



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3746

Introduced 2/18/2025, by Rep. Robert "Bob" Rita

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26.5-0.1
720 ILCS 5/26.5-3
720 ILCS 5/26.5-5
730 ILCS 5/5-5-3.2

Amends the Harassing and Obscene Communications Article of the Criminal Code of 2012. Provides that in addition to any criminal penalties, a person who is the victim of harassment under the harassment through electronic communications statute may bring a civil action against the perpetrator of the harassment. Provides that in such an action, the victim may be awarded damages not to exceed \$10,000,000 for each count of harassment. Provides that these damages may include compensation for any physical injury, emotional distress, reputational harm, or other damages directly resulting from the harassment. Provides that, in addition to compensatory damages, the court may award punitive damages if the defendant's conduct was willfully or maliciously intended to harm the victim. Provides that punitive damages may be awarded in an amount deemed appropriate by the court, not to exceed the statutory limit of \$10,000,000 per count. Provides that in any civil action brought under this provision, the prevailing party may be entitled to reasonable attorney's fees, court costs, and other expenses. Provides that the use of an end-to-end encryption messaging system or device to transmit harassing messages or communications is an aggravating factor in sentencing. Provides that a person who violates the harassment through electronic communications statute using an end-to-end encryption messaging system or device to engage in harassment is guilty of a Class 3 felony, regardless of other factors surrounding the offense. Defines "end-to-end encryption messaging system or device". Amends the Unified Code of Corrections to make conforming changes. Effective immediately.

LRB104 10223 RLC 20297 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 26.5-0.1, 26.5-3, and 26.5-5 as follows:

6 (720 ILCS 5/26.5-0.1)

7 Sec. 26.5-0.1. Definitions. As used in this Article:

8 "Electronic communication" means any transfer of signs,
9 signals, writings, images, sounds, data or intelligence of any
10 nature transmitted in whole or in part by a wire, radio,
11 electromagnetic, photoelectric or photo-optical system.
12 "Electronic communication" includes transmissions through an
13 electronic device including, but not limited to, a telephone,
14 cellular phone, computer, or pager, which communication
15 includes, but is not limited to, e-mail, instant message, text
16 message, or voice mail.

17 "End-to-end encryption messaging system or device" means
18 any form of communication technology or application that
19 ensures that only the sender and intended recipient or
20 recipients can access the content of the communication,
21 preventing third parties, including service providers or
22 intermediaries, from reading the messages.

23 "Family or household member" includes spouses, former

1 spouses, parents, children, stepchildren and other persons
2 related by blood or by present or prior marriage, persons who
3 share or formerly shared a common dwelling, persons who have
4 or allegedly share a blood relationship through a child,
5 persons who have or have had a dating or engagement
6 relationship, and persons with disabilities and their personal
7 assistants. For purposes of this Article, neither a casual
8 acquaintanceship nor ordinary fraternization between 2
9 individuals in business or social contexts shall be deemed to
10 constitute a dating relationship.

11 "Harass" or "harassing" means knowing conduct which is not
12 necessary to accomplish a purpose that is reasonable under the
13 circumstances, that would cause a reasonable person emotional
14 distress and does cause emotional distress to another.

15 (Source: P.A. 97-1108, eff. 1-1-13.)

16 (720 ILCS 5/26.5-3)

17 Sec. 26.5-3. Harassment through electronic communications.

18 (a) A person commits harassment through electronic
19 communications when he or she uses electronic communication
20 for any of the following purposes:

21 (1) Making any comment, request, suggestion or
22 proposal which is obscene with an intent to offend;

23 (2) Interrupting, with the intent to harass, the
24 telephone service or the electronic communication service
25 of any person;

1 (3) Transmitting to any person, with the intent to
2 harass and regardless of whether the communication is read
3 in its entirety or at all, any file, document, or other
4 communication which prevents that person from using his or
5 her telephone service or electronic communications device;

6 (4) Transmitting an electronic communication or
7 knowingly inducing a person to transmit an electronic
8 communication for the purpose of harassing another person
9 who is under 13 years of age, regardless of whether the
10 person under 13 years of age consents to the harassment,
11 if the defendant is at least 16 years of age at the time of
12 the commission of the offense;

13 (5) Threatening injury to the person or to the
14 property of the person to whom an electronic communication
15 is directed or to any of his or her family or household
16 members; or

17 (6) Knowingly permitting any electronic communications
18 device to be used for any of the purposes mentioned in this
19 subsection (a).

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

1 related telecommunications, commercial mobile services, or
2 information services used by others in violation of this
3 Section.

4 (c) In addition to any criminal penalties, a person who is
5 the victim of harassment under this Section may bring a civil
6 action against the perpetrator of the harassment.

7 In such an action, the victim may be awarded damages not to
8 exceed \$10,000,000 for each count of harassment. These damages
9 may include compensation for any physical injury, emotional
10 distress, reputational harm, or other damages directly
11 resulting from the harassment.

12 In addition to compensatory damages, the court may award
13 punitive damages if the defendant's conduct was willfully or
14 maliciously intended to harm the victim. Punitive damages may
15 be awarded in an amount deemed appropriate by the court, not to
16 exceed the statutory limit of \$10,000,000 per count.

17 In any civil action brought under this Section, the
18 prevailing party may be entitled to reasonable attorney's
19 fees, court costs, and other expenses.

20 (Source: P.A. 97-1108, eff. 1-1-13.)

21 (720 ILCS 5/26.5-5)

22 Sec. 26.5-5. Sentence.

23 (a) Except as provided in subsection (b), a person who
24 violates any of the provisions of Section 26.5-1, 26.5-2, or
25 26.5-3 of this Article is guilty of a Class B misdemeanor.

1 Except as provided in subsection (b), a second or subsequent
2 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
3 is a Class A misdemeanor, for which the court shall impose a
4 minimum of 14 days in jail or, if public or community service
5 is established in the county in which the offender was
6 convicted, 240 hours of public or community service.

7 (b) In any of the following circumstances, a person who
8 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article
9 shall be guilty of a Class 4 felony:

10 (1) The person has 3 or more prior violations in the
11 last 10 years of harassment by telephone, harassment
12 through electronic communications, or any similar offense
13 of any other state;

14 (2) The person has previously violated the harassment
15 by telephone provisions, or the harassment through
16 electronic communications provisions, or committed any
17 similar offense in any other state with the same victim or
18 a member of the victim's family or household;

19 (3) At the time of the offense, the offender was under
20 conditions of pretrial release, probation, conditional
21 discharge, mandatory supervised release or was the subject
22 of an order of protection, in this or any other state,
23 prohibiting contact with the victim or any member of the
24 victim's family or household;

25 (4) In the course of the offense, the offender
26 threatened to kill the victim or any member of the

1 victim's family or household;

2 (5) The person has been convicted in the last 10 years
3 of a forcible felony as defined in Section 2-8 of the
4 Criminal Code of 1961 or the Criminal Code of 2012;

5 (6) The person violates paragraph (5) of Section
6 26.5-2 or paragraph (4) of Section 26.5-3; or

7 (7) The person was at least 18 years of age at the time
8 of the commission of the offense and the victim was under
9 18 years of age at the time of the commission of the
10 offense.

11 (b-1) The use of an end-to-end encryption messaging system
12 or device to transmit harassing messages or communications is
13 an aggravating factor in sentencing under Section 5-5-3.2 of
14 the Unified Code of Corrections.

15 A person who violates Section 26.5-3 using an end-to-end
16 encryption messaging system or device to engage in harassment
17 is guilty of a Class 3 felony, regardless of other factors
18 surrounding the offense.

19 (c) The court may order any person convicted under this
20 Article to submit to a psychiatric examination.

21 (Source: P.A. 101-652, eff. 1-1-23.)

22 Section 10. The Unified Code of Corrections is amended by
23 changing Section 5-5-3.2 as follows:

24 (730 ILCS 5/5-5-3.2)

1 Sec. 5-5-3.2. Factors in aggravation and extended-term
2 sentencing.

3 (a) The following factors shall be accorded weight in
4 favor of imposing a term of imprisonment or may be considered
5 by the court as reasons to impose a more severe sentence under
6 Section 5-8-1 or Article 4.5 of Chapter V:

7 (1) the defendant's conduct caused or threatened
8 serious harm;

9 (2) the defendant received compensation for committing
10 the offense;

11 (3) the defendant has a history of prior delinquency
12 or criminal activity;

13 (4) the defendant, by the duties of his office or by
14 his position, was obliged to prevent the particular
15 offense committed or to bring the offenders committing it
16 to justice;

17 (5) the defendant held public office at the time of
18 the offense, and the offense related to the conduct of
19 that office;

20 (6) the defendant utilized his professional reputation
21 or position in the community to commit the offense, or to
22 afford him an easier means of committing it;

23 (7) the sentence is necessary to deter others from
24 committing the same crime;

25 (8) the defendant committed the offense against a
26 person 60 years of age or older or such person's property;

1 (9) the defendant committed the offense against a
2 person who has a physical disability or such person's
3 property;

4 (10) by reason of another individual's actual or
5 perceived race, color, creed, religion, ancestry, gender,
6 sexual orientation, physical or mental disability, or
7 national origin, the defendant committed the offense
8 against (i) the person or property of that individual;
9 (ii) the person or property of a person who has an
10 association with, is married to, or has a friendship with
11 the other individual; or (iii) the person or property of a
12 relative (by blood or marriage) of a person described in
13 clause (i) or (ii). For the purposes of this Section,
14 "sexual orientation" has the meaning ascribed to it in
15 paragraph (O-1) of Section 1-103 of the Illinois Human
16 Rights Act;

17 (11) the offense took place in a place of worship or on
18 the grounds of a place of worship, immediately prior to,
19 during or immediately following worship services. For
20 purposes of this subparagraph, "place of worship" shall
21 mean any church, synagogue or other building, structure or
22 place used primarily for religious worship;

23 (12) the defendant was convicted of a felony committed
24 while he was on pretrial release or his own recognizance
25 pending trial for a prior felony and was convicted of such
26 prior felony, or the defendant was convicted of a felony

1 committed while he was serving a period of probation,
2 conditional discharge, or mandatory supervised release
3 under subsection (d) of Section 5-8-1 for a prior felony;

4 (13) the defendant committed or attempted to commit a
5 felony while he was wearing a bulletproof vest. For the
6 purposes of this paragraph (13), a bulletproof vest is any
7 device which is designed for the purpose of protecting the
8 wearer from bullets, shot or other lethal projectiles;

9 (14) the defendant held a position of trust or
10 supervision such as, but not limited to, family member as
11 defined in Section 11-0.1 of the Criminal Code of 2012,
12 teacher, scout leader, baby sitter, or day care worker, in
13 relation to a victim under 18 years of age, and the
14 defendant committed an offense in violation of Section
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
16 11-14.4 except for an offense that involves keeping a
17 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
18 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
19 or 12-16 of the Criminal Code of 1961 or the Criminal Code
20 of 2012 against that victim;

21 (15) the defendant committed an offense related to the
22 activities of an organized gang. For the purposes of this
23 factor, "organized gang" has the meaning ascribed to it in
24 Section 10 of the Streetgang Terrorism Omnibus Prevention
25 Act;

26 (16) the defendant committed an offense in violation

1 of one of the following Sections while in a school,
2 regardless of the time of day or time of year; on any
3 conveyance owned, leased, or contracted by a school to
4 transport students to or from school or a school related
5 activity; on the real property of a school; or on a public
6 way within 1,000 feet of the real property comprising any
7 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
9 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
10 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
11 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
12 for subdivision (a)(4) or (g)(1), of the Criminal Code of
13 1961 or the Criminal Code of 2012;

14 (16.5) the defendant committed an offense in violation
15 of one of the following Sections while in a day care
16 center, regardless of the time of day or time of year; on
17 the real property of a day care center, regardless of the
18 time of day or time of year; or on a public way within
19 1,000 feet of the real property comprising any day care
20 center, regardless of the time of day or time of year:
21 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
22 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
23 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
24 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
25 18-2, or 33A-2, or Section 12-3.05 except for subdivision
26 (a)(4) or (g)(1), of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

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 2012;

9 (18) the defendant committed the offense in a nursing
10 home or on the real property comprising a nursing home.
11 For the purposes of this paragraph (18), "nursing home"
12 means a skilled nursing or intermediate long term care
13 facility that is subject to license by the Illinois
14 Department of Public Health under the Nursing Home Care
15 Act, the Specialized Mental Health Rehabilitation Act of
16 2013, the ID/DD Community Care Act, or the MC/DD Act;

17 (19) the defendant was a federally licensed firearm
18 dealer and was previously convicted of a violation of
19 subsection (a) of Section 3 of the Firearm Owners
20 Identification Card Act and has now committed either a
21 felony violation of the Firearm Owners Identification Card
22 Act or an act of armed violence while armed with a firearm;

23 (20) the defendant (i) committed the offense of
24 reckless homicide under Section 9-3 of the Criminal Code
25 of 1961 or the Criminal Code of 2012 or the offense of
26 driving under the influence of alcohol, other drug or

1 drugs, intoxicating compound or compounds or any
2 combination thereof under Section 11-501 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance
4 and (ii) was operating a motor vehicle in excess of 20
5 miles per hour over the posted speed limit as provided in
6 Article VI of Chapter 11 of the Illinois Vehicle Code;

7 (21) the defendant (i) committed the offense of
8 reckless driving or aggravated reckless driving under
9 Section 11-503 of the Illinois Vehicle Code and (ii) was
10 operating a motor vehicle in excess of 20 miles per hour
11 over the posted speed limit as provided in Article VI of
12 Chapter 11 of the Illinois Vehicle Code;

13 (22) the defendant committed the offense against a
14 person that the defendant knew, or reasonably should have
15 known, was a member of the Armed Forces of the United
16 States serving on active duty. For purposes of this clause
17 (22), the term "Armed Forces" means any of the Armed
18 Forces of the United States, including a member of any
19 reserve component thereof or National Guard unit called to
20 active duty;

21 (23) the defendant committed the offense against a
22 person who was elderly or infirm or who was a person with a
23 disability by taking advantage of a family or fiduciary
24 relationship with the elderly or infirm person or person
25 with a disability;

26 (24) the defendant committed any offense under Section

1 11-20.1 of the Criminal Code of 1961 or the Criminal Code
2 of 2012 and possessed 100 or more images;

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;

6 (26) 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 or the Criminal Code of 2012 where a child engaged in,
11 solicited for, depicted in, or posed in any act of sexual
12 penetration or bound, fettered, or subject to sadistic,
13 masochistic, or sadomasochistic abuse in a sexual context
14 and specifically including paragraph (1), (2), (3), (4),
15 (5), or (7) of subsection (a) of Section 11-20.1B or
16 Section 11-20.3 of the Criminal Code of 1961 where a child
17 engaged in, solicited for, depicted in, or posed in any
18 act of sexual penetration or bound, fettered, or subject
19 to sadistic, masochistic, or sadomasochistic abuse in a
20 sexual context;

21 (26.5) the defendant committed the offense of obscene
22 depiction of a purported child, specifically including
23 paragraph (2) of subsection (b) of Section 11-20.4 of the
24 Criminal Code of 2012 if a child engaged in, solicited
25 for, depicted in, or posed in any act of sexual
26 penetration or bound, fettered, or subject to sadistic,

1 masochistic, or sadomasochistic abuse in a sexual context;

2 (27) the defendant committed the offense of first
3 degree murder, assault, aggravated assault, battery,
4 aggravated battery, robbery, armed robbery, or aggravated
5 robbery against a person who was a veteran and the
6 defendant knew, or reasonably should have known, that the
7 person was a veteran performing duties as a representative
8 of a veterans' organization. For the purposes of this
9 paragraph (27), "veteran" means an Illinois resident who
10 has served as a member of the United States Armed Forces, a
11 member of the Illinois National Guard, or a member of the
12 United States Reserve Forces; and "veterans' organization"
13 means an organization comprised of members of which
14 substantially all are individuals who are veterans or
15 spouses, widows, or widowers of veterans, the primary
16 purpose of which is to promote the welfare of its members
17 and to provide assistance to the general public in such a
18 way as to confer a public benefit;

19 (28) the defendant committed the offense of assault,
20 aggravated assault, battery, aggravated battery, robbery,
21 armed robbery, or aggravated robbery against a person that
22 the defendant knew or reasonably should have known was a
23 letter carrier or postal worker while that person was
24 performing his or her duties delivering mail for the
25 United States Postal Service;

26 (29) the defendant committed the offense of criminal

1 sexual assault, aggravated criminal sexual assault,
2 criminal sexual abuse, or aggravated criminal sexual abuse
3 against a victim with an intellectual disability, and the
4 defendant holds a position of trust, authority, or
5 supervision in relation to the victim;

6 (30) the defendant committed the offense of promoting
7 juvenile prostitution, patronizing a prostitute, or
8 patronizing a minor engaged in prostitution and at the
9 time of the commission of the offense knew that the
10 prostitute or minor engaged in prostitution was in the
11 custody or guardianship of the Department of Children and
12 Family Services;

13 (31) the defendant (i) committed the offense of
14 driving while under the influence of alcohol, other drug
15 or drugs, intoxicating compound or compounds or any
16 combination thereof in violation of Section 11-501 of the
17 Illinois Vehicle Code or a similar provision of a local
18 ordinance and (ii) the defendant during the commission of
19 the offense was driving his or her vehicle upon a roadway
20 designated for one-way traffic in the opposite direction
21 of the direction indicated by official traffic control
22 devices;

23 (32) the defendant committed the offense of reckless
24 homicide while committing a violation of Section 11-907 of
25 the Illinois Vehicle Code;

26 (33) the defendant was found guilty of an

1 administrative infraction related to an act or acts of
2 public indecency or sexual misconduct in the penal
3 institution. In this paragraph (33), "penal institution"
4 has the same meaning as in Section 2-14 of the Criminal
5 Code of 2012; ~~or~~

6 (34) the defendant committed the offense of leaving
7 the scene of a crash in violation of subsection (b) of
8 Section 11-401 of the Illinois Vehicle Code and the crash
9 resulted in the death of a person and at the time of the
10 offense, the defendant was: (i) driving under the
11 influence of alcohol, other drug or drugs, intoxicating
12 compound or compounds or any combination thereof as
13 defined by Section 11-501 of the Illinois Vehicle Code; or
14 (ii) operating the motor vehicle while using an electronic
15 communication device as defined in Section 12-610.2 of the
16 Illinois Vehicle Code; or -

17 (35) the defendant committed the offense of harassment
18 through electronic communications using an end-to-end
19 encryption messaging system or device to transmit
20 harassing messages or communications.

21 For the purposes of this Section:

22 "School" is defined as a public or private elementary or
23 secondary school, community college, college, or university.

24 "Day care center" means a public or private State
25 certified and licensed day care center as defined in Section
26 2.09 of the Child Care Act of 1969 that displays a sign in

1 plain view stating that the property is a day care center.

2 "Intellectual disability" means significantly subaverage
3 intellectual functioning which exists concurrently with
4 impairment in adaptive behavior.

5 "Public transportation" means the transportation or
6 conveyance of persons by means available to the general
7 public, and includes paratransit services.

8 "Traffic control devices" means all signs, signals,
9 markings, and devices that conform to the Illinois Manual on
10 Uniform Traffic Control Devices, placed or erected by
11 authority of a public body or official having jurisdiction,
12 for the purpose of regulating, warning, or guiding traffic.

13 (b) The following factors, related to all felonies, may be
14 considered by the court as reasons to impose an extended term
15 sentence under Section 5-8-2 upon any offender:

16 (1) When a defendant is convicted of any felony, after
17 having been previously convicted in Illinois or any other
18 jurisdiction of the same or similar class felony or
19 greater class felony, when such conviction has occurred
20 within 10 years after the previous conviction, excluding
21 time spent in custody, and such charges are separately
22 brought and tried and arise out of different series of
23 acts; or

24 (2) When a defendant is convicted of any felony and
25 the court finds that the offense was accompanied by
26 exceptionally brutal or heinous behavior indicative of

1 wanton cruelty; or

2 (3) When a defendant is convicted of any felony
3 committed against:

4 (i) a person under 12 years of age at the time of
5 the offense or such person's property;

6 (ii) a person 60 years of age or older at the time
7 of the offense or such person's property; or

8 (iii) a person who had a physical disability at
9 the time of the offense or such person's property; or

10 (4) When a defendant is convicted of any felony and
11 the offense involved any of the following types of
12 specific misconduct committed as part of a ceremony, rite,
13 initiation, observance, performance, practice or activity
14 of any actual or ostensible religious, fraternal, or
15 social group:

16 (i) the brutalizing or torturing of humans or
17 animals;

18 (ii) the theft of human corpses;

19 (iii) the kidnapping of humans;

20 (iv) the desecration of any cemetery, religious,
21 fraternal, business, governmental, educational, or
22 other building or property; or

23 (v) ritualized abuse of a child; or

24 (5) When a defendant is convicted of a felony other
25 than conspiracy and the court finds that the felony was
26 committed under an agreement with 2 or more other persons

1 to commit that offense and the defendant, with respect to
2 the other individuals, occupied a position of organizer,
3 supervisor, financier, or any other position of management
4 or leadership, and the court further finds that the felony
5 committed was related to or in furtherance of the criminal
6 activities of an organized gang or was motivated by the
7 defendant's leadership in an organized gang; or

8 (6) When a defendant is convicted of an offense
9 committed while using a firearm with a laser sight
10 attached to it. For purposes of this paragraph, "laser
11 sight" has the meaning ascribed to it in Section 26-7 of
12 the Criminal Code of 2012; or

13 (7) When a defendant who was at least 17 years of age
14 at the time of the commission of the offense is convicted
15 of a felony and has been previously adjudicated a
16 delinquent minor under the Juvenile Court Act of 1987 for
17 an act that if committed by an adult would be a Class X or
18 Class 1 felony when the conviction has occurred within 10
19 years after the previous adjudication, excluding time
20 spent in custody; or

21 (8) When a defendant commits any felony and the
22 defendant used, possessed, exercised control over, or
23 otherwise directed an animal to assault a law enforcement
24 officer engaged in the execution of his or her official
25 duties or in furtherance of the criminal activities of an
26 organized gang in which the defendant is engaged; or

1 (9) When a defendant commits any felony and the
2 defendant knowingly video or audio records the offense
3 with the intent to disseminate the recording.

4 (c) The following factors may be considered by the court
5 as reasons to impose an extended term sentence under Section
6 5-8-2 ~~(730 ILCS 5/5-8-2)~~ upon any offender for the listed
7 offenses:

8 (1) When a defendant is convicted of first degree
9 murder, after having been previously convicted in Illinois
10 of any offense listed under paragraph (c)(2) of Section
11 5-5-3 ~~(730 ILCS 5/5-5-3)~~, when that conviction has
12 occurred within 10 years after the previous conviction,
13 excluding time spent in custody, and the charges are
14 separately brought and tried and arise out of different
15 series of acts.

16 (1.5) When a defendant is convicted of first degree
17 murder, after having been previously convicted of domestic
18 battery ~~(720 ILCS 5/12-3.2)~~ or aggravated domestic battery
19 ~~(720 ILCS 5/12-3.3)~~ committed on the same victim or after
20 having been previously convicted of violation of an order
21 of protection ~~(720 ILCS 5/12-30)~~ in which the same victim
22 was the protected person.

23 (2) When a defendant is convicted of voluntary
24 manslaughter, second degree murder, involuntary
25 manslaughter, or reckless homicide in which the defendant
26 has been convicted of causing the death of more than one

1 individual.

2 (3) When a defendant is convicted of aggravated
3 criminal sexual assault or criminal sexual assault, when
4 there is a finding that aggravated criminal sexual assault
5 or criminal sexual assault was also committed on the same
6 victim by one or more other individuals, and the defendant
7 voluntarily participated in the crime with the knowledge
8 of the participation of the others in the crime, and the
9 commission of the crime was part of a single course of
10 conduct during which there was no substantial change in
11 the nature of the criminal objective.

12 (4) If the victim was under 18 years of age at the time
13 of the commission of the offense, when a defendant is
14 convicted of aggravated criminal sexual assault or
15 predatory criminal sexual assault of a child under
16 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
17 of Section 12-14.1 of the Criminal Code of 1961 or the
18 Criminal Code of 2012 ~~(720 ILCS 5/11 1.40 or 5/12 14.1)~~.

19 (5) When a defendant is convicted of a felony
20 violation of Section 24-1 of the Criminal Code of 1961 or
21 the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~ and there is a
22 finding that the defendant is a member of an organized
23 gang.

24 (6) When a defendant was convicted of unlawful
25 possession of weapons under Section 24-1 of the Criminal
26 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~

1 for possessing a weapon that is not readily
2 distinguishable as one of the weapons enumerated in
3 Section 24-1 of the Criminal Code of 1961 or the Criminal
4 Code of 2012 ~~(720 ILCS 5/24-1)~~.

5 (7) When a defendant is convicted of an offense
6 involving the illegal manufacture of a controlled
7 substance under Section 401 of the Illinois Controlled
8 Substances Act ~~(720 ILCS 570/401)~~, the illegal manufacture
9 of methamphetamine under Section 25 of the Methamphetamine
10 Control and Community Protection Act ~~(720 ILCS 646/25)~~, or
11 the illegal possession of explosives and an emergency
12 response officer in the performance of his or her duties
13 is killed or injured at the scene of the offense while
14 responding to the emergency caused by the commission of
15 the offense. In this paragraph, "emergency" means a
16 situation in which a person's life, health, or safety is
17 in jeopardy; and "emergency response officer" means a
18 peace officer, community policing volunteer, fireman,
19 emergency medical technician-ambulance, emergency medical
20 technician-intermediate, emergency medical
21 technician-paramedic, ambulance driver, other medical
22 assistance or first aid personnel, or hospital emergency
23 room personnel.

24 (8) When the defendant is convicted of attempted mob
25 action, solicitation to commit mob action, or conspiracy
26 to commit mob action under Section 8-1, 8-2, or 8-4 of the

1 Criminal Code of 2012, where the criminal object is a
2 violation of Section 25-1 of the Criminal Code of 2012,
3 and an electronic communication is used in the commission
4 of the offense. For the purposes of this paragraph (8),
5 "electronic communication" shall have the meaning provided
6 in Section 26.5-0.1 of the Criminal Code of 2012.

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 (e) The court may impose an extended term sentence under
11 Article 4.5 of Chapter V upon an offender who has been
12 convicted of a felony violation of Section 11-1.20, 11-1.30,
13 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
14 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
15 when the victim of the offense is under 18 years of age at the
16 time of the commission of the offense and, during the
17 commission of the offense, the victim was under the influence
18 of alcohol, regardless of whether or not the alcohol was
19 supplied by the offender; and the offender, at the time of the
20 commission of the offense, knew or should have known that the
21 victim had consumed alcohol.

22 (Source: P.A. 102-558, eff. 8-20-21; 102-982, eff. 7-1-23;
23 103-822, eff. 1-1-25; 103-825, eff. 1-1-25; revised 11-26-24.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.