a violation of
23 subsection (a) of Section 3 of the Firearm Owners
24 Identification Card Act and has now committed either a
25 felony violation of the Firearm Owners Identification Card
26 Act or an act of armed violence while armed with a firearm;

1 (20) the defendant (i) committed the offense of
2 reckless homicide under Section 9-3 of the Criminal Code of
3 1961 or the offense of driving under the influence of
4 alcohol, other drug or drugs, intoxicating compound or
5 compounds or any combination thereof under Section 11-501
6 of the Illinois Vehicle Code or a similar provision of a
7 local ordinance and (ii) was operating a motor vehicle in
8 excess of 20 miles per hour over the posted speed limit as
9 provided in Article VI of Chapter 11 of the Illinois
10 Vehicle Code;

11 (21) the defendant (i) committed the offense of
12 reckless driving or aggravated reckless driving under
13 Section 11-503 of the Illinois Vehicle Code and (ii) was
14 operating a motor vehicle in excess of 20 miles per hour
15 over the posted speed limit as provided in Article VI of
16 Chapter 11 of the Illinois Vehicle Code;

17 (22) the defendant committed the offense against a
18 person that the defendant knew, or reasonably should have
19 known, was a member of the Armed Forces of the United
20 States serving on active duty. For purposes of this clause
21 (22), the term "Armed Forces" means any of the Armed Forces
22 of the United States, including a member of any reserve
23 component thereof or National Guard unit called to active
24 duty;

25 (23) the defendant committed the offense against a
26 person who was elderly, disabled, or infirm by taking

1 advantage of a family or fiduciary relationship with the
2 elderly, disabled, or infirm person; ~~or~~

3 (24) the defendant committed any offense under Section
4 11-20.1 of the Criminal Code of 1961 and possessed 100 or
5 more images; ~~or~~

6 (25) the defendant committed the offense while the
7 defendant or the victim was in a train, bus, or other
8 vehicle used for public transportation; or

9 (26) ~~(25)~~ the defendant committed the offense of child
10 pornography or aggravated child pornography, specifically
11 including paragraph (1), (2), (3), (4), (5), or (7) of
12 subsection (a) of Section 11-20.1 of the Criminal Code of
13 1961 where a child engaged in, solicited for, depicted in,
14 or posed in any act of sexual penetration or bound,
15 fettered, or subject to sadistic, masochistic, or
16 sadomasochistic abuse in a sexual context and specifically
17 including paragraph (1), (2), (3), (4), (5), or (7) of
18 subsection (a) of Section 11-20.3 of the Criminal Code of
19 1961 where a child engaged in, solicited for, depicted in,
20 or posed in any act of sexual penetration or bound,
21 fettered, or subject to sadistic, masochistic, or
22 sadomasochistic abuse in a sexual context.

23 For the purposes of this Section:

24 "School" is defined as a public or private elementary or
25 secondary school, community college, college, or university.

26 "Day care center" means a public or private State certified

1 and licensed day care center as defined in Section 2.09 of the
2 Child Care Act of 1969 that displays a sign in plain view
3 stating that the property is a day care center.

4 "Public transportation" means the transportation or
5 conveyance of persons by means available to the general public,
6 and includes paratransit services.

7 (b) The following factors, related to all felonies, may be
8 considered by the court as reasons to impose an extended term
9 sentence under Section 5-8-2 upon any offender:

10 (1) When a defendant is convicted of any felony, after
11 having been previously convicted in Illinois or any other
12 jurisdiction of the same or similar class felony or greater
13 class felony, when such conviction has occurred within 10
14 years after the previous conviction, excluding time spent
15 in custody, and such charges are separately brought and
16 tried and arise out of different series of acts; or

17 (2) When a defendant is convicted of any felony and the
18 court finds that the offense was accompanied by
19 exceptionally brutal or heinous behavior indicative of
20 wanton cruelty; or

21 (3) When a defendant is convicted of any felony
22 committed against:

23 (i) a person under 12 years of age at the time of
24 the offense or such person's property;

25 (ii) a person 60 years of age or older at the time
26 of the offense or such person's property; or

1 (iii) a person physically handicapped at the time
2 of the offense or such person's property; or

3 (4) When a defendant is convicted of any felony and the
4 offense involved any of the following types of specific
5 misconduct committed as part of a ceremony, rite,
6 initiation, observance, performance, practice or activity
7 of any actual or ostensible religious, fraternal, or social
8 group:

9 (i) the brutalizing or torturing of humans or
10 animals;

11 (ii) the theft of human corpses;

12 (iii) the kidnapping of humans;

13 (iv) the desecration of any cemetery, religious,
14 fraternal, business, governmental, educational, or
15 other building or property; or

16 (v) ritualized abuse of a child; or

17 (5) When a defendant is convicted of a felony other
18 than conspiracy and the court finds that the felony was
19 committed under an agreement with 2 or more other persons
20 to commit that offense and the defendant, with respect to
21 the other individuals, occupied a position of organizer,
22 supervisor, financier, or any other position of management
23 or leadership, and the court further finds that the felony
24 committed was related to or in furtherance of the criminal
25 activities of an organized gang or was motivated by the
26 defendant's leadership in an organized gang; or

1 (6) When a defendant is convicted of an offense
2 committed while using a firearm with a laser sight attached
3 to it. For purposes of this paragraph, "laser sight" has
4 the meaning ascribed to it in Section 24.6-5 of the
5 Criminal Code of 1961; or

6 (7) When a defendant who was at least 17 years of age
7 at the time of the commission of the offense is convicted
8 of a felony and has been previously adjudicated a
9 delinquent minor under the Juvenile Court Act of 1987 for
10 an act that if committed by an adult would be a Class X or
11 Class 1 felony when the conviction has occurred within 10
12 years after the previous adjudication, excluding time
13 spent in custody; or

14 (8) When a defendant commits any felony and the
15 defendant used, possessed, exercised control over, or
16 otherwise directed an animal to assault a law enforcement
17 officer engaged in the execution of his or her official
18 duties or in furtherance of the criminal activities of an
19 organized gang in which the defendant is engaged.

20 (c) The following factors may be considered by the court as
21 reasons to impose an extended term sentence under Section 5-8-2
22 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

23 (1) When a defendant is convicted of first degree
24 murder, after having been previously convicted in Illinois
25 of any offense listed under paragraph (c)(2) of Section
26 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred

1 within 10 years after the previous conviction, excluding
2 time spent in custody, and the charges are separately
3 brought and tried and arise out of different series of
4 acts.

5 (1.5) When a defendant is convicted of first degree
6 murder, after having been previously convicted of domestic
7 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
8 (720 ILCS 5/12-3.3) committed on the same victim or after
9 having been previously convicted of violation of an order
10 of protection (720 ILCS 5/12-30) in which the same victim
11 was the protected person.

12 (2) When a defendant is convicted of voluntary
13 manslaughter, second degree murder, involuntary
14 manslaughter, or reckless homicide in which the defendant
15 has been convicted of causing the death of more than one
16 individual.

17 (3) When a defendant is convicted of aggravated
18 criminal sexual assault or criminal sexual assault, when
19 there is a finding that aggravated criminal sexual assault
20 or criminal sexual assault was also committed on the same
21 victim by one or more other individuals, and the defendant
22 voluntarily participated in the crime with the knowledge of
23 the participation of the others in the crime, and the
24 commission of the crime was part of a single course of
25 conduct during which there was no substantial change in the
26 nature of the criminal objective.

1 (4) If the victim was under 18 years of age at the time
2 of the commission of the offense, when a defendant is
3 convicted of aggravated criminal sexual assault or
4 predatory criminal sexual assault of a child under
5 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
6 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS
7 5/11-1.40 or 5/12-14.1).

8 (5) When a defendant is convicted of a felony violation
9 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
10 5/24-1) and there is a finding that the defendant is a
11 member of an organized gang.

12 (6) When a defendant was convicted of unlawful use of
13 weapons under Section 24-1 of the Criminal Code of 1961
14 (720 ILCS 5/24-1) for possessing a weapon that is not
15 readily distinguishable as one of the weapons enumerated in
16 Section 24-1 of the Criminal Code of 1961 (720 ILCS
17 5/24-1).

18 (7) When a defendant is convicted of an offense
19 involving the illegal manufacture of a controlled
20 substance under Section 401 of the Illinois Controlled
21 Substances Act (720 ILCS 570/401), the illegal manufacture
22 of methamphetamine under Section 25 of the Methamphetamine
23 Control and Community Protection Act (720 ILCS 646/25), or
24 the illegal possession of explosives and an emergency
25 response officer in the performance of his or her duties is
26 killed or injured at the scene of the offense while

1 responding to the emergency caused by the commission of the
2 offense. In this paragraph, "emergency" means a situation
3 in which a person's life, health, or safety is in jeopardy;
4 and "emergency response officer" means a peace officer,
5 community policing volunteer, fireman, emergency medical
6 technician-ambulance, emergency medical
7 technician-intermediate, emergency medical
8 technician-paramedic, ambulance driver, other medical
9 assistance or first aid personnel, or hospital emergency
10 room personnel.

11 (d) For the purposes of this Section, "organized gang" has
12 the meaning ascribed to it in Section 10 of the Illinois
13 Streetgang Terrorism Omnibus Prevention Act.

14 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
15 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
16 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
17 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; revised 9-25-09.)

18 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

19 Sec. 5-5-6. In all convictions for offenses in violation of
20 the Criminal Code of 1961 or of Section 11-501 of the Illinois
21 Vehicle Code in which the person received any injury to his or
22 her person or damage to his or her real or personal property as
23 a result of the criminal act of the defendant, the court shall
24 order restitution as provided in this Section. In all other
25 cases, except cases in which restitution is required under this

1 Section, the court must at the sentence hearing determine
2 whether restitution is an appropriate sentence to be imposed on
3 each defendant convicted of an offense. If the court determines
4 that an order directing the offender to make restitution is
5 appropriate, the offender may be sentenced to make restitution.
6 The court may consider restitution an appropriate sentence to
7 be imposed on each defendant convicted of an offense in
8 addition to a sentence of imprisonment. The sentence of the
9 defendant to a term of imprisonment is not a mitigating factor
10 that prevents the court from ordering the defendant to pay
11 restitution. If the offender is sentenced to make restitution
12 the Court shall determine the restitution as hereinafter set
13 forth:

14 (a) At the sentence hearing, the court shall determine
15 whether the property may be restored in kind to the
16 possession of the owner or the person entitled to
17 possession thereof; or whether the defendant is possessed
18 of sufficient skill to repair and restore property damaged;
19 or whether the defendant should be required to make
20 restitution in cash, for out-of-pocket expenses, damages,
21 losses, or injuries found to have been proximately caused
22 by the conduct of the defendant or another for whom the
23 defendant is legally accountable under the provisions of
24 Article V of the Criminal Code of 1961.

25 (b) In fixing the amount of restitution to be paid in
26 cash, the court shall allow credit for property returned in

1 kind, for property damages ordered to be repaired by the
2 defendant, and for property ordered to be restored by the
3 defendant; and after granting the credit, the court shall
4 assess the actual out-of-pocket expenses, losses, damages,
5 and injuries suffered by the victim named in the charge and
6 any other victims who may also have suffered out-of-pocket
7 expenses, losses, damages, and injuries proximately caused
8 by the same criminal conduct of the defendant, and
9 insurance carriers who have indemnified the named victim or
10 other victims for the out-of-pocket expenses, losses,
11 damages, or injuries, provided that in no event shall
12 restitution be ordered to be paid on account of pain and
13 suffering. If a defendant is placed on supervision for, or
14 convicted of, domestic battery, the defendant shall be
15 required to pay restitution to any domestic violence
16 shelter in which the victim and any other family or
17 household members lived because of the domestic battery.
18 The amount of the restitution shall equal the actual
19 expenses of the domestic violence shelter in providing
20 housing and any other services for the victim and any other
21 family or household members living at the shelter. If a
22 defendant fails to pay restitution in the manner or within
23 the time period specified by the court, the court may enter
24 an order directing the sheriff to seize any real or
25 personal property of a defendant to the extent necessary to
26 satisfy the order of restitution and dispose of the

1 property by public sale. All proceeds from such sale in
2 excess of the amount of restitution plus court costs and
3 the costs of the sheriff in conducting the sale shall be
4 paid to the defendant. The defendant convicted of domestic
5 battery, if a person under 18 years of age was present and
6 witnessed the domestic battery of the victim, is liable to
7 pay restitution for the cost of any counseling required for
8 the child at the discretion of the court.

9 (c) In cases where more than one defendant is
10 accountable for the same criminal conduct that results in
11 out-of-pocket expenses, losses, damages, or injuries, each
12 defendant shall be ordered to pay restitution in the amount
13 of the total actual out-of-pocket expenses, losses,
14 damages, or injuries to the victim proximately caused by
15 the conduct of all of the defendants who are legally
16 accountable for the offense.

17 (1) In no event shall the victim be entitled to
18 recover restitution in excess of the actual
19 out-of-pocket expenses, losses, damages, or injuries,
20 proximately caused by the conduct of all of the
21 defendants.

22 (2) As between the defendants, the court may
23 apportion the restitution that is payable in
24 proportion to each co-defendant's culpability in the
25 commission of the offense.

26 (3) In the absence of a specific order apportioning

1 the restitution, each defendant shall bear his pro rata
2 share of the restitution.

3 (4) As between the defendants, each defendant
4 shall be entitled to a pro rata reduction in the total
5 restitution required to be paid to the victim for
6 amounts of restitution actually paid by co-defendants,
7 and defendants who shall have paid more than their pro
8 rata share shall be entitled to refunds to be computed
9 by the court as additional amounts are paid by
10 co-defendants.

11 (d) In instances where a defendant has more than one
12 criminal charge pending against him in a single case, or
13 more than one case, and the defendant stands convicted of
14 one or more charges, a plea agreement negotiated by the
15 State's Attorney and the defendants may require the
16 defendant to make restitution to victims of charges that
17 have been dismissed or which it is contemplated will be
18 dismissed under the terms of the plea agreement, and under
19 the agreement, the court may impose a sentence of
20 restitution on the charge or charges of which the defendant
21 has been convicted that would require the defendant to make
22 restitution to victims of other offenses as provided in the
23 plea agreement.

24 (e) The court may require the defendant to apply the
25 balance of the cash bond, after payment of court costs, and
26 any fine that may be imposed to the payment of restitution.

1 (f) Taking into consideration the ability of the
2 defendant to pay, including any real or personal property
3 or any other assets of the defendant, the court shall
4 determine whether restitution shall be paid in a single
5 payment or in installments, and shall fix a period of time
6 not in excess of 5 years or the period of time specified in
7 subsection (f-1), not including periods of incarceration,
8 within which payment of restitution is to be paid in full.
9 Complete restitution shall be paid in as short a time
10 period as possible. However, if the court deems it
11 necessary and in the best interest of the victim, the court
12 may extend beyond 5 years the period of time within which
13 the payment of restitution is to be paid. If the defendant
14 is ordered to pay restitution and the court orders that
15 restitution is to be paid over a period greater than 6
16 months, the court shall order that the defendant make
17 monthly payments; the court may waive this requirement of
18 monthly payments only if there is a specific finding of
19 good cause for waiver.

20 (f-1) (1) In addition to any other penalty prescribed by
21 law and any restitution ordered under this Section that did
22 not include long-term physical health care costs, the court
23 may, upon conviction of any misdemeanor or felony, order a
24 defendant to pay restitution to a victim in accordance with
25 the provisions of this subsection (f-1) if the victim has
26 suffered physical injury as a result of the offense that is

1 reasonably probable to require or has required long-term
2 physical health care for more than 3 months. As used in
3 this subsection (f-1) "long-term physical health care"
4 includes mental health care.

5 (2) The victim's estimate of long-term physical health
6 care costs may be made as part of a victim impact statement
7 under Section 6 of the Rights of Crime Victims and
8 Witnesses Act or made separately. The court shall enter the
9 long-term physical health care restitution order at the
10 time of sentencing. An order of restitution made under this
11 subsection (f-1) shall fix a monthly amount to be paid by
12 the defendant for as long as long-term physical health care
13 of the victim is required as a result of the offense. The
14 order may exceed the length of any sentence imposed upon
15 the defendant for the criminal activity. The court shall
16 include as a special finding in the judgment of conviction
17 its determination of the monthly cost of long-term physical
18 health care.

19 (3) After a sentencing order has been entered, the
20 court may from time to time, on the petition of either the
21 defendant or the victim, or upon its own motion, enter an
22 order for restitution for long-term physical care or modify
23 the existing order for restitution for long-term physical
24 care as to the amount of monthly payments. Any modification
25 of the order shall be based only upon a substantial change
26 of circumstances relating to the cost of long-term physical

1 health care or the financial condition of either the
2 defendant or the victim. The petition shall be filed as
3 part of the original criminal docket.

4 (g) In addition to the sentences provided for in
5 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
6 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14,
7 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of
8 Section 11-14.4, of the Criminal Code of 1961, the court
9 may order any person who is convicted of violating any of
10 those Sections or who was charged with any of those
11 offenses and which charge was reduced to another charge as
12 a result of a plea agreement under subsection (d) of this
13 Section to meet all or any portion of the financial
14 obligations of treatment, including but not limited to
15 medical, psychiatric, or rehabilitative treatment or
16 psychological counseling, prescribed for the victim or
17 victims of the offense.

18 The payments shall be made by the defendant to the
19 clerk of the circuit court and transmitted by the clerk to
20 the appropriate person or agency as directed by the court.
21 Except as otherwise provided in subsection (f-1), the order
22 may require such payments to be made for a period not to
23 exceed 5 years after sentencing, not including periods of
24 incarceration.

25 (h) The judge may enter an order of withholding to
26 collect the amount of restitution owed in accordance with

1 Part 8 of Article XII of the Code of Civil Procedure.

2 (i) A sentence of restitution may be modified or
3 revoked by the court if the offender commits another
4 offense, or the offender fails to make restitution as
5 ordered by the court, but no sentence to make restitution
6 shall be revoked unless the court shall find that the
7 offender has had the financial ability to make restitution,
8 and he has wilfully refused to do so. When the offender's
9 ability to pay restitution was established at the time an
10 order of restitution was entered or modified, or when the
11 offender's ability to pay was based on the offender's
12 willingness to make restitution as part of a plea agreement
13 made at the time the order of restitution was entered or
14 modified, there is a rebuttable presumption that the facts
15 and circumstances considered by the court at the hearing at
16 which the order of restitution was entered or modified
17 regarding the offender's ability or willingness to pay
18 restitution have not materially changed. If the court shall
19 find that the defendant has failed to make restitution and
20 that the failure is not wilful, the court may impose an
21 additional period of time within which to make restitution.
22 The length of the additional period shall not be more than
23 2 years. The court shall retain all of the incidents of the
24 original sentence, including the authority to modify or
25 enlarge the conditions, and to revoke or further modify the
26 sentence if the conditions of payment are violated during

1 the additional period.

2 (j) The procedure upon the filing of a Petition to
3 Revoke a sentence to make restitution shall be the same as
4 the procedures set forth in Section 5-6-4 of this Code
5 governing violation, modification, or revocation of
6 Probation, of Conditional Discharge, or of Supervision.

7 (k) Nothing contained in this Section shall preclude
8 the right of any party to proceed in a civil action to
9 recover for any damages incurred due to the criminal
10 misconduct of the defendant.

11 (l) Restitution ordered under this Section shall not be
12 subject to disbursement by the circuit clerk under Section
13 27.5 of the Clerks of Courts Act.

14 (m) A restitution order under this Section is a
15 judgment lien in favor of the victim that:

16 (1) Attaches to the property of the person subject
17 to the order;

18 (2) May be perfected in the same manner as provided
19 in Part 3 of Article 9 of the Uniform Commercial Code;

20 (3) May be enforced to satisfy any payment that is
21 delinquent under the restitution order by the person in
22 whose favor the order is issued or the person's
23 assignee; and

24 (4) Expires in the same manner as a judgment lien
25 created in a civil proceeding.

26 When a restitution order is issued under this Section,

1 the issuing court shall send a certified copy of the order
2 to the clerk of the circuit court in the county where the
3 charge was filed. Upon receiving the order, the clerk shall
4 enter and index the order in the circuit court judgment
5 docket.

6 (n) An order of restitution under this Section does not
7 bar a civil action for:

8 (1) Damages that the court did not require the
9 person to pay to the victim under the restitution order
10 but arise from an injury or property damages that is
11 the basis of restitution ordered by the court; and

12 (2) Other damages suffered by the victim.

13 The restitution order is not discharged by the completion
14 of the sentence imposed for the offense.

15 A restitution order under this Section is not discharged by
16 the liquidation of a person's estate by a receiver. A
17 restitution order under this Section may be enforced in the
18 same manner as judgment liens are enforced under Article XII of
19 the Code of Civil Procedure.

20 The provisions of Section 2-1303 of the Code of Civil
21 Procedure, providing for interest on judgments, apply to
22 judgments for restitution entered under this Section.

23 (Source: P.A. 95-331, eff. 8-21-07; 96-290, eff. 8-11-09.)

24 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

25 Sec. 5-6-1. Sentences of Probation and of Conditional

1 Discharge and Disposition of Supervision. The General Assembly
2 finds that in order to protect the public, the criminal justice
3 system must compel compliance with the conditions of probation
4 by responding to violations with swift, certain and fair
5 punishments and intermediate sanctions. The Chief Judge of each
6 circuit shall adopt a system of structured, intermediate
7 sanctions for violations of the terms and conditions of a
8 sentence of probation, conditional discharge or disposition of
9 supervision.

10 (a) Except where specifically prohibited by other
11 provisions of this Code, the court shall impose a sentence of
12 probation or conditional discharge upon an offender unless,
13 having regard to the nature and circumstance of the offense,
14 and to the history, character and condition of the offender,
15 the court is of the opinion that:

16 (1) his imprisonment or periodic imprisonment is
17 necessary for the protection of the public; or

18 (2) probation or conditional discharge would deprecate
19 the seriousness of the offender's conduct and would be
20 inconsistent with the ends of justice; or

21 (3) a combination of imprisonment with concurrent or
22 consecutive probation when an offender has been admitted
23 into a drug court program under Section 20 of the Drug
24 Court Treatment Act is necessary for the protection of the
25 public and for the rehabilitation of the offender.

26 The court shall impose as a condition of a sentence of

1 probation, conditional discharge, or supervision, that the
2 probation agency may invoke any sanction from the list of
3 intermediate sanctions adopted by the chief judge of the
4 circuit court for violations of the terms and conditions of the
5 sentence of probation, conditional discharge, or supervision,
6 subject to the provisions of Section 5-6-4 of this Act.

7 (b) The court may impose a sentence of conditional
8 discharge for an offense if the court is of the opinion that
9 neither a sentence of imprisonment nor of periodic imprisonment
10 nor of probation supervision is appropriate.

11 (b-1) Subsections (a) and (b) of this Section do not apply
12 to a defendant charged with a misdemeanor or felony under the
13 Illinois Vehicle Code or reckless homicide under Section 9-3 of
14 the Criminal Code of 1961 if the defendant within the past 12
15 months has been convicted of or pleaded guilty to a misdemeanor
16 or felony under the Illinois Vehicle Code or reckless homicide
17 under Section 9-3 of the Criminal Code of 1961.

18 (c) The court may, upon a plea of guilty or a stipulation
19 by the defendant of the facts supporting the charge or a
20 finding of guilt, defer further proceedings and the imposition
21 of a sentence, and enter an order for supervision of the
22 defendant, if the defendant is not charged with: (i) a Class A
23 misdemeanor, as defined by the following provisions of the
24 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 11-1.50 or
25 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of
26 Section 21-1; paragraph (1) through (5), (8), (10), and (11) of

1 subsection (a) of Section 24-1; (ii) a Class A misdemeanor
2 violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care
3 for Animals Act; or (iii) a felony. If the defendant is not
4 barred from receiving an order for supervision as provided in
5 this subsection, the court may enter an order for supervision
6 after considering the circumstances of the offense, and the
7 history, character and condition of the offender, if the court
8 is of the opinion that:

9 (1) the offender is not likely to commit further
10 crimes;

11 (2) the defendant and the public would be best served
12 if the defendant were not to receive a criminal record; and

13 (3) in the best interests of justice an order of
14 supervision is more appropriate than a sentence otherwise
15 permitted under this Code.

16 (c-5) Subsections (a), (b), and (c) of this Section do not
17 apply to a defendant charged with a second or subsequent
18 violation of Section 6-303 of the Illinois Vehicle Code
19 committed while his or her driver's license, permit or
20 privileges were revoked because of a violation of Section 9-3
21 of the Criminal Code of 1961, relating to the offense of
22 reckless homicide, or a similar provision of a law of another
23 state.

24 (d) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating Section 11-501 of the Illinois
26 Vehicle Code or a similar provision of a local ordinance when

1 the defendant has previously been:

2 (1) convicted for a violation of Section 11-501 of the
3 Illinois Vehicle Code or a similar provision of a local
4 ordinance or any similar law or ordinance of another state;
5 or

6 (2) assigned supervision for a violation of Section
7 11-501 of the Illinois Vehicle Code or a similar provision
8 of a local ordinance or any similar law or ordinance of
9 another state; or

10 (3) pleaded guilty to or stipulated to the facts
11 supporting a charge or a finding of guilty to a violation
12 of Section 11-503 of the Illinois Vehicle Code or a similar
13 provision of a local ordinance or any similar law or
14 ordinance of another state, and the plea or stipulation was
15 the result of a plea agreement.

16 The court shall consider the statement of the prosecuting
17 authority with regard to the standards set forth in this
18 Section.

19 (e) The provisions of paragraph (c) shall not apply to a
20 defendant charged with violating Section 16A-3 of the Criminal
21 Code of 1961 if said defendant has within the last 5 years
22 been:

23 (1) convicted for a violation of Section 16A-3 of the
24 Criminal Code of 1961; or

25 (2) assigned supervision for a violation of Section
26 16A-3 of the Criminal Code of 1961.

1 The court shall consider the statement of the prosecuting
2 authority with regard to the standards set forth in this
3 Section.

4 (f) The provisions of paragraph (c) shall not apply to a
5 defendant charged with violating Sections 15-111, 15-112,
6 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
7 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
8 similar provision of a local ordinance.

9 (g) Except as otherwise provided in paragraph (i) of this
10 Section, the provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 3-707, 3-708, 3-710,
12 or 5-401.3 of the Illinois Vehicle Code or a similar provision
13 of a local ordinance if the defendant has within the last 5
14 years been:

15 (1) convicted for a violation of Section 3-707, 3-708,
16 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
17 provision of a local ordinance; or

18 (2) assigned supervision for a violation of Section
19 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
20 Code or a similar provision of a local ordinance.

21 The court shall consider the statement of the prosecuting
22 authority with regard to the standards set forth in this
23 Section.

24 (h) The provisions of paragraph (c) shall not apply to a
25 defendant under the age of 21 years charged with violating a
26 serious traffic offense as defined in Section 1-187.001 of the

1 Illinois Vehicle Code:

2 (1) unless the defendant, upon payment of the fines,
3 penalties, and costs provided by law, agrees to attend and
4 successfully complete a traffic safety program approved by
5 the court under standards set by the Conference of Chief
6 Circuit Judges. The accused shall be responsible for
7 payment of any traffic safety program fees. If the accused
8 fails to file a certificate of successful completion on or
9 before the termination date of the supervision order, the
10 supervision shall be summarily revoked and conviction
11 entered. The provisions of Supreme Court Rule 402 relating
12 to pleas of guilty do not apply in cases when a defendant
13 enters a guilty plea under this provision; or

14 (2) if the defendant has previously been sentenced
15 under the provisions of paragraph (c) on or after January
16 1, 1998 for any serious traffic offense as defined in
17 Section 1-187.001 of the Illinois Vehicle Code.

18 (h-1) The provisions of paragraph (c) shall not apply to a
19 defendant under the age of 21 years charged with an offense
20 against traffic regulations governing the movement of vehicles
21 or any violation of Section 6-107 or Section 12-603.1 of the
22 Illinois Vehicle Code, unless the defendant, upon payment of
23 the fines, penalties, and costs provided by law, agrees to
24 attend and successfully complete a traffic safety program
25 approved by the court under standards set by the Conference of
26 Chief Circuit Judges. The accused shall be responsible for

1 payment of any traffic safety program fees. If the accused
2 fails to file a certificate of successful completion on or
3 before the termination date of the supervision order, the
4 supervision shall be summarily revoked and conviction entered.
5 The provisions of Supreme Court Rule 402 relating to pleas of
6 guilty do not apply in cases when a defendant enters a guilty
7 plea under this provision.

8 (i) The provisions of paragraph (c) shall not apply to a
9 defendant charged with violating Section 3-707 of the Illinois
10 Vehicle Code or a similar provision of a local ordinance if the
11 defendant has been assigned supervision for a violation of
12 Section 3-707 of the Illinois Vehicle Code or a similar
13 provision of a local ordinance.

14 (j) The provisions of paragraph (c) shall not apply to a
15 defendant charged with violating Section 6-303 of the Illinois
16 Vehicle Code or a similar provision of a local ordinance when
17 the revocation or suspension was for a violation of Section
18 11-501 or a similar provision of a local ordinance or a
19 violation of Section 11-501.1 or paragraph (b) of Section
20 11-401 of the Illinois Vehicle Code if the defendant has within
21 the last 10 years been:

22 (1) convicted for a violation of Section 6-303 of the
23 Illinois Vehicle Code or a similar provision of a local
24 ordinance; or

25 (2) assigned supervision for a violation of Section
26 6-303 of the Illinois Vehicle Code or a similar provision

1 of a local ordinance.

2 (k) The provisions of paragraph (c) shall not apply to a
3 defendant charged with violating any provision of the Illinois
4 Vehicle Code or a similar provision of a local ordinance that
5 governs the movement of vehicles if, within the 12 months
6 preceding the date of the defendant's arrest, the defendant has
7 been assigned court supervision on 2 occasions for a violation
8 that governs the movement of vehicles under the Illinois
9 Vehicle Code or a similar provision of a local ordinance. The
10 provisions of this paragraph (k) do not apply to a defendant
11 charged with violating Section 11-501 of the Illinois Vehicle
12 Code or a similar provision of a local ordinance.

13 (l) A defendant charged with violating any provision of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance who receives a disposition of supervision under
16 subsection (c) shall pay an additional fee of \$29, to be
17 collected as provided in Sections 27.5 and 27.6 of the Clerks
18 of Courts Act. In addition to the \$29 fee, the person shall
19 also pay a fee of \$6, which, if not waived by the court, shall
20 be collected as provided in Sections 27.5 and 27.6 of the
21 Clerks of Courts Act. The \$29 fee shall be disbursed as
22 provided in Section 16-104c of the Illinois Vehicle Code. If
23 the \$6 fee is collected, \$5.50 of the fee shall be deposited
24 into the Circuit Court Clerk Operation and Administrative Fund
25 created by the Clerk of the Circuit Court and 50 cents of the
26 fee shall be deposited into the Prisoner Review Board Vehicle

1 and Equipment Fund in the State treasury.

2 (m) Any person convicted of, pleading guilty to, or placed
3 on supervision for a serious traffic violation, as defined in
4 Section 1-187.001 of the Illinois Vehicle Code, a violation of
5 Section 11-501 of the Illinois Vehicle Code, or a violation of
6 a similar provision of a local ordinance shall pay an
7 additional fee of \$20, to be disbursed as provided in Section
8 16-104d of that Code.

9 This subsection (m) becomes inoperative 7 years after
10 October 13, 2007 (the effective date of Public Act 95-154).

11 (n) The provisions of paragraph (c) shall not apply to any
12 person under the age of 18 who commits an offense against
13 traffic regulations governing the movement of vehicles or any
14 violation of Section 6-107 or Section 12-603.1 of the Illinois
15 Vehicle Code, except upon personal appearance of the defendant
16 in court and upon the written consent of the defendant's parent
17 or legal guardian, executed before the presiding judge. The
18 presiding judge shall have the authority to waive this
19 requirement upon the showing of good cause by the defendant.

20 (o) The provisions of paragraph (c) shall not apply to a
21 defendant charged with violating Section 6-303 of the Illinois
22 Vehicle Code or a similar provision of a local ordinance when
23 the suspension was for a violation of Section 11-501.1 of the
24 Illinois Vehicle Code and when:

25 (1) at the time of the violation of Section 11-501.1 of
26 the Illinois Vehicle Code, the defendant was a first

1 offender pursuant to Section 11-500 of the Illinois Vehicle
2 Code and the defendant failed to obtain a monitoring device
3 driving permit; or

4 (2) at the time of the violation of Section 11-501.1 of
5 the Illinois Vehicle Code, the defendant was a first
6 offender pursuant to Section 11-500 of the Illinois Vehicle
7 Code, had subsequently obtained a monitoring device
8 driving permit, but was driving a vehicle not equipped with
9 a breath alcohol ignition interlock device as defined in
10 Section 1-129.1 of the Illinois Vehicle Code.

11 (Source: P.A. 95-154, eff. 10-13-07; 95-302, eff. 1-1-08;
12 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09;
13 95-428, 8-24-07; 95-876, eff. 8-21-08; 96-253, eff. 8-11-09;
14 96-286, eff. 8-11-09; 96-328, eff. 8-11-09; 96-625, eff.
15 1-1-10; revised 10-1-09.)

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

17 Sec. 5-6-3. Conditions of Probation and of Conditional
18 Discharge.

19 (a) The conditions of probation and of conditional
20 discharge shall be that the person:

21 (1) not violate any criminal statute of any
22 jurisdiction;

23 (2) report to or appear in person before such person or
24 agency as directed by the court;

25 (3) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a felony or, if a
2 misdemeanor, the offense involved the intentional or
3 knowing infliction of bodily harm or threat of bodily harm;

4 (4) not leave the State without the consent of the
5 court or, in circumstances in which the reason for the
6 absence is of such an emergency nature that prior consent
7 by the court is not possible, without the prior
8 notification and approval of the person's probation
9 officer. Transfer of a person's probation or conditional
10 discharge supervision to another state is subject to
11 acceptance by the other state pursuant to the Interstate
12 Compact for Adult Offender Supervision;

13 (5) permit the probation officer to visit him at his
14 home or elsewhere to the extent necessary to discharge his
15 duties;

16 (6) perform no less than 30 hours of community service
17 and not more than 120 hours of community service, if
18 community service is available in the jurisdiction and is
19 funded and approved by the county board where the offense
20 was committed, where the offense was related to or in
21 furtherance of the criminal activities of an organized gang
22 and was motivated by the offender's membership in or
23 allegiance to an organized gang. The community service
24 shall include, but not be limited to, the cleanup and
25 repair of any damage caused by a violation of Section
26 21-1.3 of the Criminal Code of 1961 and similar damage to

1 property located within the municipality or county in which
2 the violation occurred. When possible and reasonable, the
3 community service should be performed in the offender's
4 neighborhood. For purposes of this Section, "organized
5 gang" has the meaning ascribed to it in Section 10 of the
6 Illinois Streetgang Terrorism Omnibus Prevention Act;

7 (7) if he or she is at least 17 years of age and has
8 been sentenced to probation or conditional discharge for a
9 misdemeanor or felony in a county of 3,000,000 or more
10 inhabitants and has not been previously convicted of a
11 misdemeanor or felony, may be required by the sentencing
12 court to attend educational courses designed to prepare the
13 defendant for a high school diploma and to work toward a
14 high school diploma or to work toward passing the high
15 school level Test of General Educational Development (GED)
16 or to work toward completing a vocational training program
17 approved by the court. The person on probation or
18 conditional discharge must attend a public institution of
19 education to obtain the educational or vocational training
20 required by this clause (7). The court shall revoke the
21 probation or conditional discharge of a person who wilfully
22 fails to comply with this clause (7). The person on
23 probation or conditional discharge shall be required to pay
24 for the cost of the educational courses or GED test, if a
25 fee is charged for those courses or test. The court shall
26 resentence the offender whose probation or conditional

1 discharge has been revoked as provided in Section 5-6-4.
2 This clause (7) does not apply to a person who has a high
3 school diploma or has successfully passed the GED test.
4 This clause (7) does not apply to a person who is
5 determined by the court to be developmentally disabled or
6 otherwise mentally incapable of completing the educational
7 or vocational program;

8 (8) if convicted of possession of a substance
9 prohibited by the Cannabis Control Act, the Illinois
10 Controlled Substances Act, or the Methamphetamine Control
11 and Community Protection Act after a previous conviction or
12 disposition of supervision for possession of a substance
13 prohibited by the Cannabis Control Act or Illinois
14 Controlled Substances Act or after a sentence of probation
15 under Section 10 of the Cannabis Control Act, Section 410
16 of the Illinois Controlled Substances Act, or Section 70 of
17 the Methamphetamine Control and Community Protection Act
18 and upon a finding by the court that the person is
19 addicted, undergo treatment at a substance abuse program
20 approved by the court;

21 (8.5) if convicted of a felony sex offense as defined
22 in the Sex Offender Management Board Act, the person shall
23 undergo and successfully complete sex offender treatment
24 by a treatment provider approved by the Board and conducted
25 in conformance with the standards developed under the Sex
26 Offender Management Board Act;

1 (8.6) if convicted of a sex offense as defined in the
2 Sex Offender Management Board Act, refrain from residing at
3 the same address or in the same condominium unit or
4 apartment unit or in the same condominium complex or
5 apartment complex with another person he or she knows or
6 reasonably should know is a convicted sex offender or has
7 been placed on supervision for a sex offense; the
8 provisions of this paragraph do not apply to a person
9 convicted of a sex offense who is placed in a Department of
10 Corrections licensed transitional housing facility for sex
11 offenders;

12 (8.7) if convicted for an offense committed on or after
13 June 1, 2008 (the effective date of Public Act 95-464) that
14 would qualify the accused as a child sex offender as
15 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
16 1961, refrain from communicating with or contacting, by
17 means of the Internet, a person who is not related to the
18 accused and whom the accused reasonably believes to be
19 under 18 years of age; for purposes of this paragraph
20 (8.7), "Internet" has the meaning ascribed to it in Section
21 16J-5 of the Criminal Code of 1961; and a person is not
22 related to the accused if the person is not: (i) the
23 spouse, brother, or sister of the accused; (ii) a
24 descendant of the accused; (iii) a first or second cousin
25 of the accused; or (iv) a step-child or adopted child of
26 the accused;

1 (8.8) if convicted for an offense under Section 11-6,
2 11-9.1, 11-14.4 that involves soliciting for a juvenile
3 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
4 of the Criminal Code of 1961, or any attempt to commit any
5 of these offenses, committed on or after June 1, 2009 (the
6 effective date of Public Act 95-983):

7 (i) not access or use a computer or any other
8 device with Internet capability without the prior
9 written approval of the offender's probation officer,
10 except in connection with the offender's employment or
11 search for employment with the prior approval of the
12 offender's probation officer;

13 (ii) submit to periodic unannounced examinations
14 of the offender's computer or any other device with
15 Internet capability by the offender's probation
16 officer, a law enforcement officer, or assigned
17 computer or information technology specialist,
18 including the retrieval and copying of all data from
19 the computer or device and any internal or external
20 peripherals and removal of such information,
21 equipment, or device to conduct a more thorough
22 inspection;

23 (iii) submit to the installation on the offender's
24 computer or device with Internet capability, at the
25 offender's expense, of one or more hardware or software
26 systems to monitor the Internet use; and

1 (iv) submit to any other appropriate restrictions
2 concerning the offender's use of or access to a
3 computer or any other device with Internet capability
4 imposed by the offender's probation officer;

5 (8.9) if convicted of a sex offense as defined in the
6 Sex Offender Registration Act committed on or after January
7 1, 2010 (the effective date of Public Act 96-262) ~~this~~
8 ~~amendatory Act of the 96th General Assembly~~, refrain from
9 accessing or using a social networking website as defined
10 in Section 16D-2 of the Criminal Code of 1961;

11 (9) if convicted of a felony, physically surrender at a
12 time and place designated by the court, his or her Firearm
13 Owner's Identification Card and any and all firearms in his
14 or her possession;

15 (10) if convicted of a sex offense as defined in
16 subsection (a-5) of Section 3-1-2 of this Code, unless the
17 offender is a parent or guardian of the person under 18
18 years of age present in the home and no non-familial minors
19 are present, not participate in a holiday event involving
20 children under 18 years of age, such as distributing candy
21 or other items to children on Halloween, wearing a Santa
22 Claus costume on or preceding Christmas, being employed as
23 a department store Santa Claus, or wearing an Easter Bunny
24 costume on or preceding Easter; and

25 (11) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed on

1 or after January 1, 2010 (the effective date of Public Act
2 96-362) ~~this amendatory Act of the 96th General Assembly~~
3 that requires the person to register as a sex offender
4 under that Act, may not knowingly use any computer scrub
5 software on any computer that the sex offender uses.

6 (b) The Court may in addition to other reasonable
7 conditions relating to the nature of the offense or the
8 rehabilitation of the defendant as determined for each
9 defendant in the proper discretion of the Court require that
10 the person:

11 (1) serve a term of periodic imprisonment under Article
12 7 for a period not to exceed that specified in paragraph
13 (d) of Section 5-7-1;

14 (2) pay a fine and costs;

15 (3) work or pursue a course of study or vocational
16 training;

17 (4) undergo medical, psychological or psychiatric
18 treatment; or treatment for drug addiction or alcoholism;

19 (5) attend or reside in a facility established for the
20 instruction or residence of defendants on probation;

21 (6) support his dependents;

22 (7) and in addition, if a minor:

23 (i) reside with his parents or in a foster home;

24 (ii) attend school;

25 (iii) attend a non-residential program for youth;

26 (iv) contribute to his own support at home or in a

1 foster home;

2 (v) with the consent of the superintendent of the
3 facility, attend an educational program at a facility
4 other than the school in which the offense was
5 committed if he or she is convicted of a crime of
6 violence as defined in Section 2 of the Crime Victims
7 Compensation Act committed in a school, on the real
8 property comprising a school, or within 1,000 feet of
9 the real property comprising a school;

10 (8) make restitution as provided in Section 5-5-6 of
11 this Code;

12 (9) perform some reasonable public or community
13 service;

14 (10) serve a term of home confinement. In addition to
15 any other applicable condition of probation or conditional
16 discharge, the conditions of home confinement shall be that
17 the offender:

18 (i) remain within the interior premises of the
19 place designated for his confinement during the hours
20 designated by the court;

21 (ii) admit any person or agent designated by the
22 court into the offender's place of confinement at any
23 time for purposes of verifying the offender's
24 compliance with the conditions of his confinement; and

25 (iii) if further deemed necessary by the court or
26 the Probation or Court Services Department, be placed

1 on an approved electronic monitoring device, subject
2 to Article 8A of Chapter V;

3 (iv) for persons convicted of any alcohol,
4 cannabis or controlled substance violation who are
5 placed on an approved monitoring device as a condition
6 of probation or conditional discharge, the court shall
7 impose a reasonable fee for each day of the use of the
8 device, as established by the county board in
9 subsection (g) of this Section, unless after
10 determining the inability of the offender to pay the
11 fee, the court assesses a lesser fee or no fee as the
12 case may be. This fee shall be imposed in addition to
13 the fees imposed under subsections (g) and (i) of this
14 Section. The fee shall be collected by the clerk of the
15 circuit court. The clerk of the circuit court shall pay
16 all monies collected from this fee to the county
17 treasurer for deposit in the substance abuse services
18 fund under Section 5-1086.1 of the Counties Code; and

19 (v) for persons convicted of offenses other than
20 those referenced in clause (iv) above and who are
21 placed on an approved monitoring device as a condition
22 of probation or conditional discharge, the court shall
23 impose a reasonable fee for each day of the use of the
24 device, as established by the county board in
25 subsection (g) of this Section, unless after
26 determining the inability of the defendant to pay the

1 fee, the court assesses a lesser fee or no fee as the
2 case may be. This fee shall be imposed in addition to
3 the fees imposed under subsections (g) and (i) of this
4 Section. The fee shall be collected by the clerk of the
5 circuit court. The clerk of the circuit court shall pay
6 all monies collected from this fee to the county
7 treasurer who shall use the monies collected to defray
8 the costs of corrections. The county treasurer shall
9 deposit the fee collected in the county working cash
10 fund under Section 6-27001 or Section 6-29002 of the
11 Counties Code, as the case may be.

12 (11) comply with the terms and conditions of an order
13 of protection issued by the court pursuant to the Illinois
14 Domestic Violence Act of 1986, as now or hereafter amended,
15 or an order of protection issued by the court of another
16 state, tribe, or United States territory. A copy of the
17 order of protection shall be transmitted to the probation
18 officer or agency having responsibility for the case;

19 (12) reimburse any "local anti-crime program" as
20 defined in Section 7 of the Anti-Crime Advisory Council Act
21 for any reasonable expenses incurred by the program on the
22 offender's case, not to exceed the maximum amount of the
23 fine authorized for the offense for which the defendant was
24 sentenced;

25 (13) contribute a reasonable sum of money, not to
26 exceed the maximum amount of the fine authorized for the

1 offense for which the defendant was sentenced, (i) to a
2 "local anti-crime program", as defined in Section 7 of the
3 Anti-Crime Advisory Council Act, or (ii) for offenses under
4 the jurisdiction of the Department of Natural Resources, to
5 the fund established by the Department of Natural Resources
6 for the purchase of evidence for investigation purposes and
7 to conduct investigations as outlined in Section 805-105 of
8 the Department of Natural Resources (Conservation) Law;

9 (14) refrain from entering into a designated
10 geographic area except upon such terms as the court finds
11 appropriate. Such terms may include consideration of the
12 purpose of the entry, the time of day, other persons
13 accompanying the defendant, and advance approval by a
14 probation officer, if the defendant has been placed on
15 probation or advance approval by the court, if the
16 defendant was placed on conditional discharge;

17 (15) refrain from having any contact, directly or
18 indirectly, with certain specified persons or particular
19 types of persons, including but not limited to members of
20 street gangs and drug users or dealers;

21 (16) refrain from having in his or her body the
22 presence of any illicit drug prohibited by the Cannabis
23 Control Act, the Illinois Controlled Substances Act, or the
24 Methamphetamine Control and Community Protection Act,
25 unless prescribed by a physician, and submit samples of his
26 or her blood or urine or both for tests to determine the

1 presence of any illicit drug;

2 (17) if convicted for an offense committed on or after
3 June 1, 2008 (the effective date of Public Act 95-464) that
4 would qualify the accused as a child sex offender as
5 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
6 1961, refrain from communicating with or contacting, by
7 means of the Internet, a person who is related to the
8 accused and whom the accused reasonably believes to be
9 under 18 years of age; for purposes of this paragraph (17),
10 "Internet" has the meaning ascribed to it in Section 16J-5
11 of the Criminal Code of 1961; and a person is related to
12 the accused if the person is: (i) the spouse, brother, or
13 sister of the accused; (ii) a descendant of the accused;
14 (iii) a first or second cousin of the accused; or (iv) a
15 step-child or adopted child of the accused;

16 (18) if convicted for an offense committed on or after
17 June 1, 2009 (the effective date of Public Act 95-983) that
18 would qualify as a sex offense as defined in the Sex
19 Offender Registration Act:

20 (i) not access or use a computer or any other
21 device with Internet capability without the prior
22 written approval of the offender's probation officer,
23 except in connection with the offender's employment or
24 search for employment with the prior approval of the
25 offender's probation officer;

26 (ii) submit to periodic unannounced examinations

1 of the offender's computer or any other device with
2 Internet capability by the offender's probation
3 officer, a law enforcement officer, or assigned
4 computer or information technology specialist,
5 including the retrieval and copying of all data from
6 the computer or device and any internal or external
7 peripherals and removal of such information,
8 equipment, or device to conduct a more thorough
9 inspection;

10 (iii) submit to the installation on the offender's
11 computer or device with Internet capability, at the
12 subject's expense, of one or more hardware or software
13 systems to monitor the Internet use; and

14 (iv) submit to any other appropriate restrictions
15 concerning the offender's use of or access to a
16 computer or any other device with Internet capability
17 imposed by the offender's probation officer; and

18 (19) refrain from possessing a firearm or other
19 dangerous weapon where the offense is a misdemeanor that
20 did not involve the intentional or knowing infliction of
21 bodily harm or threat of bodily harm.

22 (c) The court may as a condition of probation or of
23 conditional discharge require that a person under 18 years of
24 age found guilty of any alcohol, cannabis or controlled
25 substance violation, refrain from acquiring a driver's license
26 during the period of probation or conditional discharge. If

1 such person is in possession of a permit or license, the court
2 may require that the minor refrain from driving or operating
3 any motor vehicle during the period of probation or conditional
4 discharge, except as may be necessary in the course of the
5 minor's lawful employment.

6 (d) An offender sentenced to probation or to conditional
7 discharge shall be given a certificate setting forth the
8 conditions thereof.

9 (e) Except where the offender has committed a fourth or
10 subsequent violation of subsection (c) of Section 6-303 of the
11 Illinois Vehicle Code, the court shall not require as a
12 condition of the sentence of probation or conditional discharge
13 that the offender be committed to a period of imprisonment in
14 excess of 6 months. This 6 month limit shall not include
15 periods of confinement given pursuant to a sentence of county
16 impact incarceration under Section 5-8-1.2.

17 Persons committed to imprisonment as a condition of
18 probation or conditional discharge shall not be committed to
19 the Department of Corrections.

20 (f) The court may combine a sentence of periodic
21 imprisonment under Article 7 or a sentence to a county impact
22 incarceration program under Article 8 with a sentence of
23 probation or conditional discharge.

24 (g) An offender sentenced to probation or to conditional
25 discharge and who during the term of either undergoes mandatory
26 drug or alcohol testing, or both, or is assigned to be placed

1 on an approved electronic monitoring device, shall be ordered
2 to pay all costs incidental to such mandatory drug or alcohol
3 testing, or both, and all costs incidental to such approved
4 electronic monitoring in accordance with the defendant's
5 ability to pay those costs. The county board with the
6 concurrence of the Chief Judge of the judicial circuit in which
7 the county is located shall establish reasonable fees for the
8 cost of maintenance, testing, and incidental expenses related
9 to the mandatory drug or alcohol testing, or both, and all
10 costs incidental to approved electronic monitoring, involved
11 in a successful probation program for the county. The
12 concurrence of the Chief Judge shall be in the form of an
13 administrative order. The fees shall be collected by the clerk
14 of the circuit court. The clerk of the circuit court shall pay
15 all moneys collected from these fees to the county treasurer
16 who shall use the moneys collected to defray the costs of drug
17 testing, alcohol testing, and electronic monitoring. The
18 county treasurer shall deposit the fees collected in the county
19 working cash fund under Section 6-27001 or Section 6-29002 of
20 the Counties Code, as the case may be.

21 (h) Jurisdiction over an offender may be transferred from
22 the sentencing court to the court of another circuit with the
23 concurrence of both courts. Further transfers or retransfers of
24 jurisdiction are also authorized in the same manner. The court
25 to which jurisdiction has been transferred shall have the same
26 powers as the sentencing court.

1 (i) The court shall impose upon an offender sentenced to
2 probation after January 1, 1989 or to conditional discharge
3 after January 1, 1992 or to community service under the
4 supervision of a probation or court services department after
5 January 1, 2004, as a condition of such probation or
6 conditional discharge or supervised community service, a fee of
7 \$50 for each month of probation or conditional discharge
8 supervision or supervised community service ordered by the
9 court, unless after determining the inability of the person
10 sentenced to probation or conditional discharge or supervised
11 community service to pay the fee, the court assesses a lesser
12 fee. The court may not impose the fee on a minor who is made a
13 ward of the State under the Juvenile Court Act of 1987 while
14 the minor is in placement. The fee shall be imposed only upon
15 an offender who is actively supervised by the probation and
16 court services department. The fee shall be collected by the
17 clerk of the circuit court. The clerk of the circuit court
18 shall pay all monies collected from this fee to the county
19 treasurer for deposit in the probation and court services fund
20 under Section 15.1 of the Probation and Probation Officers Act.

21 A circuit court may not impose a probation fee under this
22 subsection (i) in excess of \$25 per month unless: (1) the
23 circuit court has adopted, by administrative order issued by
24 the chief judge, a standard probation fee guide determining an
25 offender's ability to pay, under guidelines developed by the
26 Administrative Office of the Illinois Courts; and (2) the

1 circuit court has authorized, by administrative order issued by
2 the chief judge, the creation of a Crime Victim's Services
3 Fund, to be administered by the Chief Judge or his or her
4 designee, for services to crime victims and their families. Of
5 the amount collected as a probation fee, up to \$5 of that fee
6 collected per month may be used to provide services to crime
7 victims and their families.

8 This amendatory Act of the 93rd General Assembly deletes
9 the \$10 increase in the fee under this subsection that was
10 imposed by Public Act 93-616. This deletion is intended to
11 control over any other Act of the 93rd General Assembly that
12 retains or incorporates that fee increase.

13 (i-5) In addition to the fees imposed under subsection (i)
14 of this Section, in the case of an offender convicted of a
15 felony sex offense (as defined in the Sex Offender Management
16 Board Act) or an offense that the court or probation department
17 has determined to be sexually motivated (as defined in the Sex
18 Offender Management Board Act), the court or the probation
19 department shall assess additional fees to pay for all costs of
20 treatment, assessment, evaluation for risk and treatment, and
21 monitoring the offender, based on that offender's ability to
22 pay those costs either as they occur or under a payment plan.

23 (j) All fines and costs imposed under this Section for any
24 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
25 Code, or a similar provision of a local ordinance, and any
26 violation of the Child Passenger Protection Act, or a similar

1 provision of a local ordinance, shall be collected and
2 disbursed by the circuit clerk as provided under Section 27.5
3 of the Clerks of Courts Act.

4 (k) Any offender who is sentenced to probation or
5 conditional discharge for a felony sex offense as defined in
6 the Sex Offender Management Board Act or any offense that the
7 court or probation department has determined to be sexually
8 motivated as defined in the Sex Offender Management Board Act
9 shall be required to refrain from any contact, directly or
10 indirectly, with any persons specified by the court and shall
11 be available for all evaluations and treatment programs
12 required by the court or the probation department.

13 (l) The court may order an offender who is sentenced to
14 probation or conditional discharge for a violation of an order
15 of protection be placed under electronic surveillance as
16 provided in Section 5-8A-7 of this Code.

17 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;
18 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;
19 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;
20 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.
21 8-25-09; revised 9-25-09.)

22 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

23 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

24 (a) When a defendant is placed on supervision, the court
25 shall enter an order for supervision specifying the period of

1 such supervision, and shall defer further proceedings in the
2 case until the conclusion of the period.

3 (b) The period of supervision shall be reasonable under all
4 of the circumstances of the case, but may not be longer than 2
5 years, unless the defendant has failed to pay the assessment
6 required by Section 10.3 of the Cannabis Control Act, Section
7 411.2 of the Illinois Controlled Substances Act, or Section 80
8 of the Methamphetamine Control and Community Protection Act, in
9 which case the court may extend supervision beyond 2 years.

10 Additionally, the court shall order the defendant to perform no
11 less than 30 hours of community service and not more than 120
12 hours of community service, if community service is available
13 in the jurisdiction and is funded and approved by the county
14 board where the offense was committed, when the offense (1) was
15 related to or in furtherance of the criminal activities of an
16 organized gang or was motivated by the defendant's membership
17 in or allegiance to an organized gang; or (2) is a violation of
18 any Section of Article 24 of the Criminal Code of 1961 where a
19 disposition of supervision is not prohibited by Section 5-6-1
20 of this Code. The community service shall include, but not be
21 limited to, the cleanup and repair of any damage caused by
22 violation of Section 21-1.3 of the Criminal Code of 1961 and
23 similar damages to property located within the municipality or
24 county in which the violation occurred. Where possible and
25 reasonable, the community service should be performed in the
26 offender's neighborhood.

1 For the purposes of this Section, "organized gang" has the
2 meaning ascribed to it in Section 10 of the Illinois Streetgang
3 Terrorism Omnibus Prevention Act.

4 (c) The court may in addition to other reasonable
5 conditions relating to the nature of the offense or the
6 rehabilitation of the defendant as determined for each
7 defendant in the proper discretion of the court require that
8 the person:

9 (1) make a report to and appear in person before or
10 participate with the court or such courts, person, or
11 social service agency as directed by the court in the order
12 of supervision;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical, psychological or psychiatric
17 treatment; or treatment for drug addiction or alcoholism;

18 (5) attend or reside in a facility established for the
19 instruction or residence of defendants on probation;

20 (6) support his dependents;

21 (7) refrain from possessing a firearm or other
22 dangerous weapon;

23 (8) and in addition, if a minor:

24 (i) reside with his parents or in a foster home;

25 (ii) attend school;

26 (iii) attend a non-residential program for youth;

1 (iv) contribute to his own support at home or in a
2 foster home; or

3 (v) with the consent of the superintendent of the
4 facility, attend an educational program at a facility
5 other than the school in which the offense was
6 committed if he or she is placed on supervision for a
7 crime of violence as defined in Section 2 of the Crime
8 Victims Compensation Act committed in a school, on the
9 real property comprising a school, or within 1,000 feet
10 of the real property comprising a school;

11 (9) make restitution or reparation in an amount not to
12 exceed actual loss or damage to property and pecuniary loss
13 or make restitution under Section 5-5-6 to a domestic
14 violence shelter. The court shall determine the amount and
15 conditions of payment;

16 (10) perform some reasonable public or community
17 service;

18 (11) comply with the terms and conditions of an order
19 of protection issued by the court pursuant to the Illinois
20 Domestic Violence Act of 1986 or an order of protection
21 issued by the court of another state, tribe, or United
22 States territory. If the court has ordered the defendant to
23 make a report and appear in person under paragraph (1) of
24 this subsection, a copy of the order of protection shall be
25 transmitted to the person or agency so designated by the
26 court;

1 (12) reimburse any "local anti-crime program" as
2 defined in Section 7 of the Anti-Crime Advisory Council Act
3 for any reasonable expenses incurred by the program on the
4 offender's case, not to exceed the maximum amount of the
5 fine authorized for the offense for which the defendant was
6 sentenced;

7 (13) contribute a reasonable sum of money, not to
8 exceed the maximum amount of the fine authorized for the
9 offense for which the defendant was sentenced, (i) to a
10 "local anti-crime program", as defined in Section 7 of the
11 Anti-Crime Advisory Council Act, or (ii) for offenses under
12 the jurisdiction of the Department of Natural Resources, to
13 the fund established by the Department of Natural Resources
14 for the purchase of evidence for investigation purposes and
15 to conduct investigations as outlined in Section 805-105 of
16 the Department of Natural Resources (Conservation) Law;

17 (14) refrain from entering into a designated
18 geographic area except upon such terms as the court finds
19 appropriate. Such terms may include consideration of the
20 purpose of the entry, the time of day, other persons
21 accompanying the defendant, and advance approval by a
22 probation officer;

23 (15) refrain from having any contact, directly or
24 indirectly, with certain specified persons or particular
25 types of person, including but not limited to members of
26 street gangs and drug users or dealers;

1 (16) refrain from having in his or her body the
2 presence of any illicit drug prohibited by the Cannabis
3 Control Act, the Illinois Controlled Substances Act, or the
4 Methamphetamine Control and Community Protection Act,
5 unless prescribed by a physician, and submit samples of his
6 or her blood or urine or both for tests to determine the
7 presence of any illicit drug;

8 (17) refrain from operating any motor vehicle not
9 equipped with an ignition interlock device as defined in
10 Section 1-129.1 of the Illinois Vehicle Code; under this
11 condition the court may allow a defendant who is not
12 self-employed to operate a vehicle owned by the defendant's
13 employer that is not equipped with an ignition interlock
14 device in the course and scope of the defendant's
15 employment; and

16 (18) if placed on supervision for a sex offense as
17 defined in subsection (a-5) of Section 3-1-2 of this Code,
18 unless the offender is a parent or guardian of the person
19 under 18 years of age present in the home and no
20 non-familial minors are present, not participate in a
21 holiday event involving children under 18 years of age,
22 such as distributing candy or other items to children on
23 Halloween, wearing a Santa Claus costume on or preceding
24 Christmas, being employed as a department store Santa
25 Claus, or wearing an Easter Bunny costume on or preceding
26 Easter.

1 (d) The court shall defer entering any judgment on the
2 charges until the conclusion of the supervision.

3 (e) At the conclusion of the period of supervision, if the
4 court determines that the defendant has successfully complied
5 with all of the conditions of supervision, the court shall
6 discharge the defendant and enter a judgment dismissing the
7 charges.

8 (f) Discharge and dismissal upon a successful conclusion of
9 a disposition of supervision shall be deemed without
10 adjudication of guilt and shall not be termed a conviction for
11 purposes of disqualification or disabilities imposed by law
12 upon conviction of a crime. Two years after the discharge and
13 dismissal under this Section, unless the disposition of
14 supervision was for a violation of Sections 3-707, 3-708,
15 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
16 similar provision of a local ordinance, or for a violation of
17 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
18 case it shall be 5 years after discharge and dismissal, a
19 person may have his record of arrest sealed or expunged as may
20 be provided by law. However, any defendant placed on
21 supervision before January 1, 1980, may move for sealing or
22 expungement of his arrest record, as provided by law, at any
23 time after discharge and dismissal under this Section. A person
24 placed on supervision for a sexual offense committed against a
25 minor as defined in clause (a)(1)(L) of Section 5.2 of the
26 Criminal Identification Act or for a violation of Section

1 11-501 of the Illinois Vehicle Code or a similar provision of a
2 local ordinance shall not have his or her record of arrest
3 sealed or expunged.

4 (g) A defendant placed on supervision and who during the
5 period of supervision undergoes mandatory drug or alcohol
6 testing, or both, or is assigned to be placed on an approved
7 electronic monitoring device, shall be ordered to pay the costs
8 incidental to such mandatory drug or alcohol testing, or both,
9 and costs incidental to such approved electronic monitoring in
10 accordance with the defendant's ability to pay those costs. The
11 county board with the concurrence of the Chief Judge of the
12 judicial circuit in which the county is located shall establish
13 reasonable fees for the cost of maintenance, testing, and
14 incidental expenses related to the mandatory drug or alcohol
15 testing, or both, and all costs incidental to approved
16 electronic monitoring, of all defendants placed on
17 supervision. The concurrence of the Chief Judge shall be in the
18 form of an administrative order. The fees shall be collected by
19 the clerk of the circuit court. The clerk of the circuit court
20 shall pay all moneys collected from these fees to the county
21 treasurer who shall use the moneys collected to defray the
22 costs of drug testing, alcohol testing, and electronic
23 monitoring. The county treasurer shall deposit the fees
24 collected in the county working cash fund under Section 6-27001
25 or Section 6-29002 of the Counties Code, as the case may be.

26 (h) A disposition of supervision is a final order for the

1 purposes of appeal.

2 (i) The court shall impose upon a defendant placed on
3 supervision after January 1, 1992 or to community service under
4 the supervision of a probation or court services department
5 after January 1, 2004, as a condition of supervision or
6 supervised community service, a fee of \$50 for each month of
7 supervision or supervised community service ordered by the
8 court, unless after determining the inability of the person
9 placed on supervision or supervised community service to pay
10 the fee, the court assesses a lesser fee. The court may not
11 impose the fee on a minor who is made a ward of the State under
12 the Juvenile Court Act of 1987 while the minor is in placement.
13 The fee shall be imposed only upon a defendant who is actively
14 supervised by the probation and court services department. The
15 fee shall be collected by the clerk of the circuit court. The
16 clerk of the circuit court shall pay all monies collected from
17 this fee to the county treasurer for deposit in the probation
18 and court services fund pursuant to Section 15.1 of the
19 Probation and Probation Officers Act.

20 A circuit court may not impose a probation fee in excess of
21 \$25 per month unless: (1) the circuit court has adopted, by
22 administrative order issued by the chief judge, a standard
23 probation fee guide determining an offender's ability to pay,
24 under guidelines developed by the Administrative Office of the
25 Illinois Courts; and (2) the circuit court has authorized, by
26 administrative order issued by the chief judge, the creation of

1 a Crime Victim's Services Fund, to be administered by the Chief
2 Judge or his or her designee, for services to crime victims and
3 their families. Of the amount collected as a probation fee, not
4 to exceed \$5 of that fee collected per month may be used to
5 provide services to crime victims and their families.

6 (j) All fines and costs imposed under this Section for any
7 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
8 Code, or a similar provision of a local ordinance, and any
9 violation of the Child Passenger Protection Act, or a similar
10 provision of a local ordinance, shall be collected and
11 disbursed by the circuit clerk as provided under Section 27.5
12 of the Clerks of Courts Act.

13 (k) A defendant at least 17 years of age who is placed on
14 supervision for a misdemeanor in a county of 3,000,000 or more
15 inhabitants and who has not been previously convicted of a
16 misdemeanor or felony may as a condition of his or her
17 supervision be required by the court to attend educational
18 courses designed to prepare the defendant for a high school
19 diploma and to work toward a high school diploma or to work
20 toward passing the high school level Test of General
21 Educational Development (GED) or to work toward completing a
22 vocational training program approved by the court. The
23 defendant placed on supervision must attend a public
24 institution of education to obtain the educational or
25 vocational training required by this subsection (k). The
26 defendant placed on supervision shall be required to pay for

1 the cost of the educational courses or GED test, if a fee is
2 charged for those courses or test. The court shall revoke the
3 supervision of a person who wilfully fails to comply with this
4 subsection (k). The court shall resentence the defendant upon
5 revocation of supervision as provided in Section 5-6-4. This
6 subsection (k) does not apply to a defendant who has a high
7 school diploma or has successfully passed the GED test. This
8 subsection (k) does not apply to a defendant who is determined
9 by the court to be developmentally disabled or otherwise
10 mentally incapable of completing the educational or vocational
11 program.

12 (l) The court shall require a defendant placed on
13 supervision for possession of a substance prohibited by the
14 Cannabis Control Act, the Illinois Controlled Substances Act,
15 or the Methamphetamine Control and Community Protection Act
16 after a previous conviction or disposition of supervision for
17 possession of a substance prohibited by the Cannabis Control
18 Act, the Illinois Controlled Substances Act, or the
19 Methamphetamine Control and Community Protection Act or a
20 sentence of probation under Section 10 of the Cannabis Control
21 Act or Section 410 of the Illinois Controlled Substances Act
22 and after a finding by the court that the person is addicted,
23 to undergo treatment at a substance abuse program approved by
24 the court.

25 (m) The Secretary of State shall require anyone placed on
26 court supervision for a violation of Section 3-707 of the

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance to give proof of his or her financial responsibility
3 as defined in Section 7-315 of the Illinois Vehicle Code. The
4 proof shall be maintained by the individual in a manner
5 satisfactory to the Secretary of State for a minimum period of
6 3 years after the date the proof is first filed. The proof
7 shall be limited to a single action per arrest and may not be
8 affected by any post-sentence disposition. The Secretary of
9 State shall suspend the driver's license of any person
10 determined by the Secretary to be in violation of this
11 subsection.

12 (n) Any offender placed on supervision for any offense that
13 the court or probation department has determined to be sexually
14 motivated as defined in the Sex Offender Management Board Act
15 shall be required to refrain from any contact, directly or
16 indirectly, with any persons specified by the court and shall
17 be available for all evaluations and treatment programs
18 required by the court or the probation department.

19 (o) An offender placed on supervision for a sex offense as
20 defined in the Sex Offender Management Board Act shall refrain
21 from residing at the same address or in the same condominium
22 unit or apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has been
25 placed on supervision for a sex offense. The provisions of this
26 subsection (o) do not apply to a person convicted of a sex

1 offense who is placed in a Department of Corrections licensed
2 transitional housing facility for sex offenders.

3 (p) An offender placed on supervision for an offense
4 committed on or after June 1, 2008 (the effective date of
5 Public Act 95-464) that would qualify the accused as a child
6 sex offender as defined in Section 11-9.3 or 11-9.4 of the
7 Criminal Code of 1961 shall refrain from communicating with or
8 contacting, by means of the Internet, a person who is not
9 related to the accused and whom the accused reasonably believes
10 to be under 18 years of age. For purposes of this subsection
11 (p), "Internet" has the meaning ascribed to it in Section 16J-5
12 of the Criminal Code of 1961; and a person is not related to
13 the accused if the person is not: (i) the spouse, brother, or
14 sister of the accused; (ii) a descendant of the accused; (iii)
15 a first or second cousin of the accused; or (iv) a step-child
16 or adopted child of the accused.

17 (q) An offender placed on supervision for an offense
18 committed on or after June 1, 2008 (the effective date of
19 Public Act 95-464) that would qualify the accused as a child
20 sex offender as defined in Section 11-9.3 or 11-9.4 of the
21 Criminal Code of 1961 shall, if so ordered by the court,
22 refrain from communicating with or contacting, by means of the
23 Internet, a person who is related to the accused and whom the
24 accused reasonably believes to be under 18 years of age. For
25 purposes of this subsection (q), "Internet" has the meaning
26 ascribed to it in Section 16J-5 of the Criminal Code of 1961;

1 and a person is related to the accused if the person is: (i)
2 the spouse, brother, or sister of the accused; (ii) a
3 descendant of the accused; (iii) a first or second cousin of
4 the accused; or (iv) a step-child or adopted child of the
5 accused.

6 (r) An offender placed on supervision for an offense under
7 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
8 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
9 11-21 of the Criminal Code of 1961, or any attempt to commit
10 any of these offenses, committed on or after the effective date
11 of this amendatory Act of the 95th General Assembly shall:

12 (i) not access or use a computer or any other device
13 with Internet capability without the prior written
14 approval of the court, except in connection with the
15 offender's employment or search for employment with the
16 prior approval of the court;

17 (ii) submit to periodic unannounced examinations of
18 the offender's computer or any other device with Internet
19 capability by the offender's probation officer, a law
20 enforcement officer, or assigned computer or information
21 technology specialist, including the retrieval and copying
22 of all data from the computer or device and any internal or
23 external peripherals and removal of such information,
24 equipment, or device to conduct a more thorough inspection;

25 (iii) submit to the installation on the offender's
26 computer or device with Internet capability, at the

1 offender's expense, of one or more hardware or software
2 systems to monitor the Internet use; and

3 (iv) submit to any other appropriate restrictions
4 concerning the offender's use of or access to a computer or
5 any other device with Internet capability imposed by the
6 court.

7 (s) An offender placed on supervision for an offense that
8 is a sex offense as defined in Section 2 of the Sex Offender
9 Registration Act that is committed on or after January 1, 2010
10 (the effective date of Public Act 96-362) ~~this amendatory Act~~
11 ~~of the 96th General Assembly~~ that requires the person to
12 register as a sex offender under that Act, may not knowingly
13 use any computer scrub software on any computer that the sex
14 offender uses.

15 (t) ~~(s)~~ An offender placed on supervision for a sex offense
16 as defined in the Sex Offender Registration Act committed on or
17 after January 1, 2010 (the effective date of Public Act 96-262)
18 ~~this amendatory Act of the 96th General Assembly~~ shall refrain
19 from accessing or using a social networking website as defined
20 in Section 16D-2 of the Criminal Code of 1961.

21 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;
22 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;
23 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;
24 96-409, eff. 1-1-10; revised 9-25-09.)

25 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

1 Sec. 5-8-1. Natural life imprisonment; mandatory
2 supervised release.

3 (a) Except as otherwise provided in the statute defining
4 the offense or in Article 4.5 of Chapter V, a sentence of
5 imprisonment for a felony shall be a determinate sentence set
6 by the court under this Section, according to the following
7 limitations:

8 (1) for first degree murder,

9 (a) (blank),

10 (b) if a trier of fact finds beyond a reasonable
11 doubt that the murder was accompanied by exceptionally
12 brutal or heinous behavior indicative of wanton
13 cruelty or, except as set forth in subsection (a) (1) (c)
14 of this Section, that any of the aggravating factors
15 listed in subsection (b) of Section 9-1 of the Criminal
16 Code of 1961 are present, the court may sentence the
17 defendant to a term of natural life imprisonment, or

18 (c) the court shall sentence the defendant to a
19 term of natural life imprisonment when the death
20 penalty is not imposed if the defendant,

21 (i) has previously been convicted of first
22 degree murder under any state or federal law, or

23 (ii) is a person who, at the time of the
24 commission of the murder, had attained the age of
25 17 or more and is found guilty of murdering an
26 individual under 12 years of age; or, irrespective

1 of the defendant's age at the time of the
2 commission of the offense, is found guilty of
3 murdering more than one victim, or

4 (iii) is found guilty of murdering a peace
5 officer, fireman, or emergency management worker
6 when the peace officer, fireman, or emergency
7 management worker was killed in the course of
8 performing his official duties, or to prevent the
9 peace officer or fireman from performing his
10 official duties, or in retaliation for the peace
11 officer, fireman, or emergency management worker
12 from performing his official duties, and the
13 defendant knew or should have known that the
14 murdered individual was a peace officer, fireman,
15 or emergency management worker, or

16 (iv) is found guilty of murdering an employee
17 of an institution or facility of the Department of
18 Corrections, or any similar local correctional
19 agency, when the employee was killed in the course
20 of performing his official duties, or to prevent
21 the employee from performing his official duties,
22 or in retaliation for the employee performing his
23 official duties, or

24 (v) is found guilty of murdering an emergency
25 medical technician - ambulance, emergency medical
26 technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver or other
2 medical assistance or first aid person while
3 employed by a municipality or other governmental
4 unit when the person was killed in the course of
5 performing official duties or to prevent the
6 person from performing official duties or in
7 retaliation for performing official duties and the
8 defendant knew or should have known that the
9 murdered individual was an emergency medical
10 technician - ambulance, emergency medical
11 technician - intermediate, emergency medical
12 technician - paramedic, ambulance driver, or other
13 medical assistant or first aid personnel, or

14 (vi) is a person who, at the time of the
15 commission of the murder, had not attained the age
16 of 17, and is found guilty of murdering a person
17 under 12 years of age and the murder is committed
18 during the course of aggravated criminal sexual
19 assault, criminal sexual assault, or aggravated
20 kidnaping, or

21 (vii) is found guilty of first degree murder
22 and the murder was committed by reason of any
23 person's activity as a community policing
24 volunteer or to prevent any person from engaging in
25 activity as a community policing volunteer. For
26 the purpose of this Section, "community policing

1 volunteer" has the meaning ascribed to it in
2 Section 2-3.5 of the Criminal Code of 1961.

3 For purposes of clause (v), "emergency medical
4 technician - ambulance", "emergency medical technician
5 - intermediate", "emergency medical technician -
6 paramedic", have the meanings ascribed to them in the
7 Emergency Medical Services (EMS) Systems Act.

8 (d) (i) if the person committed the offense while
9 armed with a firearm, 15 years shall be added to
10 the term of imprisonment imposed by the court;

11 (ii) if, during the commission of the offense,
12 the person personally discharged a firearm, 20
13 years shall be added to the term of imprisonment
14 imposed by the court;

15 (iii) if, during the commission of the
16 offense, the person personally discharged a
17 firearm that proximately caused great bodily harm,
18 permanent disability, permanent disfigurement, or
19 death to another person, 25 years or up to a term
20 of natural life shall be added to the term of
21 imprisonment imposed by the court.

22 (2) (blank);

23 (2.5) for a person convicted under the circumstances
24 described in subdivision (b)(1)(B) of Section 11-1.20 or
25 paragraph (3) of subsection (b) of Section 12-13,
26 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of

1 subsection (d) of Section 12-14, subdivision (b)(1.2) of
2 Section 11-1.40 or paragraph (1.2) of subsection (b) of
3 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
4 paragraph (2) of subsection (b) of Section 12-14.1 of the
5 Criminal Code of 1961, the sentence shall be a term of
6 natural life imprisonment.

7 (b) (Blank~~-~~).

8 (c) (Blank~~-~~).

9 (d) Subject to earlier termination under Section 3-3-8, the
10 parole or mandatory supervised release term shall be as
11 follows:

12 (1) for first degree murder or a Class X felony except
13 for the offenses of predatory criminal sexual assault of a
14 child, aggravated criminal sexual assault, and criminal
15 sexual assault if committed on or after the effective date
16 of this amendatory Act of the 94th General Assembly and
17 except for the offense of aggravated child pornography
18 under Section 11-20.1B or 11-20.3 of the Criminal Code of
19 1961, if committed on or after January 1, 2009, 3 years;

20 (2) for a Class 1 felony or a Class 2 felony except for
21 the offense of criminal sexual assault if committed on or
22 after the effective date of this amendatory Act of the 94th
23 General Assembly and except for the offenses of manufacture
24 and dissemination of child pornography under clauses
25 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
26 of 1961, if committed on or after January 1, 2009, 2 years;

1 (3) for a Class 3 felony or a Class 4 felony, 1 year;

2 (4) for defendants who commit the offense of predatory
3 criminal sexual assault of a child, aggravated criminal
4 sexual assault, or criminal sexual assault, on or after the
5 effective date of this amendatory Act of the 94th General
6 Assembly, or who commit the offense of aggravated child
7 pornography, manufacture of child pornography, or
8 dissemination of child pornography after January 1, 2009,
9 the term of mandatory supervised release shall range from a
10 minimum of 3 years to a maximum of the natural life of the
11 defendant;

12 (5) if the victim is under 18 years of age, for a
13 second or subsequent offense of aggravated criminal sexual
14 abuse or felony criminal sexual abuse, 4 years, at least
15 the first 2 years of which the defendant shall serve in an
16 electronic home detention program under Article 8A of
17 Chapter V of this Code;

18 (6) for a felony domestic battery, aggravated domestic
19 battery, stalking, aggravated stalking, and a felony
20 violation of an order of protection, 4 years.

21 (e) (Blank~~→~~).

22 (f) (Blank~~→~~).

23 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;
24 96-282, eff. 1-1-10; revised 9-4-09.)

25 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

1 Sec. 5-8-4. Concurrent and consecutive terms of
2 imprisonment.

3 (a) Concurrent terms; multiple or additional sentences.
4 When an Illinois court (i) imposes multiple sentences of
5 imprisonment on a defendant at the same time or (ii) imposes a
6 sentence of imprisonment on a defendant who is already subject
7 to a sentence of imprisonment imposed by an Illinois court, a
8 court of another state, or a federal court, then the sentences
9 shall run concurrently unless otherwise determined by the
10 Illinois court under this Section.

11 (b) Concurrent terms; misdemeanor and felony. A defendant
12 serving a sentence for a misdemeanor who is convicted of a
13 felony and sentenced to imprisonment shall be transferred to
14 the Department of Corrections, and the misdemeanor sentence
15 shall be merged in and run concurrently with the felony
16 sentence.

17 (c) Consecutive terms; permissive. The court may impose
18 consecutive sentences in any of the following circumstances:

19 (1) If, having regard to the nature and circumstances
20 of the offense and the history and character of the
21 defendant, it is the opinion of the court that consecutive
22 sentences are required to protect the public from further
23 criminal conduct by the defendant, the basis for which the
24 court shall set forth in the record.

25 (2) If one of the offenses for which a defendant was
26 convicted was a violation of Section 32-5.2 (aggravated

1 false personation of a peace officer) of the Criminal Code
2 of 1961 (720 ILCS 5/32-5.2) and the offense was committed
3 in attempting or committing a forcible felony.

4 (d) Consecutive terms; mandatory. The court shall impose
5 consecutive sentences in each of the following circumstances:

6 (1) One of the offenses for which the defendant was
7 convicted was first degree murder or a Class X or Class 1
8 felony and the defendant inflicted severe bodily injury.

9 (2) The defendant was convicted of a violation of
10 Section 11-1.20 or 12-13 (criminal sexual assault),
11 11-1.30 or 12-14 (aggravated criminal sexual assault), or
12 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
13 child) of the Criminal Code of 1961 (720 ILCS 5/11-1.20,
14 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or 5/12-14.1).

15 (3) The defendant was convicted of armed violence based
16 upon the predicate offense of any of the following:
17 solicitation of murder, solicitation of murder for hire,
18 heinous battery, aggravated battery of a senior citizen,
19 criminal sexual assault, a violation of subsection (g) of
20 Section 5 of the Cannabis Control Act (720 ILCS 550/5),
21 cannabis trafficking, a violation of subsection (a) of
22 Section 401 of the Illinois Controlled Substances Act (720
23 ILCS 570/401), controlled substance trafficking involving
24 a Class X felony amount of controlled substance under
25 Section 401 of the Illinois Controlled Substances Act (720
26 ILCS 570/401), a violation of the Methamphetamine Control

1 and Community Protection Act (720 ILCS 646/), calculated
2 criminal drug conspiracy, or streetgang criminal drug
3 conspiracy.

4 (4) The defendant was convicted of the offense of
5 leaving the scene of a motor vehicle accident involving
6 death or personal injuries under Section 11-401 of the
7 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
8 aggravated driving under the influence of alcohol, other
9 drug or drugs, or intoxicating compound or compounds, or
10 any combination thereof under Section 11-501 of the
11 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
12 homicide under Section 9-3 of the Criminal Code of 1961
13 (720 ILCS 5/9-3), or (C) both an offense described in item
14 (A) and an offense described in item (B).

15 (5) The defendant was convicted of a violation of
16 Section 9-3.1 (concealment of homicidal death) or Section
17 12-20.5 (dismembering a human body) of the Criminal Code of
18 1961 (720 ILCS 5/9-3.1 or 5/12-20.5). ~~or~~

19 (5.5) The ~~(vi) the~~ defendant was convicted of a
20 violation of Section 24-3.7 (use of a stolen firearm in the
21 commission of an offense) of the Criminal Code of 1961. ~~7~~

22 (6) If the defendant was in the custody of the
23 Department of Corrections at the time of the commission of
24 the offense, the sentence shall be served consecutive to
25 the sentence under which the defendant is held by the
26 Department of Corrections. If, however, the defendant is

1 sentenced to punishment by death, the sentence shall be
2 executed at such time as the court may fix without regard
3 to the sentence under which the defendant may be held by
4 the Department.

5 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
6 for escape or attempted escape shall be served consecutive
7 to the terms under which the offender is held by the
8 Department of Corrections.

9 (8) If a person charged with a felony commits a
10 separate felony while on pretrial release or in pretrial
11 detention in a county jail facility or county detention
12 facility, then the sentences imposed upon conviction of
13 these felonies shall be served consecutively regardless of
14 the order in which the judgments of conviction are entered.

15 (8.5) If a person commits a battery against a county
16 correctional officer or sheriff's employee while serving a
17 sentence or in pretrial detention in a county jail
18 facility, then the sentence imposed upon conviction of the
19 battery shall be served consecutively with the sentence
20 imposed upon conviction of the earlier misdemeanor or
21 felony, regardless of the order in which the judgments of
22 conviction are entered.

23 (9) If a person admitted to bail following conviction
24 of a felony commits a separate felony while free on bond or
25 if a person detained in a county jail facility or county
26 detention facility following conviction of a felony

1 commits a separate felony while in detention, then any
2 sentence following conviction of the separate felony shall
3 be consecutive to that of the original sentence for which
4 the defendant was on bond or detained.

5 (10) If a person is found to be in possession of an
6 item of contraband, as defined in clause (c)(2) of Section
7 31A-1.1 of the Criminal Code of 1961, while serving a
8 sentence in a county jail or while in pre-trial detention
9 in a county jail, the sentence imposed upon conviction for
10 the offense of possessing contraband in a penal institution
11 shall be served consecutively to the sentence imposed for
12 the offense in which the person is serving sentence in the
13 county jail or serving pretrial detention, regardless of
14 the order in which the judgments of conviction are entered.

15 (e) Consecutive terms; subsequent non-Illinois term. If an
16 Illinois court has imposed a sentence of imprisonment on a
17 defendant and the defendant is subsequently sentenced to a term
18 of imprisonment by a court of another state or a federal court,
19 then the Illinois sentence shall run consecutively to the
20 sentence imposed by the court of the other state or the federal
21 court. That same Illinois court, however, may order that the
22 Illinois sentence run concurrently with the sentence imposed by
23 the court of the other state or the federal court, but only if
24 the defendant applies to that same Illinois court within 30
25 days after the sentence imposed by the court of the other state
26 or the federal court is finalized.

1 (f) Consecutive terms; aggregate maximums and minimums.
2 The aggregate maximum and aggregate minimum of consecutive
3 sentences shall be determined as follows:

4 (1) For sentences imposed under law in effect prior to
5 February 1, 1978, the aggregate maximum of consecutive
6 sentences shall not exceed the maximum term authorized
7 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
8 Chapter V for the 2 most serious felonies involved. The
9 aggregate minimum period of consecutive sentences shall
10 not exceed the highest minimum term authorized under
11 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
12 V for the 2 most serious felonies involved. When sentenced
13 only for misdemeanors, a defendant shall not be
14 consecutively sentenced to more than the maximum for one
15 Class A misdemeanor.

16 (2) For sentences imposed under the law in effect on or
17 after February 1, 1978, the aggregate of consecutive
18 sentences for offenses that were committed as part of a
19 single course of conduct during which there was no
20 substantial change in the nature of the criminal objective
21 shall not exceed the sum of the maximum terms authorized
22 under Section 5-8-2 (730 ILCS 5/5-8-2) for the 2 most
23 serious felonies involved, but no such limitation shall
24 apply for offenses that were not committed as part of a
25 single course of conduct during which there was no
26 substantial change in the nature of the criminal objective.

1 When sentenced only for misdemeanors, a defendant shall not
2 be consecutively sentenced to more than the maximum for one
3 Class A misdemeanor.

4 (g) Consecutive terms; manner served. In determining the
5 manner in which consecutive sentences of imprisonment, one or
6 more of which is for a felony, will be served, the Department
7 of Corrections shall treat the defendant as though he or she
8 had been committed for a single term subject to each of the
9 following:

10 (1) The maximum period of a term of imprisonment shall
11 consist of the aggregate of the maximums of the imposed
12 indeterminate terms, if any, plus the aggregate of the
13 imposed determinate sentences for felonies, plus the
14 aggregate of the imposed determinate sentences for
15 misdemeanors, subject to subsection (f) of this Section.

16 (2) The parole or mandatory supervised release term
17 shall be as provided in paragraph (e) of Section 5-4.5-50
18 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
19 involved.

20 (3) The minimum period of imprisonment shall be the
21 aggregate of the minimum and determinate periods of
22 imprisonment imposed by the court, subject to subsection
23 (f) of this Section.

24 (4) The defendant shall be awarded credit against the
25 aggregate maximum term and the aggregate minimum term of
26 imprisonment for all time served in an institution since

1 the commission of the offense or offenses and as a
2 consequence thereof at the rate specified in Section 3-6-3
3 (730 ILCS 5/3-6-3).

4 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;
5 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; revised 8-20-09.)

6 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

7 Sec. 5-9-1.7. Sexual assault fines.

8 (a) Definitions. The terms used in this Section shall have
9 the following meanings ascribed to them:

10 (1) "Sexual assault" means the commission or attempted
11 commission of the following: sexual exploitation of a
12 child, criminal sexual assault, predatory criminal sexual
13 assault of a child, aggravated criminal sexual assault,
14 criminal sexual abuse, aggravated criminal sexual abuse,
15 indecent solicitation of a child, public indecency, sexual
16 relations within families, promoting juvenile
17 prostitution, soliciting for a juvenile prostitute,
18 keeping a place of juvenile prostitution, patronizing a
19 juvenile prostitute, juvenile pimping, exploitation of a
20 child, obscenity, child pornography, aggravated child
21 pornography, harmful material, or ritualized abuse of a
22 child, as those offenses are defined in the Criminal Code
23 of 1961.

24 (2) "Family member" shall have the meaning ascribed to
25 it in Section 12-12 of the Criminal Code of 1961.

1 (3) "Sexual assault organization" means any
2 not-for-profit organization providing comprehensive,
3 community-based services to victims of sexual assault.
4 "Community-based services" include, but are not limited
5 to, direct crisis intervention through a 24-hour response,
6 medical and legal advocacy, counseling, information and
7 referral services, training, and community education.

8 (b) Sexual assault fine; collection by clerk.

9 (1) In addition to any other penalty imposed, a fine of
10 \$200 shall be imposed upon any person who pleads guilty or
11 who is convicted of, or who receives a disposition of court
12 supervision for, a sexual assault or attempt of a sexual
13 assault. Upon request of the victim or the victim's
14 representative, the court shall determine whether the fine
15 will impose an undue burden on the victim of the offense.
16 For purposes of this paragraph, the defendant may not be
17 considered the victim's representative. If the court finds
18 that the fine would impose an undue burden on the victim,
19 the court may reduce or waive the fine. The court shall
20 order that the defendant may not use funds belonging solely
21 to the victim of the offense for payment of the fine.

22 (2) Sexual assault fines shall be assessed by the court
23 imposing the sentence and shall be collected by the circuit
24 clerk. The circuit clerk shall retain 10% of the penalty to
25 cover the costs involved in administering and enforcing
26 this Section. The circuit clerk shall remit the remainder

1 of each fine within one month of its receipt to the State
2 Treasurer for deposit as follows:

3 (i) for family member offenders, one-half to the
4 Sexual Assault Services Fund, and one-half to the
5 Domestic Violence Shelter and Service Fund; and

6 (ii) for other than family member offenders, the
7 full amount to the Sexual Assault Services Fund.

8 (c) Sexual Assault Services Fund; administration. There is
9 created a Sexual Assault Services Fund. Moneys deposited into
10 the Fund under this Section shall be appropriated to the
11 Department of Public Health. Upon appropriation of moneys from
12 the Sexual Assault Services Fund, the Department of Public
13 Health shall make grants of these moneys from the Fund to
14 sexual assault organizations with whom the Department has
15 contracts for the purpose of providing community-based
16 services to victims of sexual assault. Grants made under this
17 Section are in addition to, and are not substitutes for, other
18 grants authorized and made by the Department.

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 Section 1070. The County Jail Good Behavior Allowance Act
21 is amended by changing Section 3 as follows:

22 (730 ILCS 130/3) (from Ch. 75, par. 32)

23 Sec. 3. The good behavior of any person who commences a
24 sentence of confinement in a county jail for a fixed term of

1 imprisonment after January 1, 1987 shall entitle such person to
2 a good behavior allowance, except that: (1) a person who
3 inflicted physical harm upon another person in committing the
4 offense for which he is confined shall receive no good behavior
5 allowance; and (2) a person sentenced for an offense for which
6 the law provides a mandatory minimum sentence shall not receive
7 any portion of a good behavior allowance that would reduce the
8 sentence below the mandatory minimum; and (3) a person
9 sentenced to a county impact incarceration program; and (4) a
10 person who is convicted of criminal sexual assault under
11 subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of
12 Section 12-13 of the Criminal Code of 1961, criminal sexual
13 abuse, or aggravated criminal sexual abuse shall receive no
14 good behavior allowance. The good behavior allowance provided
15 for in this Section shall not apply to individuals sentenced
16 for a felony to probation or conditional discharge where a
17 condition of such probation or conditional discharge is that
18 the individual serve a sentence of periodic imprisonment or to
19 individuals sentenced under an order of court for civil
20 contempt.

21 Such good behavior allowance shall be cumulative and
22 awarded as provided in this Section.

23 The good behavior allowance rate shall be cumulative and
24 awarded on the following basis:

25 The prisoner shall receive one day of good behavior
26 allowance for each day of service of sentence in the county

1 jail, and one day of good behavior allowance for each day of
2 incarceration in the county jail before sentencing for the
3 offense that he or she is currently serving sentence but was
4 unable to post bail before sentencing, except that a prisoner
5 serving a sentence of periodic imprisonment under Section 5-7-1
6 of the Unified Code of Corrections shall only be eligible to
7 receive good behavior allowance if authorized by the sentencing
8 judge. Each day of good behavior allowance shall reduce by one
9 day the prisoner's period of incarceration set by the court.
10 For the purpose of calculating a prisoner's good behavior
11 allowance, a fractional part of a day shall not be calculated
12 as a day of service of sentence in the county jail unless the
13 fractional part of the day is over 12 hours in which case a
14 whole day shall be credited on the good behavior allowance.

15 If consecutive sentences are served and the time served
16 amounts to a total of one year or more, the good behavior
17 allowance shall be calculated on a continuous basis throughout
18 the entire time served beginning on the first date of sentence
19 or incarceration, as the case may be.

20 (Source: P.A. 91-117, eff. 7-15-99.)

21 Section 1075. The Sex Offender Registration Act is amended
22 by changing Sections 2 and 3 as follows:

23 (730 ILCS 150/2) (from Ch. 38, par. 222)

24 Sec. 2. Definitions.

1 (A) As used in this Article, "sex offender" means any
2 person who is:

3 (1) charged pursuant to Illinois law, or any
4 substantially similar federal, Uniform Code of Military
5 Justice, sister state, or foreign country law, with a sex
6 offense set forth in subsection (B) of this Section or the
7 attempt to commit an included sex offense, and:

8 (a) is convicted of such offense or an attempt to
9 commit such offense; or

10 (b) is found not guilty by reason of insanity of
11 such offense or an attempt to commit such offense; or

12 (c) is found not guilty by reason of insanity
13 pursuant to Section 104-25(c) of the Code of Criminal
14 Procedure of 1963 of such offense or an attempt to
15 commit such offense; or

16 (d) is the subject of a finding not resulting in an
17 acquittal at a hearing conducted pursuant to Section
18 104-25(a) of the Code of Criminal Procedure of 1963 for
19 the alleged commission or attempted commission of such
20 offense; or

21 (e) is found not guilty by reason of insanity
22 following a hearing conducted pursuant to a federal,
23 Uniform Code of Military Justice, sister state, or
24 foreign country law substantially similar to Section
25 104-25(c) of the Code of Criminal Procedure of 1963 of
26 such offense or of the attempted commission of such

1 offense; or

2 (f) is the subject of a finding not resulting in an
3 acquittal at a hearing conducted pursuant to a federal,
4 Uniform Code of Military Justice, sister state, or
5 foreign country law substantially similar to Section
6 104-25(a) of the Code of Criminal Procedure of 1963 for
7 the alleged violation or attempted commission of such
8 offense; or

9 (2) certified as a sexually dangerous person pursuant
10 to the Illinois Sexually Dangerous Persons Act, or any
11 substantially similar federal, Uniform Code of Military
12 Justice, sister state, or foreign country law; or

13 (3) subject to the provisions of Section 2 of the
14 Interstate Agreements on Sexually Dangerous Persons Act;
15 or

16 (4) found to be a sexually violent person pursuant to
17 the Sexually Violent Persons Commitment Act or any
18 substantially similar federal, Uniform Code of Military
19 Justice, sister state, or foreign country law; or

20 (5) adjudicated a juvenile delinquent as the result of
21 committing or attempting to commit an act which, if
22 committed by an adult, would constitute any of the offenses
23 specified in item (B), (C), or (C-5) of this Section or a
24 violation of any substantially similar federal, Uniform
25 Code of Military Justice, sister state, or foreign country
26 law, or found guilty under Article V of the Juvenile Court

1 Act of 1987 of committing or attempting to commit an act
2 which, if committed by an adult, would constitute any of
3 the offenses specified in item (B), (C), or (C-5) of this
4 Section or a violation of any substantially similar
5 federal, Uniform Code of Military Justice, sister state, or
6 foreign country law.

7 Convictions that result from or are connected with the same
8 act, or result from offenses committed at the same time, shall
9 be counted for the purpose of this Article as one conviction.
10 Any conviction set aside pursuant to law is not a conviction
11 for purposes of this Article.

12 For purposes of this Section, "convicted" shall have the
13 same meaning as "adjudicated".

14 (B) As used in this Article, "sex offense" means:

15 (1) A violation of any of the following Sections of the
16 Criminal Code of 1961:

17 11-20.1 (child pornography),

18 11-20.1B or 11-20.3 (aggravated child
19 pornography),

20 11-6 (indecent solicitation of a child),

21 11-9.1 (sexual exploitation of a child),

22 11-9.2 (custodial sexual misconduct),

23 11-9.5 (sexual misconduct with a person with a
24 disability),

25 11-14.4 (promoting juvenile prostitution),

26 11-15.1 (soliciting for a juvenile prostitute),

1 11-18.1 (patronizing a juvenile prostitute),
2 11-17.1 (keeping a place of juvenile
3 prostitution),
4 11-19.1 (juvenile pimping),
5 11-19.2 (exploitation of a child),
6 11-25 (grooming),
7 11-26 (traveling to meet a minor),
8 11-1.20 or 12-13 (criminal sexual assault),
9 11-1.30 or 12-14 (aggravated criminal sexual
10 assault),
11 11-1.40 or 12-14.1 (predatory criminal sexual
12 assault of a child),
13 11-1.50 or 12-15 (criminal sexual abuse),
14 11-1.60 or 12-16 (aggravated criminal sexual
15 abuse),
16 12-33 (ritualized abuse of a child).

17 An attempt to commit any of these offenses.

18 (1.5) A violation of any of the following Sections of
19 the Criminal Code of 1961, when the victim is a person
20 under 18 years of age, the defendant is not a parent of the
21 victim, the offense was sexually motivated as defined in
22 Section 10 of the Sex Offender Management Board Act, and
23 the offense was committed on or after January 1, 1996:

24 10-1 (kidnapping),
25 10-2 (aggravated kidnapping),
26 10-3 (unlawful restraint),

1 10-3.1 (aggravated unlawful restraint).

2 (1.6) First degree murder under Section 9-1 of the
3 Criminal Code of 1961, when the victim was a person under
4 18 years of age and the defendant was at least 17 years of
5 age at the time of the commission of the offense, provided
6 the offense was sexually motivated as defined in Section 10
7 of the Sex Offender Management Board Act.

8 (1.7) (Blank).

9 (1.8) A violation or attempted violation of Section
10 11-11 (sexual relations within families) of the Criminal
11 Code of 1961, and the offense was committed on or after
12 June 1, 1997.

13 (1.9) Child abduction under paragraph (10) of
14 subsection (b) of Section 10-5 of the Criminal Code of 1961
15 committed by luring or attempting to lure a child under the
16 age of 16 into a motor vehicle, building, house trailer, or
17 dwelling place without the consent of the parent or lawful
18 custodian of the child for other than a lawful purpose and
19 the offense was committed on or after January 1, 1998,
20 provided the offense was sexually motivated as defined in
21 Section 10 of the Sex Offender Management Board Act.

22 (1.10) A violation or attempted violation of any of the
23 following Sections of the Criminal Code of 1961 when the
24 offense was committed on or after July 1, 1999:

25 10-4 (forcible detention, if the victim is under 18
26 years of age), provided the offense was sexually

1 motivated as defined in Section 10 of the Sex Offender
2 Management Board Act,

3 11-6.5 (indecent solicitation of an adult),

4 11-14.3 that involves soliciting for a prostitute,
5 or 11-15 (soliciting for a prostitute, if the victim is
6 under 18 years of age),

7 subdivision (a)(2)(A) or (a)(2)(B) of Section
8 11-14.3, or Section 11-16 (pandering, if the victim is
9 under 18 years of age),

10 11-18 (patronizing a prostitute, if the victim is
11 under 18 years of age),

12 subdivision (a)(2)(C) of Section 11-14.3, or
13 Section 11-19 (pimping, if the victim is under 18 years
14 of age).

15 (1.11) A violation or attempted violation of any of the
16 following Sections of the Criminal Code of 1961 when the
17 offense was committed on or after August 22, 2002:

18 11-9 or 11-30 (public indecency for a third or
19 subsequent conviction).

20 (1.12) A violation or attempted violation of Section
21 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
22 Criminal Code of 1961 (permitting sexual abuse) when the
23 offense was committed on or after August 22, 2002.

24 (2) A violation of any former law of this State
25 substantially equivalent to any offense listed in
26 subsection (B) of this Section.

1 (C) A conviction for an offense of federal law, Uniform
2 Code of Military Justice, or the law of another state or a
3 foreign country that is substantially equivalent to any offense
4 listed in subsections (B), (C), and (E) of this Section shall
5 constitute a conviction for the purpose of this Article. A
6 finding or adjudication as a sexually dangerous person or a
7 sexually violent person under any federal law, Uniform Code of
8 Military Justice, or the law of another state or foreign
9 country that is substantially equivalent to the Sexually
10 Dangerous Persons Act or the Sexually Violent Persons
11 Commitment Act shall constitute an adjudication for the
12 purposes of this Article.

13 (C-5) A person at least 17 years of age at the time of the
14 commission of the offense who is convicted of first degree
15 murder under Section 9-1 of the Criminal Code of 1961, against
16 a person under 18 years of age, shall be required to register
17 for natural life. A conviction for an offense of federal,
18 Uniform Code of Military Justice, sister state, or foreign
19 country law that is substantially equivalent to any offense
20 listed in subsection (C-5) of this Section shall constitute a
21 conviction for the purpose of this Article. This subsection
22 (C-5) applies to a person who committed the offense before June
23 1, 1996 only if the person is incarcerated in an Illinois
24 Department of Corrections facility on August 20, 2004 (the
25 effective date of Public Act 93-977).

26 (D) As used in this Article, "law enforcement agency having

1 jurisdiction" means the Chief of Police in each of the
2 municipalities in which the sex offender expects to reside,
3 work, or attend school (1) upon his or her discharge, parole or
4 release or (2) during the service of his or her sentence of
5 probation or conditional discharge, or the Sheriff of the
6 county, in the event no Police Chief exists or if the offender
7 intends to reside, work, or attend school in an unincorporated
8 area. "Law enforcement agency having jurisdiction" includes
9 the location where out-of-state students attend school and
10 where out-of-state employees are employed or are otherwise
11 required to register.

12 (D-1) As used in this Article, "supervising officer" means
13 the assigned Illinois Department of Corrections parole agent or
14 county probation officer.

15 (E) As used in this Article, "sexual predator" means any
16 person who, after July 1, 1999, is:

17 (1) Convicted for an offense of federal, Uniform Code
18 of Military Justice, sister state, or foreign country law
19 that is substantially equivalent to any offense listed in
20 subsection (E) of this Section shall constitute a
21 conviction for the purpose of this Article. Convicted of a
22 violation or attempted violation of any of the following
23 Sections of the Criminal Code of 1961, if the conviction
24 occurred after July 1, 1999:

25 11-14.4 that involves keeping a place of juvenile
26 prostitution, or 11-17.1 (keeping a place of juvenile

1 prostitution),

2 subdivision (a)(2) or (a)(3) of Section 11-14.4,
3 or Section 11-19.1 (juvenile pimping),

4 subdivision (a)(4) of Section 11-14.4, or Section
5 11-19.2 (exploitation of a child),

6 11-20.1 (child pornography),

7 11-20.1B or 11-20.3 (aggravated child
8 pornography),

9 11-1.20 or 12-13 (criminal sexual assault),

10 11-1.30 or 12-14 (aggravated criminal sexual
11 assault),

12 11-1.40 or 12-14.1 (predatory criminal sexual
13 assault of a child),

14 11-1.60 or 12-16 (aggravated criminal sexual
15 abuse),

16 12-33 (ritualized abuse of a child);

17 (2) (blank);

18 (3) certified as a sexually dangerous person pursuant
19 to the Sexually Dangerous Persons Act or any substantially
20 similar federal, Uniform Code of Military Justice, sister
21 state, or foreign country law;

22 (4) found to be a sexually violent person pursuant to
23 the Sexually Violent Persons Commitment Act or any
24 substantially similar federal, Uniform Code of Military
25 Justice, sister state, or foreign country law;

26 (5) convicted of a second or subsequent offense which

1 requires registration pursuant to this Act. The conviction
2 for the second or subsequent offense must have occurred
3 after July 1, 1999. For purposes of this paragraph (5),
4 "convicted" shall include a conviction under any
5 substantially similar Illinois, federal, Uniform Code of
6 Military Justice, sister state, or foreign country law; or

7 (6) convicted of a second or subsequent offense of
8 luring a minor under Section 10-5.1 of the Criminal Code of
9 1961.

10 (F) As used in this Article, "out-of-state student" means
11 any sex offender, as defined in this Section, or sexual
12 predator who is enrolled in Illinois, on a full-time or
13 part-time basis, in any public or private educational
14 institution, including, but not limited to, any secondary
15 school, trade or professional institution, or institution of
16 higher learning.

17 (G) As used in this Article, "out-of-state employee" means
18 any sex offender, as defined in this Section, or sexual
19 predator who works in Illinois, regardless of whether the
20 individual receives payment for services performed, for a
21 period of time of 10 or more days or for an aggregate period of
22 time of 30 or more days during any calendar year. Persons who
23 operate motor vehicles in the State accrue one day of
24 employment time for any portion of a day spent in Illinois.

25 (H) As used in this Article, "school" means any public or
26 private educational institution, including, but not limited

1 to, any elementary or secondary school, trade or professional
2 institution, or institution of higher education.

3 (I) As used in this Article, "fixed residence" means any
4 and all places that a sex offender resides for an aggregate
5 period of time of 5 or more days in a calendar year.

6 (J) As used in this Article, "Internet protocol address"
7 means the string of numbers by which a location on the Internet
8 is identified by routers or other computers connected to the
9 Internet.

10 (Source: P.A. 95-331, eff. 8-21-07; 95-579, eff. 6-1-08;
11 95-625, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.
12 8-21-08; 96-301, eff. 8-11-09.)

13 (730 ILCS 150/3)

14 Sec. 3. Duty to register.

15 (a) A sex offender, as defined in Section 2 of this Act, or
16 sexual predator shall, within the time period prescribed in
17 subsections (b) and (c), register in person and provide
18 accurate information as required by the Department of State
19 Police. Such information shall include a current photograph,
20 current address, current place of employment, the employer's
21 telephone number, school attended, all e-mail addresses,
22 instant messaging identities, chat room identities, and other
23 Internet communications identities that the sex offender uses
24 or plans to use, all Uniform Resource Locators (URLs)
25 registered or used by the sex offender, all blogs and other

1 Internet sites maintained by the sex offender or to which the
2 sex offender has uploaded any content or posted any messages or
3 information, extensions of the time period for registering as
4 provided in this Article and, if an extension was granted, the
5 reason why the extension was granted and the date the sex
6 offender was notified of the extension. The information shall
7 also include the county of conviction, license plate numbers
8 for every vehicle registered in the name of the sex offender,
9 the age of the sex offender at the time of the commission of
10 the offense, the age of the victim at the time of the
11 commission of the offense, and any distinguishing marks located
12 on the body of the sex offender. A sex offender convicted under
13 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
14 Criminal Code of 1961 shall provide all Internet protocol (IP)
15 addresses in his or her residence, registered in his or her
16 name, accessible at his or her place of employment, or
17 otherwise under his or her control or custody. The sex offender
18 or sexual predator shall register:

19 (1) with the chief of police in the municipality in
20 which he or she resides or is temporarily domiciled for a
21 period of time of 5 or more days, unless the municipality
22 is the City of Chicago, in which case he or she shall
23 register at the Chicago Police Department Headquarters; or

24 (2) with the sheriff in the county in which he or she
25 resides or is temporarily domiciled for a period of time of
26 5 or more days in an unincorporated area or, if

1 incorporated, no police chief exists.

2 If the sex offender or sexual predator is employed at or
3 attends an institution of higher education, he or she shall
4 register:

5 (i) with the chief of police in the municipality in
6 which he or she is employed at or attends an institution of
7 higher education, unless the municipality is the City of
8 Chicago, in which case he or she shall register at the
9 Chicago Police Department Headquarters; or

10 (ii) with the sheriff in the county in which he or she
11 is employed or attends an institution of higher education
12 located in an unincorporated area, or if incorporated, no
13 police chief exists.

14 For purposes of this Article, the place of residence or
15 temporary domicile is defined as any and all places where the
16 sex offender resides for an aggregate period of time of 5 or
17 more days during any calendar year. Any person required to
18 register under this Article who lacks a fixed address or
19 temporary domicile must notify, in person, the agency of
20 jurisdiction of his or her last known address within 3 days
21 after ceasing to have a fixed residence.

22 Any person who lacks a fixed residence must report weekly,
23 in person, with the sheriff's office of the county in which he
24 or she is located in an unincorporated area, or with the chief
25 of police in the municipality in which he or she is located.
26 The agency of jurisdiction will document each weekly

1 registration to include all the locations where the person has
2 stayed during the past 7 days.

3 The sex offender or sexual predator shall provide accurate
4 information as required by the Department of State Police. That
5 information shall include the sex offender's or sexual
6 predator's current place of employment.

7 (a-5) An out-of-state student or out-of-state employee
8 shall, within 3 days after beginning school or employment in
9 this State, register in person and provide accurate information
10 as required by the Department of State Police. Such information
11 will include current place of employment, school attended, and
12 address in state of residence. A sex offender convicted under
13 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
14 Criminal Code of 1961 shall provide all Internet protocol (IP)
15 addresses in his or her residence, registered in his or her
16 name, accessible at his or her place of employment, or
17 otherwise under his or her control or custody. The out-of-state
18 student or out-of-state employee shall register:

19 (1) with the chief of police in the municipality in
20 which he or she attends school or is employed for a period
21 of time of 5 or more days or for an aggregate period of
22 time of more than 30 days during any calendar year, unless
23 the municipality is the City of Chicago, in which case he
24 or she shall register at the Chicago Police Department
25 Headquarters; or

26 (2) with the sheriff in the county in which he or she

1 attends school or is employed for a period of time of 5 or
2 more days or for an aggregate period of time of more than
3 30 days during any calendar year in an unincorporated area
4 or, if incorporated, no police chief exists.

5 The out-of-state student or out-of-state employee shall
6 provide accurate information as required by the Department of
7 State Police. That information shall include the out-of-state
8 student's current place of school attendance or the
9 out-of-state employee's current place of employment.

10 (a-10) Any law enforcement agency registering sex
11 offenders or sexual predators in accordance with subsections
12 (a) or (a-5) of this Section shall forward to the Attorney
13 General a copy of sex offender registration forms from persons
14 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
15 11-21 of the Criminal Code of 1961, including periodic and
16 annual registrations under Section 6 of this Act.

17 (b) Any sex offender, as defined in Section 2 of this Act,
18 or sexual predator, regardless of any initial, prior, or other
19 registration, shall, within 3 days of beginning school, or
20 establishing a residence, place of employment, or temporary
21 domicile in any county, register in person as set forth in
22 subsection (a) or (a-5).

23 (c) The registration for any person required to register
24 under this Article shall be as follows:

25 (1) Any person registered under the Habitual Child Sex
26 Offender Registration Act or the Child Sex Offender

1 Registration Act prior to January 1, 1996, shall be deemed
2 initially registered as of January 1, 1996; however, this
3 shall not be construed to extend the duration of
4 registration set forth in Section 7.

5 (2) Except as provided in subsection (c)(4), any person
6 convicted or adjudicated prior to January 1, 1996, whose
7 liability for registration under Section 7 has not expired,
8 shall register in person prior to January 31, 1996.

9 (2.5) Except as provided in subsection (c)(4), any
10 person who has not been notified of his or her
11 responsibility to register shall be notified by a criminal
12 justice entity of his or her responsibility to register.
13 Upon notification the person must then register within 3
14 days of notification of his or her requirement to register.
15 If notification is not made within the offender's 10 year
16 registration requirement, and the Department of State
17 Police determines no evidence exists or indicates the
18 offender attempted to avoid registration, the offender
19 will no longer be required to register under this Act.

20 (3) Except as provided in subsection (c)(4), any person
21 convicted on or after January 1, 1996, shall register in
22 person within 3 days after the entry of the sentencing
23 order based upon his or her conviction.

24 (4) Any person unable to comply with the registration
25 requirements of this Article because he or she is confined,
26 institutionalized, or imprisoned in Illinois on or after

1 January 1, 1996, shall register in person within 3 days of
2 discharge, parole or release.

3 (5) The person shall provide positive identification
4 and documentation that substantiates proof of residence at
5 the registering address.

6 (6) The person shall pay a \$20 initial registration fee
7 and a \$10 annual renewal fee. The fees shall be used by the
8 registering agency for official purposes. The agency shall
9 establish procedures to document receipt and use of the
10 funds. The law enforcement agency having jurisdiction may
11 waive the registration fee if it determines that the person
12 is indigent and unable to pay the registration fee. Ten
13 dollars for the initial registration fee and \$5 of the
14 annual renewal fee shall be used by the registering agency
15 for official purposes. Ten dollars of the initial
16 registration fee and \$5 of the annual fee shall be
17 deposited into the Sex Offender Management Board Fund under
18 Section 19 of the Sex Offender Management Board Act. Money
19 deposited into the Sex Offender Management Board Fund shall
20 be administered by the Sex Offender Management Board and
21 shall be used to fund practices endorsed or required by the
22 Sex Offender Management Board Act including but not limited
23 to sex offenders evaluation, treatment, or monitoring
24 programs that are or may be developed, as well as for
25 administrative costs, including staff, incurred by the
26 Board.

1 (d) Within 3 days after obtaining or changing employment
2 and, if employed on January 1, 2000, within 5 days after that
3 date, a person required to register under this Section must
4 report, in person to the law enforcement agency having
5 jurisdiction, the business name and address where he or she is
6 employed. If the person has multiple businesses or work
7 locations, every business and work location must be reported to
8 the law enforcement agency having jurisdiction.

9 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994,
10 eff. 1-1-07; 95-229, eff. 8-16-07; 95-579, eff. 6-1-08; 95-640,
11 eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff. 8-21-08.)

12 Section 1080. The Secure Residential Youth Care Facility
13 Licensing Act is amended by changing Section 45-30 as follows:

14 (730 ILCS 175/45-30)

15 Sec. 45-30. License or employment eligibility.

16 (a) No applicant may receive a license from the Department
17 and no person may be employed by a licensed facility who
18 refuses to authorize an investigation as required by Section
19 45-25.

20 (b) No applicant may receive a license from the Department
21 and no person may be employed by a secure residential youth
22 care facility licensed by the Department who has been declared
23 a sexually dangerous person under the Sexually Dangerous
24 Persons Act or convicted of committing or attempting to commit

1 any of the following offenses under the Criminal Code of 1961:

2 (1) First degree murder.

3 (2) A sex offense under Article 11, except offenses
4 described in Sections 11-7, 11-8, 11-12, 11-13, ~~and 11-18,~~
5 11-35, 11-40, and 11-45.

6 (3) Kidnapping.

7 (4) Aggravated kidnapping.

8 (5) Child abduction.

9 (6) Aggravated battery of a child.

10 (7) Criminal sexual assault.

11 (8) Aggravated criminal sexual assault.

12 (8.1) Predatory criminal sexual assault of a child.

13 (9) Criminal sexual abuse.

14 (10) Aggravated criminal sexual abuse.

15 (11) A federal offense or an offense in any other state
16 the elements of which are similar to any of the foregoing
17 offenses.

18 (Source: P.A. 88-680, eff. 1-1-95; 89-428, eff. 12-13-95;
19 89-462, eff. 5-29-96.)

20 Section 1085. The Code of Civil Procedure is amended by
21 changing Sections 8-802.1, 13-202.2, and 13-202.3 as follows:

22 (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)

23 Sec. 8-802.1. Confidentiality of Statements Made to Rape
24 Crisis Personnel.

1 (a) Purpose. This Section is intended to protect victims of
2 rape from public disclosure of statements they make in
3 confidence to counselors of organizations established to help
4 them. On or after July 1, 1984, "rape" means an act of forced
5 sexual penetration or sexual conduct, as defined in Section
6 11-0.1 ~~12-12~~ of the Criminal Code of 1961, as amended,
7 including acts prohibited under Sections 11-1.20 through
8 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961, as
9 amended. Because of the fear and stigma that often results from
10 those crimes, many victims hesitate to seek help even where it
11 is available at no cost to them. As a result they not only fail
12 to receive needed medical care and emergency counseling, but
13 may lack the psychological support necessary to report the
14 crime and aid police in preventing future crimes.

15 (b) Definitions. As used in this Act:

16 (1) "Rape crisis organization" means any organization
17 or association the major purpose of which is providing
18 information, counseling, and psychological support to
19 victims of any or all of the crimes of aggravated criminal
20 sexual assault, predatory criminal sexual assault of a
21 child, criminal sexual assault, sexual relations between
22 siblings, criminal sexual abuse and aggravated criminal
23 sexual abuse.

24 (2) "Rape crisis counselor" means a person who is a
25 psychologist, social worker, employee, or volunteer in any
26 organization or association defined as a rape crisis

1 organization under this Section, who has undergone 40 hours
2 of training and is under the control of a direct services
3 supervisor of a rape crisis organization.

4 (3) "Victim" means a person who is the subject of, or
5 who seeks information, counseling, or advocacy services as
6 a result of an aggravated criminal sexual assault,
7 predatory criminal sexual assault of a child, criminal
8 sexual assault, sexual relations within families, criminal
9 sexual abuse, aggravated criminal sexual abuse, sexual
10 exploitation of a child, indecent solicitation of a child,
11 public indecency, exploitation of a child, promoting
12 juvenile prostitution as described in subdivision (a)(4)
13 of Section 11-14.4, or an attempt to commit any of these
14 offenses.

15 (4) "Confidential communication" means any
16 communication between a victim and a rape crisis counselor
17 in the course of providing information, counseling, and
18 advocacy. The term includes all records kept by the
19 counselor or by the organization in the course of providing
20 services to an alleged victim concerning the alleged victim
21 and the services provided.

22 (c) Waiver of privilege.

23 (1) The confidential nature of the communication is not
24 waived by: the presence of a third person who further
25 expresses the interests of the victim at the time of the
26 communication; group counseling; or disclosure to a third

1 person with the consent of the victim when reasonably
2 necessary to accomplish the purpose for which the counselor
3 is consulted.

4 (2) The confidential nature of counseling records is
5 not waived when: the victim inspects the records; or in the
6 case of a minor child less than 12 years of age, a parent
7 or guardian whose interests are not adverse to the minor
8 inspects the records; or in the case of a minor victim 12
9 years or older, a parent or guardian whose interests are
10 not adverse to the minor inspects the records with the
11 victim's consent.

12 (3) When a victim is deceased or has been adjudged
13 incompetent by a court of competent jurisdiction, the
14 victim's guardian or the executor or administrator of the
15 victim's estate may waive the privilege established by this
16 Section, unless the guardian, executor, or administrator
17 has an interest adverse to the victim.

18 (4) A minor victim 12 years of age or older may
19 knowingly waive the privilege established in this Section.
20 When a minor is, in the opinion of the Court, incapable of
21 knowingly waiving the privilege, the parent or guardian of
22 the minor may waive the privilege on behalf of the minor,
23 unless the parent or guardian has been charged with a
24 violent crime against the victim or otherwise has any
25 interest adverse to that of the minor with respect to the
26 waiver of the privilege.

1 (d) Confidentiality. Except as provided in this Act, no
2 rape crisis counselor shall disclose any confidential
3 communication or be examined as a witness in any civil or
4 criminal proceeding as to any confidential communication
5 without the written consent of the victim or a representative
6 of the victim as provided in subparagraph (c).

7 (e) A rape crisis counselor may disclose a confidential
8 communication without the consent of the victim if failure to
9 disclose is likely to result in a clear, imminent risk of
10 serious physical injury or death of the victim or another
11 person. Any rape crisis counselor or rape crisis organization
12 participating in good faith in the disclosing of records and
13 communications under this Act shall have immunity from any
14 liability, civil, criminal, or otherwise that might result from
15 the action. In any proceeding, civil or criminal, arising out
16 of a disclosure under this Section, the good faith of any rape
17 crisis counselor or rape crisis organization who disclosed the
18 confidential communication shall be presumed.

19 (f) Any rape crisis counselor who knowingly discloses any
20 confidential communication in violation of this Act commits a
21 Class C misdemeanor.

22 (Source: P.A. 88-33; 89-428, eff. 12-13-95; 89-462, eff.
23 5-29-96.)

24 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

25 Sec. 13-202.2. Childhood sexual abuse.

1 (a) In this Section:

2 "Childhood sexual abuse" means an act of sexual abuse that
3 occurs when the person abused is under 18 years of age.

4 "Sexual abuse" includes but is not limited to sexual
5 conduct and sexual penetration as defined in Section 11-0.1
6 ~~12-12~~ of the Criminal Code of 1961.

7 (b) Notwithstanding any other provision of law, an action
8 for damages for personal injury based on childhood sexual abuse
9 must be commenced within 10 years of the date the limitation
10 period begins to run under subsection (d) or within 5 years of
11 the date the person abused discovers or through the use of
12 reasonable diligence should discover both (i) that the act of
13 childhood sexual abuse occurred and (ii) that the injury was
14 caused by the childhood sexual abuse. The fact that the person
15 abused discovers or through the use of reasonable diligence
16 should discover that the act of childhood sexual abuse occurred
17 is not, by itself, sufficient to start the discovery period
18 under this subsection (b). Knowledge of the abuse does not
19 constitute discovery of the injury or the causal relationship
20 between any later-discovered injury and the abuse.

21 (c) If the injury is caused by 2 or more acts of childhood
22 sexual abuse that are part of a continuing series of acts of
23 childhood sexual abuse by the same abuser, then the discovery
24 period under subsection (b) shall be computed from the date the
25 person abused discovers or through the use of reasonable
26 diligence should discover both (i) that the last act of

1 childhood sexual abuse in the continuing series occurred and
2 (ii) that the injury was caused by any act of childhood sexual
3 abuse in the continuing series. The fact that the person abused
4 discovers or through the use of reasonable diligence should
5 discover that the last act of childhood sexual abuse in the
6 continuing series occurred is not, by itself, sufficient to
7 start the discovery period under subsection (b). Knowledge of
8 the abuse does not constitute discovery of the injury or the
9 causal relationship between any later-discovered injury and
10 the abuse.

11 (d) The limitation periods under subsection (b) do not
12 begin to run before the person abused attains the age of 18
13 years; and, if at the time the person abused attains the age of
14 18 years he or she is under other legal disability, the
15 limitation periods under subsection (b) do not begin to run
16 until the removal of the disability.

17 (d-1) The limitation periods in subsection (b) do not run
18 during a time period when the person abused is subject to
19 threats, intimidation, manipulation, or fraud perpetrated by
20 the abuser or by any person acting in the interest of the
21 abuser.

22 (e) This Section applies to actions pending on the
23 effective date of this amendatory Act of 1990 as well as to
24 actions commenced on or after that date. The changes made by
25 this amendatory Act of 1993 shall apply only to actions
26 commenced on or after the effective date of this amendatory Act

1 of 1993. The changes made by this amendatory Act of the 93rd
2 General Assembly apply to actions pending on the effective date
3 of this amendatory Act of the 93rd General Assembly as well as
4 actions commenced on or after that date.

5 (Source: P.A. 93-356, eff. 7-24-03.)

6 (735 ILCS 5/13-202.3)

7 Sec. 13-202.3. For an action arising out of an injury
8 caused by "sexual conduct" or "sexual penetration" as defined
9 in Section 11-0.1 ~~12-12~~ of the Criminal Code of 1961, the
10 limitation period in Section 13-202 does not run during a time
11 period when the person injured is subject to threats,
12 intimidation, manipulation, or fraud perpetrated by the
13 perpetrator or by a person the perpetrator knew or should have
14 known was acting in the interest of the perpetrator. This
15 Section applies to causes of action arising on or after the
16 effective date of this amendatory Act of the 95th General
17 Assembly or to causes of action for which the limitation period
18 has not yet expired.

19 (Source: P.A. 95-589, eff. 1-1-08.)

20 Section 1090. The Crime Victims Compensation Act is amended
21 by changing Sections 2, 6.1, and 14.1 as follows:

22 (740 ILCS 45/2) (from Ch. 70, par. 72)

23 Sec. 2. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 (a) "Applicant" means any person who applies for
3 compensation under this Act or any person the Court of Claims
4 finds is entitled to compensation, including the guardian of a
5 minor or of a person under legal disability. It includes any
6 person who was a dependent of a deceased victim of a crime of
7 violence for his or her support at the time of the death of
8 that victim.

9 (b) "Court of Claims" means the Court of Claims created by
10 the Court of Claims Act.

11 (c) "Crime of violence" means and includes any offense
12 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-1.20,
13 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1,
14 11-20.1B, 11-20.3, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4,
15 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
16 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
17 or subdivision (a) (4) of Section 11-14.4, of the Criminal Code
18 of 1961, Sections 1(a) and 1(a-5) of the Cemetery Protection
19 Act, driving under the influence of intoxicating liquor or
20 narcotic drugs as defined in Section 11-501 of the Illinois
21 Vehicle Code, and a violation of Section 11-401 of the Illinois
22 Vehicle Code, provided the victim was a pedestrian or was
23 operating a vehicle moved solely by human power or a mobility
24 device at the time of contact; so long as the offense did not
25 occur during a civil riot, insurrection or rebellion. "Crime of
26 violence" does not include any other offense or accident

1 involving a motor vehicle except those vehicle offenses
2 specifically provided for in this paragraph. "Crime of
3 violence" does include all of the offenses specifically
4 provided for in this paragraph that occur within this State but
5 are subject to federal jurisdiction and crimes involving
6 terrorism as defined in 18 U.S.C. 2331.

7 (d) "Victim" means (1) a person killed or injured in this
8 State as a result of a crime of violence perpetrated or
9 attempted against him or her, (2) the parent of a person killed
10 or injured in this State as a result of a crime of violence
11 perpetrated or attempted against the person, (3) a person
12 killed or injured in this State while attempting to assist a
13 person against whom a crime of violence is being perpetrated or
14 attempted, if that attempt of assistance would be expected of a
15 reasonable person under the circumstances, (4) a person killed
16 or injured in this State while assisting a law enforcement
17 official apprehend a person who has perpetrated a crime of
18 violence or prevent the perpetration of any such crime if that
19 assistance was in response to the express request of the law
20 enforcement official, (5) a person who personally witnessed a
21 violent crime, (5.1) solely for the purpose of compensating for
22 pecuniary loss incurred for psychological treatment of a mental
23 or emotional condition caused or aggravated by the crime, any
24 other person under the age of 18 who is the brother, sister,
25 half brother, half sister, child, or stepchild of a person
26 killed or injured in this State as a result of a crime of

1 violence, (6) an Illinois resident who is a victim of a "crime
2 of violence" as defined in this Act except, if the crime
3 occurred outside this State, the resident has the same rights
4 under this Act as if the crime had occurred in this State upon
5 a showing that the state, territory, country, or political
6 subdivision of a country in which the crime occurred does not
7 have a compensation of victims of crimes law for which that
8 Illinois resident is eligible, (7) a deceased person whose body
9 is dismembered or whose remains are desecrated as the result of
10 a crime of violence, or (8) solely for the purpose of
11 compensating for pecuniary loss incurred for psychological
12 treatment of a mental or emotional condition caused or
13 aggravated by the crime, any parent, spouse, or child under the
14 age of 18 of a deceased person whose body is dismembered or
15 whose remains are desecrated as the result of a crime of
16 violence.

17 (e) "Dependent" means a relative of a deceased victim who
18 was wholly or partially dependent upon the victim's income at
19 the time of his or her death and shall include the child of a
20 victim born after his or her death.

21 (f) "Relative" means a spouse, parent, grandparent,
22 stepfather, stepmother, child, grandchild, brother,
23 brother-in-law, sister, sister-in-law, half brother, half
24 sister, spouse's parent, nephew, niece, uncle or aunt.

25 (g) "Child" means an unmarried son or daughter who is under
26 18 years of age and includes a stepchild, an adopted child or a

1 child born out of wedlock.

2 (h) "Pecuniary loss" means, in the case of injury,
3 appropriate medical expenses and hospital expenses including
4 expenses of medical examinations, rehabilitation, medically
5 required nursing care expenses, appropriate psychiatric care
6 or psychiatric counseling expenses, expenses for care or
7 counseling by a licensed clinical psychologist, licensed
8 clinical social worker, or licensed clinical professional
9 counselor and expenses for treatment by Christian Science
10 practitioners and nursing care appropriate thereto;
11 transportation expenses to and from medical and treatment
12 facilities; prosthetic appliances, eyeglasses, and hearing
13 aids necessary or damaged as a result of the crime; replacement
14 costs for clothing and bedding used as evidence; costs
15 associated with temporary lodging or relocation necessary as a
16 result of the crime, including, but not limited to, the first
17 month's rent and security deposit of the dwelling that the
18 claimant relocated to and other reasonable relocation expenses
19 incurred as a result of the violent crime; locks or windows
20 necessary or damaged as a result of the crime; the purchase,
21 lease, or rental of equipment necessary to create usability of
22 and accessibility to the victim's real and personal property,
23 or the real and personal property which is used by the victim,
24 necessary as a result of the crime; the costs of appropriate
25 crime scene clean-up; replacement services loss, to a maximum
26 of \$1000 per month; dependents replacement services loss, to a

1 maximum of \$1000 per month; loss of tuition paid to attend
2 grammar school or high school when the victim had been enrolled
3 as a student prior to the injury, or college or graduate school
4 when the victim had been enrolled as a day or night student
5 prior to the injury when the victim becomes unable to continue
6 attendance at school as a result of the crime of violence
7 perpetrated against him or her; loss of earnings, loss of
8 future earnings because of disability resulting from the
9 injury, and, in addition, in the case of death, expenses for
10 funeral, burial, and travel and transport for survivors of
11 homicide victims to secure bodies of deceased victims and to
12 transport bodies for burial all of which may not exceed a
13 maximum of \$5,000 and loss of support of the dependents of the
14 victim; in the case of dismemberment or desecration of a body,
15 expenses for funeral and burial, all of which may not exceed a
16 maximum of \$5,000. Loss of future earnings shall be reduced by
17 any income from substitute work actually performed by the
18 victim or by income he or she would have earned in available
19 appropriate substitute work he or she was capable of performing
20 but unreasonably failed to undertake. Loss of earnings, loss of
21 future earnings and loss of support shall be determined on the
22 basis of the victim's average net monthly earnings for the 6
23 months immediately preceding the date of the injury or on \$1000
24 per month, whichever is less. If a divorced or legally
25 separated applicant is claiming loss of support for a minor
26 child of the deceased, the amount of support for each child

1 shall be based either on the amount of support pursuant to the
2 judgment prior to the date of the deceased victim's injury or
3 death, or, if the subject of pending litigation filed by or on
4 behalf of the divorced or legally separated applicant prior to
5 the injury or death, on the result of that litigation. Real and
6 personal property includes, but is not limited to, vehicles,
7 houses, apartments, town houses, or condominiums. Pecuniary
8 loss does not include pain and suffering or property loss or
9 damage.

10 (i) "Replacement services loss" means expenses reasonably
11 incurred in obtaining ordinary and necessary services in lieu
12 of those the injured person would have performed, not for
13 income, but for the benefit of himself or herself or his or her
14 family, if he or she had not been injured.

15 (j) "Dependents replacement services loss" means loss
16 reasonably incurred by dependents or private legal guardians of
17 minor dependents after a victim's death in obtaining ordinary
18 and necessary services in lieu of those the victim would have
19 performed, not for income, but for their benefit, if he or she
20 had not been fatally injured.

21 (k) "Survivor" means immediate family including a parent,
22 step-father, step-mother, child, brother, sister, or spouse.

23 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10.)

24 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

25 Sec. 6.1. Right to compensation. A person is entitled to

1 compensation under this Act if:

2 (a) Within 2 years of the occurrence of the crime, or
3 within one year after a criminal indictment of a person for
4 an offense, upon which the claim is based, he files an
5 application, under oath, with the Court of Claims and on a
6 form prescribed in accordance with Section 7.1 furnished by
7 the Attorney General. If the person entitled to
8 compensation is under 18 years of age or under other legal
9 disability at the time of the occurrence or becomes legally
10 disabled as a result of the occurrence, he may file the
11 application required by this subsection within 2 years
12 after he attains the age of 18 years or the disability is
13 removed, as the case may be. Legal disability includes a
14 diagnosis of posttraumatic stress disorder.

15 (b) For all crimes of violence, except those listed in
16 subsection (b-1) of this Section, the appropriate law
17 enforcement officials were notified within 72 hours of the
18 perpetration of the crime allegedly causing the death or
19 injury to the victim or, in the event such notification was
20 made more than 72 hours after the perpetration of the
21 crime, the applicant establishes that such notice was
22 timely under the circumstances.

23 (b-1) For victims of offenses defined in Sections
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
25 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961, the
26 appropriate law enforcement officials were notified within

1 7 days of the perpetration of the crime allegedly causing
2 death or injury to the victim or, in the event that the
3 notification was made more than 7 days after the
4 perpetration of the crime, the applicant establishes that
5 the notice was timely under the circumstances. If the
6 applicant has obtained an order of protection or a civil no
7 contact order or has presented himself or herself to a
8 hospital for sexual assault evidence collection and
9 medical care, such action shall constitute appropriate
10 notification under this subsection (b-1) or subsection (b)
11 of this Section.

12 (c) The applicant has cooperated with law enforcement
13 officials in the apprehension and prosecution of the
14 assailant. If the applicant has obtained an order of
15 protection or a civil no contact order or has presented
16 himself or herself to a hospital for sexual assault
17 evidence collection and medical care, such action shall
18 constitute cooperation under this subsection (c).

19 (d) The applicant is not the offender or an accomplice
20 of the offender and the award would not unjustly benefit
21 the offender or his accomplice.

22 (e) The injury to or death of the victim was not
23 substantially attributable to his own wrongful act and was
24 not substantially provoked by the victim.

25 (Source: P.A. 94-192, eff. 1-1-06; 95-250, eff. 1-1-08; 95-331,
26 eff. 8-21-07.)

1 (740 ILCS 45/14.1) (from Ch. 70, par. 84.1)

2 Sec. 14.1. (a) Hearings shall be open to the public unless
3 the Court of Claims determines that a closed hearing should be
4 held because:

5 (1) the alleged assailant has not been brought to trial
6 and a public hearing would adversely affect either his
7 apprehension or his trial;

8 (2) the offense allegedly perpetrated against the
9 victim is one defined in Section 11-1.20, 11-1.30, 11-1.40,
10 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961 and
11 the interests of the victim or of persons dependent on his
12 support require that the public be excluded from the
13 hearing;

14 (3) the victim or the alleged assailant is a minor; or

15 (4) the interests of justice would be frustrated,
16 rather than furthered, if the hearing were open to the
17 public.

18 (b) A transcript shall be kept of the hearings held before
19 the Court of Claims. No part of the transcript of any hearing
20 before the Court of Claims may be used for any purpose in a
21 criminal proceeding except in the prosecution of a person
22 alleged to have perjured himself in his testimony before the
23 Court of Claims. A copy of the transcript may be furnished to
24 the applicant upon his written request to the court reporter,
25 accompanied by payment of a charge established by the Court of

1 Claims in accordance with the prevailing commercial charge for
2 a duplicate transcript. Where the interests of justice require,
3 the Court of Claims may refuse to disclose the names of victims
4 or other material in the transcript by which the identity of
5 the victim could be discovered.

6 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

7 Section 1095. The Predator Accountability Act is amended by
8 changing Sections 10 and 15 as follows:

9 (740 ILCS 128/10)

10 Sec. 10. Definitions. As used in this Act:

11 "Sex trade" means any act, which if proven beyond a
12 reasonable doubt could support a conviction for a violation or
13 attempted violation of any of the following Sections of the
14 Criminal Code of 1961: 11-14.3 (promoting prostitution);
15 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting
16 for a prostitute); 11-15.1 (soliciting for a juvenile
17 prostitute); 11-16 (pandering); 11-17 (keeping a place of
18 prostitution); 11-17.1 (keeping a place of juvenile
19 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and
20 aggravated juvenile pimping); 11-19.2 (exploitation of a
21 child); 11-20 (obscenity); ~~or~~ 11-20.1 (child pornography); or
22 11-20.1B or 11-20.3 (aggravated child pornography); or Section
23 10-9 of the Criminal Code of 1961 (trafficking of persons and
24 involuntary servitude).

1 "Sex trade" activity may involve adults and youth of all
2 genders and sexual orientations.

3 "Victim of the sex trade" means, for the following sex
4 trade acts, the person or persons indicated:

5 (1) soliciting for a prostitute: the prostitute who is
6 the object of the solicitation;

7 (2) soliciting for a juvenile prostitute: the juvenile
8 prostitute, or severely or profoundly mentally retarded
9 person, who is the object of the solicitation;

10 (3) promoting prostitution as described in subdivision
11 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal
12 Code of 1961, or pandering: the person intended or
13 compelled to act as a prostitute;

14 (4) keeping a place of prostitution: any person
15 intended or compelled to act as a prostitute, while present
16 at the place, during the time period in question;

17 (5) keeping a place of juvenile prostitution: any
18 juvenile intended or compelled to act as a prostitute,
19 while present at the place, during the time period in
20 question;

21 (6) promoting prostitution as described in subdivision
22 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961,
23 or pimping: the prostitute from whom anything of value is
24 received;

25 (7) promoting juvenile prostitution as described in
26 subdivision (a) (2) or (a) (3) of Section 11-14.4 of the

1 Criminal Code of 1961, or juvenile pimping and aggravated
2 juvenile pimping: the juvenile, or severely or profoundly
3 mentally retarded person, from whom anything of value is
4 received for that person's act of prostitution;

5 (8) promoting juvenile prostitution as described in
6 subdivision (a) (4) of Section 11-14.4 of the Criminal Code
7 of 1961, or exploitation of a child: the juvenile, or
8 severely or profoundly mentally retarded person, intended
9 or compelled to act as a prostitute or from whom anything
10 of value is received for that person's act of prostitution;

11 (9) obscenity: any person who appears in or is
12 described or depicted in the offending conduct or material;

13 (10) child pornography or aggravated child
14 pornography: any child, or severely or profoundly mentally
15 retarded person, who appears in or is described or depicted
16 in the offending conduct or material; or

17 (11) trafficking of persons or involuntary servitude:
18 a "trafficking victim" as defined in Section 10-9 of the
19 Criminal Code of 1961.

20 (Source: P.A. 96-710, eff. 1-1-10.)

21 (740 ILCS 128/15)

22 Sec. 15. Cause of action.

23 (a) Violations of this Act are actionable in civil court.

24 (b) A victim of the sex trade has a cause of action against
25 a person or entity who:

1 (1) recruits, profits from, or maintains the victim in
2 any sex trade act;

3 (2) intentionally abuses, as defined in Section 103 of
4 the Illinois Domestic Violence Act of 1986, or causes
5 bodily harm, as defined in Section 11-0.1 ~~12-12~~ of the
6 Criminal Code of 1961, to the victim in any sex trade act;
7 or

8 (3) knowingly advertises or publishes advertisements
9 for purposes of recruitment into sex trade activity.

10 (c) This Section shall not be construed to create liability
11 to any person or entity who provides goods or services to the
12 general public, who also provides those goods or services to
13 persons who would be liable under subsection (b) of this
14 Section, absent a showing that the person or entity either:

15 (1) knowingly markets or provides its goods or services
16 primarily to persons or entities liable under subsection
17 (b) of this Section;

18 (2) knowingly receives a higher level of compensation
19 from persons or entities liable under subsection (b) of
20 this Section than it generally receives from customers; or

21 (3) supervises or exercises control over persons or
22 entities liable under subsection (b) of this Section.

23 (Source: P.A. 94-998, eff. 7-3-06.)

24 Section 1100. The Illinois Marriage and Dissolution of
25 Marriage Act is amended by changing Section 503 as follows:

1 (750 ILCS 5/503) (from Ch. 40, par. 503)

2 Sec. 503. Disposition of property.

3 (a) For purposes of this Act, "marital property" means all
4 property acquired by either spouse subsequent to the marriage,
5 except the following, which is known as "non-marital property":

6 (1) property acquired by gift, legacy or descent;

7 (2) property acquired in exchange for property
8 acquired before the marriage or in exchange for property
9 acquired by gift, legacy or descent;

10 (3) property acquired by a spouse after a judgment of
11 legal separation;

12 (4) property excluded by valid agreement of the
13 parties;

14 (5) any judgment or property obtained by judgment
15 awarded to a spouse from the other spouse;

16 (6) property acquired before the marriage;

17 (7) the increase in value of property acquired by a
18 method listed in paragraphs (1) through (6) of this
19 subsection, irrespective of whether the increase results
20 from a contribution of marital property, non-marital
21 property, the personal effort of a spouse, or otherwise,
22 subject to the right of reimbursement provided in
23 subsection (c) of this Section; and

24 (8) income from property acquired by a method listed in
25 paragraphs (1) through (7) of this subsection if the income

1 is not attributable to the personal effort of a spouse.

2 (b) (1) For purposes of distribution of property pursuant to
3 this Section, all property acquired by either spouse after the
4 marriage and before a judgment of dissolution of marriage or
5 declaration of invalidity of marriage, including non-marital
6 property transferred into some form of co-ownership between the
7 spouses, is presumed to be marital property, regardless of
8 whether title is held individually or by the spouses in some
9 form of co-ownership such as joint tenancy, tenancy in common,
10 tenancy by the entirety, or community property. The presumption
11 of marital property is overcome by a showing that the property
12 was acquired by a method listed in subsection (a) of this
13 Section.

14 (2) For purposes of distribution of property pursuant to
15 this Section, all pension benefits (including pension benefits
16 under the Illinois Pension Code) acquired by either spouse
17 after the marriage and before a judgment of dissolution of
18 marriage or declaration of invalidity of the marriage are
19 presumed to be marital property, regardless of which spouse
20 participates in the pension plan. The presumption that these
21 pension benefits are marital property is overcome by a showing
22 that the pension benefits were acquired by a method listed in
23 subsection (a) of this Section. The right to a division of
24 pension benefits in just proportions under this Section is
25 enforceable under Section 1-119 of the Illinois Pension Code.

26 The value of pension benefits in a retirement system

1 subject to the Illinois Pension Code shall be determined in
2 accordance with the valuation procedures established by the
3 retirement system.

4 The recognition of pension benefits as marital property and
5 the division of those benefits pursuant to a Qualified Illinois
6 Domestic Relations Order shall not be deemed to be a
7 diminishment, alienation, or impairment of those benefits. The
8 division of pension benefits is an allocation of property in
9 which each spouse has a species of common ownership.

10 (3) For purposes of distribution of property under this
11 Section, all stock options granted to either spouse after the
12 marriage and before a judgment of dissolution of marriage or
13 declaration of invalidity of marriage, whether vested or
14 non-vested or whether their value is ascertainable, are
15 presumed to be marital property. This presumption of marital
16 property is overcome by a showing that the stock options were
17 acquired by a method listed in subsection (a) of this Section.
18 The court shall allocate stock options between the parties at
19 the time of the judgment of dissolution of marriage or
20 declaration of invalidity of marriage recognizing that the
21 value of the stock options may not be then determinable and
22 that the actual division of the options may not occur until a
23 future date. In making the allocation between the parties, the
24 court shall consider, in addition to the factors set forth in
25 subsection (d) of this Section, the following:

26 (i) All circumstances underlying the grant of the stock

1 option including but not limited to whether the grant was
2 for past, present, or future efforts, or any combination
3 thereof.

4 (ii) The length of time from the grant of the option to
5 the time the option is exercisable.

6 (c) Commingled marital and non-marital property shall be
7 treated in the following manner, unless otherwise agreed by the
8 spouses:

9 (1) When marital and non-marital property are
10 commingled by contributing one estate of property into
11 another resulting in a loss of identity of the contributed
12 property, the classification of the contributed property
13 is transmuted to the estate receiving the contribution,
14 subject to the provisions of paragraph (2) of this
15 subsection; provided that if marital and non-marital
16 property are commingled into newly acquired property
17 resulting in a loss of identity of the contributing
18 estates, the commingled property shall be deemed
19 transmuted to marital property, subject to the provisions
20 of paragraph (2) of this subsection.

21 (2) When one estate of property makes a contribution to
22 another estate of property, or when a spouse contributes
23 personal effort to non-marital property, the contributing
24 estate shall be reimbursed from the estate receiving the
25 contribution notwithstanding any transmutation; provided,
26 that no such reimbursement shall be made with respect to a

1 contribution which is not retraceable by clear and
2 convincing evidence, or was a gift, or, in the case of a
3 contribution of personal effort of a spouse to non-marital
4 property, unless the effort is significant and results in
5 substantial appreciation of the non-marital property.
6 Personal effort of a spouse shall be deemed a contribution
7 by the marital estate. The court may provide for
8 reimbursement out of the marital property to be divided or
9 by imposing a lien against the non-marital property which
10 received the contribution.

11 (d) In a proceeding for dissolution of marriage or
12 declaration of invalidity of marriage, or in a proceeding for
13 disposition of property following dissolution of marriage by a
14 court which lacked personal jurisdiction over the absent spouse
15 or lacked jurisdiction to dispose of the property, the court
16 shall assign each spouse's non-marital property to that spouse.
17 It also shall divide the marital property without regard to
18 marital misconduct in just proportions considering all
19 relevant factors, including:

20 (1) the contribution of each party to the acquisition,
21 preservation, or increase or decrease in value of the
22 marital or non-marital property, including (i) any such
23 decrease attributable to a payment deemed to have been an
24 advance from the parties' marital estate under subsection
25 (c-1)(2) of Section 501 and (ii) the contribution of a
26 spouse as a homemaker or to the family unit;

1 (2) the dissipation by each party of the marital or
2 non-marital property;

3 (3) the value of the property assigned to each spouse;

4 (4) the duration of the marriage;

5 (5) the relevant economic circumstances of each spouse
6 when the division of property is to become effective,
7 including the desirability of awarding the family home, or
8 the right to live therein for reasonable periods, to the
9 spouse having custody of the children;

10 (6) any obligations and rights arising from a prior
11 marriage of either party;

12 (7) any antenuptial agreement of the parties;

13 (8) the age, health, station, occupation, amount and
14 sources of income, vocational skills, employability,
15 estate, liabilities, and needs of each of the parties;

16 (9) the custodial provisions for any children;

17 (10) whether the apportionment is in lieu of or in
18 addition to maintenance;

19 (11) the reasonable opportunity of each spouse for
20 future acquisition of capital assets and income; and

21 (12) the tax consequences of the property division upon
22 the respective economic circumstances of the parties.

23 (e) Each spouse has a species of common ownership in the
24 marital property which vests at the time dissolution
25 proceedings are commenced and continues only during the
26 pendency of the action. Any such interest in marital property

1 shall not encumber that property so as to restrict its
2 transfer, assignment or conveyance by the title holder unless
3 such title holder is specifically enjoined from making such
4 transfer, assignment or conveyance.

5 (f) In a proceeding for dissolution of marriage or
6 declaration of invalidity of marriage or in a proceeding for
7 disposition of property following dissolution of marriage by a
8 court that lacked personal jurisdiction over the absent spouse
9 or lacked jurisdiction to dispose of the property, the court,
10 in determining the value of the marital and non-marital
11 property for purposes of dividing the property, shall value the
12 property as of the date of trial or some other date as close to
13 the date of trial as is practicable.

14 (g) The court if necessary to protect and promote the best
15 interests of the children may set aside a portion of the
16 jointly or separately held estates of the parties in a separate
17 fund or trust for the support, maintenance, education, physical
18 and mental health, and general welfare of any minor, dependent,
19 or incompetent child of the parties. In making a determination
20 under this subsection, the court may consider, among other
21 things, the conviction of a party of any of the offenses set
22 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
23 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,
24 12-15, or 12-16 of the Criminal Code of 1961 if the victim is a
25 child of one or both of the parties, and there is a need for,
26 and cost of, care, healing and counseling for the child who is

1 the victim of the crime.

2 (h) Unless specifically directed by a reviewing court, or
3 upon good cause shown, the court shall not on remand consider
4 any increase or decrease in the value of any "marital" or
5 "non-marital" property occurring since the assessment of such
6 property at the original trial or hearing, but shall use only
7 that assessment made at the original trial or hearing.

8 (i) The court may make such judgments affecting the marital
9 property as may be just and may enforce such judgments by
10 ordering a sale of marital property, with proceeds therefrom to
11 be applied as determined by the court.

12 (j) After proofs have closed in the final hearing on all
13 other issues between the parties (or in conjunction with the
14 final hearing, if all parties so stipulate) and before judgment
15 is entered, a party's petition for contribution to fees and
16 costs incurred in the proceeding shall be heard and decided, in
17 accordance with the following provisions:

18 (1) A petition for contribution, if not filed before
19 the final hearing on other issues between the parties,
20 shall be filed no later than 30 days after the closing of
21 proofs in the final hearing or within such other period as
22 the court orders.

23 (2) Any award of contribution to one party from the
24 other party shall be based on the criteria for division of
25 marital property under this Section 503 and, if maintenance
26 has been awarded, on the criteria for an award of

1 maintenance under Section 504.

2 (3) The filing of a petition for contribution shall not
3 be deemed to constitute a waiver of the attorney-client
4 privilege between the petitioning party and current or
5 former counsel; and such a waiver shall not constitute a
6 prerequisite to a hearing for contribution. If either
7 party's presentation on contribution, however, includes
8 evidence within the scope of the attorney-client
9 privilege, the disclosure or disclosures shall be narrowly
10 construed and shall not be deemed by the court to
11 constitute a general waiver of the privilege as to matters
12 beyond the scope of the presentation.

13 (4) No finding on which a contribution award is based
14 or denied shall be asserted against counsel or former
15 counsel for purposes of any hearing under subsection (c) or
16 (e) of Section 508.

17 (5) A contribution award (payable to either the
18 petitioning party or the party's counsel, or jointly, as
19 the court determines) may be in the form of either a set
20 dollar amount or a percentage of fees and costs (or a
21 portion of fees and costs) to be subsequently agreed upon
22 by the petitioning party and counsel or, alternatively,
23 thereafter determined in a hearing pursuant to subsection
24 (c) of Section 508 or previously or thereafter determined
25 in an independent proceeding under subsection (e) of
26 Section 508.

1 (6) The changes to this Section 503 made by this
2 amendatory Act of 1996 apply to cases pending on or after
3 June 1, 1997, except as otherwise provided in Section 508.
4 (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10.)

5 Section 1105. The Illinois Parentage Act of 1984 is amended
6 by changing Section 6.5 as follows:

7 (750 ILCS 45/6.5)

8 Sec. 6.5. Custody or visitation by sex offender prohibited.
9 A person found to be the father of a child under this Act, and
10 who has been convicted of or who has pled guilty to a violation
11 of Section 11-11 (sexual relations within families), Section
12 11-1.20 or 12-13 (criminal sexual assault), Section 11-1.30 or
13 12-14 (aggravated criminal sexual assault), Section 11-1.40 or
14 12-14.1 (predatory criminal sexual assault of a child), Section
15 11-1.50 or 12-15 (criminal sexual abuse), or Section 11-1.60 or
16 12-16 (aggravated criminal sexual abuse) of the Criminal Code
17 of 1961 for his conduct in fathering that child, shall not be
18 entitled to custody of or visitation with that child without
19 the consent of the mother or guardian, other than the father of
20 the child who has been convicted of or pled guilty to one of
21 the offenses listed in this Section, or, in cases where the
22 mother is a minor, the guardian of the mother of the child.
23 Notwithstanding any other provision of this Act, nothing in
24 this Section shall be construed to relieve the father of any

1 support and maintenance obligations to the child under this
2 Act.

3 (Source: P.A. 94-928, eff. 6-26-06.)

4 Section 1110. The Adoption Act is amended by changing
5 Section 1 as follows:

6 (750 ILCS 50/1) (from Ch. 40, par. 1501)

7 Sec. 1. Definitions. When used in this Act, unless the
8 context otherwise requires:

9 A. "Child" means a person under legal age subject to
10 adoption under this Act.

11 B. "Related child" means a child subject to adoption where
12 either or both of the adopting parents stands in any of the
13 following relationships to the child by blood or marriage:
14 parent, grand-parent, brother, sister, step-parent,
15 step-grandparent, step-brother, step-sister, uncle, aunt,
16 great-uncle, great-aunt, or cousin of first degree. A child
17 whose parent has executed a final irrevocable consent to
18 adoption or a final irrevocable surrender for purposes of
19 adoption, or whose parent has had his or her parental rights
20 terminated, is not a related child to that person, unless the
21 consent is determined to be void or is void pursuant to
22 subsection O of Section 10.

23 C. "Agency" for the purpose of this Act means a public
24 child welfare agency or a licensed child welfare agency.

1 D. "Unfit person" means any person whom the court shall
2 find to be unfit to have a child, without regard to the
3 likelihood that the child will be placed for adoption. The
4 grounds of unfitness are any one or more of the following,
5 except that a person shall not be considered an unfit person
6 for the sole reason that the person has relinquished a child in
7 accordance with the Abandoned Newborn Infant Protection Act:

8 (a) Abandonment of the child.

9 (a-1) Abandonment of a newborn infant in a hospital.

10 (a-2) Abandonment of a newborn infant in any setting
11 where the evidence suggests that the parent intended to
12 relinquish his or her parental rights.

13 (b) Failure to maintain a reasonable degree of
14 interest, concern or responsibility as to the child's
15 welfare.

16 (c) Desertion of the child for more than 3 months next
17 preceding the commencement of the Adoption proceeding.

18 (d) Substantial neglect of the child if continuous or
19 repeated.

20 (d-1) Substantial neglect, if continuous or repeated,
21 of any child residing in the household which resulted in
22 the death of that child.

23 (e) Extreme or repeated cruelty to the child.

24 (f) There is a rebuttable presumption, which can be
25 overcome only by clear and convincing evidence, that a
26 parent is unfit if:

1 (1) Two or more findings of physical abuse have
2 been entered regarding any children under Section 2-21
3 of the Juvenile Court Act of 1987, the most recent of
4 which was determined by the juvenile court hearing the
5 matter to be supported by clear and convincing
6 evidence; or

7 (2) The parent has been convicted or found not
8 guilty by reason of insanity and the conviction or
9 finding resulted from the death of any child by
10 physical abuse; or

11 (3) There is a finding of physical child abuse
12 resulting from the death of any child under Section
13 2-21 of the Juvenile Court Act of 1987.

14 No conviction or finding of delinquency pursuant
15 to Article 5 of the Juvenile Court Act of 1987 shall be
16 considered a criminal conviction for the purpose of
17 applying any presumption under this item (f).

18 (g) Failure to protect the child from conditions within
19 his environment injurious to the child's welfare.

20 (h) Other neglect of, or misconduct toward the child;
21 provided that in making a finding of unfitness the court
22 hearing the adoption proceeding shall not be bound by any
23 previous finding, order or judgment affecting or
24 determining the rights of the parents toward the child
25 sought to be adopted in any other proceeding except such
26 proceedings terminating parental rights as shall be had

1 under either this Act, the Juvenile Court Act or the
2 Juvenile Court Act of 1987.

3 (i) Depravity. Conviction of any one of the following
4 crimes shall create a presumption that a parent is deprived
5 which can be overcome only by clear and convincing
6 evidence: (1) first degree murder in violation of paragraph
7 1 or 2 of subsection (a) of Section 9-1 of the Criminal
8 Code of 1961 or conviction of second degree murder in
9 violation of subsection (a) of Section 9-2 of the Criminal
10 Code of 1961 of a parent of the child to be adopted; (2)
11 first degree murder or second degree murder of any child in
12 violation of the Criminal Code of 1961; (3) attempt or
13 conspiracy to commit first degree murder or second degree
14 murder of any child in violation of the Criminal Code of
15 1961; (4) solicitation to commit murder of any child,
16 solicitation to commit murder of any child for hire, or
17 solicitation to commit second degree murder of any child in
18 violation of the Criminal Code of 1961; (5) predatory
19 criminal sexual assault of a child in violation of Section
20 11-1.40 or 12-14.1 of the Criminal Code of 1961; (6)
21 heinous battery of any child in violation of the Criminal
22 Code of 1961; or (7) aggravated battery of any child in
23 violation of the Criminal Code of 1961.

24 There is a rebuttable presumption that a parent is
25 deprived if the parent has been criminally convicted of at
26 least 3 felonies under the laws of this State or any other

1 state, or under federal law, or the criminal laws of any
2 United States territory; and at least one of these
3 convictions took place within 5 years of the filing of the
4 petition or motion seeking termination of parental rights.

5 There is a rebuttable presumption that a parent is
6 deprived if that parent has been criminally convicted of
7 either first or second degree murder of any person as
8 defined in the Criminal Code of 1961 within 10 years of the
9 filing date of the petition or motion to terminate parental
10 rights.

11 No conviction or finding of delinquency pursuant to
12 Article 5 of the Juvenile Court Act of 1987 shall be
13 considered a criminal conviction for the purpose of
14 applying any presumption under this item (i).

15 (j) Open and notorious adultery or fornication.

16 (j-1) (Blank).

17 (k) Habitual drunkenness or addiction to drugs, other
18 than those prescribed by a physician, for at least one year
19 immediately prior to the commencement of the unfitness
20 proceeding.

21 There is a rebuttable presumption that a parent is
22 unfit under this subsection with respect to any child to
23 which that parent gives birth where there is a confirmed
24 test result that at birth the child's blood, urine, or
25 meconium contained any amount of a controlled substance as
26 defined in subsection (f) of Section 102 of the Illinois

1 Controlled Substances Act or metabolites of such
2 substances, the presence of which in the newborn infant was
3 not the result of medical treatment administered to the
4 mother or the newborn infant; and the biological mother of
5 this child is the biological mother of at least one other
6 child who was adjudicated a neglected minor under
7 subsection (c) of Section 2-3 of the Juvenile Court Act of
8 1987.

9 (1) Failure to demonstrate a reasonable degree of
10 interest, concern or responsibility as to the welfare of a
11 new born child during the first 30 days after its birth.

12 (m) Failure by a parent (i) to make reasonable efforts
13 to correct the conditions that were the basis for the
14 removal of the child from the parent, or (ii) to make
15 reasonable progress toward the return of the child to the
16 parent within 9 months after an adjudication of neglected
17 or abused minor under Section 2-3 of the Juvenile Court Act
18 of 1987 or dependent minor under Section 2-4 of that Act,
19 or (iii) to make reasonable progress toward the return of
20 the child to the parent during any 9-month period after the
21 end of the initial 9-month period following the
22 adjudication of neglected or abused minor under Section 2-3
23 of the Juvenile Court Act of 1987 or dependent minor under
24 Section 2-4 of that Act. If a service plan has been
25 established as required under Section 8.2 of the Abused and
26 Neglected Child Reporting Act to correct the conditions

1 that were the basis for the removal of the child from the
2 parent and if those services were available, then, for
3 purposes of this Act, "failure to make reasonable progress
4 toward the return of the child to the parent" includes (I)
5 the parent's failure to substantially fulfill his or her
6 obligations under the service plan and correct the
7 conditions that brought the child into care within 9 months
8 after the adjudication under Section 2-3 or 2-4 of the
9 Juvenile Court Act of 1987 and (II) the parent's failure to
10 substantially fulfill his or her obligations under the
11 service plan and correct the conditions that brought the
12 child into care during any 9-month period after the end of
13 the initial 9-month period following the adjudication
14 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
15 Notwithstanding any other provision, when a petition or
16 motion seeks to terminate parental rights on the basis of
17 item (iii) of this subsection (m), the petitioner shall
18 file with the court and serve on the parties a pleading
19 that specifies the 9-month period or periods relied on. The
20 pleading shall be filed and served on the parties no later
21 than 3 weeks before the date set by the court for closure
22 of discovery, and the allegations in the pleading shall be
23 treated as incorporated into the petition or motion.
24 Failure of a respondent to file a written denial of the
25 allegations in the pleading shall not be treated as an
26 admission that the allegations are true.

1 (m-1) Pursuant to the Juvenile Court Act of 1987, a
2 child has been in foster care for 15 months out of any 22
3 month period which begins on or after the effective date of
4 this amendatory Act of 1998 unless the child's parent can
5 prove by a preponderance of the evidence that it is more
6 likely than not that it will be in the best interests of
7 the child to be returned to the parent within 6 months of
8 the date on which a petition for termination of parental
9 rights is filed under the Juvenile Court Act of 1987. The
10 15 month time limit is tolled during any period for which
11 there is a court finding that the appointed custodian or
12 guardian failed to make reasonable efforts to reunify the
13 child with his or her family, provided that (i) the finding
14 of no reasonable efforts is made within 60 days of the
15 period when reasonable efforts were not made or (ii) the
16 parent filed a motion requesting a finding of no reasonable
17 efforts within 60 days of the period when reasonable
18 efforts were not made. For purposes of this subdivision
19 (m-1), the date of entering foster care is the earlier of:
20 (i) the date of a judicial finding at an adjudicatory
21 hearing that the child is an abused, neglected, or
22 dependent minor; or (ii) 60 days after the date on which
23 the child is removed from his or her parent, guardian, or
24 legal custodian.

25 (n) Evidence of intent to forgo his or her parental
26 rights, whether or not the child is a ward of the court,

1 (1) as manifested by his or her failure for a period of 12
2 months: (i) to visit the child, (ii) to communicate with
3 the child or agency, although able to do so and not
4 prevented from doing so by an agency or by court order, or
5 (iii) to maintain contact with or plan for the future of
6 the child, although physically able to do so, or (2) as
7 manifested by the father's failure, where he and the mother
8 of the child were unmarried to each other at the time of
9 the child's birth, (i) to commence legal proceedings to
10 establish his paternity under the Illinois Parentage Act of
11 1984 or the law of the jurisdiction of the child's birth
12 within 30 days of being informed, pursuant to Section 12a
13 of this Act, that he is the father or the likely father of
14 the child or, after being so informed where the child is
15 not yet born, within 30 days of the child's birth, or (ii)
16 to make a good faith effort to pay a reasonable amount of
17 the expenses related to the birth of the child and to
18 provide a reasonable amount for the financial support of
19 the child, the court to consider in its determination all
20 relevant circumstances, including the financial condition
21 of both parents; provided that the ground for termination
22 provided in this subparagraph (n)(2)(ii) shall only be
23 available where the petition is brought by the mother or
24 the husband of the mother.

25 Contact or communication by a parent with his or her
26 child that does not demonstrate affection and concern does

1 not constitute reasonable contact and planning under
2 subdivision (n). In the absence of evidence to the
3 contrary, the ability to visit, communicate, maintain
4 contact, pay expenses and plan for the future shall be
5 presumed. The subjective intent of the parent, whether
6 expressed or otherwise, unsupported by evidence of the
7 foregoing parental acts manifesting that intent, shall not
8 preclude a determination that the parent has intended to
9 forgo his or her parental rights. In making this
10 determination, the court may consider but shall not require
11 a showing of diligent efforts by an authorized agency to
12 encourage the parent to perform the acts specified in
13 subdivision (n).

14 It shall be an affirmative defense to any allegation
15 under paragraph (2) of this subsection that the father's
16 failure was due to circumstances beyond his control or to
17 impediments created by the mother or any other person
18 having legal custody. Proof of that fact need only be by a
19 preponderance of the evidence.

20 (o) Repeated or continuous failure by the parents,
21 although physically and financially able, to provide the
22 child with adequate food, clothing, or shelter.

23 (p) Inability to discharge parental responsibilities
24 supported by competent evidence from a psychiatrist,
25 licensed clinical social worker, or clinical psychologist
26 of mental impairment, mental illness or mental retardation

1 as defined in Section 1-116 of the Mental Health and
2 Developmental Disabilities Code, or developmental
3 disability as defined in Section 1-106 of that Code, and
4 there is sufficient justification to believe that the
5 inability to discharge parental responsibilities shall
6 extend beyond a reasonable time period. However, this
7 subdivision (p) shall not be construed so as to permit a
8 licensed clinical social worker to conduct any medical
9 diagnosis to determine mental illness or mental
10 impairment.

11 (q) (Blank).

12 (r) The child is in the temporary custody or
13 guardianship of the Department of Children and Family
14 Services, the parent is incarcerated as a result of
15 criminal conviction at the time the petition or motion for
16 termination of parental rights is filed, prior to
17 incarceration the parent had little or no contact with the
18 child or provided little or no support for the child, and
19 the parent's incarceration will prevent the parent from
20 discharging his or her parental responsibilities for the
21 child for a period in excess of 2 years after the filing of
22 the petition or motion for termination of parental rights.

23 (s) The child is in the temporary custody or
24 guardianship of the Department of Children and Family
25 Services, the parent is incarcerated at the time the
26 petition or motion for termination of parental rights is

1 filed, the parent has been repeatedly incarcerated as a
2 result of criminal convictions, and the parent's repeated
3 incarceration has prevented the parent from discharging
4 his or her parental responsibilities for the child.

5 (t) A finding that at birth the child's blood, urine,
6 or meconium contained any amount of a controlled substance
7 as defined in subsection (f) of Section 102 of the Illinois
8 Controlled Substances Act, or a metabolite of a controlled
9 substance, with the exception of controlled substances or
10 metabolites of such substances, the presence of which in
11 the newborn infant was the result of medical treatment
12 administered to the mother or the newborn infant, and that
13 the biological mother of this child is the biological
14 mother of at least one other child who was adjudicated a
15 neglected minor under subsection (c) of Section 2-3 of the
16 Juvenile Court Act of 1987, after which the biological
17 mother had the opportunity to enroll in and participate in
18 a clinically appropriate substance abuse counseling,
19 treatment, and rehabilitation program.

20 E. "Parent" means the father or mother of a lawful child of
21 the parties or child born out of wedlock. For the purpose of
22 this Act, a person who has executed a final and irrevocable
23 consent to adoption or a final and irrevocable surrender for
24 purposes of adoption, or whose parental rights have been
25 terminated by a court, is not a parent of the child who was the
26 subject of the consent or surrender, unless the consent is void

1 pursuant to subsection O of Section 10.

2 F. A person is available for adoption when the person is:

3 (a) a child who has been surrendered for adoption to an
4 agency and to whose adoption the agency has thereafter
5 consented;

6 (b) a child to whose adoption a person authorized by
7 law, other than his parents, has consented, or to whose
8 adoption no consent is required pursuant to Section 8 of
9 this Act;

10 (c) a child who is in the custody of persons who intend
11 to adopt him through placement made by his parents;

12 (c-1) a child for whom a parent has signed a specific
13 consent pursuant to subsection O of Section 10;

14 (d) an adult who meets the conditions set forth in
15 Section 3 of this Act; or

16 (e) a child who has been relinquished as defined in
17 Section 10 of the Abandoned Newborn Infant Protection Act.

18 A person who would otherwise be available for adoption
19 shall not be deemed unavailable for adoption solely by reason
20 of his or her death.

21 G. The singular includes the plural and the plural includes
22 the singular and the "male" includes the "female", as the
23 context of this Act may require.

24 H. "Adoption disruption" occurs when an adoptive placement
25 does not prove successful and it becomes necessary for the
26 child to be removed from placement before the adoption is

1 finalized.

2 I. "Foreign placing agency" is an agency or individual
3 operating in a country or territory outside the United States
4 that is authorized by its country to place children for
5 adoption either directly with families in the United States or
6 through United States based international agencies.

7 J. "Immediate relatives" means the biological parents, the
8 parents of the biological parents and siblings of the
9 biological parents.

10 K. "Intercountry adoption" is a process by which a child
11 from a country other than the United States is adopted.

12 L. "Intercountry Adoption Coordinator" is a staff person of
13 the Department of Children and Family Services appointed by the
14 Director to coordinate the provision of services by the public
15 and private sector to prospective parents of foreign-born
16 children.

17 M. "Interstate Compact on the Placement of Children" is a
18 law enacted by most states for the purpose of establishing
19 uniform procedures for handling the interstate placement of
20 children in foster homes, adoptive homes, or other child care
21 facilities.

22 N. "Non-Compact state" means a state that has not enacted
23 the Interstate Compact on the Placement of Children.

24 O. "Preadoption requirements" are any conditions
25 established by the laws or regulations of the Federal
26 Government or of each state that must be met prior to the

1 placement of a child in an adoptive home.

2 P. "Abused child" means a child whose parent or immediate
3 family member, or any person responsible for the child's
4 welfare, or any individual residing in the same home as the
5 child, or a paramour of the child's parent:

6 (a) inflicts, causes to be inflicted, or allows to be
7 inflicted upon the child physical injury, by other than
8 accidental means, that causes death, disfigurement,
9 impairment of physical or emotional health, or loss or
10 impairment of any bodily function;

11 (b) creates a substantial risk of physical injury to
12 the child by other than accidental means which would be
13 likely to cause death, disfigurement, impairment of
14 physical or emotional health, or loss or impairment of any
15 bodily function;

16 (c) commits or allows to be committed any sex offense
17 against the child, as sex offenses are defined in the
18 Criminal Code of 1961 and extending those definitions of
19 sex offenses to include children under 18 years of age;

20 (d) commits or allows to be committed an act or acts of
21 torture upon the child; or

22 (e) inflicts excessive corporal punishment.

23 Q. "Neglected child" means any child whose parent or other
24 person responsible for the child's welfare withholds or denies
25 nourishment or medically indicated treatment including food or
26 care denied solely on the basis of the present or anticipated

1 mental or physical impairment as determined by a physician
2 acting alone or in consultation with other physicians or
3 otherwise does not provide the proper or necessary support,
4 education as required by law, or medical or other remedial care
5 recognized under State law as necessary for a child's
6 well-being, or other care necessary for his or her well-being,
7 including adequate food, clothing and shelter; or who is
8 abandoned by his or her parents or other person responsible for
9 the child's welfare.

10 A child shall not be considered neglected or abused for the
11 sole reason that the child's parent or other person responsible
12 for his or her welfare depends upon spiritual means through
13 prayer alone for the treatment or cure of disease or remedial
14 care as provided under Section 4 of the Abused and Neglected
15 Child Reporting Act. A child shall not be considered neglected
16 or abused for the sole reason that the child's parent or other
17 person responsible for the child's welfare failed to vaccinate,
18 delayed vaccination, or refused vaccination for the child due
19 to a waiver on religious or medical grounds as permitted by
20 law.

21 R. "Putative father" means a man who may be a child's
22 father, but who (1) is not married to the child's mother on or
23 before the date that the child was or is to be born and (2) has
24 not established paternity of the child in a court proceeding
25 before the filing of a petition for the adoption of the child.
26 The term includes a male who is less than 18 years of age.

1 "Putative father" does not mean a man who is the child's father
2 as a result of criminal sexual abuse or assault as defined
3 under Article 12 of the Criminal Code of 1961.

4 S. "Standby adoption" means an adoption in which a parent
5 consents to custody and termination of parental rights to
6 become effective upon the occurrence of a future event, which
7 is either the death of the parent or the request of the parent
8 for the entry of a final judgment of adoption.

9 T. (Blank).

10 (Source: P.A. 93-732, eff. 1-1-05; 94-229, eff. 1-1-06; 94-563,
11 eff. 1-1-06; 94-939, eff. 1-1-07.)

12 Section 1115. The Parental Notice of Abortion Act of 1995
13 is amended by changing Section 10 as follows:

14 (750 ILCS 70/10)

15 Sec. 10. Definitions. As used in this Act:

16 "Abortion" means the use of any instrument, medicine, drug,
17 or any other substance or device to terminate the pregnancy of
18 a woman known to be pregnant with an intention other than to
19 increase the probability of a live birth, to preserve the life
20 or health of a child after live birth, or to remove a dead
21 fetus.

22 "Actual notice" means the giving of notice directly, in
23 person, or by telephone.

24 "Adult family member" means a person over 21 years of age

1 who is the parent, grandparent, step-parent living in the
2 household, or legal guardian.

3 "Constructive notice" means notice by certified mail to the
4 last known address of the person entitled to notice with
5 delivery deemed to have occurred 48 hours after the certified
6 notice is mailed.

7 "Incompetent" means any person who has been adjudged as
8 mentally ill or developmentally disabled and who, because of
9 her mental illness or developmental disability, is not fully
10 able to manage her person and for whom a guardian of the person
11 has been appointed under Section 11a-3(a) (1) of the Probate Act
12 of 1975.

13 "Medical emergency" means a condition that, on the basis of
14 the physician's good faith clinical judgment, so complicates
15 the medical condition of a pregnant woman as to necessitate the
16 immediate abortion of her pregnancy to avert her death or for
17 which a delay will create serious risk of substantial and
18 irreversible impairment of major bodily function.

19 "Minor" means any person under 18 years of age who is not
20 or has not been married or who has not been emancipated under
21 the Emancipation of Minors Act.

22 "Neglect" means the failure of an adult family member to
23 supply a child with necessary food, clothing, shelter, or
24 medical care when reasonably able to do so or the failure to
25 protect a child from conditions or actions that imminently and
26 seriously endanger the child's physical or mental health when

1 reasonably able to do so.

2 "Physical abuse" means any physical injury intentionally
3 inflicted by an adult family member on a child.

4 "Physician" means any person licensed to practice medicine
5 in all its branches under the Illinois Medical Practice Act of
6 1987.

7 "Sexual abuse" means any sexual conduct or sexual
8 penetration as defined in Section 11-0.1 ~~12-12~~ of the Criminal
9 Code of 1961 that is prohibited by the criminal laws of the
10 State of Illinois and committed against a minor by an adult
11 family member as defined in this Act.

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 Section 1120. The Landlord and Tenant Act is amended by
14 changing Section 10 as follows:

15 (765 ILCS 705/10)

16 Sec. 10. Failure to inform lessor who is a child sex
17 offender and who resides in the same building in which the
18 lessee resides or intends to reside that the lessee is a parent
19 or guardian of a child under 18 years of age. If a lessor of
20 residential real estate resides at such real estate and is a
21 child sex offender as defined in Section 11-9.3 or 11-9.4 of
22 the Criminal Code of 1961 and rents such real estate to a
23 person who does not inform the lessor that the person is a
24 parent or guardian of a child or children under 18 years of age

1 and subsequent to such lease, the lessee discovers that the
2 landlord is a child sex offender, then the lessee may not
3 terminate the lease based upon such discovery that the lessor
4 is a child sex offender and such lease shall be in full force
5 and effect. This subsection shall apply only to leases or other
6 rental arrangements entered into after the effective date of
7 this amendatory Act of the 95th General Assembly.

8 (Source: P.A. 95-820, eff. 1-1-09.)

9 Section 1125. The Illinois Securities Law of 1953 is
10 amended by changing Section 7a as follows:

11 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

12 Sec. 7a. (a) Except as provided in subsection (b) of this
13 Section, no securities, issued by an issuer engaged in or
14 deriving revenues from the conduct of any business or
15 profession, the conduct of which would violate Section 11-14,
16 11-14.3, 11-14.4 as described in subdivision (a)(1), (a)(2), or
17 (a)(3) or that involves soliciting for a juvenile prostitute,
18 11-15, 11-15.1, 11-16, 11-17, 11-19 or 11-19.1 of the Criminal
19 Code of 1961, as now or hereafter amended, if conducted in this
20 State, shall be sold or registered pursuant to Section 5, 6 or
21 7 of this Act nor sold pursuant to the provisions of Section 3
22 or 4 of this Act.

23 (b) Notwithstanding the provisions of subsection (a)
24 hereof, such securities issued prior to the effective date of

1 this amendatory Act of 1989 may be sold by a resident of this
2 State in transactions which qualify for an exemption from the
3 registration requirements of this Act pursuant to subsection A
4 of Section 4 of this Act.

5 (Source: P.A. 86-526.)

6 Section 1130. The Victims' Economic Security and Safety Act
7 is amended by changing Section 10 as follows:

8 (820 ILCS 180/10)

9 Sec. 10. Definitions. In this Act, except as otherwise
10 expressly provided:

11 (1) "Commerce" includes trade, traffic, commerce,
12 transportation, or communication; and "industry or
13 activity affecting commerce" means any activity, business,
14 or industry in commerce or in which a labor dispute would
15 hinder or obstruct commerce or the free flow of commerce,
16 and includes "commerce" and any "industry affecting
17 commerce".

18 (2) "Course of conduct" means a course of repeatedly
19 maintaining a visual or physical proximity to a person or
20 conveying oral or written threats, including threats
21 conveyed through electronic communications, or threats
22 implied by conduct.

23 (3) "Department" means the Department of Labor.

24 (4) "Director" means the Director of Labor.

1 (5) "Domestic or sexual violence" means domestic
2 violence, sexual assault, or stalking.

3 (6) "Domestic violence" means abuse, as defined in
4 Section 103 of the Illinois Domestic Violence Act of 1986,
5 by a family or household member, as defined in Section 103
6 of the Illinois Domestic Violence Act of 1986.

7 (7) "Electronic communications" includes
8 communications via telephone, mobile phone, computer,
9 e-mail, video recorder, fax machine, telex, or pager, or
10 any other electronic communication, as defined in Section
11 12-7.5 of the Criminal Code of 1961.

12 (8) "Employ" includes to suffer or permit to work.

13 (9) Employee.

14 (A) In general. "Employee" means any person
15 employed by an employer.

16 (B) Basis. "Employee" includes a person employed
17 as described in subparagraph (A) on a full or part-time
18 basis, or as a participant in a work assignment as a
19 condition of receipt of federal or State income-based
20 public assistance.

21 (10) "Employer" means any of the following: (A) the
22 State or any agency of the State; (B) any unit of local
23 government or school district; or (C) any person that
24 employs at least 15 employees.

25 (11) "Employment benefits" means all benefits provided
26 or made available to employees by an employer, including

1 group life insurance, health insurance, disability
2 insurance, sick leave, annual leave, educational benefits,
3 pensions, and profit-sharing, regardless of whether such
4 benefits are provided by a practice or written policy of an
5 employer or through an "employee benefit plan". "Employee
6 benefit plan" or "plan" means an employee welfare benefit
7 plan or an employee pension benefit plan or a plan which is
8 both an employee welfare benefit plan and an employee
9 pension benefit plan.

10 (12) "Family or household member", for employees with a
11 family or household member who is a victim of domestic or
12 sexual violence, means a spouse, parent, son, daughter,
13 other person related by blood or by present or prior
14 marriage, other person who shares a relationship through a
15 son or daughter, and persons jointly residing in the same
16 household.

17 (13) "Parent" means the biological parent of an
18 employee or an individual who stood in loco parentis to an
19 employee when the employee was a son or daughter. "Son or
20 daughter" means a biological, adopted, or foster child, a
21 stepchild, a legal ward, or a child of a person standing in
22 loco parentis, who is under 18 years of age, or is 18 years
23 of age or older and incapable of self-care because of a
24 mental or physical disability.

25 (14) "Perpetrator" means an individual who commits or
26 is alleged to have committed any act or threat of domestic

1 or sexual violence.

2 (15) "Person" means an individual, partnership,
3 association, corporation, business trust, legal
4 representative, or any organized group of persons.

5 (16) "Public agency" means the Government of the State
6 or political subdivision thereof; any agency of the State,
7 or of a political subdivision of the State; or any
8 governmental agency.

9 (17) "Public assistance" includes cash, food stamps,
10 medical assistance, housing assistance, and other benefits
11 provided on the basis of income by a public agency or
12 public employer.

13 (18) "Reduced work schedule" means a work schedule that
14 reduces the usual number of hours per workweek, or hours
15 per workday, of an employee.

16 (19) "Repeatedly" means on 2 or more occasions.

17 (20) "Sexual assault" means any conduct proscribed by
18 the Criminal Code of 1961 in Sections 11-1.20, 11-1.30,
19 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15,
20 and 12-16.

21 (21) "Stalking" means any conduct proscribed by the
22 Criminal Code of 1961 in Sections 12-7.3, 12-7.4, and
23 12-7.5.

24 (22) "Victim" or "survivor" means an individual who has
25 been subjected to domestic or sexual violence.

26 (23) "Victim services organization" means a nonprofit,

1 nongovernmental organization that provides assistance to
2 victims of domestic or sexual violence or to advocates for
3 such victims, including a rape crisis center, an
4 organization carrying out a domestic violence program, an
5 organization operating a shelter or providing counseling
6 services, or a legal services organization or other
7 organization providing assistance through the legal
8 process.

9 (Source: P.A. 96-635, eff. 8-24-09.)

10 Article 5.

11 Section 5-5. The Criminal Code of 1961 is amended: by
12 adding the headings of Subdivisions 1, 5, 10, 15, 20, 25, 30,
13 and 35 of Article 17; by adding Sections 17-0.5, 17-3.5,
14 17-5.7, 17-6.3, 17-6.5, 17-8.5, 17-10.3, 17-10.5, 17-10.6,
15 17-10.7, 17-31, 17-32, 17-33, 17-34, 17-35, 17-36, 17-37,
16 17-38, 17-39, 17-40, 17-41, 17-42, 17-43, 17-44, 17-45, 17-46,
17 17-47, 17-48, 17-49, 17-49.5, 17-55, 17-61, and 17-62; by
18 changing the heading of Article 17 and changing Sections 17-1,
19 17-1b, 17-2, 17-3, 17-5, 17-5.5, 17-6, 17-9, 17-11, 17-11.2,
20 17-13, 17-17, 17-20, 17-21, 17-24, 17-26, and 17-27; and by
21 changing and renumbering Sections 16-1.3, 16-22, 16C-2, 16D-3,
22 16D-4, 16D-5, 16D-5.5, 16D-6, 16D-7, 17-7, 17-16, 17-22, 17-28,
23 17-29, and 39-1 as follows:

1 (720 ILCS 5/Art. 17 heading)

2 ARTICLE 17. DECEPTION AND FRAUD

3 (720 ILCS 5/Art. 17, Subdiv. 1 heading new)

4 SUBDIVISION 1. GENERAL DEFINITIONS

5 (720 ILCS 5/17-0.5 new)

6 Sec. 17-0.5. Definitions. In this Article:

7 "Altered credit card or debit card" means any instrument or
8 device, whether known as a credit card or debit card, which has
9 been changed in any respect by addition or deletion of any
10 material, except for the signature by the person to whom the
11 card is issued.

12 "Cardholder" means the person or organization named on the
13 face of a credit card or debit card to whom or for whose
14 benefit the credit card or debit card is issued by an issuer.

15 "Computer" means a device that accepts, processes, stores,
16 retrieves, or outputs data and includes, but is not limited to,
17 auxiliary storage and telecommunications devices connected to
18 computers.

19 "Computer network" means a set of related, remotely
20 connected devices and any communications facilities including
21 more than one computer with the capability to transmit data
22 between them through the communications facilities.

23 "Computer program" or "program" means a series of coded
24 instructions or statements in a form acceptable to a computer

1 which causes the computer to process data and supply the
2 results of the data processing.

3 "Computer services" means computer time or services,
4 including data processing services, Internet services,
5 electronic mail services, electronic message services, or
6 information or data stored in connection therewith.

7 "Counterfeit" means to manufacture, produce or create, by
8 any means, a credit card or debit card without the purported
9 issuer's consent or authorization.

10 "Credit card" means any instrument or device, whether known
11 as a credit card, credit plate, charge plate or any other name,
12 issued with or without fee by an issuer for the use of the
13 cardholder in obtaining money, goods, services or anything else
14 of value on credit or in consideration or an undertaking or
15 quaranty by the issuer of the payment of a check drawn by the
16 cardholder.

17 "Data" means a representation in any form of information,
18 knowledge, facts, concepts, or instructions, including program
19 documentation, which is prepared or has been prepared in a
20 formalized manner and is stored or processed in or transmitted
21 by a computer or in a system or network. Data is considered
22 property and may be in any form, including, but not limited to,
23 printouts, magnetic or optical storage media, punch cards, or
24 data stored internally in the memory of the computer.

25 "Debit card" means any instrument or device, known by any
26 name, issued with or without fee by an issuer for the use of

1 the cardholder in obtaining money, goods, services, and
2 anything else of value, payment of which is made against funds
3 previously deposited by the cardholder. A debit card which also
4 can be used to obtain money, goods, services and anything else
5 of value on credit shall not be considered a debit card when it
6 is being used to obtain money, goods, services or anything else
7 of value on credit.

8 "Document" includes, but is not limited to, any document,
9 representation, or image produced manually, electronically, or
10 by computer.

11 "Electronic fund transfer terminal" means any machine or
12 device that, when properly activated, will perform any of the
13 following services:

14 (1) Dispense money as a debit to the cardholder's
15 account; or

16 (2) Print the cardholder's account balances on a
17 statement; or

18 (3) Transfer funds between a cardholder's accounts; or

19 (4) Accept payments on a cardholder's loan; or

20 (5) Dispense cash advances on an open end credit or a
21 revolving charge agreement; or

22 (6) Accept deposits to a customer's account; or

23 (7) Receive inquiries of verification of checks and
24 dispense information that verifies that funds are
25 available to cover such checks; or

26 (8) Cause money to be transferred electronically from a

1 cardholder's account to an account held by any business,
2 firm, retail merchant, corporation, or any other
3 organization.

4 "Electronic funds transfer system", hereafter referred to
5 as "EFT System", means that system whereby funds are
6 transferred electronically from a cardholder's account to any
7 other account.

8 "Electronic mail service provider" means any person who (i)
9 is an intermediary in sending or receiving electronic mail and
10 (ii) provides to end-users of electronic mail services the
11 ability to send or receive electronic mail.

12 "Expired credit card or debit card" means a credit card or
13 debit card which is no longer valid because the term on it has
14 elapsed.

15 "False academic degree" means a certificate, diploma,
16 transcript, or other document purporting to be issued by an
17 institution of higher learning or purporting to indicate that a
18 person has completed an organized academic program of study at
19 an institution of higher learning when the person has not
20 completed the organized academic program of study indicated on
21 the certificate, diploma, transcript, or other document.

22 "False claim" means any statement made to any insurer,
23 purported insurer, servicing corporation, insurance broker, or
24 insurance agent, or any agent or employee of one of those
25 entities, and made as part of, or in support of, a claim for
26 payment or other benefit under a policy of insurance, or as

1 part of, or in support of, an application for the issuance of,
2 or the rating of, any insurance policy, when the statement does
3 any of the following:

4 (1) Contains any false, incomplete, or misleading
5 information concerning any fact or thing material to the
6 claim.

7 (2) Conceals (i) the occurrence of an event that is
8 material to any person's initial or continued right or
9 entitlement to any insurance benefit or payment or (ii) the
10 amount of any benefit or payment to which the person is
11 entitled.

12 "Financial institution" means any bank, savings and loan
13 association, credit union, or other depository of money or
14 medium of savings and collective investment.

15 "Governmental entity" means: each officer, board,
16 commission, and agency created by the Constitution, whether in
17 the executive, legislative, or judicial branch of State
18 government; each officer, department, board, commission,
19 agency, institution, authority, university, and body politic
20 and corporate of the State; each administrative unit or
21 corporate outgrowth of State government that is created by or
22 pursuant to statute, including units of local government and
23 their officers, school districts, and boards of election
24 commissioners; and each administrative unit or corporate
25 outgrowth of the foregoing items and as may be created by
26 executive order of the Governor.

1 "Incomplete credit card or debit card" means a credit card
2 or debit card which is missing part of the matter other than
3 the signature of the cardholder which an issuer requires to
4 appear on the credit card or debit card before it can be used
5 by a cardholder, and this includes credit cards or debit cards
6 which have not been stamped, embossed, imprinted or written on.

7 "Institution of higher learning" means a public or private
8 college, university, or community college located in the State
9 of Illinois that is authorized by the Board of Higher Education
10 or the Illinois Community College Board to issue post-secondary
11 degrees, or a public or private college, university, or
12 community college located anywhere in the United States that is
13 or has been legally constituted to offer degrees and
14 instruction in its state of origin or incorporation.

15 "Insurance company" means "company" as defined under
16 Section 2 of the Illinois Insurance Code.

17 "Issuer" means the business organization or financial
18 institution which issues a credit card or debit card, or its
19 duly authorized agent.

20 "Merchant" has the meaning ascribed to it in Section
21 16A-2.4 of this Code.

22 "Person" means any individual, corporation, government,
23 governmental subdivision or agency, business trust, estate,
24 trust, partnership or association or any other entity.

25 "Receives" or "receiving" means acquiring possession or
26 control.

1 "Record of charge form" means any document submitted or
2 intended to be submitted to an issuer as evidence of a credit
3 transaction for which the issuer has agreed to reimburse
4 persons providing money, goods, property, services or other
5 things of value.

6 "Revoked credit card or debit card" means a credit card or
7 debit card which is no longer valid because permission to use
8 it has been suspended or terminated by the issuer.

9 "Sale" means any delivery for value.

10 "Scheme or artifice to defraud" includes a scheme or
11 artifice to deprive another of the intangible right to honest
12 services.

13 "Self-insured entity" means any person, business,
14 partnership, corporation, or organization that sets aside
15 funds to meet his, her, or its losses or to absorb fluctuations
16 in the amount of loss, the losses being charged against the
17 funds set aside or accumulated.

18 "Statement" means any assertion, oral, written, or
19 otherwise, and includes, but is not limited to: any notice,
20 letter, or memorandum; proof of loss; bill of lading; receipt
21 for payment; invoice, account, or other financial statement;
22 estimate of property damage; bill for services; diagnosis or
23 prognosis; prescription; hospital, medical, or dental chart or
24 other record, x-ray, photograph, videotape, or movie film; test
25 result; other evidence of loss, injury, or expense;
26 computer-generated document; and data in any form.

1 "Universal Price Code Label" means a unique symbol that
2 consists of a machine-readable code and human-readable
3 numbers.

4 "With intent to defraud" means to act knowingly, and with
5 the specific intent to deceive or cheat, for the purpose of
6 causing financial loss to another or bringing some financial
7 gain to oneself, regardless of whether any person was actually
8 defrauded or deceived. This includes an intent to cause another
9 to assume, create, transfer, alter, or terminate any right,
10 obligation, or power with reference to any person or property.

11 (720 ILCS 5/Art. 17, Subdiv. 5 heading new)

12 SUBDIVISION 5. DECEPTION

13 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

14 Sec. 17-1. Deceptive practices.

15 ~~(A) Definitions.~~

16 ~~As used in this Section:~~

17 ~~(i) "Financial institution" means any bank, savings~~
18 ~~and loan association, credit union, or other depository of~~
19 ~~money, or medium of savings and collective investment.~~

20 ~~(ii) An "account holder" is any person having a~~
21 ~~checking account or savings account in a financial~~
22 ~~institution.~~

23 ~~(iii) To act with the "intent to defraud" means to act~~
24 ~~wilfully, and with the specific intent to deceive or cheat,~~

1 ~~for the purpose of causing financial loss to another, or to~~
2 ~~bring some financial gain to oneself. It is not necessary~~
3 ~~to establish that any person was actually defrauded or~~
4 ~~deceived.~~

5 (A) ~~(B)~~ General deception ~~Deception~~.

6 A person commits a deceptive practice when, with intent to
7 defraud, the person does any of the following:

8 (1) ~~(a)~~ He or she knowingly causes another, by
9 deception or threat, to execute a document disposing of
10 property or a document by which a pecuniary obligation is
11 incurred.

12 (2) ~~(b)~~ Being an officer, manager or other person
13 participating in the direction of a financial institution,
14 he or she knowingly receives or permits the receipt of a
15 deposit or other investment, knowing that the institution
16 is insolvent.

17 (3) ~~(c)~~ He or she knowingly makes ~~or directs another to~~
18 ~~make~~ a false or deceptive statement addressed to the public
19 for the purpose of promoting the sale of property or
20 services.

21 (B) Bad checks.

22 A person commits a deceptive practice when:

23 (1) ~~(d)~~ With intent to obtain control over property or
24 to pay for property, labor or services of another, or in

1 satisfaction of an obligation for payment of tax under the
2 Retailers' Occupation Tax Act or any other tax due to the
3 State of Illinois, he or she issues or delivers a check or
4 other order upon a real or fictitious depository for the
5 payment of money, knowing that it will not be paid by the
6 depository. The trier of fact may infer that the defendant
7 knows that the check or other order will not be paid by the
8 depository and that the defendant has acted with intent to
9 defraud when the defendant fails ~~Failure~~ to have sufficient
10 funds or credit with the depository when the check or other
11 order is issued or delivered, or when such check or other
12 order is presented for payment and dishonored on each of 2
13 occasions at least 7 days apart, ~~is prima facie evidence~~
14 ~~that the offender knows that it will not be paid by the~~
15 ~~depository, and that he or she has the intent to defraud.~~
16 In this paragraph (B) (1) ~~(d)~~, "property" includes rental
17 property (real or personal).

18 (2) ~~(e)~~ He or she issues or delivers a check or other
19 order upon a real or fictitious depository in an amount
20 exceeding \$150 in payment of an amount owed on any credit
21 transaction for property, labor or services, or in payment
22 of the entire amount owed on any credit transaction for
23 property, labor or services, knowing that it will not be
24 paid by the depository, and thereafter fails to provide
25 funds or credit with the depository in the face amount of
26 the check or order within 7 days of receiving actual notice

1 from the depository or payee of the dishonor of the check
2 or order.

3 ~~Sentence.~~

4 ~~A person convicted of a deceptive practice under paragraph~~
5 ~~(a), (b), (c), (d), or (e) of this subsection (B), except as~~
6 ~~otherwise provided by this Section, is guilty of a Class A~~
7 ~~misdemeanor.~~

8 ~~A person convicted of a deceptive practice in violation of~~
9 ~~paragraph (d) a second or subsequent time shall be guilty of a~~
10 ~~Class 4 felony.~~

11 ~~A person convicted of deceptive practices in violation of~~
12 ~~paragraph (d), when the value of the property so obtained, in a~~
13 ~~single transaction, or in separate transactions within a 90 day~~
14 ~~period, exceeds \$150, shall be guilty of a Class 4 felony. In~~
15 ~~the case of a prosecution for separate transactions totaling~~
16 ~~more than \$150 within a 90 day period, such separate~~
17 ~~transactions shall be alleged in a single charge and provided~~
18 ~~in a single prosecution.~~

19 (C) Bank-related fraud ~~Deception on a Bank or Other Financial~~
20 ~~Institution.~~

21 (1) False statement ~~Statements.~~

22 A person commits false statement bank fraud if he or she
23 ~~Any person who,~~ with the intent to defraud, makes or causes to
24 be made any false statement in writing in order to obtain an
25 account with a bank or other financial institution, or to

1 obtain credit from a bank or other financial institution, or to
2 obtain services from a currency exchange, knowing such writing
3 to be false, and with the intent that it be relied upon,~~is~~
4 ~~guilty of a Class A misdemeanor.~~

5 For purposes of this subsection (C), a false statement
6 means ~~shall mean~~ any false statement representing identity,
7 address, or employment, or the identity, address, or employment
8 of any person, firm, or corporation.

9 (2) Possession of stolen or fraudulently obtained checks
10 ~~Stolen or Fraudulently Obtained Checks.~~

11 A person commits possession of stolen or fraudulently
12 obtained checks when he or she ~~Any person who~~ possesses, with
13 the intent to obtain access to funds of another person held in
14 a real or fictitious deposit account at a financial
15 institution, makes a false statement or a misrepresentation to
16 the financial institution, or possesses, transfers,
17 negotiates, or presents for payment a check, draft, or other
18 item purported to direct the financial institution to withdraw
19 or pay funds out of the account holder's deposit account with
20 knowledge that such possession, transfer, negotiation, or
21 presentment is not authorized by the account holder or the
22 issuing financial institution ~~is guilty of a Class A~~
23 ~~misdemeanor.~~ A person shall be deemed to have been authorized
24 to possess, transfer, negotiate, or present for payment such
25 item if the person was otherwise entitled by law to withdraw or
26 recover funds from the account in question and followed the

1 requisite procedures under the law. ~~If In the event that~~ the
2 account holder, upon discovery of the withdrawal or payment,
3 claims that the withdrawal or payment was not authorized, the
4 financial institution may require the account holder to submit
5 an affidavit to that effect on a form satisfactory to the
6 financial institution before the financial institution may be
7 required to credit the account in an amount equal to the amount
8 or amounts that were withdrawn or paid without authorization.

9 ~~Any person who, within any 12 month period, violates this~~
10 ~~Section with respect to 3 or more checks or orders for the~~
11 ~~payment of money at the same time or consecutively, each the~~
12 ~~property of a different account holder or financial~~
13 ~~institution, is guilty of a Class 4 felony.~~

14 (3) Possession of implements of check fraud ~~Implements of~~
15 ~~Check Fraud.~~

16 A person commits possession of implements of check fraud
17 when he or she ~~Any person who~~ possesses, with the intent to
18 defraud and without the authority of the account holder or
19 financial institution, any check imprinter, signature
20 imprinter, or "certified" stamp ~~is guilty of a Class A~~
21 ~~misdemeanor.~~

22 (D) Sentence.

23 (1) The commission of a deceptive practice in violation
24 of this Section, except as otherwise provided by this
25 subsection (D), is a Class A misdemeanor.

1 (2) For purposes of paragraph (B) (1):

2 (a) The commission of a deceptive practice in
3 violation of paragraph (B) (1) a second or subsequent
4 time is a Class 4 felony.

5 (b) The commission of a deceptive practice in
6 violation of paragraph (B) (1), when the value of the
7 property so obtained, in a single transaction or in
8 separate transactions within a 90-day period, exceeds
9 \$150, is a Class 4 felony. In the case of a prosecution
10 for separate transactions totaling more than \$150
11 within a 90-day period, those separate transactions
12 shall be alleged in a single charge and prosecuted in a
13 single prosecution.

14 (3) For purposes of paragraph (C) (2), a person who,
15 within any 12-month period, violates paragraph (C) (2) with
16 respect to 3 or more checks or orders for the payment of
17 money at the same time or consecutively, each the property
18 of a different account holder or financial institution, is
19 guilty of a Class 4 felony.

20 (4) For purposes of paragraph (C) (3), a person who
21 within any 12-month period violates paragraph (C) (3) as to
22 possession of 3 or more such devices at the same time or
23 consecutively is guilty of a Class 4 felony.

24 (E) Civil liability. A person who issues a check or order
25 to a payee in violation of paragraph (B) (1) and who fails to

1 pay the amount of the check or order to the payee within 30
2 days following either delivery and acceptance by the addressee
3 of a written demand both by certified mail and by first class
4 mail to the person's last known address or attempted delivery
5 of a written demand sent both by certified mail and by first
6 class mail to the person's last known address and the demand by
7 certified mail is returned to the sender with a notation that
8 delivery was refused or unclaimed shall be liable to the payee
9 or a person subrogated to the rights of the payee for, in
10 addition to the amount owing upon such check or order, damages
11 of treble the amount so owing, but in no case less than \$100
12 nor more than \$1,500, plus attorney's fees and court costs. An
13 action under this subsection (E) may be brought in small claims
14 court or in any other appropriate court. As part of the written
15 demand required by this subsection (E), the plaintiff shall
16 provide written notice to the defendant of the fact that prior
17 to the hearing of any action under this subsection (E), the
18 defendant may tender to the plaintiff and the plaintiff shall
19 accept, as satisfaction of the claim, an amount of money equal
20 to the sum of the amount of the check and the incurred court
21 costs, including the cost of service of process, and attorney's
22 fees.

23 ~~A person who within any 12 month period violates this~~
24 ~~subsection (C) as to possession of 3 or more such devices at~~
25 ~~the same time or consecutively, is guilty of a Class 4 felony.~~

26 ~~(4) Possession of Identification Card.~~

1 ~~Any person who, with the intent to defraud, possesses any~~
2 ~~check guarantee card or key card or identification card for~~
3 ~~cash dispensing machines without the authority of the account~~
4 ~~holder or financial institution is guilty of a Class A~~
5 ~~misdemeanor.~~

6 ~~A person who, within any 12 month period, violates this~~
7 ~~Section at the same time or consecutively with respect to 3 or~~
8 ~~more cards, each the property of different account holders, is~~
9 ~~guilty of a Class 4 felony.~~

10 ~~A person convicted under this Section, when the value of~~
11 ~~property so obtained, in a single transaction, or in separate~~
12 ~~transactions within any 90 day period, exceeds \$150 shall be~~
13 ~~guilty of a Class 4 felony.~~

14 (Source: P.A. 94-872, eff. 6-16-06.)

15 (720 ILCS 5/17-1b)

16 Sec. 17-1b. State's Attorney's bad check diversion
17 program.

18 (a) In this Section:

19 "Offender" means a person charged with, or for whom
20 probable cause exists to charge the person with, deceptive
21 practices.

22 "Pretrial diversion" means the decision of a prosecutor to
23 refer an offender to a diversion program on condition that the
24 criminal charges against the offender will be dismissed after a
25 specified period of time, or the case will not be charged, if

1 the offender successfully completes the program.

2 "Restitution" means all amounts payable to a victim of
3 deceptive practices under the bad check diversion program
4 created under this Section, including the amount of the check
5 and any transaction fees payable to a victim as set forth in
6 subsection (g) but does not include amounts recoverable under
7 Section 3-806 of the Uniform Commercial Code and subsection (E)
8 of Section 17-1 ~~17-1a~~ of this Code.

9 (b) A State's Attorney may create within his or her office
10 a bad check diversion program for offenders who agree to
11 voluntarily participate in the program instead of undergoing
12 prosecution. The program may be conducted by the State's
13 Attorney or by a private entity under contract with the State's
14 Attorney. If the State's Attorney contracts with a private
15 entity to perform any services in operating the program, the
16 entity shall operate under the supervision, direction, and
17 control of the State's Attorney. Any private entity providing
18 services under this Section is not a "collection agency" as
19 that term is defined under the Collection Agency Act.

20 (c) If an offender is referred to the State's Attorney, the
21 State's Attorney may determine whether the offender is
22 appropriate for acceptance in the program. The State's Attorney
23 may consider, but shall not be limited to consideration of, the
24 following factors:

- 25 (1) the amount of the check that was drawn or passed;
26 (2) prior referrals of the offender to the program;

1 (3) whether other charges of deceptive practices are
2 pending against the offender;

3 (4) the evidence presented to the State's Attorney
4 regarding the facts and circumstances of the incident;

5 (5) the offender's criminal history; and

6 (6) the reason the check was dishonored by the
7 financial institution.

8 (d) The bad check diversion program may require an offender
9 to do one or more of the following:

10 (i) pay for, at his or her own expense, and
11 successfully complete an educational class held by the
12 State's Attorney or a private entity under contract with
13 the State's Attorney;

14 (ii) make full restitution for the offense;

15 (iii) pay a per-check administrative fee as set forth
16 in this Section.

17 (e) If an offender is diverted to the program, the State's
18 Attorney shall agree in writing not to prosecute the offender
19 upon the offender's successful completion of the program
20 conditions. The State's Attorney's agreement to divert the
21 offender shall specify the offenses that will not be prosecuted
22 by identifying the checks involved in the transactions.

23 (f) The State's Attorney, or private entity under contract
24 with the State's Attorney, may collect a fee from an offender
25 diverted to the State's Attorney's bad check diversion program.
26 This fee may be deposited in a bank account maintained by the

1 State's Attorney for the purpose of depositing fees and paying
2 the expenses of the program or for use in the enforcement and
3 prosecution of criminal laws. The State's Attorney may require
4 that the fee be paid directly to a private entity that
5 administers the program under a contract with the State's
6 Attorney. The amount of the administrative fees collected by
7 the State's Attorney under the program may not exceed \$35 per
8 check. The county board may, however, by ordinance, increase
9 the fees allowed by this Section if the increase is justified
10 by an acceptable cost study showing that the fees allowed by
11 this Section are not sufficient to cover the cost of providing
12 the service.

13 (g) (1) The private entity shall be required to maintain
14 adequate general liability insurance of \$1,000,000 per
15 occurrence as well as adequate coverage for potential loss
16 resulting from employee dishonesty. The State's Attorney
17 may require a surety bond payable to the State's Attorney
18 if in the State's Attorney's opinion it is determined that
19 the private entity is not adequately insured or funded.

20 (2) (A) Each private entity that has a contract with
21 the State's Attorney to conduct a bad check diversion
22 program shall at all times maintain a separate bank
23 account in which all moneys received from the offenders
24 participating in the program shall be deposited,
25 referred to as a "trust account" ~~"Trust Account"~~,
26 except that negotiable instruments received may be

1 forwarded directly to a victim of the deceptive
2 practice committed by the offender if that procedure is
3 provided for by a writing executed by the victim.
4 Moneys received shall be so deposited within 5 business
5 days after posting to the private entity's books of
6 account. There shall be sufficient funds in the trust
7 account at all times to pay the victims the amount due
8 them.

9 (B) The trust account shall be established in a
10 financial institution ~~bank, savings and loan~~
11 ~~association, or other recognized depository~~ which is
12 federally or State insured or otherwise secured as
13 defined by rule. If the account is interest bearing,
14 the private entity shall pay to the victim interest
15 earned on funds on deposit after the 60th day.

16 (C) Each private entity shall keep on file the name
17 of the financial institution ~~bank, savings and loan~~
18 ~~association, or other recognized depository~~ in which
19 each trust account is maintained, the name of each
20 trust account, and the names of the persons authorized
21 to withdraw funds from each account. The private
22 entity, within 30 days of the time of a change of
23 depository or person authorized to make withdrawal,
24 shall update its files to reflect that change. An
25 examination and audit of a private entity's trust
26 accounts may be made by the State's Attorney as the

1 State's Attorney deems appropriate. A trust account
2 financial report shall be submitted annually on forms
3 acceptable to the State's Attorney.

4 (3) The State's Attorney may cancel a contract entered
5 into with a private entity under this Section for any one
6 or any combination of the following causes:

7 (A) Conviction of the private entity or the
8 principals of the private entity of any crime under the
9 laws of any U.S. jurisdiction which is a felony, a
10 misdemeanor an essential element of which is
11 dishonesty, or of any crime which directly relates to
12 the practice of the profession.

13 (B) A determination that the private entity has
14 engaged in conduct prohibited in item (4).

15 (4) The State's Attorney may determine whether the
16 private entity has engaged in the following prohibited
17 conduct:

18 (A) Using or threatening to use force or violence
19 to cause physical harm to an offender, his or her
20 family, or his or her property.

21 (B) Threatening the seizure, attachment, or sale
22 of an offender's property where such action can only be
23 taken pursuant to court order without disclosing that
24 prior court proceedings are required.

25 (C) Disclosing or threatening to disclose
26 information adversely affecting an offender's

1 reputation for creditworthiness with knowledge the
2 information is false.

3 (D) Initiating or threatening to initiate
4 communication with an offender's employer unless there
5 has been a default of the payment of the obligation for
6 at least 30 days and at least 5 days prior written
7 notice, to the last known address of the offender, of
8 the intention to communicate with the employer has been
9 given to the employee, except as expressly permitted by
10 law or court order.

11 (E) Communicating with the offender or any member
12 of the offender's family at such a time of day or night
13 and with such frequency as to constitute harassment of
14 the offender or any member of the offender's family.
15 For purposes of this clause (E) the following conduct
16 shall constitute harassment:

17 (i) Communicating with the offender or any
18 member of his or her family at any unusual time or
19 place or a time or place known or which should be
20 known to be inconvenient to the offender. In the
21 absence of knowledge of circumstances to the
22 contrary, a private entity shall assume that the
23 convenient time for communicating with a consumer
24 is after 8 o'clock a.m. and before 9 o'clock p.m.
25 local time at the offender's residence.

26 (ii) The threat of publication or publication

1 of a list of offenders who allegedly refuse to pay
2 restitution, except by the State's Attorney.

3 (iii) The threat of advertisement or
4 advertisement for sale of any restitution to
5 coerce payment of the restitution.

6 (iv) Causing a telephone to ring or engaging
7 any person in telephone conversation repeatedly or
8 continuously with intent to annoy, abuse, or
9 harass any person at the called number.

10 (v) Using profane, obscene or abusive language
11 in communicating with an offender, his or her
12 family, or others.

13 (vi) Disclosing or threatening to disclose
14 information relating to a offender's case to any
15 other person except the victim and appropriate law
16 enforcement personnel.

17 (vii) Disclosing or threatening to disclose
18 information concerning the alleged criminal act
19 which the private entity knows to be reasonably
20 disputed by the offender without disclosing the
21 fact that the offender disputes the accusation.

22 (viii) Engaging in any conduct which the
23 State's Attorney finds was intended to cause and
24 did cause mental or physical illness to the
25 offender or his or her family.

26 (ix) Attempting or threatening to enforce a

1 right or remedy with knowledge or reason to know
2 that the right or remedy does not exist.

3 (x) Except as authorized by the State's
4 Attorney, using any form of communication which
5 simulates legal or judicial process or which gives
6 the appearance of being authorized, issued or
7 approved by a governmental agency or official or by
8 an attorney at law when it is not.

9 (xi) Using any badge, uniform, or other
10 indicia of any governmental agency or official,
11 except as authorized by law or by the State's
12 Attorney.

13 (xii) Except as authorized by the State's
14 Attorney, conducting business under any name or in
15 any manner which suggests or implies that the
16 private entity is bonded if such private entity is
17 or is a branch of or is affiliated with any
18 governmental agency or court if such private
19 entity is not.

20 (xiii) Misrepresenting the amount of the
21 restitution alleged to be owed.

22 (xiv) Except as authorized by the State's
23 Attorney, representing that an existing
24 restitution amount may be increased by the
25 addition of attorney's fees, investigation fees,
26 or any other fees or charges when those fees or

1 charges may not legally be added to the existing
2 restitution.

3 (xv) Except as authorized by the State's
4 Attorney, representing that the private entity is
5 an attorney at law or an agent for an attorney if
6 the entity is not.

7 (xvi) Collecting or attempting to collect any
8 interest or other charge or fee in excess of the
9 actual restitution or claim unless the interest or
10 other charge or fee is expressly authorized by the
11 State's Attorney, who shall determine what
12 constitutes a reasonable collection fee.

13 (xvii) Communicating or threatening to
14 communicate with an offender when the private
15 entity is informed in writing by an attorney that
16 the attorney represents the offender concerning
17 the claim, unless authorized by the attorney. If
18 the attorney fails to respond within a reasonable
19 period of time, the private entity may communicate
20 with the offender. The private entity may
21 communicate with the offender when the attorney
22 gives his consent.

23 (xviii) Engaging in dishonorable, unethical,
24 or unprofessional conduct of a character likely to
25 deceive, defraud, or harm the public.

26 (5) The State's Attorney shall audit the accounts of

1 the bad check diversion program after notice in writing to
2 the private entity.

3 (6) Any information obtained by a private entity that
4 has a contract with the State's Attorney to conduct a bad
5 check diversion program is confidential information
6 between the State's Attorney and the private entity and may
7 not be sold or used for any other purpose but may be shared
8 with other authorized law enforcement agencies as
9 determined by the State's Attorney.

10 (h) The State's Attorney, or private entity under contract
11 with the State's Attorney, shall recover, in addition to the
12 face amount of the dishonored check or draft, a transaction fee
13 to defray the costs and expenses incurred by a victim who
14 received a dishonored check that was made or delivered by the
15 offender. The face amount of the dishonored check or draft and
16 the transaction fee shall be paid by the State's Attorney or
17 private entity under contract with the State's Attorney to the
18 victim as restitution for the offense. The amount of the
19 transaction fee must not exceed: \$25 if the face amount of the
20 check or draft does not exceed \$100; \$30 if the face amount of
21 the check or draft is greater than \$100 but does not exceed
22 \$250; \$35 if the face amount of the check or draft is greater
23 than \$250 but does not exceed \$500; \$40 if the face amount of
24 the check or draft is greater than \$500 but does not exceed
25 \$1,000; and \$50 if the face amount of the check or draft is
26 greater than \$1,000.

1 (i) The offender, if aggrieved by an action of the private
2 entity contracted to operate a bad check diversion program, may
3 submit a grievance to the State's Attorney who may then resolve
4 the grievance. The private entity must give notice to the
5 offender that the grievance procedure is available. The
6 grievance procedure shall be established by the State's
7 Attorney.

8 (Source: P.A. 95-41, eff. 1-1-08.)

9 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

10 Sec. 17-2. False personation; ~~use of title;~~ solicitation;
11 ~~certain entities.~~

12 (a) False personation; solicitation.

13 (1) A person commits a false personation when he or she
14 knowingly and falsely represents himself or herself to be a
15 member or representative of any veterans' or public safety
16 personnel organization or a representative of any
17 charitable organization, or when he or she knowingly ~~any~~
18 ~~person~~ exhibits or uses in any manner any decal, badge or
19 insignia of any charitable, public safety personnel, or
20 veterans' organization when not authorized to do so by the
21 charitable, public safety personnel, or veterans'
22 organization. "Public safety personnel organization" has
23 the meaning ascribed to that term in Section 1 of the
24 Solicitation for Charity Act.

25 (2) ~~(a-5)~~ A person commits a false personation when he

1 or she knowingly and falsely represents himself or herself
2 to be a veteran in seeking employment or public office. In
3 this paragraph subsection, "veteran" means a person who has
4 served in the Armed Services or Reserve Forces of the
5 United States.

6 ~~(a 6) A person commits a false personation when he or she~~
7 ~~falsely represents himself or herself to be a recipient of, or~~
8 ~~wears on his or her person, any of the following medals if that~~
9 ~~medal was not awarded to that person by the United States~~
10 ~~government, irrespective of branch of service: the~~
11 ~~Congressional Medal of Honor, the Distinguished Service Cross,~~
12 ~~the Navy Cross, the Air Force Cross, the Silver Star, the~~
13 ~~Bronze Star, or the Purple Heart.~~

14 ~~It is a defense to a prosecution under this subsection~~
15 ~~(a 6) that the medal is used, or is intended to be used,~~
16 ~~exclusively:~~

17 ~~(1) for a dramatic presentation, such as a theatrical,~~
18 ~~film, or television production, or a historical~~
19 ~~re-enactment; or~~

20 ~~(2) for a costume worn, or intended to be worn, by a~~
21 ~~person under 18 years of age.~~

22 (3) ~~(b)~~ No person shall knowingly use the words
23 ~~"Chicago Police", "Chicago Police Department", "Chicago~~
24 ~~Patrolman", "Chicago Sergeant", "Chicago Lieutenant",~~
25 ~~"Chicago Peace Officer", "Sheriff's Police", "Sheriff",~~
26 ~~"Officer", "Law Enforcement", "Trooper", "Deputy", "Deputy~~

1 Sheriff", "State Police", or any other words to the same
2 effect (i) in the title of any organization, magazine, or
3 other publication without the express approval of the named
4 public safety personnel organization's governing board or
5 (ii) in combination with the name of any state, state
6 agency, public university, or unit of local government
7 without the express written authorization of that state,
8 state agency, public university, or unit of local
9 government ~~Chicago Police Board.~~

10 ~~(b-5) No person shall use the words "Cook County Sheriff's~~
11 ~~Police" or "Cook County Sheriff" or any other words to the same~~
12 ~~effect in the title of any organization, magazine, or other~~
13 ~~publication without the express approval of the office of the~~
14 ~~Cook County Sheriff's Merit Board. The references to names and~~
15 ~~titles in this Section may not be construed as authorizing use~~
16 ~~of the names and titles of other organizations or public safety~~
17 ~~personnel organizations otherwise prohibited by this Section~~
18 ~~or the Solicitation for Charity Act.~~

19 ~~(b-10) No person may use, in the title of any organization,~~
20 ~~magazine, or other publication, the words "officer", "peace~~
21 ~~officer", "police", "law enforcement", "trooper", "sheriff",~~
22 ~~"deputy", "deputy sheriff", or "state police" in combination~~
23 ~~with the name of any state, state agency, public university, or~~
24 ~~unit of local government without the express written~~
25 ~~authorization of that state, state agency, or unit of local~~
26 ~~government.~~

1 ~~(e) (Blank).~~

2 (4) ~~(e-1)~~ No person may knowingly claim or represent
3 that he or she is acting on behalf of any public safety
4 personnel organization ~~police department, chief of a~~
5 ~~police department, fire department, chief of a fire~~
6 ~~department, sheriff's department, or sheriff~~ when
7 soliciting financial contributions or selling or
8 delivering or offering to sell or deliver any merchandise,
9 goods, services, memberships, or advertisements unless the
10 chief of the police department, fire department, and the
11 corporate or municipal authority thereof, or the sheriff
12 has first entered into a written agreement with the person
13 or with an organization with which the person is affiliated
14 and the agreement permits the activity and specifies and
15 states clearly and fully the purpose for which the proceeds
16 of the solicitation, contribution, or sale will be used.

17 (5) ~~(e-2)~~ No person, when soliciting financial
18 contributions or selling or delivering or offering to sell
19 or deliver any merchandise, goods, services, memberships,
20 or advertisements may claim or represent that he or she is
21 representing or acting on behalf of any nongovernmental
22 organization by any name which includes "officer", "peace
23 officer", "police", "law enforcement", "trooper",
24 "sheriff", "deputy", "deputy sheriff", "State police", or
25 any other word or words which would reasonably be
26 understood to imply that the organization is composed of

1 law enforcement personnel unless:

2 (A) the person is actually representing or acting
3 on behalf of the nongovernmental organization;~~;~~ ~~and~~

4 (B) the nongovernmental organization is controlled
5 by and governed by a membership of and represents a
6 group or association of active duty peace officers,
7 retired peace officers, or injured peace officers;~~;~~ and

8 (C) before commencing the solicitation or the sale
9 or the offers to sell any merchandise, goods, services,
10 memberships, or advertisements, a written contract
11 between the soliciting or selling person and the
12 nongovernmental organization, which specifies and
13 states clearly and fully the purposes for which the
14 proceeds of the solicitation, contribution, or sale
15 will be used, has been entered into.

16 ~~(c 3) No person may solicit financial contributions or sell~~
17 ~~or deliver or offer to sell or deliver any merchandise, goods,~~
18 ~~services, memberships, or advertisements on behalf of a police,~~
19 ~~sheriff, or other law enforcement department unless that person~~
20 ~~is actually representing or acting on behalf of the department~~
21 ~~or governmental organization and has entered into a written~~
22 ~~contract with the police chief, or head of the law enforcement~~
23 ~~department, and the corporate or municipal authority thereof,~~
24 ~~or the sheriff, which specifies and states clearly and fully~~
25 ~~the purposes for which the proceeds of the solicitation,~~
26 ~~contribution, or sale will be used.~~

1 (6) ~~(e-4)~~ No person, when soliciting financial
2 contributions or selling or delivering or offering to sell
3 or deliver any merchandise, goods, services, memberships,
4 or advertisements, may knowingly claim or represent that he
5 or she is representing or acting on behalf of any
6 nongovernmental organization by any name which includes
7 the term "fireman", "fire fighter", "paramedic", or any
8 other word or words which would reasonably be understood to
9 imply that the organization is composed of fire fighter or
10 paramedic personnel unless:

11 (A) the person is actually representing or acting
12 on behalf of the nongovernmental organization;~~;~~ and

13 (B) the nongovernmental organization is controlled
14 by and governed by a membership of and represents a
15 group or association of active duty, retired, or
16 injured fire fighters (for the purposes of this
17 Section, "fire fighter" has the meaning ascribed to
18 that term in Section 2 of the Illinois Fire Protection
19 Training Act) or active duty, retired, or injured
20 emergency medical technicians - ambulance, emergency
21 medical technicians - intermediate, emergency medical
22 technicians - paramedic, ambulance drivers, or other
23 medical assistance or first aid personnel;~~;~~ and

24 (C) before commencing the solicitation or the sale
25 or delivery or the offers to sell or deliver any
26 merchandise, goods, services, memberships, or

1 advertisements, the soliciting or selling person and
2 the nongovernmental organization have entered into a
3 written contract that specifies and states clearly and
4 fully the purposes for which the proceeds of the
5 solicitation, contribution, or sale will be used a
6 ~~written contract between the soliciting or selling~~
7 ~~person and the nongovernmental organization has been~~
8 ~~entered into.~~

9 ~~(e-5) No person may solicit financial contributions or sell~~
10 ~~or deliver or offer to sell or deliver any merchandise, goods,~~
11 ~~services, memberships, or advertisements on behalf of a~~
12 ~~department or departments of fire fighters unless that person~~
13 ~~is actually representing or acting on behalf of the department~~
14 ~~or departments and has entered into a written contract with the~~
15 ~~department chief and corporate or municipal authority thereof~~
16 ~~which specifies and states clearly and fully the purposes for~~
17 ~~which the proceeds of the solicitation, contribution, or sale~~
18 ~~will be used.~~

19 (7) (e-6) No person may knowingly claim or represent
20 that he or she is an airman, airline employee, airport
21 employee, or contractor at an airport in order to obtain
22 the uniform, identification card, license, or other
23 identification paraphernalia of an airman, airline
24 employee, airport employee, or contractor at an airport.

25 (8) No person, firm, copartnership, or corporation
26 (except corporations organized and doing business under

1 the Pawners Societies Act) shall knowingly use a name that
2 contains in it the words "Pawners' Society".

3 (b) False personation; judicial process. A person commits a
4 false personation if he or she knowingly and falsely represents
5 himself or herself to be any of the following:

6 (1) An attorney authorized to practice law for purposes
7 of compensation or consideration. This paragraph (b)(1)
8 does not apply to a person who unintentionally fails to pay
9 attorney registration fees established by Supreme Court
10 Rule.

11 (2) A public officer or a public employee or an
12 official or employee of the federal government.

13 (2.3) A public officer, a public employee, or an
14 official or employee of the federal government, and the
15 false representation is made in furtherance of the
16 commission of felony.

17 (2.7) A public officer or a public employee, and the
18 false representation is for the purpose of effectuating
19 identity theft as defined in Section 16G-15 of this Code.

20 (3) A peace officer.

21 (4) A peace officer while carrying a deadly weapon.

22 (5) A peace officer in attempting or committing a
23 felony.

24 (6) A peace officer in attempting or committing a
25 forcible felony.

26 (7) The parent, legal guardian, or other relation of a

1 minor child to any public official, public employee, or
2 elementary or secondary school employee or administrator.

3 (8) A fire fighter.

4 (9) A fire fighter while carrying a deadly weapon.

5 (10) A fire fighter in attempting or committing a
6 felony.

7 (11) An emergency management worker of any
8 jurisdiction in this State.

9 (12) An emergency management worker of any
10 jurisdiction in this State in attempting or committing a
11 felony. For the purposes of this subsection (b), "emergency
12 management worker" has the meaning provided under Section
13 2-6.6 of this Code.

14 (c) Fraudulent advertisement of a corporate name.

15 (1) A company, association, or individual commits
16 fraudulent advertisement of a corporate name if he, she, or
17 it, not being incorporated, puts forth a sign or
18 advertisement and assumes, for the purpose of soliciting
19 business, a corporate name.

20 (2) Nothing contained in this subsection (c) prohibits
21 a corporation, company, association, or person from using a
22 divisional designation or trade name in conjunction with
23 its corporate name or assumed name under Section 4.05 of
24 the Business Corporation Act of 1983 or, if it is a member
25 of a partnership or joint venture, from doing partnership
26 or joint venture business under the partnership or joint

1 venture name. The name under which the joint venture or
2 partnership does business may differ from the names of the
3 members. Business may not be conducted or transacted under
4 that joint venture or partnership name, however, unless all
5 provisions of the Assumed Business Name Act have been
6 complied with. Nothing in this subsection (c) permits a
7 foreign corporation to do business in this State without
8 complying with all Illinois laws regulating the doing of
9 business by foreign corporations. No foreign corporation
10 may conduct or transact business in this State as a member
11 of a partnership or joint venture that violates any
12 Illinois law regulating or pertaining to the doing of
13 business by foreign corporations in Illinois.

14 (3) The provisions of this subsection (c) do not apply
15 to limited partnerships formed under the Revised Uniform
16 Limited Partnership Act or under the Uniform Limited
17 Partnership Act (2001).

18 (d) False law enforcement badges.

19 (1) A person commits false law enforcement badges if he
20 or she knowingly produces, sells, or distributes a law
21 enforcement badge without the express written consent of
22 the law enforcement agency represented on the badge or, in
23 case of a reorganized or defunct law enforcement agency,
24 its successor law enforcement agency.

25 (2) It is a defense to false law enforcement badges
26 that the law enforcement badge is used or is intended to be

1 used exclusively: (i) as a memento or in a collection or
2 exhibit; (ii) for decorative purposes; or (iii) for a
3 dramatic presentation, such as a theatrical, film, or
4 television production.

5 (e) False medals.

6 (1) A person commits a false personation if he or she
7 knowingly and falsely represents himself or herself to be a
8 recipient of, or wears on his or her person, any of the
9 following medals if that medal was not awarded to that
10 person by the United States Government, irrespective of
11 branch of service: The Congressional Medal of Honor, The
12 Distinguished Service Cross, The Navy Cross, The Air Force
13 Cross, The Silver Star, The Bronze Star, or the Purple
14 Heart.

15 (2) It is a defense to a prosecution under paragraph
16 (e)(1) that the medal is used, or is intended to be used,
17 exclusively:

18 (A) for a dramatic presentation, such as a
19 theatrical, film, or television production, or a
20 historical re-enactment; or

21 (B) for a costume worn, or intended to be worn, by
22 a person under 18 years of age.

23 (f) Sentence.

24 (1) A violation of paragraph (a)(8) is a petty offense
25 subject to a fine of not less than \$5 nor more than \$100,
26 and the person, firm, copartnership, or corporation

1 commits an additional petty offense for each day he, she,
2 or it continues to commit the violation. A violation of
3 paragraph (c)(1) is a petty offense, and the company,
4 association, or person commits an additional petty offense
5 for each day he, she, or it continues to commit the
6 violation. A violation of subsection (e) is a petty offense
7 for which the offender shall be fined at least \$100 and not
8 more than \$200.

9 (2) A violation of paragraph (a)(1) or (a)(3) is a
10 Class C misdemeanor.

11 (3) A violation of paragraph (a)(2), (a)(7), (b)(2), or
12 (b)(7) or subsection (d) is a Class A misdemeanor. A second
13 or subsequent violation of subsection (d) is a Class 3
14 felony.

15 (4) A violation of paragraph (a)(4), (a)(5), (a)(6),
16 (b)(1), (b)(2.3), (b)(2.7), (b)(3), (b)(8), or (b)(11) is a
17 Class 4 felony.

18 (5) A violation of paragraph (b)(4), (b)(9), or (b)(12)
19 is a Class 3 felony.

20 (6) A violation of paragraph (b)(5) or (b)(10) is a
21 Class 2 felony.

22 (7) A violation of paragraph (b)(6) is a Class 1
23 felony.

24 ~~(d) Sentence. False personation, unapproved use of a name~~
25 ~~or title, or solicitation in violation of subsection (a), (b),~~
26 ~~(b)(5), or (b)(10) of this Section is a Class C misdemeanor.~~

1 ~~False personation in violation of subsections (a 5) and (c 6)~~
2 ~~is a Class A misdemeanor. False personation in violation of~~
3 ~~subsection (a 6) of this Section is a petty offense for which~~
4 ~~the offender shall be fined at least \$100 and not exceeding~~
5 ~~\$200. Engaging in any activity in violation of subsection~~
6 ~~(c 1), (c 2), (c 3), (c 4), or (c 5) of this Section is a Class~~
7 ~~4 felony.~~

8 (Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09.)

9 (720 ILCS 5/17-3) (from Ch. 38, par. 17-3)

10 Sec. 17-3. Forgery.

11 (a) A person commits forgery when, with intent to defraud,
12 he or she knowingly:

13 (1) makes or alters any document apparently capable of
14 defrauding another in such manner that it purports to have
15 been made by another or at another time, or with different
16 provisions, or by authority of one who did not give such
17 authority; or

18 (2) issues or delivers such document knowing it to have
19 been thus made or altered; or

20 (3) possesses, with intent to issue or deliver, any
21 such document knowing it to have been thus made or altered;
22 or

23 (4) unlawfully uses the digital signature, as defined
24 in the Financial Institutions Electronic Documents and
25 Digital Signature Act, of another; or

1 (5) unlawfully uses the signature device of another to
2 create an electronic signature of that other person, as
3 those terms are defined in the Electronic Commerce Security
4 Act.

5 (b) (Blank). ~~An intent to defraud means an intention to~~
6 ~~cause another to assume, create, transfer, alter or terminate~~
7 ~~any right, obligation or power with reference to any person or~~
8 ~~property. As used in this Section, "document" includes, but is~~
9 ~~not limited to, any document, representation, or image produced~~
10 ~~manually, electronically, or by computer.~~

11 (c) A document apparently capable of defrauding another
12 includes, but is not limited to, one by which any right,
13 obligation or power with reference to any person or property
14 may be created, transferred, altered or terminated. A document
15 includes any record or electronic record as those terms are
16 defined in the Electronic Commerce Security Act. For purposes
17 of this Section, a document also includes a Universal Price
18 Code Label or coin.

19 (d) Sentence.

20 (1) Except as provided in paragraphs (2) and (3),
21 forgery ~~Forgery~~ is a Class 3 felony.

22 (2) Forgery is a Class 4 felony when only one Universal
23 Price Code Label is forged.

24 (3) Forgery is a Class A misdemeanor when an academic
25 degree or coin is forged.

26 (e) It is not a violation of this Section if a false

1 academic degree explicitly states "for novelty purposes only".

2 (Source: P.A. 94-458, eff. 8-4-05.)

3 (720 ILCS 5/17-3.5 new)

4 Sec. 17-3.5. Deceptive sale of gold or silver.

5 (a) Whoever makes for sale, or sells, or offers to sell or
6 dispose of, or has in his or her possession with intent to sell
7 or dispose of, any article or articles construed in whole or in
8 part, of gold or any alloy or imitation thereof, having thereon
9 or on any box, package, cover, wrapper or other thing enclosing
10 or encasing such article or articles for sale, any stamp,
11 brand, engraving, printed label, trade mark, imprint or other
12 mark, indicating or designed, or intended to indicate, that the
13 gold, alloy or imitation thereof, in such article or articles,
14 is different from or better than the actual kind and quality of
15 such gold, alloy or imitation, shall be guilty of a petty
16 offense and shall be fined in any sum not less than \$50 nor
17 more than \$100.

18 (b) Whoever makes for sale, sells or offers to sell or
19 dispose of or has in his or her possession, with intent to sell
20 or dispose of, any article or articles constructed in whole or
21 in part of silver or any alloy or imitation thereof, having
22 thereon--or on any box, package, cover, wrapper or other thing
23 enclosing or encasing such article or articles for sale--any
24 stamp, brand, engraving, printed label, trademark, imprint or
25 other mark, containing the words "sterling" or "sterling

1 silver," referring, or designed or intended to refer, to the
2 silver, alloy or imitation thereof in such article or articles,
3 when such silver, alloy or imitation thereof shall contain less
4 than nine hundred and twenty-five one-thousandths thereof of
5 pure silver, shall be guilty of a petty offense and shall be
6 fined in any sum not less than \$50 nor more than \$100.

7 (c) Whoever makes for sale, sells or offers to sell or
8 dispose of or has in his or her possession, with intent to sell
9 or dispose of, any article or articles constructed in whole or
10 in part of silver or any alloy or imitation thereof, having
11 thereon--or on any box, package, cover, wrapper or other thing
12 enclosing or encasing such article or articles for sale--any
13 stamp, brand, engraving, printed label, trademark, imprint, or
14 other mark, containing the words "coin" or "coin silver,"
15 referring to or designed or intended to refer to, the silver,
16 alloy or imitation thereof, in such article or articles, when
17 such silver, alloy or imitation shall contain less than
18 nine-tenths thereof pure silver, shall be guilty of a petty
19 offense and shall be fined in any sum not less than \$50 and not
20 more than \$100.

21 (720 ILCS 5/17-5) (from Ch. 38, par. 17-5)

22 Sec. 17-5. Deceptive collection practices.

23 A collection agency as defined in the "Collection Agency
24 Act" or any employee of such collection agency commits a
25 deceptive collection practice when, with the intent to collect

1 a debt owed to an individual or a ~~a person,~~ corporation, or
2 other entity, he, she, or it does any of the following:

3 (a) Represents ~~represents~~ falsely that he or she is an
4 attorney, a policeman, a sheriff or deputy sheriff, a bailiff,
5 a county clerk or employee of a county clerk's office, or any
6 other person who by statute is authorized to enforce the law or
7 any order of a court. ~~or~~

8 (b) While ~~while~~ attempting to collect an alleged debt,
9 misrepresents to the alleged debtor or to his or her immediate
10 family the corporate, partnership or proprietary name or other
11 trade or business name under which the debt collector is
12 engaging in debt collections and which he, she, or it is
13 legally authorized to use. ~~or~~

14 (c) While ~~while~~ attempting to collect an alleged debt, adds
15 to the debt any service charge, interest or penalty which he,
16 she, or it is not entitled by law to add. ~~or~~

17 (d) Threatens ~~threatens~~ to ruin, destroy, or otherwise
18 adversely affect an alleged debtor's credit rating unless, at
19 the same time, a disclosure is made in accordance with federal
20 law that the alleged debtor has a right to inspect his or her
21 credit rating. ~~or~~

22 (e) Accepts ~~accepts~~ from an alleged debtor a payment which
23 he, she, or it knows is not owed.

24 Sentence. The commission of a deceptive collection
25 practice is a Business Offense punishable by a fine not to
26 exceed \$3,000.

1 (Source: P.A. 78-1248.)

2 (720 ILCS 5/17-5.5)

3 Sec. 17-5.5. Unlawful attempt to collect compensated debt
4 against a crime victim.

5 ~~(a) As used in this Section, "crime victim" means a victim~~
6 ~~of a violent crime or applicant as defined in the Crime Victims~~
7 ~~Compensation Act.~~

8 ~~"Compensated debt" means a debt incurred by or on behalf of~~
9 ~~a crime victim and approved for payment by the Court of Claims~~
10 ~~under the Crime Victims Compensation Act.~~

11 (a) ~~(b)~~ A person or a vendor commits ~~the offense of~~
12 unlawful attempt to collect a compensated debt against a crime
13 victim when, with intent to collect funds for a debt incurred
14 by or on behalf of a crime victim, which debt has been approved
15 for payment by the Court of Claims under the Crime Victims
16 Compensation Act, but the funds are involuntarily withheld from
17 the person or vendor by the Comptroller by virtue of an
18 outstanding obligation owed by the person or vendor to the
19 State under the Uncollected State Claims Act, the person or
20 vendor:

21 (1) communicates with, harasses, or intimidates the
22 crime victim for payment;

23 (2) contacts or distributes information to affect the
24 compensated crime victim's credit rating as a result of the
25 compensated debt; or

1 (3) takes any other action adverse to the crime victim
2 or his or her family on account of the compensated debt.

3 (b) Sentence. ~~(e)~~ Unlawful attempt to collect a compensated
4 debt against a crime victim is a Class A misdemeanor.

5 (c) ~~(d)~~ Nothing in this Code Act prevents the attempt to
6 collect an uncompensated debt or an uncompensated portion of a
7 compensated debt incurred by or on behalf of a crime victim and
8 not covered under the Crime Victims Compensation Act.

9 (d) As used in this Section, "crime victim" means a victim
10 of a violent crime or applicant as defined in the Crime Victims
11 Compensation Act. "Compensated debt" means a debt incurred by
12 or on behalf of a crime victim and approved for payment by the
13 Court of Claims under the Crime Victims Compensation Act.

14 (Source: P.A. 92-286, eff. 1-1-02.)

15 (720 ILCS 5/17-5.7 new)

16 Sec. 17-5.7. Deceptive advertising.

17 (a) Any person, firm, corporation or association or agent
18 or employee thereof, who, with intent to sell, purchase, or in
19 any wise dispose of, or to contract with reference to
20 merchandise, securities, real estate, service, employment,
21 money, credit or anything offered by such person, firm,
22 corporation or association, or agent or employee thereof,
23 directly or indirectly, to the public for sale, purchase, loan,
24 distribution, or the hire of personal services, or with intent
25 to increase the consumption of or to contract with reference to

1 any merchandise, real estate, securities, money, credit, loan,
2 service or employment, or to induce the public in any manner to
3 enter into any obligation relating thereto, or to acquire title
4 thereto, or an interest therein, or to make any loan, makes,
5 publishes, disseminates, circulates, or places before the
6 public, or causes, directly or indirectly, to be made,
7 published, disseminated, circulated, or placed before the
8 public, in this State, in a newspaper, magazine, or other
9 publication, or in the form of a book, notice, handbill,
10 poster, sign, bill, circular, pamphlet, letter, placard, card,
11 label, or over any radio or television station, or in any other
12 way similar or dissimilar to the foregoing, an advertisement,
13 announcement, or statement of any sort regarding merchandise,
14 securities, real estate, money, credit, service, employment,
15 or anything so offered for use, purchase, loan or sale, or the
16 interest, terms or conditions upon which such loan will be made
17 to the public, which advertisement contains any assertion,
18 representation or statement of fact which is untrue, misleading
19 or deceptive, shall be guilty of a Class A misdemeanor.

20 (b) Any person, firm or corporation offering for sale
21 merchandise, commodities or service by making, publishing,
22 disseminating, circulating or placing before the public within
23 this State in any manner an advertisement of merchandise,
24 commodities, or service, with the intent, design or purpose not
25 to sell the merchandise, commodities, or service so advertised
26 at the price stated therein, or otherwise communicated, or with

1 intent not to sell the merchandise, commodities, or service so
2 advertised, may be enjoined from such advertising upon
3 application for injunctive relief by the State's Attorney or
4 Attorney General, and shall also be guilty of a Class A
5 misdemeanor.

6 (c) Any person, firm or corporation who makes, publishes,
7 disseminates, circulates or places before the public, or
8 causes, directly or indirectly to be made, published,
9 disseminated, circulated or placed before the public, in this
10 State, in a newspaper, magazine or other publication published
11 in this State, or in the form of a book, notice, handbill,
12 poster, sign, bill, circular, pamphlet, letter, placard, card,
13 or label distributed in this State, or over any radio or
14 television station located in this State or in any other way in
15 this State similar or dissimilar to the foregoing, an
16 advertisement, announcement, statement or representation of
17 any kind to the public relating to the sale, offering for sale,
18 purchase, use or lease of any real estate in a subdivision
19 located outside the State of Illinois may be enjoined from such
20 activity upon application for injunctive relief by the State's
21 Attorney or Attorney General and shall also be guilty of a
22 Class A misdemeanor unless such advertisement, announcement,
23 statement or representation contains or is accompanied by a
24 clear, concise statement of the proximity of such real estate
25 in common units of measurement to public schools, public
26 highways, fresh water supply, public sewers, electric power,

1 stores and shops, and telephone service or contains a statement
2 that one or more of such facilities are not readily available,
3 and name those not available.

4 (d) Subsections (a), (b), and (c) do not apply to any
5 medium for the printing, publishing, or disseminating of
6 advertising, or any owner, agent or employee thereof, nor to
7 any advertising agency or owner, agent or employee thereof, nor
8 to any radio or television station, or owner, agent, or
9 employee thereof, for printing, publishing, or disseminating,
10 or causing to be printed, published, or disseminated, such
11 advertisement in good faith and without knowledge of the
12 deceptive character thereof.

13 (e) No person, firm or corporation owning or operating a
14 service station shall advertise or hold out or state to the
15 public the per gallon price of gasoline, upon any sign on the
16 premises of such station, unless such price includes all taxes,
17 and unless the price, as so advertised, corresponds with the
18 price appearing on the pump from which such gasoline is
19 dispensed. Also, the identity of the product must be included
20 with the price in any such advertisement, holding out or
21 statement to the public. Any person who violates this
22 subsection (e) shall be guilty of a petty offense.

23 (720 ILCS 5/Art. 17, Subdiv. 10 heading new)

24 SUBDIVISION 10. FRAUD ON A GOVERNMENTAL ENTITY

1 (720 ILCS 5/17-6) (from Ch. 38, par. 17-6)

2 Sec. 17-6. State benefits fraud ~~Benefits Fraud~~.

3 (a) ~~A~~ Any person commits State benefits fraud when he or
4 she ~~who~~ obtains or attempts to obtain money or benefits from
5 the State of Illinois, from any political subdivision thereof,
6 or from any program funded or administered in whole or in part
7 by the State of Illinois or any political subdivision thereof
8 through the knowing use of false identification documents or
9 through the knowing misrepresentation of his or her age, place
10 of residence, number of dependents, marital or family status,
11 employment status, financial status, or any other material fact
12 upon which his eligibility for or degree of participation in
13 any benefit program might be based, ~~is guilty of State benefits~~
14 ~~fraud~~.

15 (b) Notwithstanding any provision of State law to the
16 contrary, every application or other document submitted to an
17 agency or department of the State of Illinois or any political
18 subdivision thereof to establish or determine eligibility for
19 money or benefits from the State of Illinois or from any
20 political subdivision thereof, or from any program funded or
21 administered in whole or in part by the State of Illinois or
22 any political subdivision thereof, shall be made available upon
23 request to any law enforcement agency for use in the
24 investigation or prosecution of State benefits fraud or for use
25 in the investigation or prosecution of any other crime arising
26 out of the same transaction or occurrence. Except as otherwise

1 permitted by law, information disclosed pursuant to this
2 subsection shall be used and disclosed only for the purposes
3 provided herein. The provisions of this Section shall be
4 operative only to the extent that they do not conflict with any
5 federal law or regulation governing federal grants to this
6 State.

7 (c) Any employee of the State of Illinois or any agency or
8 political subdivision thereof may seize as evidence any false
9 or fraudulent document presented to him or her in connection
10 with an application for or receipt of money or benefits from
11 the State of Illinois, from any political subdivision thereof,
12 or from any program funded or administered in whole or in part
13 by the State of Illinois or any political subdivision thereof.

14 (d) Sentence.

15 (1) State benefits fraud is a Class 4 felony except when
16 more than \$300 is obtained, in which case State benefits fraud
17 is a Class 3 felony.

18 ~~(2) If State benefits fraud is a Class 3 felony when \$300~~
19 ~~or less is obtained and a Class 2 felony when more than \$300 is~~
20 ~~obtained if a person knowingly misrepresents oneself as a~~
21 ~~veteran or as a dependent of a veteran with the intent of~~
22 ~~obtaining benefits or privileges provided by the State or its~~
23 ~~political subdivisions to veterans or their dependents, then~~
24 ~~State benefits fraud is a Class 3 felony when \$300 or less is~~
25 ~~obtained and a Class 2 felony when more than \$300 is obtained.~~

26 For the purposes of this paragraph (2), benefits and privileges

1 include, but are not limited to, those benefits and privileges
2 available under the Veterans' Employment Act, the Viet Nam
3 Veterans Compensation Act, the Prisoner of War Bonus Act, the
4 War Bonus Extension Act, the Military Veterans Assistance Act,
5 the Veterans' Employment Representative Act, the Veterans
6 Preference Act, the Service Member's Employment Tenure Act, the
7 Disabled Veterans Housing Act, the Under Age Veterans Benefits
8 Act, the Survivors Compensation Act, the Children of Deceased
9 Veterans Act, the Veterans Burial Places Act, the Higher
10 Education Student Assistance Act, or any other loans,
11 assistance in employment, monetary payments, or tax exemptions
12 offered by the State or its political subdivisions for veterans
13 or their dependents.

14 (Source: P.A. 94-486, eff. 1-1-06.)

15 (720 ILCS 5/17-6.3 new)

16 Sec. 17-6.3. WIC fraud.

17 (a) For the purposes of this Section, the Special
18 Supplemental Food Program for Women, Infants and Children
19 administered by the Illinois Department of Public Health or
20 Department of Human Services shall be referred to as "WIC".

21 (b) A person commits WIC fraud if he or she knowingly (i)
22 uses, acquires, possesses, or transfers WIC Food Instruments or
23 authorizations to participate in WIC in any manner not
24 authorized by law or the rules of the Illinois Department of
25 Public Health or Department of Human Services or (ii) uses,

1 acquires, possesses, or transfers altered WIC Food Instruments
2 or authorizations to participate in WIC.

3 (c) Administrative malfeasance.

4 (1) A person commits administrative malfeasance if he
5 or she knowingly or recklessly misappropriates, misuses,
6 or unlawfully withholds or converts to his or her own use
7 or to the use of another any public funds made available
8 for WIC.

9 (2) An official or employee of the State or a unit of
10 local government who knowingly aids, abets, assists, or
11 participates in a known violation of this Section is
12 subject to disciplinary proceedings under the rules of the
13 applicable State agency or unit of local government.

14 (d) Unauthorized possession of identification document. A
15 person commits unauthorized possession of an identification
16 document if he or she knowingly possesses, with intent to
17 commit a misdemeanor or felony, another person's
18 identification document issued by the Illinois Department of
19 Public Health or Department of Human Services. For purposes of
20 this Section, "identification document" includes, but is not
21 limited to, an authorization to participate in WIC or a card or
22 other document that identifies a person as being entitled to
23 WIC benefits.

24 (e) Penalties.

25 (1) If an individual, firm, corporation, association,
26 agency, institution, or other legal entity is found by a

1 court to have engaged in an act, practice, or course of
2 conduct declared unlawful under subsection (a), (b), or (c)
3 of this Section and:

4 (A) the total amount of money involved in the
5 violation, including the monetary value of the WIC Food
6 Instruments and the value of commodities, is less than
7 \$150, the violation is a Class A misdemeanor; a second
8 or subsequent violation is a Class 4 felony;

9 (B) the total amount of money involved in the
10 violation, including the monetary value of the WIC Food
11 Instruments and the value of commodities, is \$150 or
12 more but less than \$1,000, the violation is a Class 4
13 felony; a second or subsequent violation is a Class 3
14 felony;

15 (C) the total amount of money involved in the
16 violation, including the monetary value of the WIC Food
17 Instruments and the value of commodities, is \$1,000 or
18 more but less than \$5,000, the violation is a Class 3
19 felony; a second or subsequent violation is a Class 2
20 felony;

21 (D) the total amount of money involved in the
22 violation, including the monetary value of the WIC Food
23 Instruments and the value of commodities, is \$5,000 or
24 more but less than \$10,000, the violation is a Class 2
25 felony; a second or subsequent violation is a Class 1
26 felony; or

1 (E) the total amount of money involved in the
2 violation, including the monetary value of the WIC Food
3 Instruments and the value of commodities, is \$10,000 or
4 more, the violation is a Class 1 felony and the
5 defendant shall be permanently ineligible to
6 participate in WIC.

7 (2) A violation of subsection (d) is a Class 4 felony.

8 (3) The State's Attorney of the county in which the
9 violation of this Section occurred or the Attorney General
10 shall bring actions arising under this Section in the name
11 of the People of the State of Illinois.

12 (4) For purposes of determining the classification of
13 an offense under this subsection (e), all of the money
14 received as a result of the unlawful act, practice, or
15 course of conduct, including the value of any WIC Food
16 Instruments and the value of commodities, shall be
17 aggregated.

18 (f) Seizure and forfeiture of property.

19 (1) A person who commits a felony violation of this
20 Section is subject to the property forfeiture provisions
21 set forth in Article 124B of the Code of Criminal Procedure
22 of 1963.

23 (2) Property subject to forfeiture under this
24 subsection (f) may be seized by the Director of State
25 Police or any local law enforcement agency upon process or
26 seizure warrant issued by any court having jurisdiction

1 over the property. The Director or a local law enforcement
2 agency may seize property under this subsection (f) without
3 process under any of the following circumstances:

4 (A) If the seizure is incident to inspection under
5 an administrative inspection warrant.

6 (B) If the property subject to seizure has been the
7 subject of a prior judgment in favor of the State in a
8 criminal proceeding or in an injunction or forfeiture
9 proceeding under Article 124B of the Code of Criminal
10 Procedure of 1963.

11 (C) If there is probable cause to believe that the
12 property is directly or indirectly dangerous to health
13 or safety.

14 (D) If there is probable cause to believe that the
15 property is subject to forfeiture under this
16 subsection (f) and Article 124B of the Code of Criminal
17 Procedure of 1963 and the property is seized under
18 circumstances in which a warrantless seizure or arrest
19 would be reasonable.

20 (E) In accordance with the Code of Criminal
21 Procedure of 1963.

22 (g) Future participation as WIC vendor. A person who has
23 been convicted of a felony violation of this Section is
24 prohibited from participating as a WIC vendor for a minimum
25 period of 3 years following conviction and until the total
26 amount of money involved in the violation, including the value

1 of WIC Food Instruments and the value of commodities, is repaid
2 to WIC. This prohibition shall extend to any person with
3 management responsibility in a firm, corporation, association,
4 agency, institution, or other legal entity that has been
5 convicted of a violation of this Section and to an officer or
6 person owning, directly or indirectly, 5% or more of the shares
7 of stock or other evidences of ownership in a corporate vendor.

8 (720 ILCS 5/17-6.5 new)

9 Sec. 17-6.5. Persons under deportation order;
10 ineligibility for benefits.

11 (a) An individual against whom a United States Immigration
12 Judge has issued an order of deportation which has been
13 affirmed by the Board of Immigration Review, as well as an
14 individual who appeals such an order pending appeal, under
15 paragraph 19 of Section 241(a) of the Immigration and
16 Nationality Act relating to persecution of others on account of
17 race, religion, national origin or political opinion under the
18 direction of or in association with the Nazi government of
19 Germany or its allies, shall be ineligible for the following
20 benefits authorized by State law:

21 (1) The homestead exemptions and homestead improvement
22 exemption under Sections 15-170, 15-175, 15-176, and
23 15-180 of the Property Tax Code.

24 (2) Grants under the Senior Citizens and Disabled
25 Persons Property Tax Relief and Pharmaceutical Assistance

1 Act.

2 (3) The double income tax exemption conferred upon
3 persons 65 years of age or older by Section 204 of the
4 Illinois Income Tax Act.

5 (4) Grants provided by the Department on Aging.

6 (5) Reductions in vehicle registration fees under
7 Section 3-806.3 of the Illinois Vehicle Code.

8 (6) Free fishing and reduced fishing license fees under
9 Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.

10 (7) Tuition free courses for senior citizens under the
11 Senior Citizen Courses Act.

12 (8) Any benefits under the Illinois Public Aid Code.

13 (b) If a person has been found by a court to have knowingly
14 received benefits in violation of subsection (a) and:

15 (1) the total monetary value of the benefits received
16 is less than \$150, the person is guilty of a Class A
17 misdemeanor; a second or subsequent violation is a Class 4
18 felony;

19 (2) the total monetary value of the benefits received
20 is \$150 or more but less than \$1,000, the person is guilty
21 of a Class 4 felony; a second or subsequent violation is a
22 Class 3 felony;

23 (3) the total monetary value of the benefits received
24 is \$1,000 or more but less than \$5,000, the person is
25 guilty of a Class 3 felony; a second or subsequent
26 violation is a Class 2 felony;

1 (4) the total monetary value of the benefits received
2 is \$5,000 or more but less than \$10,000, the person is
3 guilty of a Class 2 felony; a second or subsequent
4 violation is a Class 1 felony; or

5 (5) the total monetary value of the benefits received
6 is \$10,000 or more, the person is guilty of a Class 1
7 felony.

8 (c) For purposes of determining the classification of an
9 offense under this Section, all of the monetary value of the
10 benefits received as a result of the unlawful act, practice, or
11 course of conduct may be accumulated.

12 (d) Any grants awarded to persons described in subsection
13 (a) may be recovered by the State of Illinois in a civil action
14 commenced by the Attorney General in the circuit court of
15 Sangamon County or the State's Attorney of the county of
16 residence of the person described in subsection (a).

17 (e) An individual described in subsection (a) who has been
18 deported shall be restored to any benefits which that
19 individual has been denied under State law pursuant to
20 subsection (a) if (i) the Attorney General of the United States
21 has issued an order cancelling deportation and has adjusted the
22 status of the individual to that of an alien lawfully admitted
23 for permanent residence in the United States or (ii) the
24 country to which the individual has been deported adjudicates
25 or exonerates the individual in a judicial or administrative
26 proceeding as not being guilty of the persecution of others on

1 account of race, religion, national origin, or political
2 opinion under the direction of or in association with the Nazi
3 government of Germany or its allies.

4 (720 ILCS 5/17-8.3) (was 720 ILCS 5/17-22)

5 Sec. 17-8.3 ~~17-22~~. False information on an application for
6 employment with certain public or private agencies; use of
7 false academic degree.

8 (a) It is unlawful for an applicant for employment with a
9 public or private agency that provides State funded services to
10 persons with mental illness or developmental disabilities to
11 knowingly ~~wilfully~~ furnish false information regarding
12 professional certification, licensing, criminal background, or
13 employment history for the 5 years immediately preceding the
14 date of application on an application for employment with the
15 agency if the position of employment requires or provides
16 opportunity for contact with persons with mental illness or
17 developmental disabilities.

18 (b) It is unlawful for a person to knowingly use a false
19 academic degree for the purpose of obtaining employment or
20 admission to an institution of higher learning or admission to
21 an advanced degree program at an institution of higher learning
22 or for the purpose of obtaining a promotion or higher
23 compensation in employment.

24 (c) ~~(b)~~ Sentence. A violation of this Section is a Class A
25 misdemeanor.

1 (Source: P.A. 90-390, eff. 1-1-98.)

2 (720 ILCS 5/17-8.5 new)

3 Sec. 17-8.5. Fraud on a governmental entity.

4 (a) Fraud on a governmental entity. A person commits fraud
5 on a governmental entity when he or she knowingly obtains,
6 attempts to obtain, or causes to be obtained, by deception,
7 control over the property of any governmental entity by the
8 making of a false claim of bodily injury or of damage to or
9 loss or theft of property or by causing a false claim of bodily
10 injury or of damage to or loss or theft of property to be made
11 against the governmental entity, intending to deprive the
12 governmental entity permanently of the use and benefit of that
13 property.

14 (b) Aggravated fraud on a governmental entity. A person
15 commits aggravated fraud on a governmental entity when he or
16 she commits fraud on a governmental entity 3 or more times
17 within an 18-month period arising out of separate incidents or
18 transactions.

19 (c) Conspiracy to commit fraud on a governmental entity. If
20 aggravated fraud on a governmental entity forms the basis for a
21 charge of conspiracy under Section 8-2 of this Code against a
22 person, the person or persons with whom the accused is alleged
23 to have agreed to commit the 3 or more violations of this
24 Section need not be the same person or persons for each
25 violation, as long as the accused was a part of the common

1 scheme or plan to engage in each of the 3 or more alleged
2 violations.

3 (d) Organizer of an aggravated fraud on a governmental
4 entity conspiracy. A person commits being an organizer of an
5 aggravated fraud on a governmental entity conspiracy if
6 aggravated fraud on a governmental entity forms the basis for a
7 charge of conspiracy under Section 8-2 of this Code and the
8 person occupies a position of organizer, supervisor, financier,
9 or other position of management within the conspiracy.

10 For the purposes of this Section, the person or persons
11 with whom the accused is alleged to have agreed to commit the 3
12 or more violations of subdivision (a)(1) of Section 17-10.5 or
13 subsection (a) of Section 17-8.5 of this Code need not be the
14 same person or persons for each violation, as long as the
15 accused occupied a position of organizer, supervisor,
16 financier, or other position of management in each of the 3 or
17 more alleged violations.

18 Notwithstanding Section 8-5 of this Code, a person may be
19 convicted and sentenced both for the offense of being an
20 organizer of an aggravated fraud conspiracy and for any other
21 offense that is the object of the conspiracy.

22 (e) Sentence.

23 (1) A violation of subsection (a) in which the value of
24 the property obtained or attempted to be obtained is \$300
25 or less is a Class A misdemeanor.

26 (2) A violation of subsection (a) in which the value of

1 the property obtained or attempted to be obtained is more
2 than \$300 but not more than \$10,000 is a Class 3 felony.

3 (3) A violation of subsection (a) in which the value of
4 the property obtained or attempted to be obtained is more
5 than \$10,000 but not more than \$100,000 is a Class 2
6 felony.

7 (4) A violation of subsection (a) in which the value of
8 the property obtained or attempted to be obtained is more
9 than \$100,000 is a Class 1 felony.

10 (5) A violation of subsection (b) is a Class 1 felony,
11 regardless of the value of the property obtained, attempted
12 to be obtained, or caused to be obtained.

13 (6) The offense of being an organizer of an aggravated
14 fraud conspiracy is a Class X felony.

15 (7) Notwithstanding Section 8-5 of this Code, a person
16 may be convicted and sentenced both for the offense of
17 conspiracy to commit fraud and for any other offense that
18 is the object of the conspiracy.

19 (f) Civil damages for fraud on a governmental entity. A
20 person who knowingly obtains, attempts to obtain, or causes to
21 be obtained, by deception, control over the property of a
22 governmental entity by the making of a false claim of bodily
23 injury or of damage to or loss or theft of property, intending
24 to deprive the governmental entity permanently of the use and
25 benefit of that property, shall be civilly liable to the
26 governmental entity that paid the claim or against whom the

1 claim was made or to the subrogee of the governmental entity in
2 an amount equal to either 3 times the value of the property
3 wrongfully obtained or, if property was not wrongfully
4 obtained, twice the value of the property attempted to be
5 obtained, whichever amount is greater, plus reasonable
6 attorney's fees.

7 (g) Determination of property value. For the purposes of
8 this Section, if the exact value of the property attempted to
9 be obtained is either not alleged by the claimant or not
10 otherwise specifically set, the value of the property shall be
11 the fair market replacement value of the property claimed to be
12 lost, the reasonable costs of reimbursing a vendor or other
13 claimant for services to be rendered, or both.

14 (h) Actions by State licensing agencies.

15 (1) All State licensing agencies, the Illinois State
16 Police, and the Department of Financial and Professional
17 Regulation shall coordinate enforcement efforts relating
18 to acts of fraud on a governmental entity.

19 (2) If a person who is licensed or registered under the
20 laws of the State of Illinois to engage in a business or
21 profession is convicted of or pleads guilty to engaging in
22 an act of fraud on a governmental entity, the Illinois
23 State Police must forward to each State agency by which the
24 person is licensed or registered a copy of the conviction
25 or plea and all supporting evidence.

26 (3) Any agency that receives information under this

1 Section shall, not later than 6 months after the date on
2 which it receives the information, publicly report the
3 final action taken against the convicted person, including
4 but not limited to the revocation or suspension of the
5 license or any other disciplinary action taken.

6 (i) Definitions. For the purposes of this Section,
7 "obtain", "obtains control", "deception", "property", and
8 "permanent deprivation" have the meanings ascribed to those
9 terms in Article 15 of this Code.

10 (720 ILCS 5/17-9) (from Ch. 38, par. 17-9)

11 Sec. 17-9. Public aid wire and mail fraud.

12 (a) Whoever knowingly (i) makes or transmits any
13 communication by means of telephone, wire, radio, or television
14 or (ii) places any communication with the United States Postal
15 Service, or with any private or other mail, package, or
16 delivery service or system, such communication being made,
17 transmitted, placed, or received within the State of Illinois,
18 intending that such communication be made, ~~or~~ transmitted, or
19 delivered in furtherance of any plan, scheme, or design to
20 obtain, unlawfully, any benefit or payment under the ~~"The~~
21 ~~Illinois Public Aid Code", as amended,~~ commits ~~the offense of~~
22 public aid wire and mail fraud.

23 (b) Whoever knowingly directs or causes any communication
24 to be (i) made or transmitted by means of telephone, wire,
25 radio, or television or (ii) placed with the United States

1 Postal Service, or with any private or other mail, package, or
2 delivery service or system, intending that such communication
3 be made, ~~or~~ transmitted, or delivered in furtherance of any
4 plan, scheme, or design to obtain, unlawfully, any benefit or
5 payment under the ~~"The Illinois Public Aid Code", as amended,~~
6 commits ~~the offense of~~ public aid wire and mail fraud.

7 (c) Sentence. A violation of this Section ~~Penalty. Public~~
8 ~~aid wire fraud~~ is a Class 4 felony.

9 (Source: P.A. 84-1255.)

10 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

11 Sec. 17-10.2 ~~17-29~~. Businesses owned by minorities,
12 females, and persons with disabilities; fraudulent contracts
13 with governmental units.

14 (a) In this Section:

15 "Minority person" means a person who is: (1) African
16 American (a person having origins in any of the black
17 racial groups in Africa); (2) Hispanic (a person of Spanish
18 or Portuguese culture with origins in Mexico, South or
19 Central America, or the Caribbean Islands, regardless of
20 race); (3) Asian American (a person having origins in any
21 of the original peoples of the Far East, Southeast Asia,
22 the Indian Subcontinent or the Pacific Islands); or (4)
23 Native American or Alaskan Native (a person having origins
24 in any of the original peoples of North America).

25 "Female" means a person who is of the female gender.

1 "Person with a disability" means a person who is a
2 person qualifying as being disabled.

3 "Disabled" means a severe physical or mental
4 disability that: (1) results from: amputation, arthritis,
5 autism, blindness, burn injury, cancer, cerebral palsy,
6 cystic fibrosis, deafness, head injury, heart disease,
7 hemiplegia, hemophilia, respiratory or pulmonary
8 dysfunction, mental retardation, mental illness, multiple
9 sclerosis, muscular dystrophy, musculoskeletal disorders,
10 neurological disorders, including stroke and epilepsy,
11 paraplegia, quadriplegia and other spinal cord conditions,
12 sickle cell anemia, specific learning disabilities, or end
13 stage renal failure disease; and (2) substantially limits
14 one or more of the person's major life activities.

15 "Minority owned business" means a business concern
16 that is at least 51% owned by one or more minority persons,
17 or in the case of a corporation, at least 51% of the stock
18 in which is owned by one or more minority persons; and the
19 management and daily business operations of which are
20 controlled by one or more of the minority individuals who
21 own it.

22 "Female owned business" means a business concern that
23 is at least 51% owned by one or more females, or, in the
24 case of a corporation, at least 51% of the stock in which
25 is owned by one or more females; and the management and
26 daily business operations of which are controlled by one or

1 more of the females who own it.

2 "Business owned by a person with a disability" means a
3 business concern that is at least 51% owned by one or more
4 persons with a disability and the management and daily
5 business operations of which are controlled by one or more
6 of the persons with disabilities who own it. A
7 not-for-profit agency for persons with disabilities that
8 is exempt from taxation under Section 501 of the Internal
9 Revenue Code of 1986 is also considered a "business owned
10 by a person with a disability".

11 "Governmental unit" means the State, a unit of local
12 government, or school district.

13 (b) In addition to any other penalties imposed by law or by
14 an ordinance or resolution of a unit of local government or
15 school district, any individual or entity that knowingly
16 obtains, or knowingly assists another to obtain, a contract
17 with a governmental unit, or a subcontract or written
18 commitment for a subcontract under a contract with a
19 governmental unit, by falsely representing that the individual
20 or entity, or the individual or entity assisted, is a minority
21 owned business, female owned business, or business owned by a
22 person with a disability is guilty of a Class 2 felony,
23 regardless of whether the preference for awarding the contract
24 to a minority owned business, female owned business, or
25 business owned by a person with a disability was established by
26 statute or by local ordinance or resolution.

1 (c) In addition to any other penalties authorized by law,
2 the court shall order that an individual or entity convicted of
3 a violation of this Section must pay to the governmental unit
4 that awarded the contract a penalty equal to one and one-half
5 times the amount of the contract obtained because of the false
6 representation.

7 (Source: P.A. 94-126, eff. 1-1-06; 94-863, eff. 6-16-06.)

8 (720 ILCS 5/17-10.3 new)

9 Sec. 17-10.3. Deception relating to certification of
10 disadvantaged business enterprises.

11 (a) Fraudulently obtaining or retaining certification. A
12 person who, in the course of business, fraudulently obtains or
13 retains certification as a minority owned business or female
14 owned business commits a Class 2 felony.

15 (b) Willfully making a false statement. A person who, in
16 the course of business, willfully makes a false statement
17 whether by affidavit, report or other representation, to an
18 official or employee of a State agency or the Minority and
19 Female Business Enterprise Council for the purpose of
20 influencing the certification or denial of certification of any
21 business entity as a minority owned business or female owned
22 business commits a Class 2 felony.

23 (c) Willfully obstructing or impeding an official or
24 employee of any agency in his or her investigation. Any person
25 who, in the course of business, willfully obstructs or impedes

1 an official or employee of any State agency or the Minority and
2 Female Business Enterprise Council who is investigating the
3 qualifications of a business entity which has requested
4 certification as a minority owned business or a female owned
5 business commits a Class 2 felony.

6 (d) Fraudulently obtaining public moneys reserved for
7 disadvantaged business enterprises. Any person who, in the
8 course of business, fraudulently obtains public moneys
9 reserved for, or allocated or available to minority owned
10 businesses or female owned businesses commits a Class 2 felony.

11 (e) Definitions. As used in this Article, "minority owned
12 business", "female owned business", "State agency" and
13 "certification" shall have the meanings ascribed to them in
14 Section 2 of the Business Enterprise for Minorities, Females,
15 and Persons with Disabilities Act.

16 (720 ILCS 5/Art. 17, Subdiv. 15 heading new)

17 SUBDIVISION 15. FRAUD ON A PRIVATE ENTITY

18 (720 ILCS 5/17-10.5 new)

19 Sec. 17-10.5. Insurance fraud.

20 (a) Insurance fraud.

21 (1) A person commits insurance fraud when he or she
22 knowingly obtains, attempts to obtain, or causes to be
23 obtained, by deception, control over the property of an
24 insurance company or self-insured entity by the making of a

1 false claim or by causing a false claim to be made on any
2 policy of insurance issued by an insurance company or by
3 the making of a false claim or by causing a false claim to
4 be made to a self-insured entity, intending to deprive an
5 insurance company or self-insured entity permanently of
6 the use and benefit of that property.

7 (2) A person commits health care benefits fraud against
8 a provider, other than a governmental unit or agency, when
9 he or she knowingly obtains or attempts to obtain, by
10 deception, health care benefits and that obtaining or
11 attempt to obtain health care benefits does not involve
12 control over property of the provider.

13 (b) Aggravated insurance fraud.

14 (1) A person commits aggravated insurance fraud on a
15 private entity when he or she commits insurance fraud 3 or
16 more times within an 18-month period arising out of
17 separate incidents or transactions.

18 (2) A person commits being an organizer of an
19 aggravated insurance fraud on a private entity conspiracy
20 if aggravated insurance fraud on a private entity forms the
21 basis for a charge of conspiracy under Section 8-2 of this
22 Code and the person occupies a position of organizer,
23 supervisor, financier, or other position of management
24 within the conspiracy.

25 (c) Conspiracy to commit insurance fraud. If aggravated
26 insurance fraud on a private entity forms the basis for charges

1 of conspiracy under Section 8-2 of this Code, the person or
2 persons with whom the accused is alleged to have agreed to
3 commit the 3 or more violations of this Section need not be the
4 same person or persons for each violation, as long as the
5 accused was a part of the common scheme or plan to engage in
6 each of the 3 or more alleged violations.

7 If aggravated insurance fraud on a private entity forms the
8 basis for a charge of conspiracy under Section 8-2 of this
9 Code, and the accused occupies a position of organizer,
10 supervisor, financier, or other position of management within
11 the conspiracy, the person or persons with whom the accused is
12 alleged to have agreed to commit the 3 or more violations of
13 this Section need not be the same person or persons for each
14 violation as long as the accused occupied a position of
15 organizer, supervisor, financier, or other position of
16 management in each of the 3 or more alleged violations.

17 (d) Sentence.

18 (1) A violation of paragraph (a)(1) in which the value
19 of the property obtained, attempted to be obtained, or
20 caused to be obtained is \$300 or less is a Class A
21 misdemeanor.

22 (2) A violation of paragraph (a)(1) in which the value
23 of the property obtained, attempted to be obtained, or
24 caused to be obtained is more than \$300 but not more than
25 \$10,000 is a Class 3 felony.

26 (3) A violation of paragraph (a)(1) in which the value

1 of the property obtained, attempted to be obtained, or
2 caused to be obtained is more than \$10,000 but not more
3 than \$100,000 is a Class 2 felony.

4 (4) A violation of paragraph (a)(1) in which the value
5 of the property obtained, attempted to be obtained, or
6 caused to be obtained is more than \$100,000 is a Class 1
7 felony.

8 (5) A violation of paragraph (a)(2) is a Class A
9 misdemeanor.

10 (6) A violation of paragraph (b)(1) is a Class 1
11 felony, regardless of the value of the property obtained,
12 attempted to be obtained, or caused to be obtained.

13 (7) A violation of paragraph (b)(2) is a Class X
14 felony.

15 (8) A person convicted of insurance fraud, vendor
16 fraud, or a federal criminal violation associated with
17 defrauding the Medicaid program shall be ordered to pay
18 monetary restitution to the insurance company or
19 self-insured entity or any other person for any financial
20 loss sustained as a result of a violation of this Section,
21 including any court costs and attorney's fees. An order of
22 restitution shall include expenses incurred and paid by the
23 State of Illinois or an insurance company or self-insured
24 entity in connection with any medical evaluation or
25 treatment services.

26 (9) Notwithstanding Section 8-5 of this Code, a person

1 may be convicted and sentenced both for the offense of
2 conspiracy to commit insurance fraud and for any other
3 offense that is the object of the conspiracy.

4 (e) Civil damages for insurance fraud.

5 (1) A person who knowingly obtains, attempts to obtain,
6 or causes to be obtained, by deception, control over the
7 property of any insurance company by the making of a false
8 claim or by causing a false claim to be made on a policy of
9 insurance issued by an insurance company, or by the making
10 of a false claim or by causing a false claim to be made to a
11 self-insured entity, intending to deprive an insurance
12 company or self-insured entity permanently of the use and
13 benefit of that property, shall be civilly liable to the
14 insurance company or self-insured entity that paid the
15 claim or against whom the claim was made or to the subrogee
16 of that insurance company or self-insured entity in an
17 amount equal to either 3 times the value of the property
18 wrongfully obtained or, if no property was wrongfully
19 obtained, twice the value of the property attempted to be
20 obtained, whichever amount is greater, plus reasonable
21 attorney's fees.

22 (2) An insurance company or self-insured entity that
23 brings an action against a person under paragraph (1) of
24 this subsection in bad faith shall be liable to that person
25 for twice the value of the property claimed, plus
26 reasonable attorney's fees. In determining whether an

1 insurance company or self-insured entity acted in bad
2 faith, the court shall relax the rules of evidence to allow
3 for the introduction of any facts or other information on
4 which the insurance company or self-insured entity may have
5 relied in bringing an action under paragraph (1) of this
6 subsection.

7 (f) Determination of property value. For the purposes of
8 this Section, if the exact value of the property attempted to
9 be obtained is either not alleged by the claimant or not
10 specifically set by the terms of a policy of insurance, the
11 value of the property shall be the fair market replacement
12 value of the property claimed to be lost, the reasonable costs
13 of reimbursing a vendor or other claimant for services to be
14 rendered, or both.

15 (g) Actions by State licensing agencies.

16 (1) All State licensing agencies, the Illinois State
17 Police, and the Department of Financial and Professional
18 Regulation shall coordinate enforcement efforts relating
19 to acts of insurance fraud.

20 (2) If a person who is licensed or registered under the
21 laws of the State of Illinois to engage in a business or
22 profession is convicted of or pleads guilty to engaging in
23 an act of insurance fraud, the Illinois State Police must
24 forward to each State agency by which the person is
25 licensed or registered a copy of the conviction or plea and
26 all supporting evidence.

1 (3) Any agency that receives information under this
2 Section shall, not later than 6 months after the date on
3 which it receives the information, publicly report the
4 final action taken against the convicted person, including
5 but not limited to the revocation or suspension of the
6 license or any other disciplinary action taken.

7 (h) Definitions. For the purposes of this Section,
8 "obtain", "obtains control", "deception", "property", and
9 "permanent deprivation" have the meanings ascribed to those
10 terms in Article 15 of this Code.

11 (720 ILCS 5/17-10.6 new)

12 Sec. 17-10.6. Financial institution fraud.

13 (a) Misappropriation of financial institution property. A
14 person commits misappropriation of a financial institution's
15 property whenever he or she knowingly obtains or exerts
16 unauthorized control over any of the moneys, funds, or credits
17 of a financial institution, or any securities entrusted to the
18 custody or care of a financial institution or to the custody or
19 care of any agent, officer, director, or employee of a
20 financial institution.

21 (b) Commercial bribery of a financial institution.

22 (1) A person commits commercial bribery of a financial
23 institution when he or she knowingly confers or offers or
24 agrees to confer any benefit upon any employee, agent, or
25 fiduciary without the consent of the latter's employer or

1 principal, with the intent to influence his or her conduct
2 in relation to his or her employer's or principal's
3 affairs.

4 (2) An employee, agent, or fiduciary of a financial
5 institution commits commercial bribery of a financial
6 institution when, without the consent of his or her
7 employer or principal, he or she knowingly solicits,
8 accepts, or agrees to accept any benefit from another
9 person upon an agreement or understanding that such benefit
10 will influence his or her conduct in relation to his or her
11 employer's or principal's affairs.

12 (c) Financial institution fraud. A person commits
13 financial institution fraud when he or she knowingly executes
14 or attempts to execute a scheme or artifice:

15 (1) to defraud a financial institution; or

16 (2) to obtain any of the moneys, funds, credits,
17 assets, securities, or other property owned by or under the
18 custody or control of a financial institution, by means of
19 pretenses, representations, or promises he or she knows to
20 be false.

21 (d) Loan fraud. A person commits loan fraud when he or she
22 knowingly, with intent to defraud, makes any false statement or
23 report, or overvalues any land, property, or security, with the
24 intent to influence in any way the action of a financial
25 institution to act upon any application, advance, discount,
26 purchase, purchase agreement, repurchase agreement,

1 commitment, or loan, or any change or extension of any of the
2 same, by renewal, deferment of action, or otherwise, or the
3 acceptance, release, or substitution of security.

4 (e) Concealment of collateral. A person commits
5 concealment of collateral when he or she, with intent to
6 defraud, knowingly conceals, removes, disposes of, or converts
7 to the person's own use or to that of another any property
8 mortgaged or pledged to or held by a financial institution.

9 (f) Financial institution robbery. A person commits
10 robbery when he or she knowingly, by force or threat of force,
11 or by intimidation, takes, or attempts to take, from the person
12 or presence of another, or obtains or attempts to obtain by
13 extortion, any property or money or any other thing of value
14 belonging to, or in the care, custody, control, management, or
15 possession of, a financial institution.

16 (g) Conspiracy to commit a financial crime.

17 (1) A person commits conspiracy to commit a financial
18 crime when, with the intent that any violation of this
19 Section be committed, he or she agrees with another person
20 to the commission of that offense.

21 (2) No person may be convicted of conspiracy to commit
22 a financial crime unless an overt act or acts in
23 furtherance of the agreement is alleged and proved to have
24 been committed by that person or by a co-conspirator and
25 the accused is a part of a common scheme or plan to engage
26 in the unlawful activity.

1 (3) It shall not be a defense to conspiracy to commit a
2 financial crime that the person or persons with whom the
3 accused is alleged to have conspired:

4 (A) has not been prosecuted or convicted;

5 (B) has been convicted of a different offense;

6 (C) is not amenable to justice;

7 (D) has been acquitted; or

8 (E) lacked the capacity to commit the offense.

9 (h) Continuing financial crimes enterprise. A person
10 commits a continuing financial crimes enterprise when he or she
11 knowingly, within an 18-month period, commits 3 or more
12 separate offenses under this Section or, if involving a
13 financial institution, any other felony offenses under this
14 Code.

15 (i) Organizer of a continuing financial crimes enterprise.

16 (1) A person commits being an organizer of a continuing
17 financial crimes enterprise when he or she:

18 (A) with the intent to commit any offense under
19 this Section, or, if involving a financial
20 institution, any other felony offense under this Code,
21 agrees with another person to the commission of that
22 offense on 3 or more separate occasions within an
23 18-month period; and

24 (B) with respect to the other persons within the
25 conspiracy, occupies a position of organizer,
26 supervisor, or financier or other position of

1 management.

2 (2) The person with whom the accused agreed to commit
3 the 3 or more offenses under this Section, or, if involving
4 a financial institution, any other felony offenses under
5 this Code, need not be the same person or persons for each
6 offense, as long as the accused was a part of the common
7 scheme or plan to engage in each of the 3 or more alleged
8 offenses.

9 (j) Sentence.

10 (1) Except as otherwise provided in this subsection, a
11 violation of this Section, the full value of which:

12 (A) does not exceed \$300, is a Class A misdemeanor;

13 (B) does not exceed \$300, and the person has been
14 previously convicted of a financial crime or any type
15 of theft, robbery, armed robbery, burglary,
16 residential burglary, possession of burglary tools, or
17 home invasion, is guilty of a Class 4 felony;

18 (C) exceeds \$300 but does not exceed \$10,000, is a
19 Class 3 felony;

20 (D) exceeds \$10,000 but does not exceed \$100,000,
21 is a Class 2 felony;

22 (E) exceeds \$100,000, is a Class 1 felony.

23 (2) A violation of subsection (f) is a Class 1 felony.

24 (3) A violation of subsection (h) is a Class 1 felony.

25 (4) A violation for subsection (i) is a Class X felony.

26 (k) A "financial crime" means an offense described in this

1 Section.

2 (1) Period of limitations. The period of limitations for
3 prosecution of any offense defined in this Section begins at
4 the time when the last act in furtherance of the offense is
5 committed.

6 (720 ILCS 5/17-10.7 new)

7 Sec. 17-10.7. Insurance claims for excessive charges.

8 (a) A person who sells goods or services commits insurance
9 claims for excessive charges if:

10 (1) the person knowingly advertises or promises to
11 provide the goods or services and to pay:

12 (A) all or part of any applicable insurance
13 deductible; or

14 (B) a rebate in an amount equal to all or part of
15 any applicable insurance deductible;

16 (2) the goods or services are paid for by the consumer
17 from proceeds of a property or casualty insurance policy;
18 and

19 (3) the person knowingly charges an amount for the
20 goods or services that exceeds the usual and customary
21 charge by the person for the goods or services by an amount
22 equal to or greater than all or part of the applicable
23 insurance deductible paid by the person to an insurer on
24 behalf of an insured or remitted to an insured by the
25 person as a rebate.

1 (b) A person who is insured under a property or casualty
2 insurance policy commits insurance claims for excessive
3 charges if the person knowingly:

4 (1) submits a claim under the policy based on charges
5 that are in violation of subsection (a) of this Section; or

6 (2) knowingly allows a claim in violation of subsection
7 (a) of this Section to be submitted, unless the person
8 promptly notifies the insurer of the excessive charges.

9 (c) Sentence. A violation of this Section is a Class A
10 misdemeanor.

11 (720 ILCS 5/Art. 17, Subdiv. 20 heading new)

12 SUBDIVISION 20. FRAUDULENT TAMPERING

13 (720 ILCS 5/17-11) (from Ch. 38, par. 17-11)

14 Sec. 17-11. Odometer or hour meter fraud ~~Fraud. A Any~~
15 person commits odometer or hour meter fraud when he or she
16 disconnects, resets, or alters, or causes ~~who shall, with~~
17 ~~intent to defraud another, disconnect, reset, or alter, or~~
18 ~~cause~~ to be disconnected, reset, or altered, the odometer of
19 any used motor vehicle or the hour meter of any used farm
20 implement ~~with the intent~~ to conceal or change the actual miles
21 driven or hours of operation with the intent to defraud
22 another. A violation of this Section is ~~shall be guilty of a~~
23 Class A misdemeanor. A person convicted of a second or
24 subsequent violation ~~is of this Section shall be guilty of a~~

1 Class 4 felony. This Section does ~~shall~~ not apply to legitimate
2 ~~business~~ practices of automotive or implement parts recyclers
3 who recycle used odometers or hour meters for resale.

4 (Source: P.A. 84-1391; 84-1438.)

5 (720 ILCS 5/17-11.2)

6 Sec. 17-11.2. Installation of object in lieu of air bag. A
7 ~~Any~~ person commits installation of object in lieu of airbag
8 when he or she, who for consideration, knowingly installs or
9 reinstalls in a vehicle any object in lieu of an air bag that
10 was designed in accordance with federal safety regulations for
11 the make, model, and year of the vehicle as part of a vehicle
12 inflatable restraint system. A violation of this Section is
13 ~~guilty of~~ a Class A misdemeanor.

14 (Source: P.A. 92-809, eff. 1-1-03.)

15 (720 ILCS 5/17-11.5) (was 720 ILCS 5/16-22)

16 Sec. 17-11.5 ~~16-22~~. Tampering with a security, fire, or
17 life safety system.

18 (a) A person commits ~~the offense of~~ tampering with a
19 security, fire, or life safety system when he or she knowingly
20 damages, sabotages, destroys, or causes a permanent or
21 temporary malfunction in any physical or electronic security,
22 fire, or life safety system or any component part of any of
23 those systems including, but not limited to, card readers,
24 magnetic stripe readers, Wiegand card readers, smart card

1 readers, proximity card readers, digital keypads, keypad
2 access controls, digital locks, electromagnetic locks,
3 electric strikes, electronic exit hardware, exit alarm
4 systems, delayed egress systems, biometric access control
5 equipment, intrusion detection systems and sensors, burglar
6 alarm systems, wireless burglar alarms, silent alarms, duress
7 alarms, hold-up alarms, glass break detectors, motion
8 detectors, seismic detectors, glass shock sensors, magnetic
9 contacts, closed circuit television (CCTV), security cameras,
10 digital cameras, dome cameras, covert cameras, spy cameras,
11 hidden cameras, wireless cameras, network cameras, IP
12 addressable cameras, CCTV camera lenses, video cassette
13 recorders, CCTV monitors, CCTV consoles, CCTV housings and
14 enclosures, CCTV pan-and-tilt devices, CCTV transmission and
15 signal equipment, wireless video transmitters, wireless video
16 receivers, radio frequency (RF) or microwave components, or
17 both, infrared illuminators, video motion detectors, video
18 recorders, time lapse CCTV recorders, digital video recorders
19 (DVRs), digital image storage systems, video converters, video
20 distribution amplifiers, video time-date generators,
21 multiplexers, switchers, splitters, fire alarms, smoke alarm
22 systems, smoke detectors, flame detectors, fire detection
23 systems and sensors, fire sprinklers, fire suppression
24 systems, fire extinguishing systems, public address systems,
25 intercoms, emergency telephones, emergency call boxes,
26 emergency pull stations, telephone entry systems, video entry

1 equipment, annunciators, sirens, lights, sounders, control
2 panels and components, and all associated computer hardware,
3 computer software, control panels, wires, cables, connectors,
4 electromechanical components, electronic modules, fiber
5 optics, filters, passive components, and power sources
6 including batteries and back-up power supplies.

7 (b) Sentence. A violation of this Section is a Class 4
8 felony.

9 (Source: P.A. 94-707, eff. 6-1-06.)

10 (720 ILCS 5/17-13)

11 Sec. 17-13. Fraud in transfers of real and personal
12 property ~~Fraudulent land sales.~~

13 (a) Conditional sale; sale without consent of title holder.
14 No person purchasing personal property under a conditional
15 sales contract shall, during the existence of such conditional
16 sales contract and before the conditions thereof have been
17 fulfilled, knowingly sell, transfer, conceal, or in any manner
18 dispose of such property, or cause or allow the same to be
19 done, without the written consent of the holder of title.

20 (b) Acknowledgment of fraudulent conveyance. No officer
21 authorized to take the proof and acknowledgment of a conveyance
22 of real or personal property or other instrument shall
23 knowingly certify that the conveyance or other instrument was
24 duly proven or acknowledged by a party to the conveyance or
25 other instrument when no such acknowledgment or proof was made,

1 or was not made at the time it was certified to have been made,
2 with intent to injure or defraud or to enable any other person
3 to injure or defraud.

4 (c) Fraudulent land sales. No A person, after once selling,
5 bartering, or disposing of a tract or tracts of land or a town
6 lot or lots, or executing a bond or agreement for the sale of
7 lands~~7~~ or a town lot or lots, shall ~~who~~ again knowingly and
8 with intent to defraud sell, barter, or dispose fraudulently
9 ~~sells, barter, or disposes~~ of the same tract or tracts of
10 land~~7~~ or town lot or lots, or any part ~~parts~~ of those tracts of
11 land or town lot or lots, or knowingly and with intent to
12 defraud execute fraudulently executes a bond or agreement to
13 sell, barter, or dispose of the same land~~7~~ or lot or lots, or
14 any part of that land or lot or lots, to any other person for a
15 valuable consideration ~~is guilty of a Class 3 felony.~~

16 (d) Sentence. A violation of subsection (a) of this Section
17 is a Class A misdemeanor. A violation of subsection (b) of this
18 Section is a Class 4 felony. A violation of subsection (c) of
19 this Section is a Class 3 felony.

20 (Source: P.A. 89-234, eff. 1-1-96.)

21 (720 ILCS 5/17-17)

22 Sec. 17-17. Fraud in ~~Fraudulent issuance of~~ stock
23 transactions.

24 (a) No ~~Every president, cashier, treasurer, secretary, or~~
25 ~~other officer, director, or and every agent, attorney, servant,~~

1 ~~or employee~~ of a bank, railroad, ~~or manufacturing~~ or other
2 corporation, nor any and every other person, shall who,
3 knowingly ~~and designedly,~~ and with intent to defraud, issue,
4 sell, transfer, assign, or pledge, or cause or procure a
5 ~~person, bank, railroad, or manufacturing or other corporation,~~
6 ~~issues, sells, transfers, assigns, or pledges, or causes or~~
7 ~~procures~~ to be issued, sold, transferred, assigned, or pledged,
8 any false, fraudulent, or simulated certificate or other
9 evidence of ownership of a share or shares of the capital stock
10 of a bank, railroad, ~~or manufacturing~~ or other corporation, ~~is~~
11 ~~guilty of a Class 3 felony.~~

12 (b) No officer, director, or agent of a bank, railroad, or
13 other corporation shall knowingly sign, with intent to issue,
14 sell, pledge, or cause to be issued, sold, or pledged, any
15 false, fraudulent, or simulated certificate or other evidence
16 of the ownership or transfer of a share or shares of the
17 capital stock of that corporation, or an instrument purporting
18 to be a certificate or other evidence of the ownership or
19 transfer, the signing, issuing, selling, or pledging of which
20 by the officer, director, or agent is not authorized by law.

21 (c) Sentence. A violation of this Section is a Class 3
22 felony.

23 (Source: P.A. 89-234, eff. 1-1-96.)

24 (720 ILCS 5/17-20)

25 Sec. 17-20. Obstructing gas, water, or and electric current

1 meters. A person commits obstructing gas, water, or electric
2 current meters when he or she knowingly, and ~~who,~~ with intent
3 to injure or defraud a company, body corporate, copartnership,
4 or individual, injures, alters, obstructs, or prevents the
5 action of a meter provided for the purpose of measuring and
6 registering the quantity of gas, water, or electric current
7 consumed by or at a burner, orifice, or place, or supplied to a
8 lamp, motor, machine, or appliance, or causes, procures, or
9 aids the injuring or altering of any such meter or the
10 obstruction or prevention of its action, or makes or causes to
11 be made with a gas pipe, water pipe, or electrical conductor
12 any connection so as to conduct or supply illumination or
13 inflammable gas, water, or electric current to any burner,
14 orifice, lamp, motor, or other machine or appliance from which
15 the gas, water, or electricity may be consumed or utilized
16 without passing through or being registered by a meter or
17 without the consent or acquiescence of the company, municipal
18 corporation, body corporate, copartnership, or individual
19 furnishing or transmitting the gas, water, or electric current
20 through the gas pipe, water pipe, or electrical conductor. A
21 violation of this Section, ~~is guilty of~~ a Class B misdemeanor.

22 (Source: P.A. 89-234, eff. 1-1-96.)

23 (720 ILCS 5/17-21)

24 Sec. 17-21. Obstructing service meters. A person commits
25 obstructing service meters when he or she knowingly, and ~~who,~~

1 with the intent to defraud, tampers with, alters, obstructs or
2 prevents the action of a meter, register, or other counting
3 device that is a part of a mechanical or electrical machine,
4 equipment, or device that measures service, without the consent
5 of the owner of the machine, equipment, or device. A violation
6 of this Section, ~~is guilty of~~ a Class B misdemeanor.

7 (Source: P.A. 89-234, eff. 1-1-96.)

8 (720 ILCS 5/17-24)

9 Sec. 17-24. Mail fraud and wire fraud ~~Fraudulent schemes~~
10 ~~and artifices.~~

11 (a) Mail fraud. A person commits mail fraud when he or she:

12 (1) devises or intends to devise any scheme or artifice
13 to defraud, or to obtain money or property by means of
14 false or fraudulent pretenses, representations, or
15 promises, or to sell, dispose of, loan, exchange, alter,
16 give away, distribute, supply, or furnish or procure for
17 unlawful use any counterfeit obligation, security, or
18 other article, or anything represented to be or intimated
19 or held out to be such a counterfeit or spurious article;
20 and

21 (2) with the intent to execute such scheme or artifice
22 or to attempt to do so, does any of the following:

23 (A) Places in any post office or authorized
24 depository for mail matter within this State any matter
25 or thing to be delivered by the United States Postal

1 Service, according to the direction on the matter or
2 thing.

3 (B) Deposits or causes to be deposited in this
4 State any matter or thing to be sent or delivered by
5 mail or by private or commercial carrier, according to
6 the direction on the matter or thing.

7 (C) Takes or receives from mail or from a private
8 or commercial carrier any such matter or thing at the
9 place at which it is directed to be delivered by the
10 person to whom it is addressed.

11 (D) Knowingly causes any such matter or thing to be
12 delivered by mail or by private or commercial carrier,
13 according to the direction on the matter or thing.

14 (b) Wire fraud. ~~(a) Fraud by wire, radio, or television.~~

15 ~~(1)~~ A person commits wire fraud when he or she:

16 (1) ~~(A)~~ devises or intends to devise a scheme or
17 artifice to defraud or to obtain money or property by means
18 of false pretenses, representations, or promises; and

19 (2) for the purpose of executing the scheme or
20 artifice, ~~(B) (i)~~ transmits or causes to be transmitted any
21 writings, signals, pictures, sounds, or electronic or
22 electric impulses by means of wire, radio, or television
23 communications:

24 (A) from within this State; or

25 (B) ~~(ii)~~ transmits or causes to be transmitted so
26 that the transmission ~~it~~ is received by a person within

1 this State; or

2 (C) ~~(iii) transmits or causes to be transmitted so~~
3 that the transmission may ~~it is reasonably foreseeable~~
4 ~~that it will~~ be accessed by a person within this State.

5 +

6 ~~any writings, signals, pictures, sounds, or electronic or~~
7 ~~electric impulses by means of wire, radio, or television~~
8 ~~communications for the purpose of executing the scheme or~~
9 ~~artifice.~~

10 (c) Jurisdiction.

11 (1) Mail fraud using a government or private carrier
12 occurs in the county in which mail or other matter is
13 deposited with the United States Postal Service or a
14 private commercial carrier for delivery, if deposited with
15 the United States Postal Service or a private or commercial
16 carrier within this State, and the county in which a person
17 within this State receives the mail or other matter from
18 the United States Postal Service or a private or commercial
19 carrier.

20 (2) Wire fraud occurs ~~A scheme or artifice to defraud~~
21 ~~using electronic transmissions is deemed to occur~~ in the
22 county from which a transmission is sent, if the
23 transmission is sent from within this State, the county in
24 which a person within this State receives the transmission,
25 and the county in which a person who is within this State
26 is located when the person accesses a transmission.

1 (d) Sentence. A violation of this Section is a Class 3
2 felony.

3 ~~(3) Wire fraud is a Class 3 felony.~~

4 ~~(b) Mail fraud.~~

5 ~~(1) A person commits mail fraud when he or she:~~

6 ~~(A) devises or intends to devise any scheme or~~
7 ~~artifice to defraud or to obtain money or property by~~
8 ~~means of false or fraudulent pretenses,~~
9 ~~representations or promises, or to sell, dispose of,~~
10 ~~loan, exchange, alter, give away, distribute, supply,~~
11 ~~or furnish or procure for unlawful use any counterfeit~~
12 ~~obligation, security, or other article, or anything~~
13 ~~represented to be or intimidated or held out to be such~~
14 ~~counterfeit or spurious article; and~~

15 ~~(B) for the purpose of executing such scheme or~~
16 ~~artifice or attempting so to do, places in any post~~
17 ~~office or authorized depository for mail matter within~~
18 ~~this State, any matter or thing whatever to be~~
19 ~~delivered by the Postal Service, or deposits or causes~~
20 ~~to be deposited in this State by mail or by private or~~
21 ~~commercial carrier according to the direction on the~~
22 ~~matter or thing, or at the place at which it is~~
23 ~~directed to be delivered by the person to whom it is~~
24 ~~addressed, any such matter or thing.~~

25 ~~(2) A scheme or artifice to defraud using a government~~
26 ~~or private carrier is deemed to occur in the county in~~

1 ~~which mail or other matter is deposited with the Postal~~
2 ~~Service or a private commercial carrier for delivery, if~~
3 ~~deposited with the Postal Service or a private or~~
4 ~~commercial carrier within this State and the county in~~
5 ~~which a person within this State receives the mail or other~~
6 ~~matter from the Postal Service or a private or commercial~~
7 ~~carrier.~~

8 ~~(3) Mail fraud is a Class 3 felony.~~

9 ~~(c) (Blank).~~

10 ~~(d)~~ The period of limitations for prosecution of any
11 offense defined in this Section begins at the time when the
12 last act in furtherance of the scheme or artifice is committed.

13 ~~(e) In this Section:~~

14 ~~(1) "Scheme or artifice to defraud" includes a scheme~~
15 ~~or artifice to deprive another of the intangible right to~~
16 ~~honest services.~~

17 ~~(2) (Blank).~~

18 (Source: P.A. 92-16, eff. 6-28-01; 93-440, eff. 8-5-03; revised
19 11-4-09.)

20 (720 ILCS 5/17-26)

21 Sec. 17-26. Misconduct by a corporate official.

22 (a) A person commits misconduct by a corporate official ~~is~~
23 ~~guilty of a crime~~ when:

24 (1) being a director of a corporation, he or she
25 knowingly, with the intent ~~a purpose~~ to defraud, concurs in

1 any vote or act of the directors of the corporation, or any
2 of them, which has the purpose of:

3 (A) making a dividend except in the manner provided
4 by law;

5 (B) dividing, withdrawing or in any manner paying
6 any stockholder any part of the capital stock of the
7 corporation except in the manner provided by law;

8 (C) discounting or receiving any note or other
9 evidence of debt in payment of an installment of
10 capital stock actually called in and required to be
11 paid, or with purpose of providing the means of making
12 such payment;

13 (D) receiving or discounting any note or other
14 evidence of debt with the purpose of enabling any
15 stockholder to withdraw any part of the money paid in
16 by him or her on his or her stock; or

17 (E) applying any portion of the funds of such
18 corporation, directly or indirectly, to the purchase
19 of shares of its own stock, except in the manner
20 provided by law; or

21 (2) being a director or officer of a corporation, he or
22 she, with the intent ~~purpose~~ to defraud:

23 (A) issues, participates in issuing, or concurs in
24 a vote to issue any increase of its capital stock
25 beyond the amount of the capital stock thereof, duly
26 authorized by or in pursuance of law;

1 (B) sells, or agrees to sell, or is directly
2 interested in the sale of any share of stock of such
3 corporation, or in any agreement to sell such stock,
4 unless at the time of the sale or agreement he or she
5 is an actual owner of such share, provided that the
6 foregoing shall not apply to a sale by or on behalf of
7 an underwriter or dealer in connection with a bona fide
8 public offering of shares of stock of such corporation;

9 (C) executes a scheme or attempts to execute a
10 scheme to obtain any share of stock of such corporation
11 by means of false representation; or

12 (3) being a director or officer of a corporation, he or
13 she with the intent ~~purpose~~ to defraud or evade a financial
14 disclosure reporting requirement of this State or of
15 Section 13(A) or 15(D) of the Securities Exchange Act of
16 1934, as amended, 15 U. S. C. 78M(A) or 78O(D) ~~he~~:

17 (A) causes or attempts to cause a corporation or
18 accounting firm representing the corporation or any
19 other individual or entity to fail to file a financial
20 disclosure report as required by State or federal law;
21 or

22 (B) causes or attempts to cause a corporation or
23 accounting firm representing the corporation or any
24 other individual or entity to file a financial
25 disclosure report, as required by State or federal law,
26 that contains a material omission or misstatement of

1 fact.

2 (b) Sentence. If the benefit derived from a violation of
3 this Section is \$500,000 or more, the violation ~~offender~~ is
4 ~~guilty of~~ a Class 2 felony. If the benefit derived from a
5 violation of this Section is less than \$500,000, the violation
6 ~~offender~~ is ~~guilty of~~ a Class 3 felony.

7 (Source: P.A. 93-496, eff. 1-1-04; revised 11-4-09.)

8 (720 ILCS 5/17-27)

9 Sec. 17-27. Fraud on creditors ~~in insolvency~~.

10 (a) Fraud in insolvency. A person commits fraud in
11 insolvency when ~~a crime if~~, knowing that proceedings have or
12 are about to be instituted for the appointment of a receiver or
13 other person entitled to administer property for the benefit of
14 creditors, or that any other composition or liquidation for the
15 benefit of creditors has been or is about to be made, he or
16 she:

17 (1) destroys, removes, conceals, encumbers, transfers,
18 or otherwise deals with any property or obtains any
19 substantial part of or interest in the debtor's estate with
20 the intent ~~purpose~~ to defeat or obstruct the claim of any
21 creditor, or otherwise to obstruct the operation of any law
22 relating to administration of property for the benefit of
23 creditors;

24 (2) knowingly falsifies any writing or record relating
25 to the property; or

1 (3) knowingly misrepresents or refuses to disclose to a
2 receiver or other person entitled to administer property
3 for the benefit of creditors, the existence, amount, or
4 location of the property, or any other information which
5 the actor could be legally required to furnish in relation
6 to such administration.

7 Sentence. ~~(b)~~ If the benefit derived from a violation of
8 this subsection (a) Section is \$500,000 or more, the violation
9 ~~offender is guilty of~~ a Class 2 felony. If the benefit derived
10 from a violation of this subsection (a) Section is less than
11 \$500,000, the violation offender is ~~guilty of~~ a Class 3 felony.

12 (b) Fraud in property transfer. A person commits fraud in
13 property transfer when he or she transfers or conveys any
14 interest in property with the intent to defraud, defeat,
15 hinder, or delay his or her creditors. A violation of this
16 subsection (b) is a business offense subject to a fine not to
17 exceed \$1,000.

18 (Source: P.A. 93-496, eff. 1-1-04.)

19 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

20 Sec. 17-30 ~~16C-2~~. Defaced, altered, or removed
21 manufacturer or owner identification number.

22 (a) Unlawful sale of household appliances. A person commits
23 ~~the offense of~~ unlawful sale of household appliances when he or
24 she knowingly, with the intent to defraud or deceive another,
25 keeps for sale, within any commercial context, any household

1 appliance with a missing, defaced, obliterated, or otherwise
2 altered manufacturer's identification number.

3 (b) Construction equipment identification defacement. A
4 person commits construction equipment identification
5 defacement when he or she knowingly changes, alters, removes,
6 mutilates, or obliterates a permanently affixed serial number,
7 product identification number, part number, component
8 identification number, owner-applied identification, or other
9 mark of identification attached to or stamped, inscribed,
10 molded, or etched into a machine or other equipment, whether
11 stationary or mobile or self-propelled, or a part of such
12 machine or equipment, used in the construction, maintenance, or
13 demolition of buildings, structures, bridges, tunnels, sewers,
14 utility pipes or lines, ditches or open cuts, roads, highways,
15 dams, airports, or waterways or in material handling for such
16 projects.

17 The trier of fact may infer that the defendant has
18 knowingly changed, altered, removed, or obliterated the serial
19 number, product identification number, part number, component
20 identification number, owner-applied identification number, or
21 other mark of identification, if the defendant was in
22 possession of any machine or other equipment or a part of such
23 machine or equipment used in the construction, maintenance, or
24 demolition of buildings, structures, bridges, tunnels, sewers,
25 utility pipes or lines, ditches or open cuts, roads, highways,
26 dams, airports, or waterways or in material handling for such

1 projects upon which any such serial number, product
2 identification number, part number, component identification
3 number, owner-applied identification number, or other mark of
4 identification has been changed, altered, removed, or
5 obliterated.

6 (c) Defacement of manufacturer's serial number or
7 identification mark. A person commits defacement of a
8 manufacturer's serial number or identification mark when he or
9 she removes, alters, defaces, covers, or destroys the
10 manufacturer's serial number or any other manufacturer's
11 number or distinguishing identification mark upon any machine
12 or other article of merchandise, other than a motor vehicle as
13 defined in Section 1-146 of the Illinois Vehicle Code or a
14 firearm as defined in the Firearm Owners Identification Card
15 Act, with the intent of concealing or destroying the identity
16 of such machine or other article of merchandise.

17 (d) Sentence.

18 (1) A violation of subsection (a) ~~(b) Violation~~ of this
19 Section is a Class 4 felony, if the value of the appliance
20 or appliances exceeds \$1,000 and a Class B misdemeanor if
21 the value of the appliance or appliances is \$1,000 or less.

22 (2) A violation of subsection (b) of this Section is a
23 Class A misdemeanor.

24 (3) A violation of subsection (c) of this Section is a
25 Class B misdemeanor.

26 (c) No liability shall be imposed upon any person for the

1 unintentional failure to comply with this Section.

2 (e) Definitions. In this Section:

3 "Commercial context" means a continuing business
4 enterprise conducted for profit by any person whose primary
5 business is the wholesale or retail marketing of household
6 appliances, or a significant portion of whose business or
7 inventory consists of household appliances kept or sold on a
8 wholesale or retail basis.

9 "Household appliance" means any gas or electric device or
10 machine marketed for use as home entertainment or for
11 facilitating or expediting household tasks or chores. The term
12 shall include but not necessarily be limited to refrigerators,
13 freezers, ranges, radios, television sets, vacuum cleaners,
14 toasters, dishwashers, and other similar household items.

15 "Manufacturer's identification number" means any serial
16 number or other similar numerical or alphabetical designation
17 imprinted upon or attached to or placed, stamped, or otherwise
18 imprinted upon or attached to a household appliance or item by
19 the manufacturer for purposes of identifying a particular
20 appliance or item individually or by lot number.

21 (Source: P.A. 87-435.)

22 (720 ILCS 5/Art. 17, Subdiv. 25 heading new)

23 SUBDIVISION 25. CREDIT AND DEBIT CARD FRAUD

24 (720 ILCS 5/17-31 new)

1 Sec. 17-31. False statement to procure credit or debit
2 card. A person commits false statement to procure credit or
3 debit card when he or she makes or causes to be made, either
4 directly or indirectly, any false statement in writing, knowing
5 it to be false and with the intent that it be relied on,
6 respecting his or her identity, his or her address, or his or
7 her employment, or that of any other person, firm, or
8 corporation, with the intent to procure the issuance of a
9 credit card or debit card. A violation of this Section is a
10 Class 4 felony.

11 (720 ILCS 5/17-32 new)

12 Sec. 17-32. Possession of another's credit, debit, or
13 identification card.

14 (a) Possession of another's identification card. A person
15 commits possession of another's identification card when he or
16 she, with the intent to defraud, possesses any check guarantee
17 card or key card or identification card for cash dispensing
18 machines without the authority of the account holder or
19 financial institution.

20 (b) Possession of another's credit or debit card. A person
21 commits possession of another's credit or debit card when he or
22 she receives a credit card or debit card from the person,
23 possession, custody, or control of another without the
24 cardholder's consent or if he or she, with knowledge that it
25 has been so acquired, receives the credit card or debit card

1 with the intent to use it or to sell it, or to transfer it to a
2 person other than the issuer or the cardholder. The trier of
3 fact may infer that a person who has in his or her possession
4 or under his or her control 2 or more such credit cards or
5 debit cards each issued to a cardholder other than himself or
6 herself has violated this Section.

7 (c) Sentence.

8 (1) A violation of subsection (a) of this Section is a
9 Class A misdemeanor. A person who, within any 12-month
10 period, violates subsection (a) of this Section at the same
11 time or consecutively with respect to 3 or more cards, each
12 the property of different account holders, is guilty of a
13 Class 4 felony. A person convicted under subsection (a) of
14 this Section, when the value of property so obtained, in a
15 single transaction or in separate transactions within any
16 90-day period, exceeds \$150 is guilty of a Class 4 felony.

17 (2) A violation of subsection (b) of this Section is a
18 Class 4 felony. A person who, in any 12-month period,
19 violates subsection (b) of this Section with respect to 3
20 or more credit cards or debit cards each issued to a
21 cardholder other than himself or herself is guilty of a
22 Class 3 felony.

23 (720 ILCS 5/17-33 new)

24 Sec. 17-33. Possession of lost or mislaid credit or debit
25 card. A person who receives a credit card or debit card that he

1 or she knows to have been lost or mislaid and who retains
2 possession with intent to use it or to sell it or to transfer
3 it to a person other than the issuer or the cardholder is
4 guilty of a Class 4 felony.

5 A person who, in a single transaction, violates this
6 Section with respect to 3 or more credit cards or debit cards
7 each issued to different cardholders other than himself or
8 herself is guilty of a Class 3 felony.

9 (720 ILCS 5/17-34 new)

10 Sec. 17-34. Sale of credit or debit card. A person other
11 than the issuer who sells a credit card or debit card, without
12 the consent of the issuer, is guilty of a Class 4 felony.

13 A person who knowingly purchases a credit card or debit
14 card from a person other than the issuer, without the consent
15 of the issuer, is guilty of a Class 4 felony.

16 A person who, in a single transaction, makes a sale or
17 purchase prohibited by this Section with respect to 3 or more
18 credit cards or debit cards each issued to a cardholder other
19 than himself or herself is guilty of a Class 3 felony.

20 (720 ILCS 5/17-35 new)

21 Sec. 17-35. Use of credit or debit card as security for
22 debt. A person who, with intent to defraud either the issuer,
23 or a person providing an item or items of value, or any other
24 person, obtains control over a credit card or debit card as

1 security for debt or transfers, conveys, or gives control over
2 a credit card or debit card as security for debt is guilty of a
3 Class 4 felony.

4 (720 ILCS 5/17-36 new)

5 Sec. 17-36. Use of counterfeited, forged, expired,
6 revoked, or unissued credit or debit card. A person who, with
7 intent to defraud either the issuer, or a person providing an
8 item or items of value, or any other person, (i) uses, with the
9 intent to obtain an item or items of value, a credit card or
10 debit card obtained or retained in violation of this
11 Subdivision 25 or without the cardholder's consent, or a credit
12 card or debit card which he or she knows is counterfeited, or
13 forged, or expired, or revoked or (ii) obtains or attempts to
14 obtain an item or items of value by representing without the
15 consent of the cardholder that he or she is the holder of a
16 specified card or by representing that he or she is the holder
17 of a card and such card has not in fact been issued is guilty of
18 a Class 4 felony if the value of all items of value obtained or
19 sought in violation of this Section does not exceed \$300 in any
20 6-month period; and is guilty of a Class 3 felony if the value
21 exceeds \$300 in any 6-month period. The trier of fact may infer
22 that knowledge of revocation has been received by a cardholder
23 4 days after it has been mailed to him or her at the address set
24 forth on the credit card or debit card or at his or her last
25 known address by registered or certified mail, return receipt

1 requested, and, if the address is more than 500 miles from the
2 place of mailing, by air mail. The trier of fact may infer that
3 notice was received 10 days after mailing by registered or
4 certified mail if the address is located outside the United
5 States, Puerto Rico, the Virgin Islands, the Canal Zone, and
6 Canada.

7 (720 ILCS 5/17-37 new)

8 Sec. 17-37. Use of credit or debit card with intent to
9 defraud. A cardholder who uses a credit card or debit card
10 issued to him or her, or allows another person to use a credit
11 card or debit card issued to him or her, with intent to defraud
12 the issuer, or a person providing an item or items of value, or
13 any other person is guilty of a Class A misdemeanor if the
14 value of all items of value does not exceed \$150 in any 6-month
15 period; and is guilty of a Class 4 felony if the value exceeds
16 \$150 in any 6-month period.

17 (720 ILCS 5/17-38 new)

18 Sec. 17-38. Use of account number or code with intent to
19 defraud; possession of record of charge forms.

20 (a) A person who, with intent to defraud either an issuer,
21 or a person providing an item or items of value, or any other
22 person, utilizes an account number or code or enters
23 information on a record of charge form with the intent to
24 obtain an item or items of value is guilty of a Class 4 felony

1 if the value of the item or items of value obtained does not
2 exceed \$150 in any 6-month period; and is guilty of a Class 3
3 felony if the value exceeds \$150 in any 6-month period.

4 (b) A person who, with intent to defraud either an issuer
5 or a person providing an item or items of value, or any other
6 person, possesses, without the consent of the issuer or
7 purported issuer, record of charge forms bearing the printed
8 impression of a credit card or debit card is guilty of a Class
9 4 felony. The trier of fact may infer intent to defraud from
10 the possession of such record of charge forms by a person other
11 than the issuer or a person authorized by the issuer to possess
12 record of charge forms.

13 (720 ILCS 5/17-39 new)

14 Sec. 17-39. Receipt of goods or services. A person who
15 receives an item or items of value obtained in violation of
16 this Subdivision 25, knowing that it was so obtained or under
17 such circumstances as would reasonably induce him or her to
18 believe that it was so obtained, is guilty of a Class A
19 misdemeanor if the value of all items of value obtained does
20 not exceed \$150 in any 6-month period; and is guilty of a Class
21 4 felony if the value exceeds \$150 in any 6-month period.

22 (720 ILCS 5/17-40 new)

23 Sec. 17-40. Signing another's card with intent to defraud.
24 A person other than the cardholder or a person authorized by

1 him or her who, with intent to defraud either the issuer, or a
2 person providing an item or items of value, or any other
3 person, signs a credit card or debit card is guilty of a Class
4 A misdemeanor.

5 (720 ILCS 5/17-41 new)

6 Sec. 17-41. Altered or counterfeited card.

7 (a) A person commits an offense under this Section when he
8 or she, with intent to defraud either a purported issuer, or a
9 person providing an item or items of value, or any other
10 person, commits an offense under this Section if he or she: (i)
11 alters a credit card or debit card or a purported credit card
12 or debit card, or possesses a credit card or debit card or a
13 purported credit card or debit card with knowledge that the
14 same has been altered; or (ii) counterfeits a purported credit
15 card or debit card, or possesses a purported credit card or
16 debit card with knowledge that the card has been counterfeited.

17 (b) Sentence. A violation of item (i) of subsection (a) is
18 a Class 4 felony. A violation of item (ii) of subsection (a) is
19 a Class 3 felony. The trier of fact may infer that possession
20 of 2 or more credit cards or debit cards by a person other than
21 the issuer in violation of subsection (a) is evidence that the
22 person intended to defraud or that he or she knew the credit
23 cards or debit cards to have been so altered or counterfeited.

24 (720 ILCS 5/17-42 new)

1 Sec. 17-42. Possession of incomplete card. A person other
2 than the cardholder possessing an incomplete credit card or
3 debit card, with intent to complete it without the consent of
4 the issuer or a person possessing, with knowledge of its
5 character, machinery, plates, or any other contrivance
6 designed to reproduce instruments purporting to be credit cards
7 or debit cards of an issuer who has not consented to the
8 preparation of such credit cards or debit cards is guilty of a
9 Class 3 felony. The trier of fact may infer that a person other
10 than the cardholder or issuer who possesses 2 or more
11 incomplete credit cards or debit cards possesses those cards
12 without the consent of the issuer.

13 (720 ILCS 5/17-43 new)

14 Sec. 17-43. Prohibited deposits.

15 (a) A person who, with intent to defraud the issuer of a
16 credit card or debit card or any person providing an item or
17 items of value, or any other person, deposits into his or her
18 account or any account, via an electronic fund transfer
19 terminal, a check, draft, money order, or other such document,
20 knowing such document to be false, fictitious, forged, altered,
21 counterfeit, or not his or her lawful or legal property, is
22 guilty of a Class 4 felony.

23 (b) A person who receives value as a result of a false,
24 fictitious, forged, altered, or counterfeit check, draft,
25 money order, or other such document having been deposited into

1 an account via an electronic fund transfer terminal, knowing at
2 the time of receipt of the value that the document so deposited
3 was false, fictitious, forged, altered, counterfeit, or not his
4 or her lawful or legal property, is guilty of a Class 4 felony.

5 (720 ILCS 5/17-44 new)

6 Sec. 17-44. Fraudulent use of electronic transmission.

7 (a) A person who, with intent to defraud the issuer of a
8 credit card or debit card, the cardholder, or any other person,
9 intercepts, taps, or alters electronic information between an
10 electronic fund transfer terminal and the issuer, or originates
11 electronic information to an electronic fund transfer terminal
12 or to the issuer, via any line, wire, or other means of
13 electronic transmission, at any junction, terminal, or device,
14 or at any location within the EFT System, with the intent to
15 obtain value, is guilty of a Class 4 felony.

16 (b) Any person who, with intent to defraud the issuer of a
17 credit card or debit card, the cardholder, or any other person,
18 intercepts, taps, or alters electronic information between an
19 electronic fund transfer terminal and the issuer, or originates
20 electronic information to an electronic fund transfer terminal
21 or to the issuer, via any line, wire, or other means of
22 electronic transmission, at any junction, terminal, or device,
23 or at any location within the EFT System, and thereby causes
24 funds to be transferred from one account to any other account,
25 is guilty of a Class 4 felony.

1 (720 ILCS 5/17-45 new)

2 Sec. 17-45. Payment of charges without furnishing item of
3 value.

4 (a) No person shall process, deposit, negotiate, or obtain
5 payment of a credit card charge through a retail seller's
6 account with a financial institution or through a retail
7 seller's agreement with a financial institution, card issuer,
8 or organization of financial institutions or card issuers if
9 that retail seller did not furnish or agree to furnish the item
10 or items of value that are the subject of the credit card
11 charge.

12 (b) No retail seller shall permit any person to process,
13 deposit, negotiate, or obtain payment of a credit card charge
14 through the retail seller's account with a financial
15 institution or the retail seller's agreement with a financial
16 institution, card issuer, or organization of financial
17 institutions or card issuers if that retail seller did not
18 furnish or agree to furnish the item or items of value that are
19 the subject of the credit card charge.

20 (c) Subsections (a) and (b) do not apply to any of the
21 following:

22 (1) A person who furnishes goods or services on the
23 business premises of a general merchandise retail seller
24 and who processes, deposits, negotiates, or obtains
25 payment of a credit card charge through that general

1 merchandise retail seller's account or agreement.

2 (2) A general merchandise retail seller who permits a
3 person described in paragraph (1) to process, deposit,
4 negotiate, or obtain payment of a credit card charge
5 through that general merchandise retail seller's account
6 or agreement.

7 (3) A franchisee who furnishes the cardholder with an
8 item or items of value that are provided in whole or in
9 part by the franchisor and who processes, deposits,
10 negotiates, or obtains payment of a credit card charge
11 through that franchisor's account or agreement.

12 (4) A franchisor who permits a franchisee described in
13 paragraph (3) to process, deposit, negotiate, or obtain
14 payment of a credit card charge through that franchisor's
15 account or agreement.

16 (5) The credit card issuer or a financial institution
17 or a parent, subsidiary, or affiliate of the card issuer or
18 a financial institution.

19 (6) A person who processes, deposits, negotiates, or
20 obtains payment of less than \$500 of credit card charges in
21 any one-year period through a retail seller's account or
22 agreement. The person has the burden of producing evidence
23 that the person transacted less than \$500 in credit card
24 charges during any one-year period.

25 (7) A telecommunications carrier that includes charges
26 of other parties in its billings to its subscribers and

1 those other parties whose charges are included in the
2 billings of the telecommunications carrier to its
3 subscribers.

4 (d) A person injured by a violation of this Section may
5 bring an action for the recovery of damages, equitable relief,
6 and reasonable attorney's fees and costs.

7 (e) A person who violates this Section is guilty of a
8 business offense and shall be fined \$10,000 for each offense.
9 Each occurrence in which a person processes, deposits,
10 negotiates, or otherwise seeks to obtain payment of a credit
11 card charge in violation of subsection (a) constitutes a
12 separate offense.

13 (f) The penalties and remedies provided in this Section are
14 in addition to any other remedies or penalties provided by law.

15 (g) As used in this Section:

16 "Franchisor" and "franchisee" have the same meanings as in
17 Section 3 of the Franchise Disclosure Act of 1987.

18 "Retail seller" has the same meaning as in Section 2.4 of
19 the Retail Installment Sales Act.

20 "Telecommunications carrier" has the same meaning as in
21 Section 13-202 of the Public Utilities Act.

22 (720 ILCS 5/17-46 new)

23 Sec. 17-46. Furnishing items of value with intent to
24 defraud. A person who is authorized by an issuer to furnish
25 money, goods, property, services or anything else of value upon

1 presentation of a credit card or debit card by the cardholder,
2 or any agent or employee of such person, who, with intent to
3 defraud the issuer or the cardholder, furnishes money, goods,
4 property, services or anything else of value upon presentation
5 of a credit card or debit card obtained or retained in
6 violation of this Code or a credit card or debit card which he
7 knows is counterfeited, or forged, or expired, or revoked is
8 guilty of a Class A misdemeanor, if the value furnished in
9 violation of this Section does not exceed \$150 in any 6-month
10 period; and is guilty of a Class 4 felony if such value exceeds
11 \$150 in any 6-month period.

12 (720 ILCS 5/17-47 new)

13 Sec. 17-47. Failure to furnish items of value. A person who
14 is authorized by an issuer to furnish money, goods, property,
15 services or anything else of value upon presentation of a
16 credit card or debit card by the cardholder, or any agent or
17 employee of such person, who, with intent to defraud the issuer
18 or the cardholder, fails to furnish money, goods, property,
19 services or anything else of value which he represents in
20 writing to the issuer that he has furnished is guilty of a
21 Class A misdemeanor if the difference between the value of all
22 money, goods, property, services and anything else of value
23 actually furnished and the value represented to the issuer to
24 have been furnished does not exceed \$150 in any 6-month period;
25 and is guilty of a Class 4 felony if such difference exceeds

1 \$150 in any 6-month period.

2 (720 ILCS 5/17-48 new)

3 Sec. 17-48. Repeat offenses. Any person convicted of a
4 second or subsequent offense under this Subdivision 25 is
5 guilty of a Class 3 felony.

6 For purposes of this Section, an offense is considered a
7 second or subsequent offense if, prior to his or her conviction
8 of the offense, the offender has at any time been convicted
9 under this Subdivision 25, or under any prior Act, or under any
10 law of the United States or of any state relating to credit
11 card or debit card offenses.

12 (720 ILCS 5/17-49 new)

13 Sec. 17-49. Severability. If any provision of this
14 Subdivision 25 or its application to any person or
15 circumstances is held invalid, the invalidity shall not affect
16 other provisions or applications of this Subdivision 25 which
17 can be given effect without the invalid provision or
18 application, and to this end the provisions of this Subdivision
19 25 are declared to be severable.

20 (720 ILCS 5/17-49.5 new)

21 Sec. 17-49.5. Telephone Charge Fraud Act unaffected.
22 Nothing contained in this Subdivision 25 shall be construed to
23 repeal, amend, or otherwise affect the Telephone Charge Fraud

1 Act.

2 (720 ILCS 5/Art. 17, Subdiv. 30 heading new)

3 SUBDIVISION 30. COMPUTER FRAUD

4 (720 ILCS 5/17-50) (was 720 ILCS 5/16D-5 and 5/16D-6)

5 Sec. 17-50 ~~16D-5~~. Computer fraud ~~Fraud~~.

6 (a) A person commits ~~the offense of~~ computer fraud when he
7 or she knowingly:

8 (1) Accesses or causes to be accessed a computer or any
9 part thereof, or a program or data, with the intent ~~for the~~
10 ~~purpose~~ of devising or executing any scheme or ~~r~~ artifice to
11 defraud, or as part of a deception;

12 (2) Obtains use of, damages, or destroys a computer or
13 any part thereof, or alters, deletes, or removes any
14 program or data contained therein, in connection with any
15 scheme or ~~r~~ artifice to defraud, or as part of a deception;
16 or

17 (3) Accesses or causes to be accessed a computer or any
18 part thereof, or a program or data, and obtains money or
19 control over any such money, property, or services of
20 another in connection with any scheme or ~~r~~ artifice to
21 defraud, or as part of a deception.

22 (b) Sentence.

23 (1) A violation of subdivision ~~person who commits the~~
24 ~~offense of computer fraud as set forth in subsection~~ (a) (1)

1 of this Section ~~is shall be guilty of~~ a Class 4 felony.

2 (2) A violation of subdivision ~~person who commits the~~
3 ~~offense of computer fraud as set forth in subsection~~ (a) (2)
4 of this Section ~~is shall be guilty of~~ a Class 3 felony.

5 (3) A violation of subdivision ~~person who commits the~~
6 ~~offense of computer fraud as set forth in subsection~~ (a) (3)
7 of this Section ~~shall~~:

8 (i) ~~is be guilty of~~ a Class 4 felony if the value
9 of the money, property, or services is \$1,000 or less;
10 or

11 (ii) ~~is be guilty of~~ a Class 3 felony if the value
12 of the money, property, or services is more than \$1,000
13 but less than \$50,000; or

14 (iii) ~~is be guilty of~~ a Class 2 felony if the value
15 of the money, property, or services is \$50,000 or more.

16 (c) Sec. 16D-6. Forfeiture of property. Any person who
17 commits ~~the offense of~~ computer fraud as set forth in
18 subsection (a) Section 16D-5 is subject to the property
19 forfeiture provisions set forth in Article 124B of the Code of
20 Criminal Procedure of 1963.

21 (Source: P.A. 85-926; 96-712, eff. 1-1-10.)

22 (720 ILCS 5/17-51) (was 720 ILCS 5/16D-3)

23 Sec. 17-51 ~~16D-3~~. Computer tampering ~~Tampering~~.

24 (a) A person commits ~~the offense of~~ computer tampering when
25 he or she knowingly and without the authorization of a

1 computer's owner, ~~as defined in Section 15-2 of this Code,~~ or
2 in excess of the authority granted to him or her:

3 (1) Accesses or causes to be accessed a computer or any
4 part thereof, a computer network, or a program or data;

5 (2) Accesses or causes to be accessed a computer or any
6 part thereof, a computer network, or a program or data, and
7 obtains data or services;

8 (3) Accesses or causes to be accessed a computer or any
9 part thereof, a computer network, or a program or data, and
10 damages or destroys the computer or alters, deletes, or
11 removes a computer program or data;

12 (4) Inserts or attempts to insert a "program" into a
13 computer or computer program knowing or having reason to
14 know ~~believe~~ that such "program" contains information or
15 commands that will or may:

16 (A) damage or destroy that computer, or any other
17 computer subsequently accessing or being accessed by
18 that computer; ~~or that will or may~~

19 (B) alter, delete, or remove a computer program or
20 data from that computer, or any other computer program
21 or data in a computer subsequently accessing or being
22 accessed by that computer; or, ~~or that will or may~~

23 (C) cause loss to the users of that computer or the
24 users of a computer which accesses or which is accessed
25 by such "program"; or

26 (5) Falsifies or forges electronic mail transmission

1 information or other routing information in any manner in
2 connection with the transmission of unsolicited bulk
3 electronic mail through or into the computer network of an
4 electronic mail service provider or its subscribers.~~+~~

5 (a-5) Distributing software to falsify routing
6 information. It ~~is~~ shall be unlawful for any person knowingly
7 to sell, give, or otherwise distribute or possess with the
8 intent to sell, give, or distribute software which:

9 (1) is primarily designed or produced for the purpose
10 of facilitating or enabling the falsification of
11 electronic mail transmission information or other routing
12 information;

13 (2) has only a limited commercially significant
14 purpose or use other than to facilitate or enable the
15 falsification of electronic mail transmission information
16 or other routing information; or

17 (3) is marketed by that person or another acting in
18 concert with that person with that person's knowledge for
19 use in facilitating or enabling the falsification of
20 electronic mail transmission information or other routing
21 information.

22 (a-10) For purposes of subsection (a), accessing a computer
23 network is deemed to be with the authorization of a computer's
24 owner if:

25 (1) the owner authorizes patrons, customers, or guests
26 to access the computer network and the person accessing the

1 computer network is an authorized patron, customer, or
2 guest and complies with all terms or conditions for use of
3 the computer network that are imposed by the owner; or

4 (2) the owner authorizes the public to access the
5 computer network and the person accessing the computer
6 network complies with all terms or conditions for use of
7 the computer network that are imposed by the owner.

8 (b) Sentence.

9 (1) A person who commits ~~the offense of~~ computer
10 tampering as set forth in subdivision ~~subsection~~ (a) (1) or
11 (a) (5) or subsection (a-5) of this Section is ~~shall be~~
12 guilty of a Class B misdemeanor.

13 (2) A person who commits ~~the offense of~~ computer
14 tampering as set forth in subdivision ~~subsection~~ (a) (2) of
15 this Section is ~~shall be~~ guilty of a Class A misdemeanor
16 and a Class 4 felony for the second or subsequent offense.

17 (3) A person who commits ~~the offense of~~ computer
18 tampering as set forth in subdivision ~~subsection~~ (a) (3) or
19 ~~subsection~~ (a) (4) of this Section is ~~shall be~~ guilty of a
20 Class 4 felony and a Class 3 felony for the second or
21 subsequent offense.

22 (4) If an ~~the~~ injury arises from the transmission of
23 unsolicited bulk electronic mail, the injured person,
24 other than an electronic mail service provider, may also
25 recover attorney's fees and costs, and may elect, in lieu
26 of actual damages, to recover the lesser of \$10 for each

1 ~~and every~~ unsolicited bulk electronic mail message
2 transmitted in violation of this Section, or \$25,000 per
3 day. The injured person shall not have a cause of action
4 against the electronic mail service provider that merely
5 transmits the unsolicited bulk electronic mail over its
6 computer network.

7 (5) If an ~~the~~ injury arises from the transmission of
8 unsolicited bulk electronic mail, an injured electronic
9 mail service provider may also recover attorney's fees and
10 costs, and may elect, in lieu of actual damages, to recover
11 the greater of \$10 for each ~~and every~~ unsolicited
12 electronic mail advertisement transmitted in violation of
13 this Section, or \$25,000 per day.

14 (6) The provisions of this Section shall not be
15 construed to limit any person's right to pursue any
16 additional civil remedy otherwise allowed by law.

17 (c) Whoever suffers loss by reason of a violation of
18 ~~paragraph subsection~~ (a) (4) of this Section may, in a civil
19 action against the violator, obtain appropriate relief. In a
20 civil action under this Section, the court may award to the
21 prevailing party reasonable attorney's fees and other
22 litigation expenses.

23 (Source: P.A. 95-326, eff. 1-1-08; revised 11-4-09.)

24 (720 ILCS 5/17-52) (was 720 ILCS 5/16D-4)

25 Sec. 17-52 ~~16D-4~~. Aggravated computer tampering ~~Computer~~

1 ~~Tampering.~~

2 (a) A person commits aggravated computer tampering when he
3 or she commits ~~the offense of~~ computer tampering as set forth
4 in paragraph subsection (a) (3) of Section 17-51 ~~16D-3~~ and he or
5 she knowingly:

6 (1) causes disruption of or interference with vital
7 services or operations of State or local government or a
8 public utility; or

9 (2) creates a strong probability of death or great
10 bodily harm to one or more individuals.

11 (b) Sentence.

12 (1) A person who commits ~~the offense of~~ aggravated
13 computer tampering as set forth in paragraph subsection
14 (a)(1) of this Section is ~~shall be~~ guilty of a Class 3
15 felony.

16 (2) A person who commits ~~the offense of~~ aggravated
17 computer tampering as set forth in paragraph subsection
18 (a)(2) of this Section is ~~shall be~~ guilty of a Class 2
19 felony.

20 (Source: P.A. 86-820.)

21 (720 ILCS 5/17-52.5) (was 720 ILCS 5/16D-5.5)
22 Sec. 17-52.5 ~~16D-5.5~~. Unlawful use of encryption.

23 (a) For the purpose of this Section:

24 ~~"Access" means to intercept, instruct, communicate~~
25 ~~with, store data in, retrieve from, or otherwise make use~~

1 ~~of any resources of a computer, network, or data.~~

2 "Computer" means an electronic device which performs
3 logical, arithmetic, and memory functions by manipulations
4 of electronic or magnetic impulses and includes all
5 equipment related to the computer in a system or network.

6 "Computer contaminant" means any data, information,
7 image, program, signal, or sound that is designated or has
8 the capability to: (1) contaminate, corrupt, consume,
9 damage, destroy, disrupt, modify, record, or transmit; or
10 (2) cause to be contaminated, corrupted, consumed,
11 damaged, destroyed, disrupted, modified, recorded, or
12 transmitted, any other data, information, image, program,
13 signal, or sound contained in a computer, system, or
14 network without the knowledge or consent of the person who
15 owns the other data, information, image, program, signal,
16 or sound or the computer, system, or network.

17 "Computer contaminant" includes, without limitation:
18 (1) a virus, worm, or Trojan horse; (2) spyware that tracks
19 computer activity and is capable of recording and
20 transmitting such information to third parties; or (3) any
21 other similar data, information, image, program, signal,
22 or sound that is designed or has the capability to prevent,
23 impede, delay, or disrupt the normal operation or use of
24 any component, device, equipment, system, or network.

25 ~~"Data" means a representation in any form of~~
26 ~~information, knowledge, facts, concepts, or instructions~~

1 ~~which is being prepared or has been formally prepared and~~
2 ~~is intended to be processed, is being processed or has been~~
3 ~~processed in a system or network.~~

4 "Encryption" means the use of any protective or
5 disruptive measure, including, without limitation,
6 cryptography, enciphering, encoding, or a computer
7 contaminant, to: (1) prevent, impede, delay, or disrupt
8 access to any data, information, image, program, signal, or
9 sound; (2) cause or make any data, information, image,
10 program, signal, or sound unintelligible or unusable; or
11 (3) prevent, impede, delay, or disrupt the normal operation
12 or use of any component, device, equipment, system, or
13 network.

14 "Network" means a set of related, remotely connected
15 devices and facilities, including more than one system,
16 with the capability to transmit data among any of the
17 devices and facilities. The term includes, without
18 limitation, a local, regional, or global computer network.

19 "Program" means an ordered set of data representing
20 coded instructions or statements which can be executed by a
21 computer and cause the computer to perform one or more
22 tasks.

23 "System" means a set of related equipment, whether or
24 not connected, which is used with or for a computer.

25 (b) A person shall not knowingly use or attempt to use
26 encryption, directly or indirectly, to:

1 (1) commit, facilitate, further, or promote any
2 criminal offense;

3 (2) aid, assist, or encourage another person to commit
4 any criminal offense;

5 (3) conceal evidence of the commission of any criminal
6 offense; or

7 (4) conceal or protect the identity of a person who has
8 committed any criminal offense.

9 (c) Telecommunications carriers and information service
10 providers are not liable under this Section, except for willful
11 and wanton misconduct, for providing encryption services used
12 by others in violation of this Section.

13 (d) Sentence. A person who violates this Section is guilty
14 of a Class A misdemeanor, unless the encryption was used or
15 attempted to be used to commit an offense for which a greater
16 penalty is provided by law. If the encryption was used or
17 attempted to be used to commit an offense for which a greater
18 penalty is provided by law, the person shall be punished as
19 prescribed by law for that offense.

20 (e) A person who violates this Section commits a criminal
21 offense that is separate and distinct from any other criminal
22 offense and may be prosecuted and convicted under this Section
23 whether or not the person or any other person is or has been
24 prosecuted or convicted for any other criminal offense arising
25 out of the same facts as the violation of this Section.

26 (Source: P.A. 95-942, eff. 1-1-09.)

1 (720 ILCS 5/17-54) (was 720 ILCS 5/16D-7)

2 Sec. 17-54 ~~16D-7~~. Evidence of lack of Rebuttable
3 Presumption ~~without~~ authority. For the purposes of Sections
4 17-50 through 17-52, the trier of fact may infer that a person
5 accessed a computer without the authorization of its owner or
6 in excess of the authority granted if the ~~In the event that a~~
7 person accesses or causes to be accessed a computer, which
8 access requires a confidential or proprietary code which has
9 not been issued to or authorized for use by that person, ~~a~~
10 ~~rebuttable presumption exists that the computer was accessed~~
11 ~~without the authorization of its owner or in excess of the~~
12 ~~authority granted.~~

13 (Source: P.A. 85-926.)

14 (720 ILCS 5/17-55 new)

15 Sec. 17-55. Definitions. For the purposes of Sections 17-50
16 through 17-53:

17 In addition to its meaning as defined in Section 15-1 of
18 this Code, "property" means: (1) electronic impulses; (2)
19 electronically produced data; (3) confidential, copyrighted,
20 or proprietary information; (4) private identification codes
21 or numbers which permit access to a computer by authorized
22 computer users or generate billings to consumers for purchase
23 of goods and services, including but not limited to credit card
24 transactions and telecommunications services or permit

1 electronic fund transfers; (5) software or programs in either
2 machine or human readable form; or (6) any other tangible or
3 intangible item relating to a computer or any part thereof.

4 "Access" means to use, instruct, communicate with, store
5 data in, retrieve or intercept data from, or otherwise utilize
6 any services of, a computer, a network, or data.

7 "Services" includes but is not limited to computer time,
8 data manipulation, or storage functions.

9 "Vital services or operations" means those services or
10 operations required to provide, operate, maintain, and repair
11 network cabling, transmission, distribution, or computer
12 facilities necessary to ensure or protect the public health,
13 safety, or welfare. Those services or operations include, but
14 are not limited to, services provided by medical personnel or
15 institutions, fire departments, emergency services agencies,
16 national defense contractors, armed forces or militia
17 personnel, private and public utility companies, or law
18 enforcement agencies.

19 (720 ILCS 5/Art. 17, Subdiv. 35 heading new)

20 SUBDIVISION 35. MISCELLANEOUS SPECIAL FRAUD

21 (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

22 Sec. 17-56 ~~16-1.3~~. Financial exploitation of an elderly
23 person or a person with a disability.

24 (a) A person commits ~~the offense of~~ financial exploitation

1 of an elderly person or a person with a disability when he or
2 she stands in a position of trust or confidence with the
3 elderly person or a person with a disability and he or she
4 knowingly and by deception or intimidation obtains control over
5 the property of an elderly person or a person with a disability
6 or illegally uses the assets or resources of an elderly person
7 or a person with a disability. ~~The illegal use of the assets or~~
8 ~~resources of an elderly person or a person with a disability~~
9 ~~includes, but is not limited to, the misappropriation of those~~
10 ~~assets or resources by undue influence, breach of a fiduciary~~
11 ~~relationship, fraud, deception, extortion, or use of the assets~~
12 ~~or resources contrary to law.~~

13 (b) Sentence. Financial exploitation of an elderly person
14 or a person with a disability is: (1) a Class 4 felony if the
15 value of the property is \$300 or less, (2) a Class 3 felony if
16 the value of the property is more than \$300 but less than
17 \$5,000, (3) a Class 2 felony if the value of the property is
18 \$5,000 or more but less than \$100,000, and (4) a Class 1 felony
19 if the value of the property is \$100,000 or more or if the
20 elderly person is over 70 years of age and the value of the
21 property is \$15,000 or more or if the elderly person is 80
22 years of age or older and the value of the property is \$5,000
23 or more.

24 (c) ~~(b)~~ For purposes of this Section:

25 (1) "Elderly person" means a person 60 years of age or
26 older.

1 (2) "Person with a disability" means a person who
2 suffers from a physical or mental impairment resulting from
3 disease, injury, functional disorder or congenital
4 condition that impairs the individual's mental or physical
5 ability to independently manage his or her property or
6 financial resources, or both.

7 (3) "Intimidation" means the communication to an
8 elderly person or a person with a disability that he or she
9 shall be deprived of food and nutrition, shelter,
10 prescribed medication or medical care and treatment.

11 (4) "Deception" means, in addition to its meaning as
12 defined in Section 15-4 of this Code, a misrepresentation
13 or concealment of material fact relating to the terms of a
14 contract or agreement entered into with the elderly person
15 or person with a disability or to the existing or
16 pre-existing condition of any of the property involved in
17 such contract or agreement; or the use or employment of any
18 misrepresentation, false pretense or false promise in
19 order to induce, encourage or solicit the elderly person or
20 person with a disability to enter into a contract or
21 agreement.

22 The illegal use of the assets or resources of an elderly
23 person or a person with a disability includes, but is not
24 limited to, the misappropriation of those assets or resources
25 by undue influence, breach of a fiduciary relationship, fraud,
26 deception, extortion, or use of the assets or resources

1 contrary to law.

2 A ~~(e) For purposes of this Section,~~ a person stands in a
3 position of trust and confidence with an elderly person or
4 person with a disability when he (i) ~~(1)~~ is a parent, spouse,
5 adult child or other relative by blood or marriage of the
6 elderly person or person with a disability, (ii) ~~(2)~~ is a joint
7 tenant or tenant in common with the elderly person or person
8 with a disability, (iii) ~~(3)~~ has a legal or fiduciary
9 relationship with the elderly person or person with a
10 disability, or (iv) ~~(4)~~ is a financial planning or investment
11 professional.

12 (d) Limitations. Nothing in this Section shall be construed
13 to limit the remedies available to the victim under the
14 Illinois Domestic Violence Act of 1986.

15 (e) Good faith efforts. Nothing in this Section shall be
16 construed to impose criminal liability on a person who has made
17 a good faith effort to assist the elderly person or person with
18 a disability in the management of his or her property, but
19 through no fault of his or her own has been unable to provide
20 such assistance.

21 (f) Not a defense. It shall not be a defense to financial
22 exploitation of an elderly person or person with a disability
23 that the accused reasonably believed that the victim was not an
24 elderly person or person with a disability.

25 (g) Civil Liability. A person who is charged by information
26 or indictment with the offense of financial exploitation of an

1 elderly person or person with a disability and who fails or
2 refuses to return the victim's property within 60 days
3 following a written demand from the victim or the victim's
4 legal representative shall be liable to the victim or to the
5 estate of the victim in damages of treble the amount of the
6 value of the property obtained, plus reasonable attorney fees
7 and court costs. The burden of proof that the defendant
8 unlawfully obtained the victim's property shall be by a
9 preponderance of the evidence. This subsection shall be
10 operative whether or not the defendant has been convicted of
11 the offense.

12 (Source: P.A. 95-798, eff. 1-1-09.)

13 (720 ILCS 5/17-57) (was 720 ILCS 5/17-28)

14 Sec. 17-57 ~~17-28~~. Defrauding drug and alcohol screening
15 tests.

16 (a) It is unlawful for a person to:

17 (1) manufacture, sell, give away, distribute, or
18 market synthetic or human substances or other products in
19 this State or transport urine into this State with the
20 intent of using the synthetic or human substances or other
21 products to defraud a drug or alcohol screening test;

22 (2) substitute or spike a sample or advertise a sample
23 substitution or other spiking device or measure, with the
24 intent of attempting ~~attempt~~ to foil or defeat a drug or
25 alcohol screening test ~~by the substitution or spiking of a~~

1 ~~sample or the advertisement of a sample substitution or~~
2 ~~other spiking device or measure;~~

3 (3) adulterate synthetic or human substances with the
4 intent to defraud a drug or alcohol screening test; or

5 (4) manufacture, sell, or possess adulterants that are
6 intended to be used to adulterate synthetic or human
7 substances with the intent ~~for the purpose~~ of defrauding a
8 drug or alcohol screening test.

9 (b) The ~~For the purpose of determining the intent of the~~
10 ~~defendant who is charged with a violation of this Section, the~~
11 ~~trier of fact may~~ infer intent to violate this Section if ~~take~~
12 ~~into consideration whether or not~~ a heating element or any
13 other device used to thwart a drug or alcohol screening test
14 accompanies the sale, giving, distribution, or marketing of
15 synthetic or human substances or other products or ~~whether or~~
16 ~~not~~ instructions that provide a method for thwarting a drug or
17 alcohol screening test accompany the sale, giving,
18 distribution, or marketing of synthetic or human substances or
19 other products.

20 (c) Sentence. A violation of this Section is a Class 4
21 felony for which the court shall impose a minimum fine of
22 \$1,000.

23 (d) For the purposes of this Section, "drug or alcohol
24 screening test" includes, but is not limited to, urine testing,
25 hair follicle testing, perspiration testing, saliva testing,
26 blood testing, fingernail testing, and eye drug testing.

1 (Source: P.A. 93-691, eff. 7-9-04.)

2 (720 ILCS 5/17-58) (was 720 ILCS 5/17-16)

3 Sec. 17-58 ~~17-16~~. Fraudulent production of infant. A person
4 who fraudulently produces an infant, falsely pretending it to
5 have been born of parents whose child would be entitled to a
6 share of a personal estate, or to inherit real estate, with the
7 intent of intercepting the inheritance of the real estate, or
8 the distribution of the personal property from a person
9 lawfully entitled to the personal property, is guilty of a
10 Class 3 felony.

11 (Source: P.A. 89-234, eff. 1-1-96.)

12 (720 ILCS 5/17-59) (was 720 ILCS 5/39-1)

13 Sec. 17-59 ~~39-1~~. Criminal usury ~~Usury~~.

14 (a) ~~A~~ Any person commits criminal usury when, in exchange
15 for either a loan of money or other property or forbearance
16 from the collection of such a loan, he or she knowingly
17 contracts for or receives from an individual, directly or
18 indirectly, interest, discount, or other consideration at a
19 rate greater than 20% per annum either before or after the
20 maturity of the loan.

21 (b) When a person has in his or her personal or
22 constructive possession records, memoranda, or other
23 documentary record of usurious loans, the trier of fact may
24 infer ~~it shall be prima facie evidence~~ that he or she has

1 violated subsection (a) of this Section ~~Subsection 39-1(a)~~
2 ~~hereof~~.

3 (c) Sentence. Criminal usury is a Class 4 felony.

4 (d) Non-application to licensed persons. This Section does
5 not apply to any loan authorized to be made by any person
6 licensed under the Consumer Installment Loan Act or to any loan
7 permitted by Sections 4, 4.2 and 4a of the Interest Act or by
8 any other law of this State.

9 (Source: P.A. 76-1879.)

10 (720 ILCS 5/17-60) (was 720 ILCS 5/17-7)

11 Sec. 17-60 ~~17-7~~. Promotion of pyramid sales schemes.

12 (a) A person who knowingly sells, offers to sell, or
13 attempts to sell the right to participate in a pyramid sales
14 scheme commits a Class A misdemeanor.

15 (b) ~~(a)~~ The term "pyramid sales scheme" means any plan or
16 operation whereby a person, in exchange for money or other
17 thing of value, acquires the opportunity to receive a benefit
18 or thing of value, which is primarily based upon the inducement
19 of additional persons, by himself or others, regardless of
20 number, to participate in the same plan or operation and is not
21 primarily contingent on the volume or quantity of goods,
22 services, or other property sold or distributed or to be sold
23 or distributed to persons for purposes of resale to consumers.
24 For purposes of this subsection, "money or other thing of
25 value" shall not include payments made for sales demonstration

1 equipment and materials furnished on a nonprofit basis for use
2 in making sales and not for resale.

3 ~~(b) Any person who knowingly sells, offers to sell, or~~
4 ~~attempts to sell the right to participate in a pyramid sales~~
5 ~~scheme commits a Class A misdemeanor.~~

6 (Source: P.A. 83-808.)

7 (720 ILCS 5/17-61 new)

8 Sec. 17-61. Unauthorized use of university stationery.

9 (a) No person, firm or corporation shall use the official
10 stationery or seal or a facsimile thereof, of any State
11 supported university, college or other institution of higher
12 education or any organization thereof unless approved in
13 writing in advance by the university, college or institution of
14 higher education affected, for any private promotional scheme
15 wherein it is made to appear that the organization or
16 university, college or other institution of higher education is
17 endorsing the private promotional scheme.

18 (b) A violation of this Section is a petty offense.

19 (720 ILCS 5/17-62 new)

20 Sec. 17-62. Unlawful possession of device for
21 manufacturing a false universal price code label. It is
22 unlawful for a person to knowingly possess a device the purpose
23 of which is to manufacture a false, counterfeit, altered, or
24 simulated universal price code label. A violation of this

1 Section is a Class 3 felony.

2 (720 ILCS 5/16D-2 rep.)

3 (720 ILCS 5/Art. 16H rep.)

4 (720 ILCS 5/17-1a rep.)

5 (720 ILCS 5/17-2.5 rep.)

6 (720 ILCS 5/17-4 rep.)

7 (720 ILCS 5/17-8 rep.)

8 (720 ILCS 5/17-10 rep.)

9 (720 ILCS 5/17-11.1 rep.)

10 (720 ILCS 5/17-12 rep.)

11 (720 ILCS 5/17-14 rep.)

12 (720 ILCS 5/17-15 rep.)

13 (720 ILCS 5/17-18 rep.)

14 (720 ILCS 5/17-19 rep.)

15 (720 ILCS 5/17-23 rep.)

16 (720 ILCS 5/Art. 17A rep.)

17 (720 ILCS 5/17B-1 rep.)

18 (720 ILCS 5/17B-5 rep.)

19 (720 ILCS 5/17B-10 rep.)

20 (720 ILCS 5/17B-15 rep.)

21 (720 ILCS 5/17B-20 rep.)

22 (720 ILCS 5/17B-25 rep.)

23 (720 ILCS 5/17B-30 rep.)

24 (720 ILCS 5/32-5 rep.)

25 (720 ILCS 5/32-5.1 rep.)

1 (720 ILCS 5/32-5.1-1 rep.)

2 (720 ILCS 5/32-5.2 rep.)

3 (720 ILCS 5/32-5.2-5 rep.)

4 (720 ILCS 5/32-5.3 rep.)

5 (720 ILCS 5/32-5.4 rep.)

6 (720 ILCS 5/32-5.4-1 rep.)

7 (720 ILCS 5/32-5.5 rep.)

8 (720 ILCS 5/32-5.6 rep.)

9 (720 ILCS 5/32-5.7 rep.)

10 (720 ILCS 5/Art. 33C rep.)

11 (720 ILCS 5/Art. 39 heading rep.)

12 (720 ILCS 5/39-2 rep.)

13 (720 ILCS 5/39-3 rep.)

14 (720 ILCS 5/Art. 46 rep.)

15 Section 5-6. The Criminal Code of 1961 is amended by
16 repealing Article 16H, Article 17A, Article 33C, Article 46,
17 the heading of Article 39, and Sections 16D-2, 17-1a, 17-2.5,
18 17-4, 17-8, 17-10, 17-11.1, 17-12, 17-14, 17-15, 17-18, 17-19,
19 17-23, 17B-1, 17B-5, 17B-10, 17B-15, 17B-20, 17B-25, 17B-30,
20 32-5, 32-5.1, 32-5.1-1, 32-5.2, 32-5.2-5, 32-5.3, 32-5.4,
21 32-5.4-1, 32-5.5, 32-5.6, 32-5.7, 39-2, and 39-3.

22 (720 ILCS 240/Act rep.)

23 Section 5-10. The Conditional Sales Protection Act is
24 repealed.

1 (720 ILCS 245/Act rep.)

2 Section 5-12. The Construction Equipment Identification
3 Defacement Act is repealed.

4 (720 ILCS 250/Act rep.)

5 Section 5-15. The Illinois Credit Card and Debit Card Act
6 is repealed.

7 (720 ILCS 290/Act rep.)

8 Section 5-20. The Deceptive Sale of Gold and Silver Act is
9 repealed.

10 (720 ILCS 295/Act rep.)

11 Section 5-25. The Deceptive Advertising Act is repealed.

12 (720 ILCS 305/Act rep.)

13 Section 5-30. The Gasoline Price Advertising Act is
14 repealed.

15 (720 ILCS 325/Act rep.)

16 Section 5-35. The Insurance Claims for Excessive Charges
17 Act is repealed.

18 (720 ILCS 335/Act rep.)

19 Section 5-37. The Marks and Serial Numbers Act is repealed.

1 (720 ILCS 390/Act rep.)

2 Section 5-40. The Use of University Stationery Act is
3 repealed.

4 Article 10.

5 Section 10-5. The Department of Revenue Law of the Civil
6 Administrative Code of Illinois is amended by changing Section
7 2505-400 as follows:

8 (20 ILCS 2505/2505-400) (was 20 ILCS 2505/39b49)

9 Sec. 2505-400. Contracts for collection assistance.

10 (a) The Department has the power to contract for collection
11 assistance on a contingent fee basis, with collection fees to
12 be retained by the collection agency and the net collections to
13 be paid to the Department. In the case of any liability
14 referred to a collection agency on or after July 1, 2003, any
15 fee charged to the State by the collection agency shall be
16 considered additional State tax of the taxpayer imposed under
17 the Act under which the tax being collected was imposed, shall
18 be deemed assessed at the time payment of the tax is made to
19 the collection agency, and shall be separately stated in any
20 statement or notice of the liability issued by the collection
21 agency to the taxpayer.

22 (b) The Department has the power to enter into written
23 agreements with State's Attorneys for pursuit of civil

1 liability under subsection (E) of Section 17-1 ~~17-1a~~ of the
2 Criminal Code of 1961 against persons who have issued to the
3 Department checks or other orders in violation of the
4 provisions of paragraph (1) ~~(d)~~ of subsection (B) of Section
5 17-1 of the Criminal Code of 1961. Of the amount collected, the
6 Department shall retain the amount owing upon the dishonored
7 check or order along with the dishonored check fee imposed
8 under the Uniform Penalty and Interest Act. The balance of
9 damages, fees, and costs collected under subsection (E) of
10 Section 17-1 ~~17-1a~~ of the Criminal Code of 1961 or under
11 Section 17-1a of that Code shall be retained by the State's
12 Attorney. The agreement shall not affect the allocation of
13 fines and costs imposed in any criminal prosecution.

14 (c) The Department may issue the Secretary of the Treasury
15 of the United States (or his or her delegate) notice, as
16 required by Section 6402(e) of the Internal Revenue Code, of
17 any past due, legally enforceable State income tax obligation
18 of a taxpayer. The Department must notify the taxpayer that any
19 fee charged to the State by the Secretary of the Treasury of
20 the United States (or his or her delegate) under Internal
21 Revenue Code Section 6402(e) is considered additional State
22 income tax of the taxpayer with respect to whom the Department
23 issued the notice, and is deemed assessed upon issuance by the
24 Department of notice to the Secretary of the Treasury of the
25 United States (or his or her delegate) under Section 6402(e) of
26 the Internal Revenue Code; a notice of additional State income

1 tax is not considered a notice of deficiency, and the taxpayer
2 has no right of protest.

3 (Source: P.A. 92-492, eff. 1-1-02; 93-25, eff. 6-20-03.)

4 Section 10-10. The Counties Code is amended by changing
5 Section 3-9005 as follows:

6 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)
7 Sec. 3-9005. Powers and duties of State's attorney.

8 (a) The duty of each State's attorney shall be:

9 (1) To commence and prosecute all actions, suits,
10 indictments and prosecutions, civil and criminal, in the
11 circuit court for his county, in which the people of the
12 State or county may be concerned.

13 (2) To prosecute all forfeited bonds and
14 recognizances, and all actions and proceedings for the
15 recovery of debts, revenues, moneys, fines, penalties and
16 forfeitures accruing to the State or his county, or to any
17 school district or road district in his county; also, to
18 prosecute all suits in his county against railroad or
19 transportation companies, which may be prosecuted in the
20 name of the People of the State of Illinois.

21 (3) To commence and prosecute all actions and
22 proceedings brought by any county officer in his official
23 capacity.

24 (4) To defend all actions and proceedings brought

1 against his county, or against any county or State officer,
2 in his official capacity, within his county.

3 (5) To attend the examination of all persons brought
4 before any judge on habeas corpus, when the prosecution is
5 in his county.

6 (6) To attend before judges and prosecute charges of
7 felony or misdemeanor, for which the offender is required
8 to be recognized to appear before the circuit court, when
9 in his power so to do.

10 (7) To give his opinion, without fee or reward, to any
11 county officer in his county, upon any question or law
12 relating to any criminal or other matter, in which the
13 people or the county may be concerned.

14 (8) To assist the attorney general whenever it may be
15 necessary, and in cases of appeal from his county to the
16 Supreme Court, to which it is the duty of the attorney
17 general to attend, he shall furnish the attorney general at
18 least 10 days before such is due to be filed, a manuscript
19 of a proposed statement, brief and argument to be printed
20 and filed on behalf of the people, prepared in accordance
21 with the rules of the Supreme Court. However, if such
22 brief, argument or other document is due to be filed by law
23 or order of court within this 10 day period, then the
24 State's attorney shall furnish such as soon as may be
25 reasonable.

26 (9) To pay all moneys received by him in trust, without

1 delay, to the officer who by law is entitled to the custody
2 thereof.

3 (10) To notify, by first class mail, complaining
4 witnesses of the ultimate disposition of the cases arising
5 from an indictment or an information.

6 (11) To perform such other and further duties as may,
7 from time to time, be enjoined on him by law.

8 (12) To appear in all proceedings by collectors of
9 taxes against delinquent taxpayers for judgments to sell
10 real estate, and see that all the necessary preliminary
11 steps have been legally taken to make the judgment legal
12 and binding.

13 (13) To notify, by first-class mail, the State
14 Superintendent of Education, the applicable regional
15 superintendent of schools, and the superintendent of the
16 employing school district or the chief school
17 administrator of the employing nonpublic school, if any,
18 upon the conviction of any individual known to possess a
19 certificate issued pursuant to Article 21 of the School
20 Code of any offense set forth in Section 21-23a of the
21 School Code or any other felony conviction, providing the
22 name of the certificate holder, the fact of the conviction,
23 and the name and location of the court where the conviction
24 occurred. The certificate holder must also be
25 contemporaneously sent a copy of the notice.

26 (b) The State's Attorney of each county shall have

1 authority to appoint one or more special investigators to serve
2 subpoenas, make return of process and conduct investigations
3 which assist the State's Attorney in the performance of his
4 duties. A special investigator shall not carry firearms except
5 with permission of the State's Attorney and only while carrying
6 appropriate identification indicating his employment and in
7 the performance of his assigned duties.

8 Subject to the qualifications set forth in this subsection,
9 special investigators shall be peace officers and shall have
10 all the powers possessed by investigators under the State's
11 Attorneys Appellate Prosecutor's Act.

12 No special investigator employed by the State's Attorney
13 shall have peace officer status or exercise police powers
14 unless he or she successfully completes the basic police
15 training course mandated and approved by the Illinois Law
16 Enforcement Training Standards Board or such board waives the
17 training requirement by reason of the special investigator's
18 prior law enforcement experience or training or both. Any
19 State's Attorney appointing a special investigator shall
20 consult with all affected local police agencies, to the extent
21 consistent with the public interest, if the special
22 investigator is assigned to areas within that agency's
23 jurisdiction.

24 Before a person is appointed as a special investigator, his
25 fingerprints shall be taken and transmitted to the Department
26 of State Police. The Department shall examine its records and

1 submit to the State's Attorney of the county in which the
2 investigator seeks appointment any conviction information
3 concerning the person on file with the Department. No person
4 shall be appointed as a special investigator if he has been
5 convicted of a felony or other offense involving moral
6 turpitude. A special investigator shall be paid a salary and be
7 reimbursed for actual expenses incurred in performing his
8 assigned duties. The county board shall approve the salary and
9 actual expenses and appropriate the salary and expenses in the
10 manner prescribed by law or ordinance.

11 (c) The State's Attorney may request and receive from
12 employers, labor unions, telephone companies, and utility
13 companies location information concerning putative fathers and
14 noncustodial parents for the purpose of establishing a child's
15 paternity or establishing, enforcing, or modifying a child
16 support obligation. In this subsection, "location information"
17 means information about (i) the physical whereabouts of a
18 putative father or noncustodial parent, (ii) the putative
19 father or noncustodial parent's employer, or (iii) the salary,
20 wages, and other compensation paid and the health insurance
21 coverage provided to the putative father or noncustodial parent
22 by the employer of the putative father or noncustodial parent
23 or by a labor union of which the putative father or
24 noncustodial parent is a member.

25 (d) For each State fiscal year, the State's Attorney of
26 Cook County shall appear before the General Assembly and

1 request appropriations to be made from the Capital Litigation
2 Trust Fund to the State Treasurer for the purpose of providing
3 assistance in the prosecution of capital cases in Cook County
4 and for the purpose of providing assistance to the State in
5 post-conviction proceedings in capital cases under Article 122
6 of the Code of Criminal Procedure of 1963 and in relation to
7 petitions filed under Section 2-1401 of the Code of Civil
8 Procedure in relation to capital cases. The State's Attorney
9 may appear before the General Assembly at other times during
10 the State's fiscal year to request supplemental appropriations
11 from the Trust Fund to the State Treasurer.

12 (e) The State's Attorney shall have the authority to enter
13 into a written agreement with the Department of Revenue for
14 pursuit of civil liability under subsection (E) of Section 17-1
15 ~~17-1a~~ of the Criminal Code of 1961 against persons who have
16 issued to the Department checks or other orders in violation of
17 the provisions of paragraph (1) ~~(d)~~ of subsection (B) of
18 Section 17-1 of the Criminal Code of 1961, with the Department
19 to retain the amount owing upon the dishonored check or order
20 along with the dishonored check fee imposed under the Uniform
21 Penalty and Interest Act, with the balance of damages, fees,
22 and costs collected under subsection (E) of Section 17-1 ~~17-1a~~
23 of the Criminal Code of 1961 or under Section 17-1a of that
24 Code to be retained by the State's Attorney. The agreement
25 shall not affect the allocation of fines and costs imposed in
26 any criminal prosecution.

1 (Source: P.A. 96-431, eff. 8-13-09.)

2 Section 10-15. The Acupuncture Practice Act is amended by
3 changing Section 117 as follows:

4 (225 ILCS 2/117)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 117. Suspension of license for failure to pay
7 restitution. The Department, without further process or
8 hearing, shall suspend the license or other authorization to
9 practice of any person issued under this Act who has been
10 certified by court order as not having paid restitution to a
11 person under Section 8A-3.5 of the Illinois Public Aid Code or
12 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
13 person whose license or other authorization to practice is
14 suspended under this Section is prohibited from practicing
15 until the restitution is made in full.

16 (Source: P.A. 94-577, eff. 1-1-06.)

17 Section 10-20. The Illinois Athletic Trainers Practice Act
18 is amended by changing Section 16.5 as follows:

19 (225 ILCS 5/16.5)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 16.5. Suspension of license for failure to pay
22 restitution. The Department, without further process or

1 hearing, shall suspend the license or other authorization to
2 practice of any person issued under this Act who has been
3 certified by court order as not having paid restitution to a
4 person under Section 8A-3.5 of the Illinois Public Aid Code or
5 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
6 person whose license or other authorization to practice is
7 suspended under this Section is prohibited from practicing
8 until the restitution is made in full.

9 (Source: P.A. 94-577, eff. 1-1-06.)

10 Section 10-25. The Clinical Psychologist Licensing Act is
11 amended by changing Section 15.1 as follows:

12 (225 ILCS 15/15.1)

13 (Section scheduled to be repealed on January 1, 2017)

14 Sec. 15.1. Suspension of license for failure to pay
15 restitution. The Department, without further process or
16 hearing, shall suspend the license or other authorization to
17 practice of any person issued under this Act who has been
18 certified by court order as not having paid restitution to a
19 person under Section 8A-3.5 of the Illinois Public Aid Code or
20 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
21 person whose license or other authorization to practice is
22 suspended under this Section is prohibited from practicing
23 until the restitution is made in full.

24 (Source: P.A. 94-577, eff. 1-1-06.)

1 Section 10-30. The Clinical Social Work and Social Work
2 Practice Act is amended by changing Section 19.5 as follows:

3 (225 ILCS 20/19.5)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 19.5. Suspension of license for failure to pay
6 restitution. The Department, without further process or
7 hearing, shall suspend the license or other authorization to
8 practice of any person issued under this Act who has been
9 certified by court order as not having paid restitution to a
10 person under Section 8A-3.5 of the Illinois Public Aid Code or
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
12 person whose license or other authorization to practice is
13 suspended under this Section is prohibited from practicing
14 until the restitution is made in full.

15 (Source: P.A. 94-577, eff. 1-1-06.)

16 Section 10-35. The Illinois Dental Practice Act is amended
17 by changing Section 23c as follows:

18 (225 ILCS 25/23c)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 23c. Suspension of license for failure to pay
21 restitution. The Department, without further process or
22 hearing, shall suspend the license or other authorization to

1 practice of any person issued under this Act who has been
2 certified by court order as not having paid restitution to a
3 person under Section 8A-3.5 of the Illinois Public Aid Code or
4 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
5 person whose license or other authorization to practice is
6 suspended under this Section is prohibited from practicing
7 until the restitution is made in full.

8 (Source: P.A. 94-577, eff. 1-1-06.)

9 Section 10-40. The Health Care Worker Background Check Act
10 is amended by changing Section 25 as follows:

11 (225 ILCS 46/25)

12 Sec. 25. Persons ineligible to be hired by health care
13 employers and long-term care facilities.

14 (a) In the discretion of the Director of Public Health, as
15 soon after January 1, 1996, January 1, 1997, January 1, 2006,
16 or October 1, 2007, as applicable, and as is reasonably
17 practical, no health care employer shall knowingly hire,
18 employ, or retain any individual in a position with duties
19 involving direct care for clients, patients, or residents, and
20 no long-term care facility shall knowingly hire, employ, or
21 retain any individual in a position with duties that involve or
22 may involve contact with residents or access to the living
23 quarters or the financial, medical, or personal records of
24 residents, who has been convicted of committing or attempting

1 to commit one or more of the following offenses: those defined
2 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
3 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
4 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2,
5 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4,
6 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1,
7 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1,
8 16-1.3, 16A-3, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1,
9 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the
10 Criminal Code of 1961; those provided in Section 4 of the
11 Wrongs to Children Act; those provided in Section 53 of the
12 Criminal Jurisprudence Act; those defined in Section 5, 5.1,
13 5.2, 7, or 9 of the Cannabis Control Act; those defined in the
14 Methamphetamine Control and Community Protection Act; or those
15 defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1
16 of the Illinois Controlled Substances Act, unless the applicant
17 or employee obtains a waiver pursuant to Section 40.

18 (a-1) In the discretion of the Director of Public Health,
19 as soon after January 1, 2004 or October 1, 2007, as
20 applicable, and as is reasonably practical, no health care
21 employer shall knowingly hire any individual in a position with
22 duties involving direct care for clients, patients, or
23 residents, and no long-term care facility shall knowingly hire
24 any individual in a position with duties that involve or may
25 involve contact with residents or access to the living quarters
26 or the financial, medical, or personal records of residents,

1 who has (i) been convicted of committing or attempting to
2 commit one or more of the offenses defined in Section 12-3.3,
3 12-4.2-5, 16-2, 16G-15, 16G-20, 17-33, 17-34, 17-36, 17-44,
4 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3, or
5 subsection (b) of Section 17-32, of the Criminal Code of 1961;
6 Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and
7 Debit Card Act; or Section 5.1 of the Wrongs to Children Act;
8 or (ii) violated Section 50-50 of the Nurse Practice Act,
9 unless the applicant or employee obtains a waiver pursuant to
10 Section 40 of this Act.

11 A health care employer is not required to retain an
12 individual in a position with duties involving direct care for
13 clients, patients, or residents, and no long-term care facility
14 is required to retain an individual in a position with duties
15 that involve or may involve contact with residents or access to
16 the living quarters or the financial, medical, or personal
17 records of residents, who has been convicted of committing or
18 attempting to commit one or more of the offenses enumerated in
19 this subsection.

20 (b) A health care employer shall not hire, employ, or
21 retain any individual in a position with duties involving
22 direct care of clients, patients, or residents, and no
23 long-term care facility shall knowingly hire, employ, or retain
24 any individual in a position with duties that involve or may
25 involve contact with residents or access to the living quarters
26 or the financial, medical, or personal records of residents, if

1 the health care employer becomes aware that the individual has
2 been convicted in another state of committing or attempting to
3 commit an offense that has the same or similar elements as an
4 offense listed in subsection (a) or (a-1), as verified by court
5 records, records from a state agency, or an FBI criminal
6 history record check, unless the applicant or employee obtains
7 a waiver pursuant to Section 40 of this Act. This shall not be
8 construed to mean that a health care employer has an obligation
9 to conduct a criminal history records check in other states in
10 which an employee has resided.

11 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;
12 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

13 Section 10-45. The Hearing Instrument Consumer Protection
14 Act is amended by changing Section 18.5 as follows:

15 (225 ILCS 50/18.5)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 18.5. Suspension of license for failure to pay
18 restitution. The Department, without further process or
19 hearing, shall suspend the license or other authorization to
20 practice of any person issued under this Act who has been
21 certified by court order as not having paid restitution to a
22 person under Section 8A-3.5 of the Illinois Public Aid Code or
23 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
24 person whose license or other authorization to practice is

1 suspended under this Section is prohibited from practicing
2 until the restitution is made in full.

3 (Source: P.A. 94-577, eff. 1-1-06.)

4 Section 10-50. The Home Medical Equipment and Services
5 Provider License Act is amended by changing Section 77 as
6 follows:

7 (225 ILCS 51/77)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 77. Suspension of license for failure to pay
10 restitution. The Department, without further process or
11 hearing, shall suspend the license or other authorization to
12 practice of any person issued under this Act who has been
13 certified by court order as not having paid restitution to a
14 person under Section 8A-3.5 of the Illinois Public Aid Code or
15 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
16 person whose license or other authorization to practice is
17 suspended under this Section is prohibited from practicing
18 until the restitution is made in full.

19 (Source: P.A. 94-577, eff. 1-1-06.)

20 Section 10-55. The Marriage and Family Therapy Licensing
21 Act is amended by changing Section 87 as follows:

22 (225 ILCS 55/87)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 87. Suspension of license for failure to pay
3 restitution. The Department, without further process or
4 hearing, shall suspend the license or other authorization to
5 practice of any person issued under this Act who has been
6 certified by court order as not having paid restitution to a
7 person under Section 8A-3.5 of the Illinois Public Aid Code or
8 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
9 person whose license or other authorization to practice is
10 suspended under this Section is prohibited from practicing
11 until the restitution is made in full.

12 (Source: P.A. 94-577, eff. 1-1-06.)

13 Section 10-60. The Medical Practice Act of 1987 is amended
14 by changing Section 22.5 as follows:

15 (225 ILCS 60/22.5)

16 (Section scheduled to be repealed on December 31, 2010)

17 Sec. 22.5. Suspension of license for failure to pay
18 restitution. The Department, without further process or
19 hearing, shall suspend the license or other authorization to
20 practice of any person issued under this Act who has been
21 certified by court order as not having paid restitution to a
22 person under Section 8A-3.5 of the Illinois Public Aid Code or
23 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
24 person whose license or other authorization to practice is

1 suspended under this Section is prohibited from practicing
2 until the restitution is made in full.

3 (Source: P.A. 94-577, eff. 1-1-06.)

4 Section 10-65. The Naprapathic Practice Act is amended by
5 changing Section 113 as follows:

6 (225 ILCS 63/113)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 113. Suspension of license for failure to pay
9 restitution. The Department, without further process or
10 hearing, shall suspend the license or other authorization to
11 practice of any person issued under this Act who has been
12 certified by court order as not having paid restitution to a
13 person under Section 8A-3.5 of the Illinois Public Aid Code or
14 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
15 person whose license or other authorization to practice is
16 suspended under this Section is prohibited from practicing
17 until the restitution is made in full.

18 (Source: P.A. 94-577, eff. 1-1-06.)

19 Section 10-70. The Nurse Practice Act is amended by
20 changing Section 70-20 as follows:

21 (225 ILCS 65/70-20) (was 225 ILCS 65/20-13)

22 (Section scheduled to be repealed on January 1, 2018)

1 Sec. 70-20. Suspension of license or registration for
2 failure to pay restitution. The Department, without further
3 process or hearing, shall suspend the license or other
4 authorization to practice of any person issued under this Act
5 who has been certified by court order as not having paid
6 restitution to a person under Section 8A-3.5 of the Illinois
7 Public Aid Code or under Section 17-10.5 or 46-1 of the
8 Criminal Code of 1961. A person whose license or other
9 authorization to practice is suspended under this Section is
10 prohibited from practicing until the restitution is made in
11 full.

12 (Source: P.A. 94-577, eff. 1-1-06; 95-639, eff. 10-5-07.)

13 Section 10-75. The Illinois Occupational Therapy Practice
14 Act is amended by changing Section 19.17 as follows:

15 (225 ILCS 75/19.17)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 19.17. Suspension of license for failure to pay
18 restitution. The Department, without further process or
19 hearing, shall suspend the license or other authorization to
20 practice of any person issued under this Act who has been
21 certified by court order as not having paid restitution to a
22 person under Section 8A-3.5 of the Illinois Public Aid Code or
23 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
24 person whose license or other authorization to practice is

1 suspended under this Section is prohibited from practicing
2 until the restitution is made in full.

3 (Source: P.A. 94-577, eff. 1-1-06.)

4 Section 10-80. The Illinois Optometric Practice Act of 1987
5 is amended by changing Section 24.5 as follows:

6 (225 ILCS 80/24.5)

7 (Section scheduled to be repealed on January 1, 2017)

8 Sec. 24.5. Suspension of license for failure to pay
9 restitution. The Department, without further process or
10 hearing, shall suspend the license or other authorization to
11 practice of any person issued under this Act who has been
12 certified by court order as not having paid restitution to a
13 person under Section 8A-3.5 of the Illinois Public Aid Code or
14 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
15 person whose license or other authorization to practice is
16 suspended under this Section is prohibited from practicing
17 until the restitution is made in full.

18 (Source: P.A. 94-577, eff. 1-1-06.)

19 Section 10-85. The Orthotics, Prosthetics, and Pedorthics
20 Practice Act is amended by changing Section 93 as follows:

21 (225 ILCS 84/93)

22 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 93. Suspension of license for failure to pay
2 restitution. The Department, without further process or
3 hearing, shall suspend the license or other authorization to
4 practice of any person issued under this Act who has been
5 certified by court order as not having paid restitution to a
6 person under Section 8A-3.5 of the Illinois Public Aid Code or
7 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
8 person whose license or other authorization to practice is
9 suspended under this Section is prohibited from practicing
10 until the restitution is made in full.

11 (Source: P.A. 94-577, eff. 1-1-06.)

12 Section 10-90. The Pharmacy Practice Act is amended by
13 changing Section 30.5 as follows:

14 (225 ILCS 85/30.5)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 30.5. Suspension of license or certificate for failure
17 to pay restitution. The Department, without further process or
18 hearing, shall suspend the license or other authorization to
19 practice of any person issued under this Act who has been
20 certified by court order as not having paid restitution to a
21 person under Section 8A-3.5 of the Illinois Public Aid Code or
22 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
23 person whose license or other authorization to practice is
24 suspended under this Section is prohibited from practicing

1 until the restitution is made in full.

2 (Source: P.A. 94-577, eff. 1-1-06.)

3 Section 10-95. The Illinois Physical Therapy Act is amended
4 by changing Section 17.5 as follows:

5 (225 ILCS 90/17.5)

6 (Section scheduled to be repealed on January 1, 2016)

7 Sec. 17.5. Suspension of license for failure to pay
8 restitution. The Department, without further process or
9 hearing, shall suspend the license or other authorization to
10 practice of any person issued under this Act who has been
11 certified by court order as not having paid restitution to a
12 person under Section 8A-3.5 of the Illinois Public Aid Code or
13 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
14 person whose license or other authorization to practice is
15 suspended under this Section is prohibited from practicing
16 until the restitution is made in full.

17 (Source: P.A. 94-577, eff. 1-1-06.)

18 Section 10-100. The Physician Assistant Practice Act of
19 1987 is amended by changing Section 21.5 as follows:

20 (225 ILCS 95/21.5)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 21.5. Suspension of license for failure to pay

1 restitution. The Department, without further process or
2 hearing, shall suspend the license or other authorization to
3 practice of any person issued under this Act who has been
4 certified by court order as not having paid restitution to a
5 person under Section 8A-3.5 of the Illinois Public Aid Code or
6 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
7 person whose license or other authorization to practice is
8 suspended under this Section is prohibited from practicing
9 until the restitution is made in full.

10 (Source: P.A. 94-577, eff. 1-1-06.)

11 Section 10-105. The Podiatric Medical Practice Act of 1987
12 is amended by changing Section 24.5 as follows:

13 (225 ILCS 100/24.5)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 24.5. Suspension of license for failure to pay
16 restitution. The Department, without further process or
17 hearing, shall suspend the license or other authorization to
18 practice of any person issued under this Act who has been
19 certified by court order as not having paid restitution to a
20 person under Section 8A-3.5 of the Illinois Public Aid Code or
21 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
22 person whose license or other authorization to practice is
23 suspended under this Section is prohibited from practicing
24 until the restitution is made in full.

1 (Source: P.A. 94-577, eff. 1-1-06.)

2 Section 10-110. The Respiratory Care Practice Act is
3 amended by changing Section 97 as follows:

4 (225 ILCS 106/97)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 97. Suspension of license for failure to pay
7 restitution. The Department, without further process or
8 hearing, shall suspend the license or other authorization to
9 practice of any person issued under this Act who has been
10 certified by court order as not having paid restitution to a
11 person under Section 8A-3.5 of the Illinois Public Aid Code or
12 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
13 person whose license or other authorization to practice is
14 suspended under this Section is prohibited from practicing
15 until the restitution is made in full.

16 (Source: P.A. 94-577, eff. 1-1-06.)

17 Section 10-115. The Professional Counselor and Clinical
18 Professional Counselor Licensing Act is amended by changing
19 Section 83 as follows:

20 (225 ILCS 107/83)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 83. Suspension of license for failure to pay

1 restitution. The Department, without further process or
2 hearing, shall suspend the license or other authorization to
3 practice of any person issued under this Act who has been
4 certified by court order as not having paid restitution to a
5 person under Section 8A-3.5 of the Illinois Public Aid Code or
6 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
7 person whose license or other authorization to practice is
8 suspended under this Section is prohibited from practicing
9 until the restitution is made in full.

10 (Source: P.A. 94-577, eff. 1-1-06.)

11 Section 10-120. The Illinois Speech-Language Pathology and
12 Audiology Practice Act is amended by changing Section 16.3 as
13 follows:

14 (225 ILCS 110/16.3)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 16.3. Suspension of license for failure to pay
17 restitution. The Department, without further process or
18 hearing, shall suspend the license or other authorization to
19 practice of any person issued under this Act who has been
20 certified by court order as not having paid restitution to a
21 person under Section 8A-3.5 of the Illinois Public Aid Code or
22 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
23 person whose license or other authorization to practice is
24 suspended under this Section is prohibited from practicing

1 until the restitution is made in full.

2 (Source: P.A. 94-577, eff. 1-1-06.)

3 Section 10-125. The Perfusionist Practice Act is amended by
4 changing Section 107 as follows:

5 (225 ILCS 125/107)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 107. Suspension of license for failure to pay
8 restitution. The Department, without further process or
9 hearing, shall suspend the license or other authorization to
10 practice of any person issued under this Act who has been
11 certified by court order as not having paid restitution to a
12 person under Section 8A-3.5 of the Illinois Public Aid Code or
13 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
14 person whose license or other authorization to practice is
15 suspended under this Section is prohibited from practicing
16 until the restitution is made in full.

17 (Source: P.A. 94-577, eff. 1-1-06.)

18 Section 10-130. The Registered Surgical Assistant and
19 Registered Surgical Technologist Title Protection Act is
20 amended by changing Section 77 as follows:

21 (225 ILCS 130/77)

22 (Section scheduled to be repealed on January 1, 2014)

1 Sec. 77. Suspension of registration for failure to pay
2 restitution. The Department, without further process or
3 hearing, shall suspend the license or other authorization to
4 practice of any person issued under this Act who has been
5 certified by court order as not having paid restitution to a
6 person under Section 8A-3.5 of the Illinois Public Aid Code or
7 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
8 person whose license or other authorization to practice is
9 suspended under this Section is prohibited from practicing
10 until the restitution is made in full.

11 (Source: P.A. 94-577, eff. 1-1-06.)

12 Section 10-135. The Genetic Counselor Licensing Act is
13 amended by changing Section 97 as follows:

14 (225 ILCS 135/97)

15 (Section scheduled to be repealed on January 1, 2015)

16 Sec. 97. Suspension of license for failure to pay
17 restitution. The Department, without further process or
18 hearing, shall suspend the license or other authorization to
19 practice of any person issued under this Act who has been
20 certified by court order as not having paid restitution to a
21 person under Section 8A-3.5 of the Illinois Public Aid Code or
22 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
23 person whose license or other authorization to practice is
24 suspended under this Section is prohibited from practicing

1 until the restitution is made in full.

2 (Source: P.A. 94-577, eff. 1-1-06.)

3 Section 10-140. The Criminal Code of 1961 is amended by
4 changing Sections 3-6 and 16-1 as follows:

5 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

6 Sec. 3-6. Extended limitations. The period within which a
7 prosecution must be commenced under the provisions of Section
8 3-5 or other applicable statute is extended under the following
9 conditions:

10 (a) A prosecution for theft involving a breach of a
11 fiduciary obligation to the aggrieved person may be commenced
12 as follows:

13 (1) If the aggrieved person is a minor or a person
14 under legal disability, then during the minority or legal
15 disability or within one year after the termination
16 thereof.

17 (2) In any other instance, within one year after the
18 discovery of the offense by an aggrieved person, or by a
19 person who has legal capacity to represent an aggrieved
20 person or has a legal duty to report the offense, and is
21 not himself or herself a party to the offense; or in the
22 absence of such discovery, within one year after the proper
23 prosecuting officer becomes aware of the offense. However,
24 in no such case is the period of limitation so extended

1 more than 3 years beyond the expiration of the period
2 otherwise applicable.

3 (b) A prosecution for any offense based upon misconduct in
4 office by a public officer or employee may be commenced within
5 one year after discovery of the offense by a person having a
6 legal duty to report such offense, or in the absence of such
7 discovery, within one year after the proper prosecuting officer
8 becomes aware of the offense. However, in no such case is the
9 period of limitation so extended more than 3 years beyond the
10 expiration of the period otherwise applicable.

11 (c) (Blank).

12 (d) A prosecution for child pornography, indecent
13 solicitation of a child, soliciting for a juvenile prostitute,
14 juvenile pimping or exploitation of a child may be commenced
15 within one year of the victim attaining the age of 18 years.
16 However, in no such case shall the time period for prosecution
17 expire sooner than 3 years after the commission of the offense.
18 When the victim is under 18 years of age, a prosecution for
19 criminal sexual abuse may be commenced within one year of the
20 victim attaining the age of 18 years. However, in no such case
21 shall the time period for prosecution expire sooner than 3
22 years after the commission of the offense.

23 (e) Except as otherwise provided in subdivision (j), a
24 prosecution for any offense involving sexual conduct or sexual
25 penetration, as defined in Section 12-12 of this Code, where
26 the defendant was within a professional or fiduciary

1 relationship or a purported professional or fiduciary
2 relationship with the victim at the time of the commission of
3 the offense may be commenced within one year after the
4 discovery of the offense by the victim.

5 (f) A prosecution for any offense set forth in Section 44
6 of the "Environmental Protection Act", approved June 29, 1970,
7 as amended, may be commenced within 5 years after the discovery
8 of such an offense by a person or agency having the legal duty
9 to report the offense or in the absence of such discovery,
10 within 5 years after the proper prosecuting officer becomes
11 aware of the offense.

12 (f-5) A prosecution for any offense set forth in Section
13 16G-15 or 16G-20 of this Code may be commenced within 5 years
14 after the discovery of the offense by the victim of that
15 offense.

16 (g) (Blank).

17 (h) (Blank).

18 (i) Except as otherwise provided in subdivision (j), a
19 prosecution for criminal sexual assault, aggravated criminal
20 sexual assault, or aggravated criminal sexual abuse may be
21 commenced within 10 years of the commission of the offense if
22 the victim reported the offense to law enforcement authorities
23 within 3 years after the commission of the offense.

24 Nothing in this subdivision (i) shall be construed to
25 shorten a period within which a prosecution must be commenced
26 under any other provision of this Section.

1 (j) When the victim is under 18 years of age at the time of
2 the offense, a prosecution for criminal sexual assault,
3 aggravated criminal sexual assault, predatory criminal sexual
4 assault of a child, aggravated criminal sexual abuse, or felony
5 criminal sexual abuse, or a prosecution for failure of a person
6 who is required to report an alleged or suspected commission of
7 any of these offenses under the Abused and Neglected Child
8 Reporting Act may be commenced within 20 years after the child
9 victim attains 18 years of age. When the victim is under 18
10 years of age at the time of the offense, a prosecution for
11 misdemeanor criminal sexual abuse may be commenced within 10
12 years after the child victim attains 18 years of age.

13 Nothing in this subdivision (j) shall be construed to
14 shorten a period within which a prosecution must be commenced
15 under any other provision of this Section.

16 (k) A prosecution for theft involving real property
17 exceeding \$100,000 in value under Section 16-1, identity theft
18 under Section 16G-15, aggravated identity theft under Section
19 16G-20, or any offense set forth in Article 16H or Section
20 17-10.6 may be commenced within 7 years of the last act
21 committed in furtherance of the crime.

22 (Source: P.A. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10.)

23 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

24 Sec. 16-1. Theft.

25 (a) A person commits theft when he knowingly:

1 (1) Obtains or exerts unauthorized control over
2 property of the owner; or

3 (2) Obtains by deception control over property of the
4 owner; or

5 (3) Obtains by threat control over property of the
6 owner; or

7 (4) Obtains control over stolen property knowing the
8 property to have been stolen or under such circumstances as
9 would reasonably induce him to believe that the property
10 was stolen; or

11 (5) Obtains or exerts control over property in the
12 custody of any law enforcement agency which is explicitly
13 represented to him by any law enforcement officer or any
14 individual acting in behalf of a law enforcement agency as
15 being stolen, and

16 (A) Intends to deprive the owner permanently of the
17 use or benefit of the property; or

18 (B) Knowingly uses, conceals or abandons the
19 property in such manner as to deprive the owner
20 permanently of such use or benefit; or

21 (C) Uses, conceals, or abandons the property
22 knowing such use, concealment or abandonment probably
23 will deprive the owner permanently of such use or
24 benefit.

25 (b) Sentence.

26 (1) Theft of property not from the person and not

1 exceeding \$300 in value is a Class A misdemeanor.

2 (1.1) Theft of property not from the person and not
3 exceeding \$300 in value is a Class 4 felony if the theft
4 was committed in a school or place of worship or if the
5 theft was of governmental property.

6 (2) A person who has been convicted of theft of
7 property not from the person and not exceeding \$300 in
8 value who has been previously convicted of any type of
9 theft, robbery, armed robbery, burglary, residential
10 burglary, possession of burglary tools, home invasion,
11 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
12 4-103.3 of the Illinois Vehicle Code relating to the
13 possession of a stolen or converted motor vehicle, or a
14 violation of Section 17-36 of the Criminal Code of 1961 or
15 Section 8 of the Illinois Credit Card and Debit Card Act is
16 guilty of a Class 4 felony. When a person has any such
17 prior conviction, the information or indictment charging
18 that person shall state such prior conviction so as to give
19 notice of the State's intention to treat the charge as a
20 felony. The fact of such prior conviction is not an element
21 of the offense and may not be disclosed to the jury during
22 trial unless otherwise permitted by issues properly raised
23 during such trial.

24 (3) (Blank).

25 (4) Theft of property from the person not exceeding
26 \$300 in value, or theft of property exceeding \$300 and not

1 exceeding \$10,000 in value, is a Class 3 felony.

2 (4.1) Theft of property from the person not exceeding
3 \$300 in value, or theft of property exceeding \$300 and not
4 exceeding \$10,000 in value, is a Class 2 felony if the
5 theft was committed in a school or place of worship or if
6 the theft was of governmental property.

7 (5) Theft of property exceeding \$10,000 and not
8 exceeding \$100,000 in value is a Class 2 felony.

9 (5.1) Theft of property exceeding \$10,000 and not
10 exceeding \$100,000 in value is a Class 1 felony if the
11 theft was committed in a school or place of worship or if
12 the theft was of governmental property.

13 (6) Theft of property exceeding \$100,000 and not
14 exceeding \$500,000 in value is a Class 1 felony.

15 (6.1) Theft of property exceeding \$100,000 in value is
16 a Class X felony if the theft was committed in a school or
17 place of worship or if the theft was of governmental
18 property.

19 (6.2) Theft of property exceeding \$500,000 and not
20 exceeding \$1,000,000 in value is a Class 1
21 non-probationable felony.

22 (6.3) Theft of property exceeding \$1,000,000 in value
23 is a Class X felony.

24 (7) Theft by deception, as described by paragraph (2)
25 of subsection (a) of this Section, in which the offender
26 obtained money or property valued at \$5,000 or more from a

1 victim 60 years of age or older is a Class 2 felony.

2 (8) Theft by deception, as described by paragraph (2)
3 of subsection (a) of this Section, in which the offender
4 falsely poses as a landlord or agent or employee of the
5 landlord and obtains a rent payment or a security deposit
6 from a tenant is a Class 3 felony if the rent payment or
7 security deposit obtained does not exceed \$300.

8 (9) Theft by deception, as described by paragraph (2)
9 of subsection (a) of this Section, in which the offender
10 falsely poses as a landlord or agent or employee of the
11 landlord and obtains a rent payment or a security deposit
12 from a tenant is a Class 2 felony if the rent payment or
13 security deposit obtained exceeds \$300 and does not exceed
14 \$10,000.

15 (10) Theft by deception, as described by paragraph (2)
16 of subsection (a) of this Section, in which the offender
17 falsely poses as a landlord or agent or employee of the
18 landlord and obtains a rent payment or a security deposit
19 from a tenant is a Class 1 felony if the rent payment or
20 security deposit obtained exceeds \$10,000 and does not
21 exceed \$100,000.

22 (11) Theft by deception, as described by paragraph (2)
23 of subsection (a) of this Section, in which the offender
24 falsely poses as a landlord or agent or employee of the
25 landlord and obtains a rent payment or a security deposit
26 from a tenant is a Class X felony if the rent payment or

1 security deposit obtained exceeds \$100,000.

2 (c) When a charge of theft of property exceeding a
3 specified value is brought, the value of the property involved
4 is an element of the offense to be resolved by the trier of
5 fact as either exceeding or not exceeding the specified value.

6 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
7 revised 10-9-09.)

8 Section 10-145. The Code of Criminal Procedure of 1963 is
9 amended by changing Sections 111-4 and 115-10.3 as follows:

10 (725 ILCS 5/111-4) (from Ch. 38, par. 111-4)

11 Sec. 111-4. Joinder of offenses and defendants.

12 (a) Two or more offenses may be charged in the same
13 indictment, information or complaint in a separate count for
14 each offense if the offenses charged, whether felonies or
15 misdemeanors or both, are based on the same act or on 2 or more
16 acts which are part of the same comprehensive transaction.

17 (b) Two or more defendants may be charged in the same
18 indictment, information or complaint if they are alleged to
19 have participated in the same act or in the same comprehensive
20 transaction out of which the offense or offenses arose. Such
21 defendants may be charged in one or more counts together or
22 separately and all of the defendants need not be charged in
23 each count.

24 (c) Two or more acts or transactions in violation of any

1 provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and
2 8A-5 of the Illinois Public Aid Code, Sections 16-1, 16-2,
3 16-3, 16-5, 16-7, 16-8, 16-10, 16A-3, 16B-2, ~~16C-2~~, 17-1, 17-3,
4 17-6, 17-30, or 17-60, or item (ii) of subsection (a) or (b) of
5 Section 17-9, or subdivision (a)(2) of Section 17-10.5, 17-7,
6 ~~17-8, 17-9 or 17-10~~ of the Criminal Code of 1961 and Section
7 118 of Division I of the Criminal Jurisprudence Act, may be
8 charged as a single offense in a single count of the same
9 indictment, information or complaint, if such acts or
10 transactions by one or more defendants are in furtherance of a
11 single intention and design or if the property, labor or
12 services obtained are of the same person or are of several
13 persons having a common interest in such property, labor or
14 services. In such a charge, the period between the dates of the
15 first and the final such acts or transactions may be alleged as
16 the date of the offense and, if any such act or transaction by
17 any defendant was committed in the county where the prosecution
18 was commenced, such county may be alleged as the county of the
19 offense.

20 (Source: P.A. 95-384, eff. 1-1-08; 96-354, eff. 8-13-09.)

21 (725 ILCS 5/115-10.3)

22 Sec. 115-10.3. Hearsay exception regarding elder adults.

23 (a) In a prosecution for a physical act, abuse, neglect, or
24 financial exploitation perpetrated upon or against an eligible
25 adult, as defined in the Elder Abuse and Neglect Act, who has

1 been diagnosed by a physician to suffer from (i) any form of
2 dementia, developmental disability, or other form of mental
3 incapacity or (ii) any physical infirmity, including but not
4 limited to prosecutions for violations of Sections 10-1, 10-2,
5 10-3, 10-3.1, 10-4, 11-11, 12-1, 12-2, 12-3, 12-3.2, 12-4,
6 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3,
7 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15, 12-16, 12-21,
8 16-1, 16-1.3, 17-1, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5,
9 20-1.1, 24-1.2, and 33A-2 of the Criminal Code of 1961, the
10 following evidence shall be admitted as an exception to the
11 hearsay rule:

12 (1) testimony by an eligible adult, of an out of court
13 statement made by the eligible adult, that he or she
14 complained of such act to another; and

15 (2) testimony of an out of court statement made by the
16 eligible adult, describing any complaint of such act or
17 matter or detail pertaining to any act which is an element
18 of an offense which is the subject of a prosecution for a
19 physical act, abuse, neglect, or financial exploitation
20 perpetrated upon or against the eligible adult.

21 (b) Such testimony shall only be admitted if:

22 (1) The court finds in a hearing conducted outside the
23 presence of the jury that the time, content, and
24 circumstances of the statement provide sufficient
25 safeguards of reliability; and

26 (2) The eligible adult either:

1 (A) testifies at the proceeding; or

2 (B) is unavailable as a witness and there is
3 corroborative evidence of the act which is the subject
4 of the statement.

5 (c) If a statement is admitted pursuant to this Section,
6 the court shall instruct the jury that it is for the jury to
7 determine the weight and credibility to be given the statement
8 and that, in making the determination, it shall consider the
9 condition of the eligible adult, the nature of the statement,
10 the circumstances under which the statement was made, and any
11 other relevant factor.

12 (d) The proponent of the statement shall give the adverse
13 party reasonable notice of his or her intention to offer the
14 statement and the particulars of the statement.

15 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

16 Section 10-150. The Unified Code of Corrections is amended
17 by changing Sections 5-5-3, 5-8-4, and 5-9-1.3 as follows:

18 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

19 Sec. 5-5-3. Disposition.

20 (a) (Blank).

21 (b) (Blank).

22 (c) (1) (Blank).

23 (2) A period of probation, a term of periodic
24 imprisonment or conditional discharge shall not be imposed

1 for the following offenses. The court shall sentence the
2 offender to not less than the minimum term of imprisonment
3 set forth in this Code for the following offenses, and may
4 order a fine or restitution or both in conjunction with
5 such term of imprisonment:

6 (A) First degree murder where the death penalty is
7 not imposed.

8 (B) Attempted first degree murder.

9 (C) A Class X felony.

10 (D) A violation of Section 401.1 or 407 of the
11 Illinois Controlled Substances Act, or a violation of
12 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
13 of that Act which relates to more than 5 grams of a
14 substance containing heroin, cocaine, fentanyl, or an
15 analog thereof.

16 (E) A violation of Section 5.1 or 9 of the Cannabis
17 Control Act.

18 (F) A Class 2 or greater felony if the offender had
19 been convicted of a Class 2 or greater felony,
20 including any state or federal conviction for an
21 offense that contained, at the time it was committed,
22 the same elements as an offense now (the date of the
23 offense committed after the prior Class 2 or greater
24 felony) classified as a Class 2 or greater felony,
25 within 10 years of the date on which the offender
26 committed the offense for which he or she is being

1 sentenced, except as otherwise provided in Section
2 40-10 of the Alcoholism and Other Drug Abuse and
3 Dependency Act.

4 (F-5) A violation of Section 24-1, 24-1.1, or
5 24-1.6 of the Criminal Code of 1961 for which
6 imprisonment is prescribed in those Sections.

7 (G) Residential burglary, except as otherwise
8 provided in Section 40-10 of the Alcoholism and Other
9 Drug Abuse and Dependency Act.

10 (H) Criminal sexual assault.

11 (I) Aggravated battery of a senior citizen.

12 (J) A forcible felony if the offense was related to
13 the activities of an organized gang.

14 Before July 1, 1994, for the purposes of this
15 paragraph, "organized gang" means an association of 5
16 or more persons, with an established hierarchy, that
17 encourages members of the association to perpetrate
18 crimes or provides support to the members of the
19 association who do commit crimes.

20 Beginning July 1, 1994, for the purposes of this
21 paragraph, "organized gang" has the meaning ascribed
22 to it in Section 10 of the Illinois Streetgang
23 Terrorism Omnibus Prevention Act.

24 (K) Vehicular hijacking.

25 (L) A second or subsequent conviction for the
26 offense of hate crime when the underlying offense upon

1 which the hate crime is based is felony aggravated
2 assault or felony mob action.

3 (M) A second or subsequent conviction for the
4 offense of institutional vandalism if the damage to the
5 property exceeds \$300.

6 (N) A Class 3 felony violation of paragraph (1) of
7 subsection (a) of Section 2 of the Firearm Owners
8 Identification Card Act.

9 (O) A violation of Section 12-6.1 of the Criminal
10 Code of 1961.

11 (P) A violation of paragraph (1), (2), (3), (4),
12 (5), or (7) of subsection (a) of Section 11-20.1 of the
13 Criminal Code of 1961.

14 (Q) A violation of Section 20-1.2 or 20-1.3 of the
15 Criminal Code of 1961.

16 (R) A violation of Section 24-3A of the Criminal
17 Code of 1961.

18 (S) (Blank).

19 (T) A second or subsequent violation of the
20 Methamphetamine Control and Community Protection Act.

21 (U) A second or subsequent violation of Section
22 6-303 of the Illinois Vehicle Code committed while his
23 or her driver's license, permit, or privilege was
24 revoked because of a violation of Section 9-3 of the
25 Criminal Code of 1961, relating to the offense of
26 reckless homicide, or a similar provision of a law of

1 another state.

2 (V) A violation of paragraph (4) of subsection (c)
3 of Section 11-20.3 of the Criminal Code of 1961.

4 (W) A violation of Section 24-3.5 of the Criminal
5 Code of 1961.

6 (X) A violation of subsection (a) of Section 31-1a
7 of the Criminal Code of 1961.

8 (Y) A conviction for unlawful possession of a
9 firearm by a street gang member when the firearm was
10 loaded or contained firearm ammunition.

11 (3) (Blank).

12 (4) A minimum term of imprisonment of not less than 10
13 consecutive days or 30 days of community service shall be
14 imposed for a violation of paragraph (c) of Section 6-303
15 of the Illinois Vehicle Code.

16 (4.1) (Blank).

17 (4.2) Except as provided in paragraphs (4.3) and (4.8)
18 of this subsection (c), a minimum of 100 hours of community
19 service shall be imposed for a second violation of Section
20 6-303 of the Illinois Vehicle Code.

21 (4.3) A minimum term of imprisonment of 30 days or 300
22 hours of community service, as determined by the court,
23 shall be imposed for a second violation of subsection (c)
24 of Section 6-303 of the Illinois Vehicle Code.

25 (4.4) Except as provided in paragraphs (4.5), (4.6),
26 and (4.9) of this subsection (c), a minimum term of

1 imprisonment of 30 days or 300 hours of community service,
2 as determined by the court, shall be imposed for a third or
3 subsequent violation of Section 6-303 of the Illinois
4 Vehicle Code.

5 (4.5) A minimum term of imprisonment of 30 days shall
6 be imposed for a third violation of subsection (c) of
7 Section 6-303 of the Illinois Vehicle Code.

8 (4.6) Except as provided in paragraph (4.10) of this
9 subsection (c), a minimum term of imprisonment of 180 days
10 shall be imposed for a fourth or subsequent violation of
11 subsection (c) of Section 6-303 of the Illinois Vehicle
12 Code.

13 (4.7) A minimum term of imprisonment of not less than
14 30 consecutive days, or 300 hours of community service,
15 shall be imposed for a violation of subsection (a-5) of
16 Section 6-303 of the Illinois Vehicle Code, as provided in
17 subsection (b-5) of that Section.

18 (4.8) A mandatory prison sentence shall be imposed for
19 a second violation of subsection (a-5) of Section 6-303 of
20 the Illinois Vehicle Code, as provided in subsection (c-5)
21 of that Section. The person's driving privileges shall be
22 revoked for a period of not less than 5 years from the date
23 of his or her release from prison.

24 (4.9) A mandatory prison sentence of not less than 4
25 and not more than 15 years shall be imposed for a third
26 violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (d-2.5) of
2 that Section. The person's driving privileges shall be
3 revoked for the remainder of his or her life.

4 (4.10) A mandatory prison sentence for a Class 1 felony
5 shall be imposed, and the person shall be eligible for an
6 extended term sentence, for a fourth or subsequent
7 violation of subsection (a-5) of Section 6-303 of the
8 Illinois Vehicle Code, as provided in subsection (d-3.5) of
9 that Section. The person's driving privileges shall be
10 revoked for the remainder of his or her life.

11 (5) The court may sentence a corporation or
12 unincorporated association convicted of any offense to:

13 (A) a period of conditional discharge;

14 (B) a fine;

15 (C) make restitution to the victim under Section
16 5-5-6 of this Code.

17 (5.1) In addition to any other penalties imposed, and
18 except as provided in paragraph (5.2) or (5.3), a person
19 convicted of violating subsection (c) of Section 11-907 of
20 the Illinois Vehicle Code shall have his or her driver's
21 license, permit, or privileges suspended for at least 90
22 days but not more than one year, if the violation resulted
23 in damage to the property of another person.

24 (5.2) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.3), a person convicted
26 of violating subsection (c) of Section 11-907 of the

1 Illinois Vehicle Code shall have his or her driver's
2 license, permit, or privileges suspended for at least 180
3 days but not more than 2 years, if the violation resulted
4 in injury to another person.

5 (5.3) In addition to any other penalties imposed, a
6 person convicted of violating subsection (c) of Section
7 11-907 of the Illinois Vehicle Code shall have his or her
8 driver's license, permit, or privileges suspended for 2
9 years, if the violation resulted in the death of another
10 person.

11 (5.4) In addition to any other penalties imposed, a
12 person convicted of violating Section 3-707 of the Illinois
13 Vehicle Code shall have his or her driver's license,
14 permit, or privileges suspended for 3 months and until he
15 or she has paid a reinstatement fee of \$100.

16 (5.5) In addition to any other penalties imposed, a
17 person convicted of violating Section 3-707 of the Illinois
18 Vehicle Code during a period in which his or her driver's
19 license, permit, or privileges were suspended for a
20 previous violation of that Section shall have his or her
21 driver's license, permit, or privileges suspended for an
22 additional 6 months after the expiration of the original
23 3-month suspension and until he or she has paid a
24 reinstatement fee of \$100.

25 (6) (Blank).

26 (7) (Blank).

1 (8) (Blank).

2 (9) A defendant convicted of a second or subsequent
3 offense of ritualized abuse of a child may be sentenced to
4 a term of natural life imprisonment.

5 (10) (Blank).

6 (11) The court shall impose a minimum fine of \$1,000
7 for a first offense and \$2,000 for a second or subsequent
8 offense upon a person convicted of or placed on supervision
9 for battery when the individual harmed was a sports
10 official or coach at any level of competition and the act
11 causing harm to the sports official or coach occurred
12 within an athletic facility or within the immediate
13 vicinity of the athletic facility at which the sports
14 official or coach was an active participant of the athletic
15 contest held at the athletic facility. For the purposes of
16 this paragraph (11), "sports official" means a person at an
17 athletic contest who enforces the rules of the contest,
18 such as an umpire or referee; "athletic facility" means an
19 indoor or outdoor playing field or recreational area where
20 sports activities are conducted; and "coach" means a person
21 recognized as a coach by the sanctioning authority that
22 conducted the sporting event.

23 (12) A person may not receive a disposition of court
24 supervision for a violation of Section 5-16 of the Boat
25 Registration and Safety Act if that person has previously
26 received a disposition of court supervision for a violation

1 of that Section.

2 (13) A person convicted of or placed on court
3 supervision for an assault or aggravated assault when the
4 victim and the offender are family or household members as
5 defined in Section 103 of the Illinois Domestic Violence
6 Act of 1986 or convicted of domestic battery or aggravated
7 domestic battery may be required to attend a Partner Abuse
8 Intervention Program under protocols set forth by the
9 Illinois Department of Human Services under such terms and
10 conditions imposed by the court. The costs of such classes
11 shall be paid by the offender.

12 (d) In any case in which a sentence originally imposed is
13 vacated, the case shall be remanded to the trial court. The
14 trial court shall hold a hearing under Section 5-4-1 of the
15 Unified Code of Corrections which may include evidence of the
16 defendant's life, moral character and occupation during the
17 time since the original sentence was passed. The trial court
18 shall then impose sentence upon the defendant. The trial court
19 may impose any sentence which could have been imposed at the
20 original trial subject to Section 5-5-4 of the Unified Code of
21 Corrections. If a sentence is vacated on appeal or on
22 collateral attack due to the failure of the trier of fact at
23 trial to determine beyond a reasonable doubt the existence of a
24 fact (other than a prior conviction) necessary to increase the
25 punishment for the offense beyond the statutory maximum
26 otherwise applicable, either the defendant may be re-sentenced

1 to a term within the range otherwise provided or, if the State
2 files notice of its intention to again seek the extended
3 sentence, the defendant shall be afforded a new trial.

4 (e) In cases where prosecution for aggravated criminal
5 sexual abuse under Section 12-16 of the Criminal Code of 1961
6 results in conviction of a defendant who was a family member of
7 the victim at the time of the commission of the offense, the
8 court shall consider the safety and welfare of the victim and
9 may impose a sentence of probation only where:

10 (1) the court finds (A) or (B) or both are appropriate:

11 (A) the defendant is willing to undergo a court
12 approved counseling program for a minimum duration of 2
13 years; or

14 (B) the defendant is willing to participate in a
15 court approved plan including but not limited to the
16 defendant's:

17 (i) removal from the household;

18 (ii) restricted contact with the victim;

19 (iii) continued financial support of the
20 family;

21 (iv) restitution for harm done to the victim;

22 and

23 (v) compliance with any other measures that
24 the court may deem appropriate; and

25 (2) the court orders the defendant to pay for the
26 victim's counseling services, to the extent that the court

1 finds, after considering the defendant's income and
2 assets, that the defendant is financially capable of paying
3 for such services, if the victim was under 18 years of age
4 at the time the offense was committed and requires
5 counseling as a result of the offense.

6 Probation may be revoked or modified pursuant to Section
7 5-6-4; except where the court determines at the hearing that
8 the defendant violated a condition of his or her probation
9 restricting contact with the victim or other family members or
10 commits another offense with the victim or other family
11 members, the court shall revoke the defendant's probation and
12 impose a term of imprisonment.

13 For the purposes of this Section, "family member" and
14 "victim" shall have the meanings ascribed to them in Section
15 12-12 of the Criminal Code of 1961.

16 (f) (Blank).

17 (g) Whenever a defendant is convicted of an offense under
18 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
19 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
20 of the Criminal Code of 1961, the defendant shall undergo
21 medical testing to determine whether the defendant has any
22 sexually transmissible disease, including a test for infection
23 with human immunodeficiency virus (HIV) or any other identified
24 causative agent of acquired immunodeficiency syndrome (AIDS).
25 Any such medical test shall be performed only by appropriately
26 licensed medical practitioners and may include an analysis of

1 any bodily fluids as well as an examination of the defendant's
2 person. Except as otherwise provided by law, the results of
3 such test shall be kept strictly confidential by all medical
4 personnel involved in the testing and must be personally
5 delivered in a sealed envelope to the judge of the court in
6 which the conviction was entered for the judge's inspection in
7 camera. Acting in accordance with the best interests of the
8 victim and the public, the judge shall have the discretion to
9 determine to whom, if anyone, the results of the testing may be
10 revealed. The court shall notify the defendant of the test
11 results. The court shall also notify the victim if requested by
12 the victim, and if the victim is under the age of 15 and if
13 requested by the victim's parents or legal guardian, the court
14 shall notify the victim's parents or legal guardian of the test
15 results. The court shall provide information on the
16 availability of HIV testing and counseling at Department of
17 Public Health facilities to all parties to whom the results of
18 the testing are revealed and shall direct the State's Attorney
19 to provide the information to the victim when possible. A
20 State's Attorney may petition the court to obtain the results
21 of any HIV test administered under this Section, and the court
22 shall grant the disclosure if the State's Attorney shows it is
23 relevant in order to prosecute a charge of criminal
24 transmission of HIV under Section 12-16.2 of the Criminal Code
25 of 1961 against the defendant. The court shall order that the
26 cost of any such test shall be paid by the county and may be

1 taxed as costs against the convicted defendant.

2 (g-5) When an inmate is tested for an airborne communicable
3 disease, as determined by the Illinois Department of Public
4 Health including but not limited to tuberculosis, the results
5 of the test shall be personally delivered by the warden or his
6 or her designee in a sealed envelope to the judge of the court
7 in which the inmate must appear for the judge's inspection in
8 camera if requested by the judge. Acting in accordance with the
9 best interests of those in the courtroom, the judge shall have
10 the discretion to determine what if any precautions need to be
11 taken to prevent transmission of the disease in the courtroom.

12 (h) Whenever a defendant is convicted of an offense under
13 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
14 defendant shall undergo medical testing to determine whether
15 the defendant has been exposed to human immunodeficiency virus
16 (HIV) or any other identified causative agent of acquired
17 immunodeficiency syndrome (AIDS). Except as otherwise provided
18 by law, the results of such test shall be kept strictly
19 confidential by all medical personnel involved in the testing
20 and must be personally delivered in a sealed envelope to the
21 judge of the court in which the conviction was entered for the
22 judge's inspection in camera. Acting in accordance with the
23 best interests of the public, the judge shall have the
24 discretion to determine to whom, if anyone, the results of the
25 testing may be revealed. The court shall notify the defendant
26 of a positive test showing an infection with the human

1 immunodeficiency virus (HIV). The court shall provide
2 information on the availability of HIV testing and counseling
3 at Department of Public Health facilities to all parties to
4 whom the results of the testing are revealed and shall direct
5 the State's Attorney to provide the information to the victim
6 when possible. A State's Attorney may petition the court to
7 obtain the results of any HIV test administered under this
8 Section, and the court shall grant the disclosure if the
9 State's Attorney shows it is relevant in order to prosecute a
10 charge of criminal transmission of HIV under Section 12-16.2 of
11 the Criminal Code of 1961 against the defendant. The court
12 shall order that the cost of any such test shall be paid by the
13 county and may be taxed as costs against the convicted
14 defendant.

15 (i) All fines and penalties imposed under this Section for
16 any violation of Chapters 3, 4, 6, and 11 of the Illinois
17 Vehicle Code, or a similar provision of a local ordinance, and
18 any violation of the Child Passenger Protection Act, or a
19 similar provision of a local ordinance, shall be collected and
20 disbursed by the circuit clerk as provided under Section 27.5
21 of the Clerks of Courts Act.

22 (j) In cases when prosecution for any violation of Section
23 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
24 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
25 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
26 Code of 1961, any violation of the Illinois Controlled

1 Substances Act, any violation of the Cannabis Control Act, or
2 any violation of the Methamphetamine Control and Community
3 Protection Act results in conviction, a disposition of court
4 supervision, or an order of probation granted under Section 10
5 of the Cannabis Control Act, Section 410 of the Illinois
6 Controlled Substance Act, or Section 70 of the Methamphetamine
7 Control and Community Protection Act of a defendant, the court
8 shall determine whether the defendant is employed by a facility
9 or center as defined under the Child Care Act of 1969, a public
10 or private elementary or secondary school, or otherwise works
11 with children under 18 years of age on a daily basis. When a
12 defendant is so employed, the court shall order the Clerk of
13 the Court to send a copy of the judgment of conviction or order
14 of supervision or probation to the defendant's employer by
15 certified mail. If the employer of the defendant is a school,
16 the Clerk of the Court shall direct the mailing of a copy of
17 the judgment of conviction or order of supervision or probation
18 to the appropriate regional superintendent of schools. The
19 regional superintendent of schools shall notify the State Board
20 of Education of any notification under this subsection.

21 (j-5) A defendant at least 17 years of age who is convicted
22 of a felony and who has not been previously convicted of a
23 misdemeanor or felony and who is sentenced to a term of
24 imprisonment in the Illinois Department of Corrections shall as
25 a condition of his or her sentence be required by the court to
26 attend educational courses designed to prepare the defendant

1 for a high school diploma and to work toward a high school
2 diploma or to work toward passing the high school level Test of
3 General Educational Development (GED) or to work toward
4 completing a vocational training program offered by the
5 Department of Corrections. If a defendant fails to complete the
6 educational training required by his or her sentence during the
7 term of incarceration, the Prisoner Review Board shall, as a
8 condition of mandatory supervised release, require the
9 defendant, at his or her own expense, to pursue a course of
10 study toward a high school diploma or passage of the GED test.
11 The Prisoner Review Board shall revoke the mandatory supervised
12 release of a defendant who wilfully fails to comply with this
13 subsection (j-5) upon his or her release from confinement in a
14 penal institution while serving a mandatory supervised release
15 term; however, the inability of the defendant after making a
16 good faith effort to obtain financial aid or pay for the
17 educational training shall not be deemed a wilful failure to
18 comply. The Prisoner Review Board shall recommit the defendant
19 whose mandatory supervised release term has been revoked under
20 this subsection (j-5) as provided in Section 3-3-9. This
21 subsection (j-5) does not apply to a defendant who has a high
22 school diploma or has successfully passed the GED test. This
23 subsection (j-5) does not apply to a defendant who is
24 determined by the court to be developmentally disabled or
25 otherwise mentally incapable of completing the educational or
26 vocational program.

1 (k) (Blank).

2 (l) (A) Except as provided in paragraph (C) of subsection
3 (l), whenever a defendant, who is an alien as defined by
4 the Immigration and Nationality Act, is convicted of any
5 felony or misdemeanor offense, the court after sentencing
6 the defendant may, upon motion of the State's Attorney,
7 hold sentence in abeyance and remand the defendant to the
8 custody of the Attorney General of the United States or his
9 or her designated agent to be deported when:

10 (1) a final order of deportation has been issued
11 against the defendant pursuant to proceedings under
12 the Immigration and Nationality Act, and

13 (2) the deportation of the defendant would not
14 deprecate the seriousness of the defendant's conduct
15 and would not be inconsistent with the ends of justice.

16 Otherwise, the defendant shall be sentenced as
17 provided in this Chapter V.

18 (B) If the defendant has already been sentenced for a
19 felony or misdemeanor offense, or has been placed on
20 probation under Section 10 of the Cannabis Control Act,
21 Section 410 of the Illinois Controlled Substances Act, or
22 Section 70 of the Methamphetamine Control and Community
23 Protection Act, the court may, upon motion of the State's
24 Attorney to suspend the sentence imposed, commit the
25 defendant to the custody of the Attorney General of the
26 United States or his or her designated agent when:

1 (1) a final order of deportation has been issued
2 against the defendant pursuant to proceedings under
3 the Immigration and Nationality Act, and

4 (2) the deportation of the defendant would not
5 deprecate the seriousness of the defendant's conduct
6 and would not be inconsistent with the ends of justice.

7 (C) This subsection (1) does not apply to offenders who
8 are subject to the provisions of paragraph (2) of
9 subsection (a) of Section 3-6-3.

10 (D) Upon motion of the State's Attorney, if a defendant
11 sentenced under this Section returns to the jurisdiction of
12 the United States, the defendant shall be recommitted to
13 the custody of the county from which he or she was
14 sentenced. Thereafter, the defendant shall be brought
15 before the sentencing court, which may impose any sentence
16 that was available under Section 5-5-3 at the time of
17 initial sentencing. In addition, the defendant shall not be
18 eligible for additional good conduct credit for
19 meritorious service as provided under Section 3-6-6.

20 (m) A person convicted of criminal defacement of property
21 under Section 21-1.3 of the Criminal Code of 1961, in which the
22 property damage exceeds \$300 and the property damaged is a
23 school building, shall be ordered to perform community service
24 that may include cleanup, removal, or painting over the
25 defacement.

26 (n) The court may sentence a person convicted of a

1 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
2 Criminal Code of 1961 (i) to an impact incarceration program if
3 the person is otherwise eligible for that program under Section
4 5-8-1.1, (ii) to community service, or (iii) if the person is
5 an addict or alcoholic, as defined in the Alcoholism and Other
6 Drug Abuse and Dependency Act, to a substance or alcohol abuse
7 program licensed under that Act.

8 (o) Whenever a person is convicted of a sex offense as
9 defined in Section 2 of the Sex Offender Registration Act, the
10 defendant's driver's license or permit shall be subject to
11 renewal on an annual basis in accordance with the provisions of
12 license renewal established by the Secretary of State.

13 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
14 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
15 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
16 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
17 eff. 12-3-09.)

18 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

19 Sec. 5-8-4. Concurrent and consecutive terms of
20 imprisonment.

21 (a) Concurrent terms; multiple or additional sentences.
22 When an Illinois court (i) imposes multiple sentences of
23 imprisonment on a defendant at the same time or (ii) imposes a
24 sentence of imprisonment on a defendant who is already subject
25 to a sentence of imprisonment imposed by an Illinois court, a

1 court of another state, or a federal court, then the sentences
2 shall run concurrently unless otherwise determined by the
3 Illinois court under this Section.

4 (b) Concurrent terms; misdemeanor and felony. A defendant
5 serving a sentence for a misdemeanor who is convicted of a
6 felony and sentenced to imprisonment shall be transferred to
7 the Department of Corrections, and the misdemeanor sentence
8 shall be merged in and run concurrently with the felony
9 sentence.

10 (c) Consecutive terms; permissive. The court may impose
11 consecutive sentences in any of the following circumstances:

12 (1) If, having regard to the nature and circumstances
13 of the offense and the history and character of the
14 defendant, it is the opinion of the court that consecutive
15 sentences are required to protect the public from further
16 criminal conduct by the defendant, the basis for which the
17 court shall set forth in the record.

18 (2) If one of the offenses for which a defendant was
19 convicted was a violation of Section 32-5.2 (aggravated
20 false personation of a peace officer) of the Criminal Code
21 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
22 (b) (5) or (b) (6) of Section 17-2 of that Code (720 ILCS
23 5/17-2) and the offense was committed in attempting or
24 committing a forcible felony.

25 (d) Consecutive terms; mandatory. The court shall impose
26 consecutive sentences in each of the following circumstances:

1 (1) One of the offenses for which the defendant was
2 convicted was first degree murder or a Class X or Class 1
3 felony and the defendant inflicted severe bodily injury.

4 (2) The defendant was convicted of a violation of
5 Section 12-13 (criminal sexual assault), 12-14 (aggravated
6 criminal sexual assault), or 12-14.1 (predatory criminal
7 sexual assault of a child) of the Criminal Code of 1961
8 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

9 (3) The defendant was convicted of armed violence based
10 upon the predicate offense of any of the following:
11 solicitation of murder, solicitation of murder for hire,
12 heinous battery, aggravated battery of a senior citizen,
13 criminal sexual assault, a violation of subsection (g) of
14 Section 5 of the Cannabis Control Act (720 ILCS 550/5),
15 cannabis trafficking, a violation of subsection (a) of
16 Section 401 of the Illinois Controlled Substances Act (720
17 ILCS 570/401), controlled substance trafficking involving
18 a Class X felony amount of controlled substance under
19 Section 401 of the Illinois Controlled Substances Act (720
20 ILCS 570/401), a violation of the Methamphetamine Control
21 and Community Protection Act (720 ILCS 646/), calculated
22 criminal drug conspiracy, or streetgang criminal drug
23 conspiracy.

24 (4) The defendant was convicted of the offense of
25 leaving the scene of a motor vehicle accident involving
26 death or personal injuries under Section 11-401 of the

1 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
2 aggravated driving under the influence of alcohol, other
3 drug or drugs, or intoxicating compound or compounds, or
4 any combination thereof under Section 11-501 of the
5 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
6 homicide under Section 9-3 of the Criminal Code of 1961
7 (720 ILCS 5/9-3), or (C) both an offense described in item
8 (A) and an offense described in item (B).

9 (5) The defendant was convicted of a violation of
10 Section 9-3.1 (concealment of homicidal death) or Section
11 12-20.5 (dismembering a human body) of the Criminal Code of
12 1961 (720 ILCS 5/9-3.1 or 5/12-20.5). ~~or~~

13 (5.5) The ~~(vi)~~ the defendant was convicted of a
14 violation of Section 24-3.7 (use of a stolen firearm in the
15 commission of an offense) of the Criminal Code of 1961. 7

16 (6) If the defendant was in the custody of the
17 Department of Corrections at the time of the commission of
18 the offense, the sentence shall be served consecutive to
19 the sentence under which the defendant is held by the
20 Department of Corrections. If, however, the defendant is
21 sentenced to punishment by death, the sentence shall be
22 executed at such time as the court may fix without regard
23 to the sentence under which the defendant may be held by
24 the Department.

25 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
26 for escape or attempted escape shall be served consecutive

1 to the terms under which the offender is held by the
2 Department of Corrections.

3 (8) If a person charged with a felony commits a
4 separate felony while on pretrial release or in pretrial
5 detention in a county jail facility or county detention
6 facility, then the sentences imposed upon conviction of
7 these felonies shall be served consecutively regardless of
8 the order in which the judgments of conviction are entered.

9 (8.5) If a person commits a battery against a county
10 correctional officer or sheriff's employee while serving a
11 sentence or in pretrial detention in a county jail
12 facility, then the sentence imposed upon conviction of the
13 battery shall be served consecutively with the sentence
14 imposed upon conviction of the earlier misdemeanor or
15 felony, regardless of the order in which the judgments of
16 conviction are entered.

17 (9) If a person admitted to bail following conviction
18 of a felony commits a separate felony while free on bond or
19 if a person detained in a county jail facility or county
20 detention facility following conviction of a felony
21 commits a separate felony while in detention, then any
22 sentence following conviction of the separate felony shall
23 be consecutive to that of the original sentence for which
24 the defendant was on bond or detained.

25 (10) If a person is found to be in possession of an
26 item of contraband, as defined in clause (c) (2) of Section

1 31A-1.1 of the Criminal Code of 1961, while serving a
2 sentence in a county jail or while in pre-trial detention
3 in a county jail, the sentence imposed upon conviction for
4 the offense of possessing contraband in a penal institution
5 shall be served consecutively to the sentence imposed for
6 the offense in which the person is serving sentence in the
7 county jail or serving pretrial detention, regardless of
8 the order in which the judgments of conviction are entered.

9 (e) Consecutive terms; subsequent non-Illinois term. If an
10 Illinois court has imposed a sentence of imprisonment on a
11 defendant and the defendant is subsequently sentenced to a term
12 of imprisonment by a court of another state or a federal court,
13 then the Illinois sentence shall run consecutively to the
14 sentence imposed by the court of the other state or the federal
15 court. That same Illinois court, however, may order that the
16 Illinois sentence run concurrently with the sentence imposed by
17 the court of the other state or the federal court, but only if
18 the defendant applies to that same Illinois court within 30
19 days after the sentence imposed by the court of the other state
20 or the federal court is finalized.

21 (f) Consecutive terms; aggregate maximums and minimums.
22 The aggregate maximum and aggregate minimum of consecutive
23 sentences shall be determined as follows:

24 (1) For sentences imposed under law in effect prior to
25 February 1, 1978, the aggregate maximum of consecutive
26 sentences shall not exceed the maximum term authorized

1 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
2 Chapter V for the 2 most serious felonies involved. The
3 aggregate minimum period of consecutive sentences shall
4 not exceed the highest minimum term authorized under
5 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
6 V for the 2 most serious felonies involved. When sentenced
7 only for misdemeanors, a defendant shall not be
8 consecutively sentenced to more than the maximum for one
9 Class A misdemeanor.

10 (2) For sentences imposed under the law in effect on or
11 after February 1, 1978, the aggregate of consecutive
12 sentences for offenses that were committed as part of a
13 single course of conduct during which there was no
14 substantial change in the nature of the criminal objective
15 shall not exceed the sum of the maximum terms authorized
16 under Section 5-8-2 (730 ILCS 5/5-8-2) for the 2 most
17 serious felonies involved, but no such limitation shall
18 apply for offenses that were not committed as part of a
19 single course of conduct during which there was no
20 substantial change in the nature of the criminal objective.
21 When sentenced only for misdemeanors, a defendant shall not
22 be consecutively sentenced to more than the maximum for one
23 Class A misdemeanor.

24 (g) Consecutive terms; manner served. In determining the
25 manner in which consecutive sentences of imprisonment, one or
26 more of which is for a felony, will be served, the Department

1 of Corrections shall treat the defendant as though he or she
2 had been committed for a single term subject to each of the
3 following:

4 (1) The maximum period of a term of imprisonment shall
5 consist of the aggregate of the maximums of the imposed
6 indeterminate terms, if any, plus the aggregate of the
7 imposed determinate sentences for felonies, plus the
8 aggregate of the imposed determinate sentences for
9 misdemeanors, subject to subsection (f) of this Section.

10 (2) The parole or mandatory supervised release term
11 shall be as provided in paragraph (e) of Section 5-4.5-50
12 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
13 involved.

14 (3) The minimum period of imprisonment shall be the
15 aggregate of the minimum and determinate periods of
16 imprisonment imposed by the court, subject to subsection
17 (f) of this Section.

18 (4) The defendant shall be awarded credit against the
19 aggregate maximum term and the aggregate minimum term of
20 imprisonment for all time served in an institution since
21 the commission of the offense or offenses and as a
22 consequence thereof at the rate specified in Section 3-6-3
23 (730 ILCS 5/3-6-3).

24 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;
25 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; revised 8-20-09.)

1 (730 ILCS 5/5-9-1.3) (from Ch. 38, par. 1005-9-1.3)

2 Sec. 5-9-1.3. Fines for offenses involving theft,
3 deceptive practices, and offenses against units of local
4 government or school districts.

5 (a) When a person has been adjudged guilty of a felony
6 under Section 16-1, 16-9 or 17-1 of the Criminal Code of 1961,
7 a fine may be levied by the court in an amount which is the
8 greater of \$25,000 or twice the value of the property which is
9 the subject of the offense.

10 (b) When a person has been convicted of a felony under
11 Section 16-1 of the Criminal Code of 1961 and the theft was
12 committed upon any unit of local government or school district,
13 or the person has been convicted of any violation of Sections
14 33C-1 through 33C-4 or Sections 33E-3 through 33E-18, or
15 subsection (a), (b), (c), or (d) of Section 17-10.3, of the
16 Criminal Code of 1961, a fine may be levied by the court in an
17 amount that is the greater of \$25,000 or treble the value of
18 the property which is the subject of the offense or loss to the
19 unit of local government or school district.

20 (c) All fines imposed under subsection (b) of this Section
21 shall be distributed as follows:

22 (1) An amount equal to 30% shall be distributed to the
23 unit of local government or school district that was the
24 victim of the offense;

25 (2) An amount equal to 30% shall be distributed to the
26 unit of local government whose officers or employees

1 conducted the investigation into the crimes against the
2 unit of local government or school district. Amounts
3 distributed to units of local government shall be used
4 solely for the enforcement of criminal laws protecting
5 units of local government or school districts;

6 (3) An amount equal to 30% shall be distributed to the
7 State's Attorney of the county in which the prosecution
8 resulting in the conviction was instituted. The funds shall
9 be used solely for the enforcement of criminal laws
10 protecting units of local government or school districts;
11 and

12 (4) An amount equal to 10% shall be distributed to the
13 circuit court clerk of the county where the prosecution
14 resulting in the conviction was instituted.

15 (d) A fine order under subsection (b) of this Section is a
16 judgment lien in favor of the victim unit of local government
17 or school district, the State's Attorney of the county where
18 the violation occurred, the law enforcement agency that
19 investigated the violation, and the circuit court clerk.

20 (Source: P.A. 90-800, eff. 1-1-99.)

21 Section 10-155. The Probate Act of 1975 is amended by
22 changing Sections 2-6.2 and 2-6.6 as follows:

23 (755 ILCS 5/2-6.2)

24 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an

1 elderly person or a person with a disability.

2 (a) In this Section:

3 "Abuse" means any offense described in Section 12-21 of the
4 Criminal Code of 1961.

5 "Financial exploitation" means any offense described in
6 Section 16-1.3 or 17-56 of the Criminal Code of 1961.

7 "Neglect" means any offense described in Section 12-19 of
8 the Criminal Code of 1961.

9 (b) Persons convicted of financial exploitation, abuse, or
10 neglect of an elderly person or a person with a disability
11 shall not receive any property, benefit, or other interest by
12 reason of the death of that elderly person or person with a
13 disability, whether as heir, legatee, beneficiary, survivor,
14 appointee, claimant under Section 18-1.1, or in any other
15 capacity and whether the property, benefit, or other interest
16 passes pursuant to any form of title registration, testamentary
17 or nontestamentary instrument, intestacy, renunciation, or any
18 other circumstance. The property, benefit, or other interest
19 shall pass as if the person convicted of the financial
20 exploitation, abuse, or neglect died before the decedent,
21 provided that with respect to joint tenancy property the
22 interest possessed prior to the death by the person convicted
23 of the financial exploitation, abuse, or neglect shall not be
24 diminished by the application of this Section. Notwithstanding
25 the foregoing, a person convicted of financial exploitation,
26 abuse, or neglect of an elderly person or a person with a

1 disability shall be entitled to receive property, a benefit, or
2 an interest in any capacity and under any circumstances
3 described in this subsection (b) if it is demonstrated by clear
4 and convincing evidence that the victim of that offense knew of
5 the conviction and subsequent to the conviction expressed or
6 ratified his or her intent to transfer the property, benefit,
7 or interest to the person convicted of financial exploitation,
8 abuse, or neglect of an elderly person or a person with a
9 disability in any manner contemplated by this subsection (b).

10 (c) (1) The holder of any property subject to the
11 provisions of this Section shall not be liable for
12 distributing or releasing the property to the person
13 convicted of financial exploitation, abuse, or neglect of
14 an elderly person or a person with a disability if the
15 distribution or release occurs prior to the conviction.

16 (2) If the holder is a financial institution, trust
17 company, trustee, or similar entity or person, the holder
18 shall not be liable for any distribution or release of the
19 property, benefit, or other interest to the person
20 convicted of a violation of Section 12-19, 12-21, ~~or~~
21 16-1.3, or 17-56 of the Criminal Code of 1961 unless the
22 holder knowingly distributes or releases the property,
23 benefit, or other interest to the person so convicted after
24 first having received actual written notice of the
25 conviction in sufficient time to act upon the notice.

26 (d) If the holder of any property subject to the provisions

1 of this Section knows that a potential beneficiary has been
2 convicted of financial exploitation, abuse, or neglect of an
3 elderly person or a person with a disability within the scope
4 of this Section, the holder shall fully cooperate with law
5 enforcement authorities and judicial officers in connection
6 with any investigation of the financial exploitation, abuse, or
7 neglect. If the holder is a person or entity that is subject to
8 regulation by a regulatory agency pursuant to the laws of this
9 or any other state or pursuant to the laws of the United
10 States, including but not limited to the business of a
11 financial institution, corporate fiduciary, or insurance
12 company, then such person or entity shall not be deemed to be
13 in violation of this Section to the extent that privacy laws
14 and regulations applicable to such person or entity prevent it
15 from voluntarily providing law enforcement authorities or
16 judicial officers with information.

17 (Source: P.A. 95-315, eff. 1-1-08.)

18 (755 ILCS 5/2-6.6)

19 Sec. 2-6.6. Person convicted of certain offenses against
20 the elderly or disabled. A person who is convicted of a
21 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
22 Criminal Code of 1961 may not receive any property, benefit, or
23 other interest by reason of the death of the victim of that
24 offense, whether as heir, legatee, beneficiary, joint tenant,
25 tenant by the entirety, survivor, appointee, or in any other

1 capacity and whether the property, benefit, or other interest
2 passes pursuant to any form of title registration, testamentary
3 or nontestamentary instrument, intestacy, renunciation, or any
4 other circumstance. The property, benefit, or other interest
5 shall pass as if the person convicted of a violation of Section
6 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the Criminal Code of 1961
7 died before the decedent; provided that with respect to joint
8 tenancy property or property held in tenancy by the entirety,
9 the interest possessed prior to the death by the person
10 convicted may not be diminished by the application of this
11 Section. Notwithstanding the foregoing, a person convicted of a
12 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
13 Criminal Code of 1961 shall be entitled to receive property, a
14 benefit, or an interest in any capacity and under any
15 circumstances described in this Section if it is demonstrated
16 by clear and convincing evidence that the victim of that
17 offense knew of the conviction and subsequent to the conviction
18 expressed or ratified his or her intent to transfer the
19 property, benefit, or interest to the person convicted of a
20 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
21 Criminal Code of 1961 in any manner contemplated by this
22 Section.

23 The holder of any property subject to the provisions of
24 this Section is not liable for distributing or releasing the
25 property to the person convicted of violating Section 12-19,
26 12-21, ~~or~~ 16-1.3, or 17-56 of the Criminal Code of 1961.

1 If the holder is a financial institution, trust company,
2 trustee, or similar entity or person, the holder shall not be
3 liable for any distribution or release of the property,
4 benefit, or other interest to the person convicted of a
5 violation of Section 12-19, 12-21, ~~or 16-1.3,~~ or 17-56 of the
6 Criminal Code of 1961 unless the holder knowingly distributes
7 or releases the property, benefit, or other interest to the
8 person so convicted after first having received actual written
9 notice of the conviction in sufficient time to act upon the
10 notice.

11 The Department of State Police shall have access to State
12 of Illinois databases containing information that may help in
13 the identification or location of persons convicted of the
14 offenses enumerated in this Section. Interagency agreements
15 shall be implemented, consistent with security and procedures
16 established by the State agency and consistent with the laws
17 governing the confidentiality of the information in the
18 databases. Information shall be used only for administration of
19 this Section.

20 (Source: P.A. 93-301, eff. 1-1-04.)

21 Section 10-160. The Illinois Human Rights Act is amended by
22 changing Section 4-101 as follows:

23 (775 ILCS 5/4-101) (from Ch. 68, par. 4-101)

24 Sec. 4-101. Definitions. The following definitions are

1 applicable strictly in the context of this Article:

2 (A) Credit Card. "Credit card" has the meaning set forth in
3 Section 17-0.5 of the Criminal Code of 1961 ~~2.03 of the~~
4 ~~Illinois Credit Card and Debit Card Act.~~

5 (B) Financial Institution. "Financial institution" means
6 any bank, credit union, insurance company, mortgage banking
7 company or savings and loan association which operates or has a
8 place of business in this State.

9 (C) Loan. "Loan" includes, but is not limited to, the
10 providing of funds, for consideration, which are sought for:
11 (1) the purpose of purchasing, constructing, improving,
12 repairing, or maintaining a housing accommodation as that term
13 is defined in paragraph (C) of Section 3-101; or (2) any
14 commercial or industrial purposes.

15 (D) Varying Terms. "Varying the terms of a loan" includes,
16 but is not limited to, the following practices:

17 (1) Requiring a greater down payment than is usual for
18 the particular type of a loan involved.

19 (2) Requiring a shorter period of amortization than is
20 usual for the particular type of loan involved.

21 (3) Charging a higher interest rate than is usual for
22 the particular type of loan involved.

23 (4) An under appraisal of real estate or other item of
24 property offered as security.

25 (Source: P.A. 95-331, eff. 8-21-07.)

1 Section 10-165. The Assumed Business Name Act is amended by
2 changing Section 4 as follows:

3 (805 ILCS 405/4) (from Ch. 96, par. 7)

4 Sec. 4. This Act shall in no way affect or apply to any
5 corporation, limited liability company, limited partnership,
6 or limited liability partnership duly organized under the laws
7 of this State, or any corporation, limited liability company,
8 limited partnership, or limited liability partnership
9 organized under the laws of any other State and lawfully doing
10 business in this State, nor shall this Act be deemed or
11 construed to prevent the lawful use of a partnership name or
12 designation, provided that such partnership shall include the
13 true, real name of such person or persons transacting said
14 business or partnership nor shall it be construed as in any way
15 affecting subdivision (a) (8) or subsection (c) of Section 17-2
16 ~~Sections 17-12 and 17-19~~ of the Criminal Code of 1961. This Act
17 shall in no way affect or apply to testamentary or other
18 express trusts where the business is carried on in the name of
19 the trust and such trust is created by will or other instrument
20 in writing under which title to the trust property is vested in
21 a designated trustee or trustees for the use and benefit of the
22 cestuis que trustent.

23 (Source: P.A. 96-328, eff. 8-11-09.)

24 Section 10-170. The Uniform Commercial Code is amended by

1 changing Section 3-505A as follows:

2 (810 ILCS 5/3-505A) (from Ch. 26, par. 3-505A)

3 Sec. 3-505A. Provision of credit card number as a condition
4 of check cashing or acceptance prohibited.

5 (1) No person may record the number of a credit card given
6 as identification or given as proof of creditworthiness when
7 payment for goods or services is made by check or draft other
8 than a transaction in which the check or draft is issued in
9 payment of the credit card designated by the credit card
10 number.

11 (2) This Section shall not prohibit a person from
12 requesting a purchaser to display a credit card as indication
13 of creditworthiness and financial responsibility or as
14 additional identification, but the only information concerning
15 a credit card which may be recorded is the type of credit card
16 so displayed and the issuer of the credit card. This Section
17 shall not require acceptance of a check or draft whether or not
18 a credit card is presented.

19 (3) This Section shall not prohibit a person from
20 requesting or receiving a credit card number or expiration date
21 and recording the number or date, or both, in lieu of a deposit
22 to secure payment in the event of default, loss, damage, or
23 other occurrence.

24 (4) This Section shall not prohibit a person from recording
25 a credit card number and expiration date as a condition for

1 cashing or accepting a check or draft if that person, firm,
2 partnership or association has agreed with the card issuer to
3 cash or accept checks and share drafts from the issuer's
4 cardholders and the issuer guarantees cardholder checks and
5 drafts cashed or accepted by that person.

6 (5) Recording a credit card number in connection with a
7 sale of goods or services in which the purchaser pays by check
8 or draft, or in connection with the acceptance of a check or
9 draft, is a business offense with a fine not to exceed \$500.

10 As used in this Section, credit card has the meaning as
11 defined in Section 17-0.5 of the Criminal Code of 1961 ~~the~~
12 ~~Illinois Credit Card and Debit Card Act.~~

13 (Source: P.A. 87-382.)

14 Section 10-175. The Credit Card Issuance Act is amended by
15 changing Section 1 as follows:

16 (815 ILCS 140/1) (from Ch. 17, par. 6001)

17 Sec. 1. As used in this Act: (a) "Credit card" has the
18 meaning set forth in Section 17-0.5 of the Criminal Code of
19 1961 ~~2.03 of the Illinois Credit Card and Debit Card Act~~, but
20 does not include "debit card" as defined in that Section ~~2.15~~
21 ~~of the Illinois Credit Card and Debit Card Act~~, which can also
22 be used to obtain money, goods, services and anything else of
23 value on credit, nor shall it include any negotiable instrument
24 as defined in the Uniform Commercial Code, as now or hereafter

1 amended; (b) "merchant credit card agreement" means a written
2 agreement between a seller of goods, services or both, and the
3 issuer of a credit card to any other party, pursuant to which
4 the seller is obligated to accept credit cards; and (c) "credit
5 card transaction" means a purchase and sale of goods, services
6 or both, in which a seller, pursuant to a merchant credit card
7 agreement, is obligated to accept a credit card and does accept
8 the credit card in connection with such purchase and sale.

9 (Source: P.A. 86-427; 86-952.)

10 Section 10-180. The Credit Card Liability Act is amended by
11 changing Section 1 as follows:

12 (815 ILCS 145/1) (from Ch. 17, par. 6101)

13 Sec. 1. (a) No person in whose name a credit card is issued
14 without his having requested or applied for the card or for the
15 extension of the credit or establishment of a charge account
16 which that card evidences is liable to the issuer of the card
17 for any purchases made or other amounts owing by a use of that
18 card from which he or a member of his family or household
19 derive no benefit unless he has indicated his acceptance of the
20 card by signing or using the card or by permitting or
21 authorizing use of the card by another. A mere failure to
22 destroy or return an unsolicited card is not such an
23 indication. As used in this Act, "credit card" has the meaning
24 ascribed to it in Section 17-0.5 of the Criminal Code of 1961

1 ~~2.03 of the Illinois Credit Card and Debit Card Act~~, except
2 that it does not include a card issued by any telephone company
3 that is subject to supervision or regulation by the Illinois
4 Commerce Commission or other public authority.

5 (b) When an action is brought by an issuer against the
6 person named on the card, the burden of proving the request,
7 application, authorization, permission, use or benefit as set
8 forth in Section 1 hereof shall be upon plaintiff if put in
9 issue by defendant. In the event of judgment for defendant, the
10 court shall allow defendant a reasonable attorney's fee, to be
11 taxed as costs.

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 Section 10-185. The Interest Act is amended by changing
14 Section 4.1 as follows:

15 (815 ILCS 205/4.1) (from Ch. 17, par. 6405)

16 Sec. 4.1. The term "revolving credit" means an arrangement,
17 including by means of a credit card as defined in Section
18 17-0.5 of the Criminal Code of 1961 ~~2.03 of the Illinois Credit~~
19 ~~Card and Debit Card Act~~ between a lender and debtor pursuant to
20 which it is contemplated or provided that the lender may from
21 time to time make loans or advances to or for the account of
22 the debtor through the means of drafts, items, orders for the
23 payment of money, evidences of debt or similar written
24 instruments, whether or not negotiable, signed by the debtor or

1 by any person authorized or permitted so to do on behalf of the
2 debtor, which loans or advances are charged to an account in
3 respect of which account the lender is to render bills or
4 statements to the debtor at regular intervals (hereinafter
5 sometimes referred to as the "billing cycle") the amount of
6 which bills or statements is payable by and due from the debtor
7 on a specified date stated in such bill or statement or at the
8 debtor's option, may be payable by the debtor in installments.
9 A revolving credit arrangement which grants the debtor a line
10 of credit in excess of \$5,000 may include provisions granting
11 the lender a security interest in real property or in a
12 beneficial interest in a land trust to secure amounts of credit
13 extended by the lender. Credit extended or available under a
14 revolving credit plan operated in accordance with the Illinois
15 Financial Services Development Act shall be deemed to be
16 "revolving credit" as defined in this Section 4.1 but shall not
17 be subject to Sections 4.1a, 4.2 or 4.3 hereof.

18 Whenever a lender is granted a security interest in real
19 property or in a beneficial interest in a land trust, the
20 lender shall disclose the existence of such interest to the
21 borrower in compliance with the Federal Truth in Lending Act,
22 amendments thereto, and any regulations issued or which may be
23 issued thereunder, and shall agree to pay all expenses,
24 including recording fees and otherwise, to release any such
25 security interest of record whenever it no longer secures any
26 credit under a revolving credit arrangement. A lender shall not

1 be granted a security interest in any real property or in any
2 beneficial interest in a land trust under a revolving credit
3 arrangement, or if any such security interest exists, such
4 interest shall be released, if a borrower renders payment of
5 the total outstanding balance due under the revolving credit
6 arrangement and requests in writing to reduce the line of
7 credit below that amount for which a security interest in real
8 property or in a beneficial interest in a land trust may be
9 required by a lender. Any request by a borrower to release a
10 security interest under a revolving credit arrangement shall be
11 granted by the lender provided the borrower renders payment of
12 the total outstanding balance as required by this Section
13 before the security interest of record may be released.

14 (Source: P.A. 95-331, eff. 8-21-07.)

15 Section 10-190. The Consumer Fraud and Deceptive Business
16 Practices Act is amended by changing Section 2NN as follows:

17 (815 ILCS 505/2NN)

18 Sec. 2NN. Receipts; credit card and debit card account
19 numbers.

20 (a) Definitions. As used in this Section:

21 "Cardholder" has the meaning ascribed to it in Section
22 17-0.5 of the Criminal Code of 1961 ~~2.02 of the Illinois Credit~~
23 ~~Card and Debit Card Act.~~

24 "Credit card" has the meaning ascribed to it in Section

1 17-0.5 of the Criminal Code of 1961 ~~2.03 of the Illinois Credit~~
2 ~~Card and Debit Card Act.~~

3 "Debit card" has the meaning ascribed to it in Section
4 17-0.5 of the Criminal Code of 1961 ~~2.15 of the Illinois Credit~~
5 ~~Card and Debit Card Act.~~

6 "Issuer" has the meaning ascribed to it in Section 17-0.5
7 of the Criminal Code of 1961 ~~2.08 of the Illinois Credit Card~~
8 ~~and Debit Card Act.~~

9 "Person" has the meaning ascribed to it in Section 17-0.5
10 of the Criminal Code of 1961 ~~2.09 of the Illinois Credit Card~~
11 ~~and Debit Card Act.~~

12 "Provider" means a person who furnishes money, goods,
13 services, or anything else of value upon presentation, whether
14 physically, in writing, verbally, electronically, or
15 otherwise, of a credit card or debit card by the cardholder, or
16 any agent or employee of that person.

17 (b) Except as otherwise provided in this Section, no
18 provider may print or otherwise produce or reproduce or permit
19 the printing or other production or reproduction of the
20 following: (i) any part of the credit card or debit card
21 account number, other than the last 4 digits or other
22 characters, (ii) the credit card or debit card expiration date
23 on any receipt provided or made available to the cardholder.

24 (c) This Section does not apply to a credit card or debit
25 card transaction in which the sole means available to the
26 provider of recording the credit card or debit card account

1 number is by handwriting or by imprint of the card.

2 (d) This Section does not apply to receipts issued for
3 transactions on the electronic benefits transfer card system in
4 accordance with 7 CFR 274.12(g)(3).

5 (e) A violation of this Section constitutes an unlawful
6 practice within the meaning of this Act.

7 (f) This Section is operative on January 1, 2005.

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 Section 10-195. The Home Repair Fraud Act is amended by
10 changing Section 5 as follows:

11 (815 ILCS 515/5) (from Ch. 121 1/2, par. 1605)

12 Sec. 5. Aggravated Home Repair Fraud. A person commits the
13 offense of aggravated home repair fraud when he commits home
14 repair fraud against an elderly ~~a person 60 years of age or~~
15 ~~elder~~ or a ~~disabled~~ person with a disability as defined in
16 Section 17-56 ~~16-1.3~~ of the Criminal Code of 1961.

17 (a) Aggravated violation of paragraphs (1) or (2) of
18 subsection (a) of Section 3 of this Act shall be a Class 2
19 felony when the amount of the contract or agreement is more
20 than \$500, a Class 4 felony when the amount of the contract or
21 agreement is \$500 or less, and a Class 3 felony for a second or
22 subsequent offense when the amount of the contract or agreement
23 is \$500 or less. If 2 or more contracts or agreements for home
24 repair exceed an aggregate amount of \$500 or more and such

1 contracts or agreements are entered into with the same victim
2 by one or more of the defendants as part of or in furtherance
3 of a common fraudulent scheme, design or intention, the
4 violation shall be a Class 2 felony.

5 (b) Aggravated violation of paragraph (3) of subsection (a)
6 of Section 3 of this Act shall be a Class 2 felony when the
7 amount of the contract or agreement is more than \$5,000 and a
8 Class 3 felony when the amount of the contract or agreement is
9 \$5,000 or less.

10 (c) Aggravated violation of paragraph (4) of subsection (a)
11 of Section 3 of this Act shall be a Class 3 felony when the
12 amount of the contract or agreement is more than \$500, a Class
13 4 felony when the amount of the contract or agreement is \$500
14 or less and a Class 3 felony for a second or subsequent offense
15 when the amount of the contract or agreement is \$500 or less.

16 (d) Aggravated violation of paragraphs (1) or (2) of
17 subsection (b) of Section 3 of this Act shall be a Class 3
18 felony.

19 (e) If a person commits aggravated home repair fraud, then
20 any State or local license or permit held by that person that
21 relates to the business of home repair may be appropriately
22 suspended or revoked by the issuing authority, commensurate
23 with the severity of the offense.

24 (f) A defense to aggravated home repair fraud does not
25 exist merely because the accused reasonably believed the victim
26 to be a person less than 60 years of age.

1 (Source: P.A. 93-542, eff. 1-1-04.)

2 Article 95.

3 Section 9995. No acceleration or delay. Where this Act
4 makes changes in a statute that is represented in this Act by
5 text that is not yet or no longer in effect (for example, a
6 Section represented by multiple versions), the use of that text
7 does not accelerate or delay the taking effect of (i) the
8 changes made by this Act or (ii) provisions derived from any
9 other Public Act.

10 Article 99.

11 Section 9999. Effective date. This Act takes effect January
12 1, 2011."