



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB2361

Introduced 2/7/2025, by Sen. Jason Plummer

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Police Training Act. Includes, in the minimum curriculum for police training schools, training in investigating domestic minor sex trafficking. Amends the Abused and Neglected Child Reporting Act. Provides that a child shall be considered abused regardless of the perpetrator of the abuse if the child is a human trafficking victim. Amends the Juvenile Court Act of 1987. Provides for immediate expungement of juvenile court and law enforcement records of minors who are human trafficking victims involved in prostitution. Amends the Criminal Code of 2012. Deletes a provision that provides that commercial sexual activity and sexually-explicit performances are forms of activities that are "services" under the human trafficking statute. Provides that involuntary sexual servitude of a minor includes purchasing sexual services of the minor whether from the trafficker or minor. Provides that it is not a defense to involuntary sexual servitude of a minor that the accused reasonably believed the trafficking victim to be 18 years of age or over. Eliminates other mistake of age defenses concerning grooming and patronizing a minor engaged in prostitution. Provides that a person who is a victim of involuntary sexual servitude of a minor is deemed a crime victim and is eligible for protections afforded to crime victims. Amends the Code of Criminal Procedure of 1963 to permit a motion to vacate an adjudication of delinquency of a human trafficking victim who engaged in prostitution. Amends the Sex Offender Registration Act. Makes violations concerning trafficking in persons, involuntary servitude, and related offenses registrable offenses under the Act. Amends the Crime Victims Compensation Act to provide that a trafficking victim who is under 18 years of age is not subject to the filing requirements of the Act and is not subject to the eligibility requirements of the Act.

LRB104 03861 RLC 13885 b

1 AN ACT concerning human trafficking.

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

4 Section 5. The Illinois Police Training Act is amended by  
5 changing Section 7 as follows:

6 (50 ILCS 705/7)

7 Sec. 7. Rules and standards for schools. The Board shall  
8 adopt rules and minimum standards for such schools which shall  
9 include, but not be limited to, the following:

10 a. The curriculum for probationary law enforcement  
11 officers which shall be offered by all certified schools  
12 shall include, but not be limited to, courses of  
13 procedural justice, arrest and use and control tactics,  
14 search and seizure, including temporary questioning, civil  
15 rights, human rights, human relations, cultural  
16 competency, including implicit bias and racial and ethnic  
17 sensitivity, criminal law, law of criminal procedure,  
18 constitutional and proper use of law enforcement  
19 authority, crisis intervention training, vehicle and  
20 traffic law including uniform and non-discriminatory  
21 enforcement of the Illinois Vehicle Code, traffic control  
22 and crash investigation, techniques of obtaining physical  
23 evidence, court testimonies, statements, reports, firearms

1 training, training in the use of electronic control  
2 devices, including the psychological and physiological  
3 effects of the use of those devices on humans, first aid  
4 (including cardiopulmonary resuscitation), training in the  
5 administration of opioid antagonists as defined in  
6 paragraph (1) of subsection (e) of Section 5-23 of the  
7 Substance Use Disorder Act, handling of juvenile  
8 offenders, recognition of mental conditions and crises,  
9 including, but not limited to, the disease of addiction,  
10 which require immediate assistance and response and  
11 methods to safeguard and provide assistance to a person in  
12 need of mental treatment, recognition of abuse, neglect,  
13 financial exploitation, and self-neglect of adults with  
14 disabilities and older adults, as defined in Section 2 of  
15 the Adult Protective Services Act, crimes against the  
16 elderly, training in investigating domestic minor sex  
17 trafficking, law of evidence, the hazards of high-speed  
18 police vehicle chases with an emphasis on alternatives to  
19 the high-speed chase, and physical training. The  
20 curriculum shall include specific training in techniques  
21 for immediate response to and investigation of cases of  
22 domestic violence and of sexual assault of adults and  
23 children, including cultural perceptions and common myths  
24 of sexual assault and sexual abuse as well as interview  
25 techniques that are age sensitive and are trauma informed,  
26 victim centered, and victim sensitive. The curriculum

1 shall include training in techniques designed to promote  
2 effective communication at the initial contact with crime  
3 victims and ways to comprehensively explain to victims and  
4 witnesses their rights under the Rights of Crime Victims  
5 and Witnesses Act and the Crime Victims Compensation Act.  
6 The curriculum shall also include training in effective  
7 recognition of and responses to stress, trauma, and  
8 post-traumatic stress experienced by law enforcement  
9 officers that is consistent with Section 25 of the  
10 Illinois Mental Health First Aid Training Act in a peer  
11 setting, including recognizing signs and symptoms of  
12 work-related cumulative stress, issues that may lead to  
13 suicide, and solutions for intervention with peer support  
14 resources. The curriculum shall include a block of  
15 instruction addressing the mandatory reporting  
16 requirements under the Abused and Neglected Child  
17 Reporting Act. The curriculum shall also include a block  
18 of instruction aimed at identifying and interacting with  
19 persons with autism and other developmental or physical  
20 disabilities, reducing barriers to reporting crimes  
21 against persons with autism, and addressing the unique  
22 challenges presented by cases involving victims or  
23 witnesses with autism and other developmental  
24 disabilities. The curriculum shall include training in the  
25 detection and investigation of all forms of human  
26 trafficking. The curriculum shall also include instruction

1 in trauma-informed responses designed to ensure the  
2 physical safety and well-being of a child of an arrested  
3 parent or immediate family member; this instruction must  
4 include, but is not limited to: (1) understanding the  
5 trauma experienced by the child while maintaining the  
6 integrity of the arrest and safety of officers, suspects,  
7 and other involved individuals; (2) de-escalation tactics  
8 that would include the use of force when reasonably  
9 necessary; and (3) inquiring whether a child will require  
10 supervision and care. The curriculum for probationary law  
11 enforcement officers shall include: (1) at least 12 hours  
12 of hands-on, scenario-based role-playing; (2) at least 6  
13 hours of instruction on use of force techniques, including  
14 the use of de-escalation techniques to prevent or reduce  
15 the need for force whenever safe and feasible; (3)  
16 specific training on officer safety techniques, including  
17 cover, concealment, and time; and (4) at least 6 hours of  
18 training focused on high-risk traffic stops. The  
19 curriculum for permanent law enforcement officers shall  
20 include, but not be limited to: (1) refresher and  
21 in-service training in any of the courses listed above in  
22 this subparagraph, (2) advanced courses in any of the  
23 subjects listed above in this subparagraph, (3) training  
24 for supervisory personnel, and (4) specialized training in  
25 subjects and fields to be selected by the board. The  
26 training in the use of electronic control devices shall be

1 conducted for probationary law enforcement officers,  
2 including University police officers. The curriculum shall  
3 also include training on the use of a firearms restraining  
4 order by providing instruction on the process used to file  
5 a firearms restraining order and how to identify  
6 situations in which a firearms restraining order is  
7 appropriate.

8 b. Minimum courses of study, attendance requirements  
9 and equipment requirements.

10 c. Minimum requirements for instructors.

11 d. Minimum basic training requirements, which a  
12 probationary law enforcement officer must satisfactorily  
13 complete before being eligible for permanent employment as  
14 a local law enforcement officer for a participating local  
15 governmental or State governmental agency. Those  
16 requirements shall include training in first aid  
17 (including cardiopulmonary resuscitation).

18 e. Minimum basic training requirements, which a  
19 probationary county corrections officer must  
20 satisfactorily complete before being eligible for  
21 permanent employment as a county corrections officer for a  
22 participating local governmental agency.

23 f. Minimum basic training requirements which a  
24 probationary court security officer must satisfactorily  
25 complete before being eligible for permanent employment as  
26 a court security officer for a participating local

1 governmental agency. The Board shall establish those  
2 training requirements which it considers appropriate for  
3 court security officers and shall certify schools to  
4 conduct that training.

5 A person hired to serve as a court security officer  
6 must obtain from the Board a certificate (i) attesting to  
7 the officer's successful completion of the training  
8 course; (ii) attesting to the officer's satisfactory  
9 completion of a training program of similar content and  
10 number of hours that has been found acceptable by the  
11 Board under the provisions of this Act; or (iii) attesting  
12 to the Board's determination that the training course is  
13 unnecessary because of the person's extensive prior law  
14 enforcement experience.

15 Individuals who currently serve as court security  
16 officers shall be deemed qualified to continue to serve in  
17 that capacity so long as they are certified as provided by  
18 this Act within 24 months of June 1, 1997 (the effective  
19 date of Public Act 89-685). Failure to be so certified,  
20 absent a waiver from the Board, shall cause the officer to  
21 forfeit his or her position.

22 All individuals hired as court security officers on or  
23 after June 1, 1997 (the effective date of Public Act  
24 89-685) shall be certified within 12 months of the date of  
25 their hire, unless a waiver has been obtained by the  
26 Board, or they shall forfeit their positions.

1           The Sheriff's Merit Commission, if one exists, or the  
2           Sheriff's Office if there is no Sheriff's Merit  
3           Commission, shall maintain a list of all individuals who  
4           have filed applications to become court security officers  
5           and who meet the eligibility requirements established  
6           under this Act. Either the Sheriff's Merit Commission, or  
7           the Sheriff's Office if no Sheriff's Merit Commission  
8           exists, shall establish a schedule of reasonable intervals  
9           for verification of the applicants' qualifications under  
10          this Act and as established by the Board.

11          g. Minimum in-service training requirements, which a  
12          law enforcement officer must satisfactorily complete every  
13          3 years. Those requirements shall include constitutional  
14          and proper use of law enforcement authority; procedural  
15          justice; civil rights; human rights; reporting child abuse  
16          and neglect; autism-informed law enforcement responses,  
17          techniques, and procedures; and cultural competency,  
18          including implicit bias and racial and ethnic sensitivity.  
19          These trainings shall consist of at least 30 hours of  
20          training every 3 years.

21          h. Minimum in-service training requirements, which a  
22          law enforcement officer must satisfactorily complete at  
23          least annually. Those requirements shall include law  
24          updates, emergency medical response training and  
25          certification, crisis intervention training, and officer  
26          wellness and mental health.

1           i. Minimum in-service training requirements as set  
2           forth in Section 10.6.

3           Notwithstanding any provision of law to the contrary, the  
4           changes made to this Section by Public Act 101-652, Public Act  
5           102-28, and Public Act 102-694 take effect July 1, 2022.

6           (Source: P.A. 102-28, eff. 6-25-21; 102-345, eff. 6-1-22;  
7           102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff.  
8           7-1-23; 103-154, eff. 6-30-23; 103-949, eff. 1-1-25.)

9           Section 10. The Abused and Neglected Child Reporting Act  
10          is amended by changing Section 3 as follows:

11          (325 ILCS 5/3) (from Ch. 23, par. 2053)

12          Sec. 3. As used in this Act unless the context otherwise  
13          requires:

14          "Adult resident" means any person between 18 and 22 years  
15          of age who resides in any facility licensed by the Department  
16          under the Child Care Act of 1969. For purposes of this Act, the  
17          criteria set forth in the definitions of "abused child" and  
18          "neglected child" shall be used in determining whether an  
19          adult resident is abused or neglected.

20          "Agency" means a child care facility licensed under  
21          Section 2.05 or Section 2.06 of the Child Care Act of 1969 and  
22          includes a transitional living program that accepts children  
23          and adult residents for placement who are in the guardianship  
24          of the Department.

1 "Blatant disregard" means an incident where the real,  
2 significant, and imminent risk of harm would be so obvious to a  
3 reasonable parent or caretaker that it is unlikely that a  
4 reasonable parent or caretaker would have exposed the child to  
5 the danger without exercising precautionary measures to  
6 protect the child from harm. With respect to a person working  
7 at an agency in the person's professional capacity with a  
8 child or adult resident, "blatant disregard" includes a  
9 failure by the person to perform job responsibilities intended  
10 to protect the child's or adult resident's health, physical  
11 well-being, or welfare, and, when viewed in light of the  
12 surrounding circumstances, evidence exists that would cause a  
13 reasonable person to believe that the child was neglected.  
14 With respect to an agency, "blatant disregard" includes a  
15 failure to implement practices that ensure the health,  
16 physical well-being, or welfare of the children and adult  
17 residents residing in the facility.

18 "Child" means any person under the age of 18 years, unless  
19 legally emancipated by reason of marriage or entry into a  
20 branch of the United States armed services.

21 "Department" means Department of Children and Family  
22 Services.

23 "Local law enforcement agency" means the police of a city,  
24 town, village or other incorporated area or the sheriff of an  
25 unincorporated area or any sworn officer of the Illinois State  
26 Police.

1 "Abused child" means a child whose parent or immediate  
2 family member, or any person responsible for the child's  
3 welfare, or any individual residing in the same home as the  
4 child, or a paramour of the child's parent:

5 (a) inflicts, causes to be inflicted, or allows to be  
6 inflicted upon such child physical injury, by other than  
7 accidental means, which causes death, disfigurement,  
8 impairment of physical or emotional health, or loss or  
9 impairment of any bodily function;

10 (b) creates a substantial risk of physical injury to  
11 such child by other than accidental means which would be  
12 likely to cause death, disfigurement, impairment of  
13 physical or emotional health, or loss or impairment of any  
14 bodily function;

15 (c) commits or allows to be committed any sex offense  
16 against such child, as such sex offenses are defined in  
17 the Criminal Code of 2012 or in the Wrongs to Children Act,  
18 and extending those definitions of sex offenses to include  
19 children under 18 years of age;

20 (d) commits or allows to be committed an act or acts of  
21 torture upon such child;

22 (e) inflicts excessive corporal punishment or, in the  
23 case of a person working for an agency who is prohibited  
24 from using corporal punishment, inflicts corporal  
25 punishment upon a child or adult resident with whom the  
26 person is working in the person's professional capacity;

1 (f) commits or allows to be committed the offense of  
2 female genital mutilation, as defined in Section 12-34 of  
3 the Criminal Code of 2012, against the child;

4 (g) causes to be sold, transferred, distributed, or  
5 given to such child under 18 years of age, a controlled  
6 substance as defined in Section 102 of the Illinois  
7 Controlled Substances Act in violation of Article IV of  
8 the Illinois Controlled Substances Act or in violation of  
9 the Methamphetamine Control and Community Protection Act,  
10 except for controlled substances that are prescribed in  
11 accordance with Article III of the Illinois Controlled  
12 Substances Act and are dispensed to such child in a manner  
13 that substantially complies with the prescription;

14 (h) commits or allows to be committed the offense of  
15 involuntary servitude, involuntary sexual servitude of a  
16 minor, or trafficking in persons as defined in Section  
17 10-9 of the Criminal Code of 2012 against the child. A  
18 child shall be considered abused regardless of the  
19 perpetrator of the abuse if the child is a human  
20 trafficking victim as defined in Section 10-9 of the  
21 Criminal Code of 2012; or

22 (i) commits the offense of grooming, as defined in  
23 Section 11-25 of the Criminal Code of 2012, against the  
24 child.

25 A child shall not be considered abused for the sole reason  
26 that the child has been relinquished in accordance with the

1 Abandoned Newborn Infant Protection Act.

2 "Neglected child" means any child who is not receiving the  
3 proper or necessary nourishment or medically indicated  
4 treatment including food or care not provided solely on the  
5 basis of the present or anticipated mental or physical  
6 impairment as determined by a physician acting alone or in  
7 consultation with other physicians or otherwise is not  
8 receiving the proper or necessary support or medical or other  
9 remedial care recognized under State law as necessary for a  
10 child's well-being, or other care necessary for the child's  
11 well-being, including adequate food, clothing and shelter; or  
12 who is subjected to an environment which is injurious insofar  
13 as (i) the child's environment creates a likelihood of harm to  
14 the child's health, physical well-being, or welfare and (ii)  
15 the likely harm to the child is the result of a blatant  
16 disregard of parent, caretaker, person responsible for the  
17 child's welfare, or agency responsibilities; or who is  
18 abandoned by the child's parents or other person responsible  
19 for the child's welfare without a proper plan of care; or who  
20 has been provided with interim crisis intervention services  
21 under Section 3-5 of the Juvenile Court Act of 1987 and whose  
22 parent, guardian, or custodian refuses to permit the child to  
23 return home and no other living arrangement agreeable to the  
24 parent, guardian, or custodian can be made, and the parent,  
25 guardian, or custodian has not made any other appropriate  
26 living arrangement for the child; or who is a newborn infant

1 whose blood, urine, or meconium contains any amount of a  
2 controlled substance as defined in subsection (f) of Section  
3 102 of the Illinois Controlled Substances Act or a metabolite  
4 thereof, with the exception of a controlled substance or  
5 metabolite thereof whose presence in the newborn infant is the  
6 result of medical treatment administered to the person who  
7 gave birth or the newborn infant. A child shall not be  
8 considered neglected for the sole reason that the child's  
9 parent or other person responsible for the child's welfare has  
10 left the child in the care of an adult relative for any period  
11 of time. A child shall not be considered neglected for the sole  
12 reason that the child has been relinquished in accordance with  
13 the Abandoned Newborn Infant Protection Act. A child shall not  
14 be considered neglected or abused for the sole reason that  
15 such child's parent or other person responsible for the  
16 child's welfare depends upon spiritual means through prayer  
17 alone for the treatment or cure of disease or remedial care as  
18 provided under Section 4 of this Act. A child shall not be  
19 considered neglected or abused solely because the child is not  
20 attending school in accordance with the requirements of  
21 Article 26 of The School Code, as amended.

22 "Child Protective Service Unit" means certain specialized  
23 State employees of the Department assigned by the Director to  
24 perform the duties and responsibilities as provided under  
25 Section 7.2 of this Act.

26 "Near fatality" means an act that, as certified by a

1 physician, places the child in serious or critical condition,  
2 including acts of great bodily harm inflicted upon children  
3 under 13 years of age, and as otherwise defined by Department  
4 rule.

5 "Great bodily harm" includes bodily injury which creates a  
6 high probability of death, or which causes serious permanent  
7 disfigurement, or which causes a permanent or protracted loss  
8 or impairment of the function of any bodily member or organ, or  
9 other serious bodily harm.

10 "Person responsible for the child's welfare" means the  
11 child's parent; guardian; foster parent; relative caregiver;  
12 any person responsible for the child's welfare in a public or  
13 private residential agency or institution; any person  
14 responsible for the child's welfare within a public or private  
15 profit or not for profit child care facility; or any other  
16 person responsible for the child's welfare at the time of the  
17 alleged abuse or neglect, including any person who commits or  
18 allows to be committed, against the child, the offense of  
19 involuntary servitude, involuntary sexual servitude of a  
20 minor, or trafficking in persons for forced labor or services,  
21 as provided in Section 10-9 of the Criminal Code of 2012,  
22 including, but not limited to, the custodian of the minor, or  
23 any person who came to know the child through an official  
24 capacity or position of trust, including, but not limited to,  
25 health care professionals, educational personnel, recreational  
26 supervisors, members of the clergy, and volunteers or support

1 personnel in any setting where children may be subject to  
2 abuse or neglect.

3 "Temporary protective custody" means custody within a  
4 hospital or other medical facility or a place previously  
5 designated for such custody by the Department, subject to  
6 review by the Court, including a licensed foster home, group  
7 home, or other institution; but such place shall not be a jail  
8 or other place for the detention of criminal or juvenile  
9 offenders.

10 "An unfounded report" means any report made under this Act  
11 for which it is determined after an investigation that no  
12 credible evidence of abuse or neglect exists.

13 "An indicated report" means a report made under this Act  
14 if an investigation determines that credible evidence of the  
15 alleged abuse or neglect exists.

16 "An undetermined report" means any report made under this  
17 Act in which it was not possible to initiate or complete an  
18 investigation on the basis of information provided to the  
19 Department.

20 "Subject of report" means any child reported to the  
21 central register of child abuse and neglect established under  
22 Section 7.7 of this Act as an alleged victim of child abuse or  
23 neglect and the parent or guardian of the alleged victim or  
24 other person responsible for the alleged victim's welfare who  
25 is named in the report or added to the report as an alleged  
26 perpetrator of child abuse or neglect.

1 "Perpetrator" means a person who, as a result of  
2 investigation, has been determined by the Department to have  
3 caused child abuse or neglect.

4 "Member of the clergy" means a clergyperson or  
5 practitioner of any religious denomination accredited by the  
6 religious body to which the clergyperson or practitioner  
7 belongs.

8 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;  
9 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

10 Section 15. The Juvenile Court Act of 1987 is amended by  
11 changing Section 5-915 as follows:

12 (705 ILCS 405/5-915)

13 Sec. 5-915. Expungement of juvenile law enforcement and  
14 juvenile court records.

15 (0.05) (Blank).

16 (0.1) (a) The Illinois State Police and all law enforcement  
17 agencies within the State shall automatically expunge, on or  
18 before January 1 of each year, except as described in  
19 paragraph (c) of this subsection (0.1), all juvenile law  
20 enforcement records relating to events occurring before an  
21 individual's 18th birthday if:

22 (1) one year or more has elapsed since the date of the  
23 arrest or law enforcement interaction documented in the  
24 records;

1           (2) no petition for delinquency or criminal charges  
2           were filed with the clerk of the circuit court relating to  
3           the arrest or law enforcement interaction documented in  
4           the records; and

5           (3) 6 months have elapsed since the date of the arrest  
6           without an additional subsequent arrest or filing of a  
7           petition for delinquency or criminal charges whether  
8           related or not to the arrest or law enforcement  
9           interaction documented in the records.

10          (b) If the law enforcement agency is unable to verify  
11          satisfaction of conditions (2) and (3) of this subsection  
12          (0.1), records that satisfy condition (1) of this subsection  
13          (0.1) shall be automatically expunged if the records relate to  
14          an offense that if committed by an adult would not be an  
15          offense classified as a Class 2 felony or higher, an offense  
16          under Article 11 of the Criminal Code of 1961 or Criminal Code  
17          of 2012, or an offense under Section 12-13, 12-14, 12-14.1,  
18          12-15, or 12-16 of the Criminal Code of 1961.

19          (c) If the juvenile law enforcement record was received  
20          through a public submission to a statewide student  
21          confidential reporting system administered by the Illinois  
22          State Police, the record will be maintained for a period of 5  
23          years according to all other provisions in this subsection  
24          (0.1).

25          (0.15) If a juvenile law enforcement record meets  
26          paragraph (a) of subsection (0.1) of this Section, a juvenile

1 law enforcement record created:

2 (1) prior to January 1, 2018, but on or after January  
3 1, 2013 shall be automatically expunged prior to January  
4 1, 2020;

5 (2) prior to January 1, 2013, but on or after January  
6 1, 2000, shall be automatically expunged prior to January  
7 1, 2023; and

8 (3) prior to January 1, 2000 shall not be subject to  
9 the automatic expungement provisions of this Act.

10 Nothing in this subsection (0.15) shall be construed to  
11 restrict or modify an individual's right to have the person's  
12 juvenile law enforcement records expunged except as otherwise  
13 may be provided in this Act.

14 (0.2) (a) Upon dismissal of a petition alleging delinquency  
15 or upon a finding of not delinquent, the successful  
16 termination of an order of supervision, or the successful  
17 termination of an adjudication for an offense which would be a  
18 Class B misdemeanor, Class C misdemeanor, or a petty or  
19 business offense if committed by an adult, the court shall  
20 automatically order the expungement of the juvenile court  
21 records and juvenile law enforcement records. The clerk shall  
22 deliver a certified copy of the expungement order to the  
23 Illinois State Police and the arresting agency. Upon request,  
24 the State's Attorney shall furnish the name of the arresting  
25 agency. The expungement shall be completed within 60 business  
26 days after the receipt of the expungement order.

1 (b) If the chief law enforcement officer of the agency, or  
2 the chief law enforcement officer's designee, certifies in  
3 writing that certain information is needed for a pending  
4 investigation involving the commission of a felony, that  
5 information, and information identifying the juvenile, may be  
6 retained until the statute of limitations for the felony has  
7 run. If the chief law enforcement officer of the agency, or the  
8 chief law enforcement officer's designee, certifies in writing  
9 that certain information is needed with respect to an internal  
10 investigation of any law enforcement office, that information  
11 and information identifying the juvenile may be retained  
12 within an intelligence file until the investigation is  
13 terminated or the disciplinary action, including appeals, has  
14 been completed, whichever is later. Retention of a portion of  
15 a juvenile's law enforcement record does not disqualify the  
16 remainder of a juvenile's record from immediate automatic  
17 expungement.

18 (0.3) (a) Upon an adjudication of delinquency based on any  
19 offense except a disqualified offense, the juvenile court  
20 shall automatically order the expungement of the juvenile  
21 court and law enforcement records 2 years or, in the case of a  
22 human trafficking victim as defined in Section 10-9 of the  
23 Criminal Code of 2012 adjudicated delinquent for prostitution,  
24 immediately after the juvenile's case was closed if no  
25 delinquency or criminal proceeding is pending and the person  
26 has had no subsequent delinquency adjudication or criminal

1 conviction. On the date that the minor's sentence ends or the  
2 date that the court enters an order committing the minor to the  
3 Department of Juvenile Justice, the juvenile court judge shall  
4 schedule a date to enter the automatic expungement order. The  
5 minor must be notified but shall not be required to be present  
6 for the scheduled court date when automatic expungement is to  
7 be ordered. If the minor is not yet eligible on the originally  
8 scheduled date, the court shall schedule a subsequent date to  
9 enter the automatic expungement order. The clerk shall deliver  
10 a certified copy of the expungement order to the Illinois  
11 State Police and the arresting agency. Upon request, the  
12 State's Attorney shall furnish the name of the arresting  
13 agency. The expungement shall be completed within 60 business  
14 days after the receipt of the expungement order. In this  
15 subsection (0.3), "disqualified offense" means any of the  
16 following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1,  
17 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, if the  
18 minor was not a human trafficking victim as defined in that  
19 Section, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,  
20 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2,  
21 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5,  
22 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1,  
23 24-1.2, 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8,  
24 24-3.9, 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the  
25 Criminal Code of 2012, or subsection (b) of Section 8-1,  
26 paragraph (4) of subsection (a) of Section 11-14.4, subsection

1 (a-5) of Section 12-3.1, paragraph (1), (2), or (3) of  
2 subsection (a) of Section 12-6, subsection (a-3) or (a-5) of  
3 Section 12-7.3, paragraph (1) or (2) of subsection (a) of  
4 Section 12-7.4, subparagraph (i) of paragraph (1) of  
5 subsection (a) of Section 12-9, subparagraph (H) of paragraph  
6 (3) of subsection (a) of Section 24-1.6, paragraph (1) of  
7 subsection (a) of Section 25-1, or subsection (a-7) of Section  
8 31-1 of the Criminal Code of 2012.

9 (b) If the chief law enforcement officer of the agency, or  
10 the chief law enforcement officer's designee, certifies in  
11 writing that certain information is needed for a pending  
12 investigation involving the commission of a felony, that  
13 information, and information identifying the juvenile, may be  
14 retained in an intelligence file until the investigation is  
15 terminated or for one additional year, whichever is sooner.  
16 Retention of a portion of a juvenile's juvenile law  
17 enforcement record does not disqualify the remainder of a  
18 juvenile's record from immediate automatic expungement.

19 (0.4) Automatic expungement for the purposes of this  
20 Section shall not require law enforcement agencies to  
21 obliterate or otherwise destroy juvenile law enforcement  
22 records that would otherwise need to be automatically expunged  
23 under this Act, except after 2 years following the subject  
24 arrest for purposes of use in civil litigation against a  
25 governmental entity or its law enforcement agency or personnel  
26 which created, maintained, or used the records. However, these

1 juvenile law enforcement records shall be considered expunged  
2 for all other purposes during this period and the offense,  
3 which the records or files concern, shall be treated as if it  
4 never occurred as required under Section 5-923.

5 (0.5) Subsection (0.1) or (0.2) of this Section does not  
6 apply to violations of traffic, boating, fish and game laws,  
7 or county or municipal ordinances.

8 (0.6) Juvenile law enforcement records of a plaintiff who  
9 has filed civil litigation against the governmental entity or  
10 its law enforcement agency or personnel that created,  
11 maintained, or used the records, or juvenile law enforcement  
12 records that contain information related to the allegations  
13 set forth in the civil litigation may not be expunged until  
14 after 2 years have elapsed after the conclusion of the  
15 lawsuit, including any appeal.

16 (0.7) Officer-worn body camera recordings shall not be  
17 automatically expunged except as otherwise authorized by the  
18 Law Enforcement Officer-Worn Body Camera Act.

19 (1) Whenever a person has been arrested, charged, or  
20 adjudicated delinquent for an incident occurring before a  
21 person's 18th birthday that if committed by an adult would be  
22 an offense, and that person's juvenile law enforcement and  
23 juvenile court records are not eligible for automatic  
24 expungement under subsection (0.1), (0.2), or (0.3), the  
25 person may petition the court at any time at no cost to the  
26 person for expungement of juvenile law enforcement records and

1 juvenile court records relating to the incident and, upon  
2 termination of all juvenile court proceedings relating to that  
3 incident, the court shall order the expungement of all records  
4 in the possession of the Illinois State Police, the clerk of  
5 the circuit court, and law enforcement agencies relating to  
6 the incident, but only in any of the following circumstances:

7 (a) the minor was arrested and no petition for  
8 delinquency was filed with the clerk of the circuit court;

9 (a-5) the minor was charged with an offense and the  
10 petition or petitions were dismissed without a finding of  
11 delinquency;

12 (b) the minor was charged with an offense and was  
13 found not delinquent of that offense;

14 (c) the minor was placed under supervision under  
15 Section 5-615, and the order of supervision has since been  
16 successfully terminated; or

17 (d) the minor was adjudicated for an offense which  
18 would be a Class B misdemeanor, Class C misdemeanor, or a  
19 petty or business offense if committed by an adult; ~~or~~

20 (e) the minor was adjudicated delinquent for  
21 prostitution as a result of being a trafficking victim as  
22 defined in Section 10-9 of the Criminal Code of 2012.

23 (1.5) At no cost to the person, the Illinois State Police  
24 shall allow a person to use the Access and Review process,  
25 established in the Illinois State Police, for verifying that  
26 the person's juvenile law enforcement records relating to

1 incidents occurring before the person's 18th birthday eligible  
2 under this Act have been expunged.

3 (1.6) (Blank).

4 (1.7) (Blank).

5 (1.8) (Blank).

6 (2) Any person whose delinquency adjudications are not  
7 eligible for automatic expungement under subsection (0.3) of  
8 this Section may petition the court at no cost to the person to  
9 expunge all juvenile law enforcement records relating to any  
10 incidents occurring before the person's 18th birthday which  
11 did not result in proceedings in criminal court and all  
12 juvenile court records with respect to any adjudications  
13 except those based upon first degree murder or an offense  
14 under Article 11 of the Criminal Code of 2012 if the person is  
15 required to register under the Sex Offender Registration Act  
16 at the time the person petitions the court for expungement;  
17 provided that 2 years have elapsed since all juvenile court  
18 proceedings relating to the person have been terminated and  
19 the person's commitment to the Department of Juvenile Justice  
20 under this Act has been terminated.

21 (2.5) If a minor is arrested and no petition for  
22 delinquency is filed with the clerk of the circuit court at the  
23 time the minor is released from custody, the youth officer, if  
24 applicable, or other designated person from the arresting  
25 agency, shall notify verbally and in writing to the minor or  
26 the minor's parents or guardians that the minor shall have an

1 arrest record and shall provide the minor and the minor's  
2 parents or guardians with an expungement information packet,  
3 information regarding this State's expungement laws including  
4 a petition to expunge juvenile law enforcement and juvenile  
5 court records obtained from the clerk of the circuit court.

6 (2.6) If a minor is referred to court, then, at the time of  
7 sentencing, dismissal of the case, or successful completion of  
8 supervision, the judge shall inform the delinquent minor of  
9 the minor's rights regarding expungement and the clerk of the  
10 circuit court shall provide an expungement information packet  
11 to the minor, written in plain language, including information  
12 regarding this State's expungement laws and a petition for  
13 expungement, a sample of a completed petition, expungement  
14 instructions that shall include information informing the  
15 minor that (i) once the case is expunged, it shall be treated  
16 as if it never occurred, (ii) the minor shall not be charged a  
17 fee to petition for expungement, (iii) once the minor obtains  
18 an expungement, the minor may not be required to disclose that  
19 the minor had a juvenile law enforcement or juvenile court  
20 record, and (iv) if petitioning the minor may file the  
21 petition on the minor's own or with the assistance of an  
22 attorney. The failure of the judge to inform the delinquent  
23 minor of the minor's right to petition for expungement as  
24 provided by law does not create a substantive right, nor is  
25 that failure grounds for: (i) a reversal of an adjudication of  
26 delinquency; (ii) a new trial; or (iii) an appeal.

1           (2.6-1) A trafficking victim, as defined by paragraph (10)  
2 of subsection (a) of Section 10-9 of the Criminal Code of 2012,  
3 may petition for vacation and expungement or immediate sealing  
4 of his or her juvenile court records and juvenile law  
5 enforcement records relating to events that resulted in the  
6 victim's adjudication of delinquency for an offense if  
7 committed by an adult would be a violation of the criminal laws  
8 occurring before the victim's 18th birthday upon the  
9 completion of his or her juvenile court sentence if his or her  
10 participation in the underlying offense was a result of human  
11 trafficking under Section 10-9 of the Criminal Code of 2012 or  
12 a severe form of trafficking under the federal Trafficking  
13 Victims Protection Act.

14           (2.7) (Blank).

15           (2.8) (Blank).

16           (3) (Blank).

17           (3.1) (Blank).

18           (3.2) (Blank).

19           (3.3) (Blank).

20           (4) (Blank).

21           (5) (Blank).

22           (5.5) Whether or not expunged, records eligible for  
23 automatic expungement under subdivision (0.1)(a), (0.2)(a), or  
24 (0.3)(a) may be treated as expunged by the individual subject  
25 to the records.

26           (6) (Blank).

1 (6.5) The Illinois State Police or any employee of the  
2 Illinois State Police shall be immune from civil or criminal  
3 liability for failure to expunge any records of arrest that  
4 are subject to expungement under this Section because of  
5 inability to verify a record. Nothing in this Section shall  
6 create Illinois State Police liability or responsibility for  
7 the expungement of juvenile law enforcement records it does  
8 not possess.

9 (7) (Blank).

10 (7.5) (Blank).

11 (8) The expungement of juvenile law enforcement or  
12 juvenile court records under subsection (0.1), (0.2), or (0.3)  
13 of this Section shall be funded by appropriation by the  
14 General Assembly for that purpose.

15 (9) (Blank).

16 (10) (Blank).

17 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
18 102-752, eff. 1-1-23; 103-22, eff. 8-8-23; 103-154, eff.  
19 6-30-23; 103-379, eff. 7-28-23; 103-605, eff. 7-1-24; 103-717,  
20 eff. 1-1-25; 103-787, eff. 1-1-25; revised 11-26-24.)

21 Section 20. The Criminal Code of 2012 is amended by  
22 changing Sections 10-9, 11-18.1, 11-20.1, and 11-25 and by  
23 adding Section 11-27 as follows:

24 (720 ILCS 5/10-9)

1           Sec. 10-9. Trafficking in persons, involuntary servitude,  
2 and related offenses.

3           (a) Definitions. In this Section:

4           (1) "Intimidation" has the meaning prescribed in Section  
5 12-6.

6           (2) "Commercial sexual activity" means any sex act on  
7 account of which anything of value is given, promised to, or  
8 received by any person.

9           (2.5) "Company" means any sole proprietorship,  
10 organization, association, corporation, partnership, joint  
11 venture, limited partnership, limited liability partnership,  
12 limited liability limited partnership, limited liability  
13 company, or other entity or business association, including  
14 all wholly owned subsidiaries, majority-owned subsidiaries,  
15 parent companies, or affiliates of those entities or business  
16 associations, that exist for the purpose of making profit.

17           (3) "Financial harm" includes intimidation that brings  
18 about financial loss, criminal usury, or employment contracts  
19 that violate the Frauds Act.

20           (4) (Blank).

21           (5) "Labor" means work of economic or financial value.

22           (6) "Maintain" means, in relation to labor or services, to  
23 secure continued performance thereof, regardless of any  
24 initial agreement on the part of the victim to perform that  
25 type of service.

26           (7) "Obtain" means, in relation to labor or services, to

1 secure performance thereof.

2 (7.5) "Serious harm" means any harm, whether physical or  
3 nonphysical, including psychological, financial, or  
4 reputational harm, that is sufficiently serious, under all the  
5 surrounding circumstances, to compel a reasonable person of  
6 the same background and in the same circumstances to perform  
7 or to continue performing labor or services in order to avoid  
8 incurring that harm.

9 (8) "Services" means activities resulting from a  
10 relationship between a person and the actor in which the  
11 person performs activities under the supervision of or for the  
12 benefit of the actor. ~~Commercial sexual activity and~~  
13 ~~sexually explicit performances are forms of activities that~~  
14 ~~are "services" under this Section.~~ Nothing in this definition  
15 may be construed to legitimize or legalize prostitution.

16 (9) "Sexually-explicit performance" means a live,  
17 recorded, broadcast (including over the Internet), or public  
18 act or show intended to arouse or satisfy the sexual desires or  
19 appeal to the prurient interests of patrons.

20 (10) "Trafficking victim" means a person subjected to the  
21 practices set forth in subsection (b), (c), or (d).

22 (b) Involuntary servitude. A person commits involuntary  
23 servitude when he or she knowingly subjects, attempts to  
24 subject, or engages in a conspiracy to subject another person  
25 to labor or services obtained or maintained through any of the  
26 following means, or any combination of these means:

1           (1) causes or threatens to cause physical harm to any  
2 person;

3           (2) physically restrains or threatens to physically  
4 restrain another person;

5           (3) abuses or threatens to abuse the law or legal  
6 process;

7           (4) knowingly destroys, conceals, removes,  
8 confiscates, or possesses any actual or purported passport  
9 or other immigration document, or any other actual or  
10 purported government identification document, of another  
11 person;

12           (5) uses intimidation, or exerts financial control  
13 over any person; or

14           (6) uses any scheme, plan, or pattern intended to  
15 cause the person to believe that, if the person did not  
16 perform the labor or services, that person or another  
17 person would suffer serious harm or physical restraint.

18           Sentence. Except as otherwise provided in subsection (e)  
19 or (f), a violation of subsection (b)(1) is a Class X felony,  
20 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)  
21 is a Class 3 felony, (b)(5) and (b)(6) is a Class 4 felony.

22           (c) Involuntary sexual servitude of a minor. A person  
23 commits involuntary sexual servitude of a minor when he or she  
24 knowingly recruits, entices, harbors, transports, provides, or  
25 obtains by any means, or attempts to recruit, entice, harbor,  
26 provide, or obtain by any means, another person under 18 years

1 of age, knowing that the minor will engage in commercial  
2 sexual activity, a sexually-explicit performance, or the  
3 production of pornography, or causes or attempts to cause a  
4 minor to engage in one or more of those activities and:

5 (1) there is no overt force or threat and the minor is  
6 between the ages of 17 and 18 years;

7 (2) there is no overt force or threat and the minor is  
8 under the age of 17 years; or

9 (3) there is overt force or threat.

10 (c-5) Mistake of age not a defense. It is not a defense to  
11 a violation of this Section that the accused reasonably  
12 believed the trafficking victim to be 18 years of age or over.

13 Sentence. Except as otherwise provided in subsection (e)  
14 or (f), a violation of subsection (c) (1) is a Class 1 felony,  
15 (c) (2) is a Class X felony, and (c) (3) is a Class X felony.

16 (d) Trafficking in persons. A person commits trafficking  
17 in persons when he or she knowingly: (1) recruits, entices,  
18 harbors, transports, provides, or obtains by any means, or  
19 attempts to recruit, entice, harbor, transport, provide, or  
20 obtain by any means, another person, intending or knowing that  
21 the person will be subjected to involuntary servitude; or (2)  
22 benefits, financially or by receiving anything of value, from  
23 participation in a venture that has engaged in an act of  
24 involuntary servitude or involuntary sexual servitude of a  
25 minor. A company commits trafficking in persons when the  
26 company knowingly benefits, financially or by receiving

1 anything of value, from participation in a venture that has  
2 engaged in an act of involuntary servitude or involuntary  
3 sexual servitude of a minor.

4 Sentence. Except as otherwise provided in subsection (e)  
5 or (f), a violation of this subsection by a person is a Class 1  
6 felony. A violation of this subsection by a company is a  
7 business offense for which a fine of up to \$100,000 may be  
8 imposed.

9 (e) Aggravating factors. A violation of this Section  
10 involving kidnapping or an attempt to kidnap, aggravated  
11 criminal sexual assault or an attempt to commit aggravated  
12 criminal sexual assault, or an attempt to commit first degree  
13 murder is a Class X felony.

14 (f) Sentencing considerations.

15 (1) Bodily injury. If, pursuant to a violation of this  
16 Section, a victim suffered bodily injury, the defendant  
17 may be sentenced to an extended-term sentence under  
18 Section 5-8-2 of the Unified Code of Corrections. The  
19 sentencing court must take into account the time in which  
20 the victim was held in servitude, with increased penalties  
21 for cases in which the victim was held for between 180 days  
22 and one year, and increased penalties for cases in which  
23 the victim was held for more than one year.

24 (2) Number of victims. In determining sentences within  
25 statutory maximums, the sentencing court should take into  
26 account the number of victims, and may provide for

1 substantially increased sentences in cases involving more  
2 than 10 victims.

3 (g) Restitution. Restitution is mandatory under this  
4 Section. In addition to any other amount of loss identified,  
5 the court shall order restitution including the greater of (1)  
6 the gross income or value to the defendant of the victim's  
7 labor or services or (2) the value of the victim's labor as  
8 guaranteed under the Minimum Wage Law and overtime provisions  
9 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,  
10 whichever is greater.

11 (g-1) A person who is a victim of involuntary sexual  
12 servitude of a minor is deemed a crime victim and is eligible  
13 for protections afforded to crime victims, including services  
14 under the Rights of Crime Victims and Witnesses Act, the Crime  
15 Victims Compensation Act, and the Abused and Neglected Child  
16 Reporting Act.

17 (g-5) Fine distribution. If the court imposes a fine under  
18 subsection (b), (c), or (d) of this Section, it shall be  
19 collected and distributed to the Specialized Services for  
20 Survivors of Human Trafficking Fund in accordance with Section  
21 5-9-1.21 of the Unified Code of Corrections.

22 (h) Trafficking victim services. Subject to the  
23 availability of funds, the Department of Human Services may  
24 provide or fund emergency services and assistance to  
25 individuals who are victims of one or more offenses defined in  
26 this Section. These services shall include child welfare

1 protection for victims of the offense of involuntary sexual  
2 servitude of a minor under subsection (c) of Section 10-9 of  
3 the Criminal Code of 2012, irrespective of the perpetrator of  
4 the offense.

5 (i) Certification. The Attorney General, a State's  
6 Attorney, or any law enforcement official shall certify in  
7 writing to the United States Department of Justice or other  
8 federal agency, such as the United States Department of  
9 Homeland Security, that an investigation or prosecution under  
10 this Section has begun and the individual who is a likely  
11 victim of a crime described in this Section is willing to  
12 cooperate or is cooperating with the investigation to enable  
13 the individual, if eligible under federal law, to qualify for  
14 an appropriate special immigrant visa and to access available  
15 federal benefits. Cooperation with law enforcement shall not  
16 be required of victims of a crime described in this Section who  
17 are under 18 years of age. This certification shall be made  
18 available to the victim and his or her designated legal  
19 representative.

20 (j) A person who commits involuntary servitude,  
21 involuntary sexual servitude of a minor, or trafficking in  
22 persons under subsection (b), (c), or (d) of this Section is  
23 subject to the property forfeiture provisions set forth in  
24 Article 124B of the Code of Criminal Procedure of 1963.

25 (Source: P.A. 101-18, eff. 1-1-20.)

1 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

2 Sec. 11-18.1. Patronizing a minor engaged in prostitution.

3 (a) Any person who engages in an act of sexual penetration  
4 as defined in Section 11-0.1 of this Code with a person engaged  
5 in prostitution who is under 18 years of age or is a person  
6 with a severe or profound intellectual disability commits  
7 patronizing a minor engaged in prostitution.

8 (a-5) Any person who engages in any touching or fondling,  
9 with a person engaged in prostitution who either is under 18  
10 years of age or is a person with a severe or profound  
11 intellectual disability, of the sex organs of one person by  
12 the other person, with the intent to achieve sexual arousal or  
13 gratification, commits patronizing a minor engaged in  
14 prostitution.

15 (b) (Blank). ~~It is an affirmative defense to the charge of~~  
16 ~~patronizing a minor engaged in prostitution that the accused~~  
17 ~~reasonably believed that the person was of the age of 18 years~~  
18 ~~or over or was not a person with a severe or profound~~  
19 ~~intellectual disability at the time of the act giving rise to~~  
20 ~~the charge.~~

21 (c) Sentence. A person who commits patronizing a juvenile  
22 prostitute is guilty of a Class 3 felony, unless committed  
23 within 1,000 feet of real property comprising a school, in  
24 which case it is a Class 2 felony. A person convicted of a  
25 second or subsequent violation of this Section, or of any  
26 combination of such number of convictions under this Section

1 and Sections 11-14 (prostitution), 11-14.1 (solicitation of a  
2 sexual act), 11-14.3 (promoting prostitution), 11-14.4  
3 (promoting juvenile prostitution), 11-15 (soliciting for a  
4 prostitute), 11-15.1 (soliciting for a juvenile prostitute),  
5 11-16 (pandering), 11-17 (keeping a place of prostitution),  
6 11-17.1 (keeping a place of juvenile prostitution), 11-18  
7 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile  
8 pimping or aggravated juvenile pimping), or 11-19.2  
9 (exploitation of a child) of this Code, is guilty of a Class 2  
10 felony. The fact of such conviction is not an element of the  
11 offense and may not be disclosed to the jury during trial  
12 unless otherwise permitted by issues properly raised during  
13 such trial.

14 (Source: P.A. 99-143, eff. 7-27-15.)

15 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

16 Sec. 11-20.1. Child pornography.

17 (a) A person commits child pornography who:

18 (1) films, videotapes, photographs, or otherwise  
19 depicts or portrays by means of any similar visual medium  
20 or reproduction or depicts by computer any child whom he  
21 or she knows or reasonably should know to be under the age  
22 of 18 or any person with a severe or profound intellectual  
23 disability where such child or person with a severe or  
24 profound intellectual disability is:

25 (i) actually or by simulation engaged in any act

1 of sexual penetration or sexual conduct with any  
2 person or animal; or

3 (ii) actually or by simulation engaged in any act  
4 of sexual penetration or sexual conduct involving the  
5 sex organs of the child or person with a severe or  
6 profound intellectual disability and the mouth, anus,  
7 or sex organs of another person or animal; or which  
8 involves the mouth, anus or sex organs of the child or  
9 person with a severe or profound intellectual  
10 disability and the sex organs of another person or  
11 animal; or

12 (iii) actually or by simulation engaged in any act  
13 of masturbation; or

14 (iv) actually or by simulation portrayed as being  
15 the object of, or otherwise engaged in, any act of lewd  
16 fondling, touching, or caressing involving another  
17 person or animal; or

18 (v) actually or by simulation engaged in any act  
19 of excretion or urination within a sexual context; or

20 (vi) actually or by simulation portrayed or  
21 depicted as bound, fettered, or subject to sadistic,  
22 masochistic, or sadomasochistic abuse in any sexual  
23 context; or

24 (vii) depicted or portrayed in any pose, posture  
25 or setting involving a lewd exhibition of the  
26 unclothed or transparently clothed genitals, pubic

1           area, buttocks, or, if such person is female, a fully  
2           or partially developed breast of the child or other  
3           person; or

4           (2) with the knowledge of the nature or content  
5           thereof, reproduces, disseminates, offers to disseminate,  
6           exhibits or possesses with intent to disseminate any film,  
7           videotape, photograph or other similar visual reproduction  
8           or depiction by computer of any child or person with a  
9           severe or profound intellectual disability whom the person  
10          knows or reasonably should know to be under the age of 18  
11          or to be a person with a severe or profound intellectual  
12          disability, engaged in any activity described in  
13          subparagraphs (i) through (vii) of paragraph (1) of this  
14          subsection; or

15          (3) with knowledge of the subject matter or theme  
16          thereof, produces any stage play, live performance, film,  
17          videotape or other similar visual portrayal or depiction  
18          by computer which includes a child whom the person knows  
19          or reasonably should know to be under the age of 18 or a  
20          person with a severe or profound intellectual disability  
21          engaged in any activity described in subparagraphs (i)  
22          through (vii) of paragraph (1) of this subsection; or

23          (4) solicits, uses, persuades, induces, entices, or  
24          coerces any child whom he or she knows or reasonably  
25          should know to be under the age of 18 or a person with a  
26          severe or profound intellectual disability to appear in

1 any stage play, live presentation, film, videotape,  
2 photograph or other similar visual reproduction or  
3 depiction by computer in which the child or person with a  
4 severe or profound intellectual disability is or will be  
5 depicted, actually or by simulation, in any act, pose or  
6 setting described in subparagraphs (i) through (vii) of  
7 paragraph (1) of this subsection; or

8 (5) is a parent, step-parent, legal guardian or other  
9 person having care or custody of a child whom the person  
10 knows or reasonably should know to be under the age of 18  
11 or a person with a severe or profound intellectual  
12 disability and who knowingly permits, induces, promotes,  
13 or arranges for such child or person with a severe or  
14 profound intellectual disability to appear in any stage  
15 play, live performance, film, videotape, photograph or  
16 other similar visual presentation, portrayal or simulation  
17 or depiction by computer of any act or activity described  
18 in subparagraphs (i) through (vii) of paragraph (1) of  
19 this subsection; or

20 (6) with knowledge of the nature or content thereof,  
21 possesses any film, videotape, photograph or other similar  
22 visual reproduction or depiction by computer of any child  
23 or person with a severe or profound intellectual  
24 disability whom the person knows or reasonably should know  
25 to be under the age of 18 or to be a person with a severe  
26 or profound intellectual disability, engaged in any

1 activity described in subparagraphs (i) through (vii) of  
2 paragraph (1) of this subsection; or

3 (7) solicits, or knowingly uses, persuades, induces,  
4 entices, or coerces, a person to provide a child under the  
5 age of 18 or a person with a severe or profound  
6 intellectual disability to appear in any videotape,  
7 photograph, film, stage play, live presentation, or other  
8 similar visual reproduction or depiction by computer in  
9 which the child or person with a severe or profound  
10 intellectual disability will be depicted, actually or by  
11 simulation, in any act, pose, or setting described in  
12 subparagraphs (i) through (vii) of paragraph (1) of this  
13 subsection.

14 (a-5) The possession of each individual film, videotape,  
15 photograph, or other similar visual reproduction or depiction  
16 by computer in violation of this Section constitutes a single  
17 and separate violation. This subsection (a-5) does not apply  
18 to multiple copies of the same film, videotape, photograph, or  
19 other similar visual reproduction or depiction by computer  
20 that are identical to each other.

21 (b)(1) It shall be an affirmative defense to a charge of  
22 child pornography that the defendant reasonably believed,  
23 under all of the circumstances, that the child was 18 years of  
24 age or older or that the person was not a person with a severe  
25 or profound intellectual disability but only where, prior to  
26 the act or acts giving rise to a prosecution under this

1 Section, he or she took some affirmative action or made a  
2 bonafide inquiry designed to ascertain whether the child was  
3 18 years of age or older or that the person was not a person  
4 with a severe or profound intellectual disability and his or  
5 her reliance upon the information so obtained was clearly  
6 reasonable.

7 (1.5) Telecommunications carriers, commercial mobile  
8 service providers, and providers of information services,  
9 including, but not limited to, Internet service providers and  
10 hosting service providers, are not liable under this Section  
11 by virtue of the transmission, storage, or caching of  
12 electronic communications or messages of others or by virtue  
13 of the provision of other related telecommunications,  
14 commercial mobile services, or information services used by  
15 others in violation of this Section.

16 (2) (Blank).

17 (3) The charge of child pornography shall not apply to the  
18 performance of official duties by law enforcement or  
19 prosecuting officers or persons employed by law enforcement or  
20 prosecuting agencies, court personnel or attorneys, nor to  
21 bonafide treatment or professional education programs  
22 conducted by licensed physicians, psychologists or social  
23 workers. In any criminal proceeding, any property or material  
24 that constitutes child pornography shall remain in the care,  
25 custody, and control of either the State or the court. A motion  
26 to view the evidence shall comply with subsection (e-5) of

1 this Section.

2 (4) If the defendant possessed more than one of the same  
3 film, videotape or visual reproduction or depiction by  
4 computer in which child pornography is depicted, then the  
5 trier of fact may infer that the defendant possessed such  
6 materials with the intent to disseminate them.

7 (5) The charge of child pornography does not apply to a  
8 person who does not voluntarily possess a film, videotape, or  
9 visual reproduction or depiction by computer in which child  
10 pornography is depicted. Possession is voluntary if the  
11 defendant knowingly procures or receives a film, videotape, or  
12 visual reproduction or depiction for a sufficient time to be  
13 able to terminate his or her possession.

14 (6) Any violation of paragraph (1), (2), (3), (4), (5), or  
15 (7) of subsection (a) that includes a child engaged in,  
16 solicited for, depicted in, or posed in any act of sexual  
17 penetration or bound, fettered, or subject to sadistic,  
18 masochistic, or sadomasochistic abuse in a sexual context  
19 shall be deemed a crime of violence.

20 (c) If the violation does not involve a film, videotape,  
21 or other moving depiction, a violation of paragraph (1), (4),  
22 (5), (6), or (7) of subsection (a) is a Class 1 felony with a  
23 mandatory minimum fine of \$2,000 and a maximum fine of  
24 \$100,000. If the violation involves a film, videotape, or  
25 other moving depiction, a violation of paragraph (1), (4),  
26 (5), (6), or (7) of subsection (a) is a Class X felony with a

1 mandatory minimum fine of \$2,000 and a maximum fine of  
2 \$100,000. If the violation does not involve a film, videotape,  
3 or other moving depiction, a violation of paragraph (3) of  
4 subsection (a) is a Class 1 felony with a mandatory minimum  
5 fine of \$1500 and a maximum fine of \$100,000. If the violation  
6 involves a film, videotape, or other moving depiction, a  
7 violation of paragraph (3) of subsection (a) is a Class X  
8 felony with a mandatory minimum fine of \$1500 and a maximum  
9 fine of \$100,000. If the violation does not involve a film,  
10 videotape, or other moving depiction, a violation of paragraph  
11 (2) of subsection (a) is a Class 1 felony with a mandatory  
12 minimum fine of \$1000 and a maximum fine of \$100,000. If the  
13 violation involves a film, videotape, or other moving  
14 depiction, a violation of paragraph (2) of subsection (a) is a  
15 Class X felony with a mandatory minimum fine of \$1000 and a  
16 maximum fine of \$100,000. ~~If the violation does not involve a~~  
17 ~~film, videotape, or other moving depiction, a violation of~~  
18 ~~paragraph (6) of subsection (a) is a Class 3 felony with a~~  
19 ~~mandatory minimum fine of \$1000 and a maximum fine of~~  
20 ~~\$100,000. If the violation involves a film, videotape, or~~  
21 ~~other moving depiction, a violation of paragraph (6) of~~  
22 ~~subsection (a) is a Class 2 felony with a mandatory minimum~~  
23 ~~fine of \$1000 and a maximum fine of \$100,000.~~

24 (c-5) Where the child depicted is under the age of 13, a  
25 violation of paragraph (1), (2), (3), (4), (5), or (7) of  
26 subsection (a) is a Class X felony with a mandatory minimum

1 fine of \$2,000 and a maximum fine of \$100,000. ~~Where the child~~  
2 ~~depicted is under the age of 13, a violation of paragraph (6)~~  
3 ~~of subsection (a) is a Class 2 felony with a mandatory minimum~~  
4 ~~fine of \$1,000 and a maximum fine of \$100,000.~~ Where the child  
5 depicted is under the age of 13, a person who commits a  
6 violation of paragraph (1), (2), (3), (4), (5), or (7) of  
7 subsection (a) where the defendant has previously been  
8 convicted under the laws of this State or any other state of  
9 the offense of child pornography, aggravated child  
10 pornography, aggravated criminal sexual abuse, aggravated  
11 criminal sexual assault, predatory criminal sexual assault of  
12 a child, or any of the offenses formerly known as rape, deviate  
13 sexual assault, indecent liberties with a child, or aggravated  
14 indecent liberties with a child where the victim was under the  
15 age of 18 years or an offense that is substantially equivalent  
16 to those offenses, is guilty of a Class X felony for which the  
17 person shall be sentenced to a term of imprisonment of not less  
18 than 9 years with a mandatory minimum fine of \$2,000 and a  
19 maximum fine of \$100,000. Where the child depicted is under  
20 the age of 13, a person who commits a violation of paragraph  
21 (6) of subsection (a) where the defendant has previously been  
22 convicted under the laws of this State or any other state of  
23 the offense of child pornography, aggravated child  
24 pornography, aggravated criminal sexual abuse, aggravated  
25 criminal sexual assault, predatory criminal sexual assault of  
26 a child, or any of the offenses formerly known as rape, deviate

1 sexual assault, indecent liberties with a child, or aggravated  
2 indecent liberties with a child where the victim was under the  
3 age of 18 years or an offense that is substantially equivalent  
4 to those offenses, is guilty of a Class X ~~±~~ felony with a  
5 mandatory minimum fine of \$2,000 ~~\$1,000~~ and a maximum fine of  
6 \$100,000. The issue of whether the child depicted is under the  
7 age of 13 is an element of the offense to be resolved by the  
8 trier of fact.

9 (d) If a person is convicted of a second or subsequent  
10 violation of this Section within 10 years of a prior  
11 conviction, the court shall order a presentence psychiatric  
12 examination of the person. The examiner shall report to the  
13 court whether treatment of the person is necessary.

14 (e) Any film, videotape, photograph or other similar  
15 visual reproduction or depiction by computer which includes a  
16 child under the age of 18 or a person with a severe or profound  
17 intellectual disability engaged in any activity described in  
18 subparagraphs (i) through (vii) or paragraph 1 of subsection  
19 (a), and any material or equipment used or intended for use in  
20 photographing, filming, printing, producing, reproducing,  
21 manufacturing, projecting, exhibiting, depiction by computer,  
22 or disseminating such material shall be seized and forfeited  
23 in the manner, method and procedure provided by Section 36-1  
24 of this Code for the seizure and forfeiture of vessels,  
25 vehicles and aircraft.

26 In addition, any person convicted under this Section is

1 subject to the property forfeiture provisions set forth in  
2 Article 124B of the Code of Criminal Procedure of 1963.

3 (e-5) Upon the conclusion of a case brought under this  
4 Section, the court shall seal all evidence depicting a victim  
5 or witness that is sexually explicit. The evidence may be  
6 unsealed and viewed, on a motion of the party seeking to unseal  
7 and view the evidence, only for good cause shown and in the  
8 discretion of the court. The motion must expressly set forth  
9 the purpose for viewing the material. The State's attorney and  
10 the victim, if possible, shall be provided reasonable notice  
11 of the hearing on the motion to unseal the evidence. Any person  
12 entitled to notice of a hearing under this subsection (e-5)  
13 may object to the motion.

14 (f) Definitions. For the purposes of this Section:

15 (1) "Disseminate" means (i) to sell, distribute,  
16 exchange or transfer possession, whether with or without  
17 consideration or (ii) to make a depiction by computer  
18 available for distribution or downloading through the  
19 facilities of any telecommunications network or through  
20 any other means of transferring computer programs or data  
21 to a computer.

22 (2) "Produce" means to direct, promote, advertise,  
23 publish, manufacture, issue, present or show.

24 (3) "Reproduce" means to make a duplication or copy.

25 (4) "Depict by computer" means to generate or create,  
26 or cause to be created or generated, a computer program or

1 data that, after being processed by a computer either  
2 alone or in conjunction with one or more computer  
3 programs, results in a visual depiction on a computer  
4 monitor, screen, or display.

5 (5) "Depiction by computer" means a computer program  
6 or data that, after being processed by a computer either  
7 alone or in conjunction with one or more computer  
8 programs, results in a visual depiction on a computer  
9 monitor, screen, or display.

10 (6) "Computer", "computer program", and "data" have  
11 the meanings ascribed to them in Section 17.05 of this  
12 Code.

13 (7) For the purposes of this Section, "child  
14 pornography" includes a film, videotape, photograph, or  
15 other similar visual medium or reproduction or depiction  
16 by computer that is, or appears to be, that of a person,  
17 either in part, or in total, under the age of 18 or a  
18 person with a severe or profound intellectual disability,  
19 regardless of the method by which the film, videotape,  
20 photograph, or other similar visual medium or reproduction  
21 or depiction by computer is created, adopted, or modified  
22 to appear as such. "Child pornography" also includes a  
23 film, videotape, photograph, or other similar visual  
24 medium or reproduction or depiction by computer that is  
25 advertised, promoted, presented, described, or distributed  
26 in such a manner that conveys the impression that the

1 film, videotape, photograph, or other similar visual  
2 medium or reproduction or depiction by computer is of a  
3 person under the age of 18 or a person with a severe or  
4 profound intellectual disability. "Child pornography"  
5 includes the depiction of a part of an actual child under  
6 the age of 18 who, by manipulation, creation, or  
7 modification, appears to be engaged in any activity  
8 described in subparagraphs (i) through (vii) of paragraph  
9 (1) of subsection (a). "Child pornography" does not  
10 include images or materials in which the creator of the  
11 image or materials is the sole subject of the depiction.

12 (g) Re-enactment; findings; purposes.

13 (1) The General Assembly finds and declares that:

14 (i) Section 50-5 of Public Act 88-680, effective  
15 January 1, 1995, contained provisions amending the  
16 child pornography statute, Section 11-20.1 of the  
17 Criminal Code of 1961. Section 50-5 also contained  
18 other provisions.

19 (ii) In addition, Public Act 88-680 was entitled  
20 "AN ACT to create a Safe Neighborhoods Law". (A)  
21 Article 5 was entitled JUVENILE JUSTICE and amended  
22 the Juvenile Court Act of 1987. (B) Article 15 was  
23 entitled GANGS and amended various provisions of the  
24 Criminal Code of 1961 and the Unified Code of  
25 Corrections. (C) Article 20 was entitled ALCOHOL ABUSE  
26 and amended various provisions of the Illinois Vehicle

1 Code. (D) Article 25 was entitled DRUG ABUSE and  
2 amended the Cannabis Control Act and the Illinois  
3 Controlled Substances Act. (E) Article 30 was entitled  
4 FIREARMS and amended the Criminal Code of 1961 and the  
5 Code of Criminal Procedure of 1963. (F) Article 35  
6 amended the Criminal Code of 1961, the Rights of Crime  
7 Victims and Witnesses Act, and the Unified Code of  
8 Corrections. (G) Article 40 amended the Criminal Code  
9 of 1961 to increase the penalty for compelling  
10 organization membership of persons. (H) Article 45  
11 created the Secure Residential Youth Care Facility  
12 Licensing Act and amended the State Finance Act, the  
13 Juvenile Court Act of 1987, the Unified Code of  
14 Corrections, and the Private Correctional Facility  
15 Moratorium Act. (I) Article 50 amended the WIC Vendor  
16 Management Act, the Firearm Owners Identification Card  
17 Act, the Juvenile Court Act of 1987, the Criminal Code  
18 of 1961, the Wrongs to Children Act, and the Unified  
19 Code of Corrections.

20 (iii) On September 22, 1998, the Third District  
21 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,  
22 ruled that Public Act 88-680 violates the single  
23 subject clause of the Illinois Constitution (Article  
24 IV, Section 8 (d)) and was unconstitutional in its  
25 entirety. As of the time this amendatory Act of 1999  
26 was prepared, *People v. Dainty* was still subject to

1 appeal.

2 (iv) Child pornography is a vital concern to the  
3 people of this State and the validity of future  
4 prosecutions under the child pornography statute of  
5 the Criminal Code of 1961 is in grave doubt.

6 (2) It is the purpose of this amendatory Act of 1999 to  
7 prevent or minimize any problems relating to prosecutions  
8 for child pornography that may result from challenges to  
9 the constitutional validity of Public Act 88-680 by  
10 re-enacting the Section relating to child pornography that  
11 was included in Public Act 88-680.

12 (3) This amendatory Act of 1999 re-enacts Section  
13 11-20.1 of the Criminal Code of 1961, as it has been  
14 amended. This re-enactment is intended to remove any  
15 question as to the validity or content of that Section; it  
16 is not intended to supersede any other Public Act that  
17 amends the text of the Section as set forth in this  
18 amendatory Act of 1999. The material is shown as existing  
19 text (i.e., without underscoring) because, as of the time  
20 this amendatory Act of 1999 was prepared, *People v. Dainty*  
21 was subject to appeal to the Illinois Supreme Court.

22 (4) The re-enactment by this amendatory Act of 1999 of  
23 Section 11-20.1 of the Criminal Code of 1961 relating to  
24 child pornography that was amended by Public Act 88-680 is  
25 not intended, and shall not be construed, to imply that  
26 Public Act 88-680 is invalid or to limit or impair any

1 legal argument concerning whether those provisions were  
2 substantially re-enacted by other Public Acts.

3 (Source: P.A. 102-567, eff. 1-1-22; 103-825, eff. 1-1-25.)

4 (720 ILCS 5/11-25)

5 Sec. 11-25. Grooming.

6 (a) A person commits grooming when he or she knowingly  
7 uses a computer on-line service, Internet service, local  
8 bulletin board service, or any other device capable of  
9 electronic data storage or transmission, performs an act in  
10 person or by conduct through a third party, or uses written  
11 communication to seduce, solicit, lure, or entice, or attempt  
12 to seduce, solicit, lure, or entice, a child, a child's  
13 guardian, or another person believed by the person to be a  
14 child or a child's guardian, to commit any sex offense as  
15 defined in Section 2 of the Sex Offender Registration Act, to  
16 distribute photographs depicting the sex organs of the child,  
17 or to otherwise engage in any unlawful sexual conduct with a  
18 child or with another person believed by the person to be a  
19 child. As used in this Section, "child" means a person under 17  
20 years of age.

21 (a-5) It is not a defense to a violation of this Section  
22 that the accused reasonably believed the child to be 17 years  
23 of age or over.

24 (b) Sentence. Grooming is a Class 4 felony.

25 (Source: P.A. 102-676, eff. 6-1-22.)

1 (720 ILCS 5/11-27 new)

2 Sec. 11-27. Selling travel services to facilitate sexual  
3 exploitation of a child.

4 (a) In this Section, "child" means a person under 17 years  
5 of age.

6 (b) A person commits selling travel services to facilitate  
7 sexual exploitation of a child when he or she knowingly sells  
8 or offers to sell travel services for the purpose of seducing,  
9 soliciting, luring, or enticing, or attempting to seduce,  
10 solicit, lure, or entice a person to travel to a location  
11 within this State to commit any sex offense as defined in  
12 Section 2 of the Sex Offender Registration Act, to distribute  
13 photographs depicting the sex organs of the child, or to  
14 otherwise engage in any unlawful sexual conduct with a child  
15 or with another person believed by the person to be a child.

16 (c) Sentence. Selling travel services to facilitate sexual  
17 exploitation of a child is a Class 4 felony.

18 Section 25. The Code of Criminal Procedure of 1963 is  
19 amended by changing Section 116-2.1 as follows:

20 (725 ILCS 5/116-2.1)

21 Sec. 116-2.1. Motion to vacate prostitution convictions  
22 for sex trafficking victims.

23 (a) A motion under this Section may be filed at any time

1 following the entry of a verdict or finding of guilty or an  
2 adjudication of delinquency under the Juvenile Court Act of  
3 1987 where the conviction was under Section 11-14  
4 (prostitution) or Section 11-14.2 (first offender; felony  
5 prostitution) of the Criminal Code of 1961 or the Criminal  
6 Code of 2012 or a similar local ordinance and the defendant's  
7 participation in the offense was a result of having been a  
8 trafficking victim under Section 10-9 (involuntary servitude,  
9 involuntary sexual servitude of a minor, or trafficking in  
10 persons) of the Criminal Code of 1961 or the Criminal Code of  
11 2012; or a victim of a severe form of trafficking under the  
12 federal Trafficking Victims Protection Act (22 U.S.C. Section  
13 7102(13)); provided that:

14 (1) a motion under this Section shall state why the  
15 facts giving rise to this motion were not presented to the  
16 trial court, and shall be made with due diligence, after  
17 the defendant has ceased to be a victim of such  
18 trafficking or has sought services for victims of such  
19 trafficking, subject to reasonable concerns for the safety  
20 of the defendant, family members of the defendant, or  
21 other victims of such trafficking that may be jeopardized  
22 by the bringing of such motion, or for other reasons  
23 consistent with the purpose of this Section; and

24 (2) reasonable notice of the motion shall be served  
25 upon the State.

26 (b) The court may grant the motion if, in the discretion of

1 the court, the violation was a result of the defendant having  
2 been a victim of human trafficking. Evidence of such may  
3 include, but is not limited to:

4 (1) certified records of federal or State court  
5 proceedings which demonstrate that the defendant was a  
6 victim of a trafficker charged with a trafficking offense  
7 under Section 10-9 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012, or under 22 U.S.C. Chapter 78;

9 (2) certified records of "approval notices" or "law  
10 enforcement certifications" generated from federal  
11 immigration proceedings available to such victims; or

12 (3) a sworn statement from a trained professional  
13 staff of a victim services organization, an attorney, a  
14 member of the clergy, or a medical or other professional  
15 from whom the defendant has sought assistance in  
16 addressing the trauma associated with being trafficked.

17 Alternatively, the court may consider such other evidence  
18 as it deems of sufficient credibility and probative value in  
19 determining whether the defendant is a trafficking victim or  
20 victim of a severe form of trafficking.

21 (c) If the court grants a motion under this Section, it  
22 must vacate the conviction and may take such additional action  
23 as is appropriate in the circumstances.

24 (Source: P.A. 97-267, eff. 1-1-12; 97-897, eff. 1-1-13;  
25 97-1150, eff. 1-25-13.)

1 Section 30. The Sex Offender Registration Act is amended  
2 by changing Section 2 as follows:

3 (730 ILCS 150/2) (from Ch. 38, par. 222)

4 Sec. 2. Definitions.

5 (A) As used in this Article, "sex offender" means any  
6 person who is:

7 (1) charged pursuant to Illinois law, or any  
8 substantially similar federal, Uniform Code of Military  
9 Justice, sister state, or foreign country law, with a sex  
10 offense set forth in subsection (B) of this Section or the  
11 attempt to commit an included sex offense, and:

12 (a) is convicted of such offense or an attempt to  
13 commit such offense; or

14 (b) is found not guilty by reason of insanity of  
15 such offense or an attempt to commit such offense; or

16 (c) is found not guilty by reason of insanity  
17 pursuant to Section 104-25(c) of the Code of Criminal  
18 Procedure of 1963 of such offense or an attempt to  
19 commit such offense; or

20 (d) is the subject of a finding not resulting in an  
21 acquittal at a hearing conducted pursuant to Section  
22 104-25(a) of the Code of Criminal Procedure of 1963  
23 for the alleged commission or attempted commission of  
24 such offense; or

25 (e) is found not guilty by reason of insanity

1 following a hearing conducted pursuant to a federal,  
2 Uniform Code of Military Justice, sister state, or  
3 foreign country law substantially similar to Section  
4 104-25(c) 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 in an  
8 acquittal at a hearing conducted pursuant to a  
9 federal, Uniform Code of Military Justice, sister  
10 state, or foreign country law substantially similar to  
11 Section 104-25(a) of the Code of Criminal Procedure of  
12 1963 for the alleged violation or attempted commission  
13 of such offense; or

14 (2) declared as a sexually dangerous person pursuant  
15 to the Illinois Sexually Dangerous Persons Act, or any  
16 substantially similar federal, Uniform Code of Military  
17 Justice, sister state, or foreign country law; or

18 (3) subject to the provisions of Section 2 of the  
19 Interstate Agreements on Sexually Dangerous Persons Act;  
20 or

21 (4) found to be a sexually violent person pursuant to  
22 the Sexually Violent Persons Commitment Act or any  
23 substantially similar federal, Uniform Code of Military  
24 Justice, sister state, or foreign country law; or

25 (5) adjudicated a juvenile delinquent as the result of  
26 committing or attempting to commit an act which, if

1 committed by an adult, would constitute any of the  
2 offenses specified in item (B), (C), or (C-5) of this  
3 Section or a violation of any substantially similar  
4 federal, Uniform Code of Military Justice, sister state,  
5 or foreign country law, or found guilty under Article V of  
6 the Juvenile Court Act of 1987 of committing or attempting  
7 to commit an act which, if committed by an adult, would  
8 constitute any of the offenses specified in item (B), (C),  
9 or (C-5) of this Section or a violation of any  
10 substantially similar federal, Uniform Code of Military  
11 Justice, sister state, or foreign country law.

12 Convictions that result from or are connected with the  
13 same act, or result from offenses committed at the same time,  
14 shall be counted for the purpose of this Article as one  
15 conviction. Any conviction set aside pursuant to law is not a  
16 conviction for purposes of this Article.

17 For purposes of this Section, "convicted" shall have the  
18 same meaning as "adjudicated".

19 (B) As used in this Article, "sex offense" means:

20 (1) A violation of any of the following Sections of  
21 the Criminal Code of 1961 or the Criminal Code of 2012:

22 10-9 (trafficking in persons, involuntary  
23 servitude, and related offenses),

24 11-20.1 (child pornography),

25 11-20.1B or 11-20.3 (aggravated child  
26 pornography),

1 11-6 (indecent solicitation of a child),  
2 11-9.1 (sexual exploitation of a child),  
3 11-9.2 (custodial sexual misconduct),  
4 11-9.5 (sexual misconduct with a person with a  
5 disability),  
6 11-14.4 (promoting juvenile prostitution),  
7 11-15.1 (soliciting for a juvenile prostitute),  
8 11-18.1 (patronizing a juvenile prostitute),  
9 11-17.1 (keeping a place of juvenile  
10 prostitution),  
11 11-19.1 (juvenile pimping),  
12 11-19.2 (exploitation of a child),  
13 11-25 (grooming),  
14 11-26 (traveling to meet a minor or traveling to  
15 meet a child),  
16 11-1.20 or 12-13 (criminal sexual assault),  
17 11-1.30 or 12-14 (aggravated criminal sexual  
18 assault),  
19 11-1.40 or 12-14.1 (predatory criminal sexual  
20 assault of a child),  
21 11-1.50 or 12-15 (criminal sexual abuse),  
22 11-1.60 or 12-16 (aggravated criminal sexual  
23 abuse),  
24 12-33 (ritualized abuse of a child).

25 An attempt to commit any of these offenses.

26 (1.5) A violation of any of the following Sections of

1 the Criminal Code of 1961 or the Criminal Code of 2012,  
2 when the victim is a person under 18 years of age, the  
3 defendant is not a parent of the victim, the offense was  
4 sexually motivated as defined in Section 10 of the Sex  
5 Offender Evaluation and Treatment Act, and the offense was  
6 committed on or after January 1, 1996:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 If the offense was committed before January 1, 1996,  
12 it is a sex offense requiring registration only when the  
13 person is convicted of any felony after July 1, 2011, and  
14 paragraph (2.1) of subsection (c) of Section 3 of this Act  
15 applies.

16 (1.6) First degree murder under Section 9-1 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012,  
18 provided the offense was sexually motivated as defined in  
19 Section 10 of the Sex Offender Management Board Act.

20 (1.7) (Blank).

21 (1.8) A violation or attempted violation of Section  
22 11-11 (sexual relations within families) of the Criminal  
23 Code of 1961 or the Criminal Code of 2012, and the offense  
24 was committed on or after June 1, 1997. If the offense was  
25 committed before June 1, 1997, it is a sex offense  
26 requiring registration only when the person is convicted

1 of any felony after July 1, 2011, and paragraph (2.1) of  
2 subsection (c) of Section 3 of this Act applies.

3 (1.9) Child abduction under paragraph (10) of  
4 subsection (b) of Section 10-5 of the Criminal Code of  
5 1961 or the Criminal Code of 2012 committed by luring or  
6 attempting to lure a child under the age of 16 into a motor  
7 vehicle, building, house trailer, or dwelling place  
8 without the consent of the parent or lawful custodian of  
9 the child for other than a lawful purpose and the offense  
10 was committed on or after January 1, 1998, provided the  
11 offense was sexually motivated as defined in Section 10 of  
12 the Sex Offender Management Board Act. If the offense was  
13 committed before January 1, 1998, it is a sex offense  
14 requiring registration only when the person is convicted  
15 of any felony after July 1, 2011, and paragraph (2.1) of  
16 subsection (c) of Section 3 of this Act applies.

17 (1.10) A violation or attempted violation of any of  
18 the following Sections of the Criminal Code of 1961 or the  
19 Criminal Code of 2012 when the offense was committed on or  
20 after July 1, 1999:

21 10-4 (forcible detention, if the victim is under  
22 18 years of age), provided the offense was sexually  
23 motivated as defined in Section 10 of the Sex Offender  
24 Management Board Act,

25 11-6.5 (indecent solicitation of an adult),

26 11-14.3 that involves soliciting for a prostitute,

1 or 11-15 (soliciting for a prostitute, if the victim  
2 is under 18 years of age),

3 subdivision (a)(2)(A) or (a)(2)(B) of Section  
4 11-14.3, or Section 11-16 (pandering, if the victim is  
5 under 18 years of age),

6 11-18 (patronizing a prostitute, if the victim is  
7 under 18 years of age),

8 subdivision (a)(2)(C) of Section 11-14.3, or  
9 Section 11-19 (pimping, if the victim is under 18  
10 years of age).

11 If the offense was committed before July 1, 1999, it  
12 is a sex offense requiring registration only when the  
13 person is convicted of any felony after July 1, 2011, and  
14 paragraph (2.1) of subsection (c) of Section 3 of this Act  
15 applies.

16 (1.11) A violation or attempted violation of any of  
17 the following Sections of the Criminal Code of 1961 or the  
18 Criminal Code of 2012 when the offense was committed on or  
19 after August 22, 2002:

20 11-9 or 11-30 (public indecency for a third or  
21 subsequent conviction).

22 If the third or subsequent conviction was imposed  
23 before August 22, 2002, it is a sex offense requiring  
24 registration only when the person is convicted of any  
25 felony after July 1, 2011, and paragraph (2.1) of  
26 subsection (c) of Section 3 of this Act applies.

1 (1.12) A violation or attempted violation of Section  
2 5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
3 Criminal Code of 1961 or the Criminal Code of 2012  
4 (permitting sexual abuse) when the offense was committed  
5 on or after August 22, 2002. If the offense was committed  
6 before August 22, 2002, it is a sex offense requiring  
7 registration only when the person is convicted of any  
8 felony after July 1, 2011, and paragraph (2.1) of  
9 subsection (c) of Section 3 of this Act applies.

10 (2) A violation of any former law of this State  
11 substantially equivalent to any offense listed in  
12 subsection (B) of this Section.

13 (C) A conviction for an offense of federal law, Uniform  
14 Code of Military Justice, or the law of another state or a  
15 foreign country that is substantially equivalent to any  
16 offense listed in subsections (B), (C), (E), and (E-5) of this  
17 Section shall constitute a conviction for the purpose of this  
18 Article. A finding or adjudication as a sexually dangerous  
19 person or a sexually violent person under any federal law,  
20 Uniform Code of Military Justice, or the law of another state  
21 or foreign country that is substantially equivalent to the  
22 Sexually Dangerous Persons Act or the Sexually Violent Persons  
23 Commitment Act shall constitute an adjudication for the  
24 purposes of this Article.

25 (C-5) A person at least 17 years of age at the time of the  
26 commission of the offense who is convicted of first degree

1 murder under Section 9-1 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012, against a person under 18 years of age,  
3 shall be required to register for natural life. A conviction  
4 for an offense of federal, Uniform Code of Military Justice,  
5 sister state, or foreign country law that is substantially  
6 equivalent to any offense listed in subsection (C-5) of this  
7 Section shall constitute a conviction for the purpose of this  
8 Article. This subsection (C-5) applies to a person who  
9 committed the offense before June 1, 1996 if: (i) the person is  
10 incarcerated in an Illinois Department of Corrections facility  
11 on August 20, 2004 (the effective date of Public Act 93-977),  
12 or (ii) subparagraph (i) does not apply and the person is  
13 convicted of any felony after July 1, 2011, and paragraph  
14 (2.1) of subsection (c) of Section 3 of this Act applies.

15 (C-6) A person who is convicted or adjudicated delinquent  
16 of first degree murder as defined in Section 9-1 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012, against a  
18 person 18 years of age or over, shall be required to register  
19 for his or her natural life. A conviction for an offense of  
20 federal, Uniform Code of Military Justice, sister state, or  
21 foreign country law that is substantially equivalent to any  
22 offense listed in subsection (C-6) of this Section shall  
23 constitute a conviction for the purpose of this Article. This  
24 subsection (C-6) does not apply to those individuals released  
25 from incarceration more than 10 years prior to January 1, 2012  
26 (the effective date of Public Act 97-154).

1 (D) As used in this Article, "law enforcement agency  
2 having jurisdiction" means the Chief of Police in each of the  
3 municipalities in which the sex offender expects to reside,  
4 work, or attend school (1) upon his or her discharge, parole or  
5 release or (2) during the service of his or her sentence of  
6 probation or conditional discharge, or the Sheriff of the  
7 county, in the event no Police Chief exists or if the offender  
8 intends to reside, work, or attend school in an unincorporated  
9 area. "Law enforcement agency having jurisdiction" includes  
10 the location where out-of-state students attend school and  
11 where out-of-state employees are employed or are otherwise  
12 required to register.

13 (D-1) As used in this Article, "supervising officer" means  
14 the assigned Illinois Department of Corrections parole agent  
15 or county probation officer.

16 (E) As used in this Article, "sexual predator" means any  
17 person who, after July 1, 1999, is:

18 (1) Convicted for an offense of federal, Uniform Code  
19 of Military Justice, sister state, or foreign country law  
20 that is substantially equivalent to any offense listed in  
21 subsection (E) or (E-5) of this Section shall constitute a  
22 conviction for the purpose of this Article. Convicted of a  
23 violation or attempted violation of any of the following  
24 Sections of the Criminal Code of 1961 or the Criminal Code  
25 of 2012:

26 10-5.1 (luring of a minor),

1           11-14.4 that involves keeping a place of juvenile  
2 prostitution, or 11-17.1 (keeping a place of juvenile  
3 prostitution),

4           subdivision (a) (2) or (a) (3) of Section 11-14.4,  
5 or Section 11-19.1 (juvenile pimping),

6           subdivision (a) (4) of Section 11-14.4, or Section  
7 11-19.2 (exploitation of a child),

8           11-20.1 (child pornography),

9           11-20.1B or 11-20.3 (aggravated child  
10 pornography),

11           11-1.20 or 12-13 (criminal sexual assault),

12           11-1.30 or 12-14 (aggravated criminal sexual  
13 assault),

14           11-1.40 or 12-14.1 (predatory criminal sexual  
15 assault of a child),

16           11-1.60 or 12-16 (aggravated criminal sexual  
17 abuse),

18           12-33 (ritualized abuse of a child);

19           (2) (blank);

20           (3) declared as a sexually dangerous person pursuant  
21 to the Sexually Dangerous Persons Act or any substantially  
22 similar federal, Uniform Code of Military Justice, sister  
23 state, or foreign country law;

24           (4) found to be a sexually violent person pursuant to  
25 the Sexually Violent Persons Commitment Act or any  
26 substantially similar federal, Uniform Code of Military

1 Justice, sister state, or foreign country law;

2 (5) convicted of a second or subsequent offense which  
3 requires registration pursuant to this Act. For purposes  
4 of this paragraph (5), "convicted" shall include a  
5 conviction under any substantially similar Illinois,  
6 federal, Uniform Code of Military Justice, sister state,  
7 or foreign country law;

8 (6) (blank); or

9 (7) if the person was convicted of an offense set  
10 forth in this subsection (E) on or before July 1, 1999, the  
11 person is a sexual predator for whom registration is  
12 required only when the person is convicted of a felony  
13 offense after July 1, 2011, and paragraph (2.1) of  
14 subsection (c) of Section 3 of this Act applies.

15 (E-5) As used in this Article, "sexual predator" also  
16 means a person convicted of a violation or attempted violation  
17 of any of the following Sections of the Criminal Code of 1961  
18 or the Criminal Code of 2012:

19 (1) Section 9-1 (first degree murder, when the victim  
20 was a person under 18 years of age and the defendant was at  
21 least 17 years of age at the time of the commission of the  
22 offense, provided the offense was sexually motivated as  
23 defined in Section 10 of the Sex Offender Management Board  
24 Act);

25 (2) Section 11-9.5 (sexual misconduct with a person  
26 with a disability);

1           (3) when the victim is a person under 18 years of age,  
2           the defendant is not a parent of the victim, the offense  
3           was sexually motivated as defined in Section 10 of the Sex  
4           Offender Management Board Act, and the offense was  
5           committed on or after January 1, 1996: (A) Section 10-1  
6           (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
7           (C) Section 10-3 (unlawful restraint), and (D) Section  
8           10-3.1 (aggravated unlawful restraint); and

9           (4) Section 10-5(b)(10) (child abduction committed by  
10          luring or attempting to lure a child under the age of 16  
11          into a motor vehicle, building, house trailer, or dwelling  
12          place without the consent of the parent or lawful  
13          custodian of the child for other than a lawful purpose and  
14          the offense was committed on or after January 1, 1998,  
15          provided the offense was sexually motivated as defined in  
16          Section 10 of the Sex Offender Management Board Act).

17          (E-10) As used in this Article, "sexual predator" also  
18          means a person required to register in another State due to a  
19          conviction, adjudication or other action of any court  
20          triggering an obligation to register as a sex offender, sexual  
21          predator, or substantially similar status under the laws of  
22          that State.

23          (F) As used in this Article, "out-of-state student" means  
24          any sex offender, as defined in this Section, or sexual  
25          predator who is enrolled in Illinois, on a full-time or  
26          part-time basis, in any public or private educational

1 institution, including, but not limited to, any secondary  
2 school, trade or professional institution, or institution of  
3 higher learning.

4 (G) As used in this Article, "out-of-state employee" means  
5 any sex offender, as defined in this Section, or sexual  
6 predator who works in Illinois, regardless of whether the  
7 individual receives payment for services performed, for a  
8 period of time of 10 or more days or for an aggregate period of  
9 time of 30 or more days during any calendar year. Persons who  
10 operate motor vehicles in the State accrue one day of  
11 employment time for any portion of a day spent in Illinois.

12 (H) As used in this Article, "school" means any public or  
13 private educational institution, including, but not limited  
14 to, any elementary or secondary school, trade or professional  
15 institution, or institution of higher education.

16 (I) As used in this Article, "fixed residence" means any  
17 and all places that a sex offender resides for an aggregate  
18 period of time of 5 or more days in a calendar year.

19 (J) As used in this Article, "Internet protocol address"  
20 means the string of numbers by which a location on the Internet  
21 is identified by routers or other computers connected to the  
22 Internet.

23 (Source: P.A. 100-428, eff. 1-1-18.)

24 Section 35. The Crime Victims Compensation Act is amended  
25 by changing Section 6.1 as follows:

1 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

2 Sec. 6.1. Right to compensation. A person is entitled to  
3 compensation under this Act if:

4 (a) Timing. Within 5 years of the occurrence of the  
5 crime, or within one year after a criminal charge of a  
6 person for an offense, upon which the claim is based, the  
7 applicant presents an application, under oath, to the  
8 Attorney General that is filed with the Court of Claims  
9 and on a form prescribed in accordance with Section 7.1  
10 furnished by the Attorney General. If the person entitled  
11 to compensation is under 18 years of age or under other  
12 legal disability at the time of the occurrence or is  
13 determined by a court to be under a legal disability as a  
14 result of the occurrence, he or she may present the  
15 application required by this subsection within 3 years  
16 after he or she attains the age of 18 years or the  
17 disability is removed, as the case may be. Legal  
18 disability includes a diagnosis of posttraumatic stress  
19 disorder.

20 (a-1) The Attorney General and the Court of Claims may  
21 accept an application presented after the period provided  
22 in subsection (a) if the Attorney General determines that  
23 the applicant had good cause for a delay.

24 (b) Notification. The appropriate law enforcement  
25 officials were notified within 72 hours of the

1           perpetration of the crime allegedly causing the death or  
2           injury to the victim. If the notification was made more  
3           than 72 hours after the perpetration of the crime and the  
4           applicant establishes that the notice was timely under the  
5           circumstances, the Attorney General and the Court of  
6           Claims may extend the time for reporting to law  
7           enforcement.

8           For victims of offenses defined in Sections 10-9,  
9           11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, and  
10          12-14 of the Criminal Code of 1961 or the Criminal Code of  
11          2012, the appropriate law enforcement officials were  
12          notified within 7 days of the perpetration of the crime  
13          allegedly causing death or injury to the victim or, if the  
14          notification was made more than 7 days after the  
15          perpetration of the crime, the applicant establishes that  
16          the notice was timely under the circumstances.

17          (b-1) If, in lieu of a law enforcement report, the  
18          applicant or victim has obtained an order of protection, a  
19          civil no contact order, or a stalking no contact order,  
20          has presented to a medical facility for medical care or  
21          sexual assault evidence collection, has presented to a  
22          mental health provider for an independent medical  
23          evaluation, or is engaged in a legal proceeding involving  
24          a claim that the applicant or victim is a victim of human  
25          trafficking or law enforcement use of force, such action  
26          shall constitute appropriate notification under this

1 Section.

2 (b-2) For purposes of notification under this Act, a  
3 victim who presents to a medical facility shall provide  
4 information sufficient to fulfill the requirements of this  
5 Section, except that the victim shall not be required to  
6 identify the offender to the medical provider.

7 (b-3) An applicant who is filing a claim that a law  
8 enforcement officer's use of force caused injury or death,  
9 may fulfill the notification requirement by complying with  
10 subsection (b), filing a complaint with the Illinois Law  
11 Enforcement Training Standards Board, filing a lawsuit  
12 against a law enforcement officer or department, or  
13 presenting evidence that the victim has obtained a  
14 settlement or a verdict in a civil suit. An application  
15 filed by an individual presenting evidence of a verdict in  
16 a civil suit must be filed within one year after the  
17 resolution of the civil suit.

18 (b-4) An applicant may provide notification to a  
19 mental health provider regarding physical injuries of the  
20 victim or for victims of offenses defined in Sections  
21 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
22 11-14.4, 12-3.2, 12-3.3, 12-3.4, 12-7.3, 12-7.4 of the  
23 Criminal Code of 2012, psychological injuries resulting  
24 from the commission of the crime for which the applicant  
25 is filing an application. The provider shall perform an  
26 independent medical evaluation and provide the provider's

1 professional opinion as to whether the injuries claimed  
2 are consistent with having resulted from the commission of  
3 the crime for which the applicant is filing an  
4 application.

5 Upon completion of the independent medical evaluation,  
6 the mental health provider shall complete a certification  
7 form, signed under oath. The form shall be provided by the  
8 Office of the Attorney General and contain the following:

9 (1) The provider's name, title, license number and  
10 place of employment.

11 (2) Contact information for the provider.

12 (3) The provider's relationship with the  
13 applicant.

14 (4) The date the crime was reported to the  
15 provider.

16 (5) The reported crime.

17 (6) The date and location of the crime.

18 (7) If there are physical injuries, what injuries  
19 that the mental health provider can attest to being  
20 present on the day of the reporting if they are  
21 consistent with the crime reported to the provider.

22 (8) If there are psychological injuries, whether  
23 the provider in his or her professional opinion  
24 believes that the injuries presented on the day of the  
25 reporting are consistent with the crime reported to  
26 the provider.

1           (9) A detailed summary of the incident, as  
2 reported.

3           (10) Any documentation or photos that relate to  
4 the crime of violence for which the applicant is  
5 seeking reimbursement.

6           (c) Cooperation. The applicant has cooperated with law  
7 enforcement officials in the apprehension and prosecution  
8 of the assailant. If the applicant or victim has obtained  
9 an order of protection, a civil no contact order, or a  
10 stalking no contact order, has presented to a medical  
11 facility for medical care or sexual assault evidence  
12 collection, obtained an independent medical examination  
13 from a mental health provider as described in subsection  
14 (b-4), has taken any of the actions described in  
15 subsection (b-3), or is engaged in a legal proceeding  
16 involving a claim that the applicant or victim is a victim  
17 of human trafficking, such action shall constitute  
18 cooperation under this subsection (c). If the victim is  
19 under 18 years of age at the time of the commission of the  
20 offense, the following shall constitute cooperation under  
21 this subsection (c):

22           (1) the applicant or the victim files a police  
23 report with a law enforcement agency;

24           (2) a mandated reporter reports the crime to law  
25 enforcement; or

26           (3) a person with firsthand knowledge of the crime

1 reports the crime to law enforcement.

2 In evaluating cooperation, the Attorney General and  
3 Court of Claims may consider the victim's age, physical  
4 condition, psychological state, cultural or linguistic  
5 barriers, and compelling health and safety concerns,  
6 including, but not limited to, a reasonable fear of  
7 retaliation or harm that would jeopardize the well-being  
8 of the victim or the victim's family, and giving due  
9 consideration to the degree of cooperation that the victim  
10 or derivative victim is capable of in light of the  
11 presence of any of these factors, or any other factor the  
12 Attorney General considers relevant.

13 (d) If the applicant is not barred from receiving  
14 compensation under Section 10.1.

15 (e) (Blank).

16 (f) (Blank).

17 (f-5) Notwithstanding any other provision of this Act  
18 to the contrary, a trafficking victim as defined in  
19 Section 10-9 of the Criminal Code of 2012 who is under 18  
20 years of age is not subject to the filing requirements of  
21 this Act and is not subject to the eligibility  
22 requirements of this Act.

23 (g) (Blank).

24 The changes made to this Section by this amendatory Act of  
25 the 101st General Assembly apply to actions commenced or  
26 pending on or after January 1, 2022.

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1 (Source: P.A. 102-27, eff. 6-25-21; 103-1037, eff. 1-1-25.)

1 INDEX

2 Statutes amended in order of appearance

3 50 ILCS 705/7

4 325 ILCS 5/3 from Ch. 23, par. 2053

5 705 ILCS 405/5-915

6 720 ILCS 5/10-9

7 720 ILCS 5/11-18.1 from Ch. 38, par. 11-18.1

8 720 ILCS 5/11-20.1 from Ch. 38, par. 11-20.1

9 720 ILCS 5/11-25

10 720 ILCS 5/11-27 new

11 725 ILCS 5/116-2.1

12 730 ILCS 150/2 from Ch. 38, par. 222

13 740 ILCS 45/6.1 from Ch. 70, par. 76.1