



Rep. Lindsey LaPointe

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10200HB5490ham001

LRB102 25922 RLC 36873 a

1 AMENDMENT TO HOUSE BILL 5490

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5490 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Sex Offender Management Board Act is  
5 amended by changing Section 10 as follows:

6 (20 ILCS 4026/10)

7 Sec. 10. Definitions. In this Act, unless the context  
8 otherwise requires:

9 (a) "Board" means the Sex Offender Management Board  
10 created in Section 15.

11 (b) "Sex offender" means any person who is convicted or  
12 found delinquent in the State of Illinois, or under any  
13 substantially similar federal law or law of another state, of  
14 any sex offense or attempt of a sex offense as defined in  
15 subsection (c) of this Section, or any former statute of this  
16 State that defined a felony sex offense, or who has been

1 declared as a sexually dangerous person under the Sexually  
2 Dangerous Persons Act or declared a sexually violent person  
3 under the Sexually Violent Persons Commitment Act, or any  
4 substantially similar federal law or law of another state.

5 (c) "Sex offense" means any felony or misdemeanor offense  
6 described in this subsection (c) as follows:

7 (1) indecent solicitation of a child, in violation of  
8 Section 11-6 of the Criminal Code of 1961 or the Criminal  
9 Code of 2012;

10 (2) indecent solicitation of an adult, in violation of  
11 Section 11-6.5 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012;

13 (3) public indecency, in violation of Section 11-9 or  
14 11-30 of the Criminal Code of 1961 or the Criminal Code of  
15 2012;

16 (4) sexual exploitation of a child, in violation of  
17 Section 11-9.1 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012;

19 (5) sexual relations within families, in violation of  
20 Section 11-11 of the Criminal Code of 1961 or the Criminal  
21 Code of 2012;

22 (6) promoting juvenile prostitution or soliciting for  
23 a juvenile prostitute, in violation of Section 11-14.4 or  
24 11-15.1 of the Criminal Code of 1961 or the Criminal Code  
25 of 2012;

26 (7) promoting juvenile prostitution or keeping a place

1 of juvenile prostitution, in violation of Section 11-14.4  
2 or 11-17.1 of the Criminal Code of 1961 or the Criminal  
3 Code of 2012;

4 (8) patronizing a juvenile prostitute, in violation of  
5 Section 11-18.1 of the Criminal Code of 1961 or the  
6 Criminal Code of 2012;

7 (9) promoting juvenile prostitution or juvenile  
8 pimping, in violation of Section 11-14.4 or 11-19.1 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012;

10 (10) promoting juvenile prostitution or exploitation  
11 of a child, in violation of Section 11-14.4 or 11-19.2 of  
12 the Criminal Code of 1961 or the Criminal Code of 2012;

13 (11) child sexual abuse material ~~pornography~~, in  
14 violation of Section 11-20.1 of the Criminal Code of 1961  
15 or the Criminal Code of 2012;

16 (11.5) aggravated child sexual abuse material  
17 ~~pornography~~, in violation of Section 11-20.1B or 11-20.3  
18 of the Criminal Code of 1961;

19 (12) harmful material, in violation of Section 11-21  
20 of the Criminal Code of 1961 or the Criminal Code of 2012;

21 (13) criminal sexual assault, in violation of Section  
22 11-1.20 or 12-13 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012;

24 (13.5) grooming, in violation of Section 11-25 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012;

26 (14) aggravated criminal sexual assault, in violation

1 of Section 11-1.30 or 12-14 of the Criminal Code of 1961 or  
2 the Criminal Code of 2012;

3 (14.5) traveling to meet a minor or traveling to meet  
4 a child, in violation of Section 11-26 of the Criminal  
5 Code of 1961 or the Criminal Code of 2012;

6 (15) predatory criminal sexual assault of a child, in  
7 violation of Section 11-1.40 or 12-14.1 of the Criminal  
8 Code of 1961 or the Criminal Code of 2012;

9 (16) criminal sexual abuse, in violation of Section  
10 11-1.50 or 12-15 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012;

12 (17) aggravated criminal sexual abuse, in violation of  
13 Section 11-1.60 or 12-16 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012;

15 (18) ritualized abuse of a child, in violation of  
16 Section 12-33 of the Criminal Code of 1961 or the Criminal  
17 Code of 2012;

18 (19) an attempt to commit any of the offenses  
19 enumerated in this subsection (c); or

20 (20) any felony offense under Illinois law that is  
21 sexually motivated.

22 (d) "Management" means treatment, and supervision of any  
23 sex offender that conforms to the standards created by the  
24 Board under Section 15.

25 (e) "Sexually motivated" means one or more of the facts of  
26 the underlying offense indicates conduct that is of a sexual

1 nature or that shows an intent to engage in behavior of a  
2 sexual nature.

3 (f) "Sex offender evaluator" means a person licensed under  
4 the Sex Offender Evaluation and Treatment Provider Act to  
5 conduct sex offender evaluations.

6 (g) "Sex offender treatment provider" means a person  
7 licensed under the Sex Offender Evaluation and Treatment  
8 Provider Act to provide sex offender treatment services.

9 (h) "Associate sex offender provider" means a person  
10 licensed under the Sex Offender Evaluation and Treatment  
11 Provider Act to provide sex offender evaluations and to  
12 provide sex offender treatment under the supervision of a  
13 licensed sex offender evaluator or a licensed sex offender  
14 treatment provider.

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

16 Section 10. The Medical School Matriculant Criminal  
17 History Records Check Act is amended by changing Section 5 as  
18 follows:

19 (110 ILCS 57/5)

20 Sec. 5. Definitions.

21 "Matriculant" means an individual who is conditionally  
22 admitted as a student to a medical school located in Illinois,  
23 pending the medical school's consideration of his or her  
24 criminal history records check under this Act.

1 "Sex offender" means any person who is convicted pursuant  
2 to Illinois law or any substantially similar federal, Uniform  
3 Code of Military Justice, sister state, or foreign country law  
4 with any of the following sex offenses set forth in the  
5 Criminal Code of 1961 or the Criminal Code of 2012:

6 (1) Indecent solicitation of a child.

7 (2) Sexual exploitation of a child.

8 (3) Custodial sexual misconduct.

9 (4) Exploitation of a child.

10 (5) Child sexual abuse material ~~pornography~~.

11 (6) Aggravated child sexual abuse material  
12 ~~pornography~~.

13 "Violent felony" means any of the following offenses, as  
14 defined by the Criminal Code of 1961 or the Criminal Code of  
15 2012:

16 (1) First degree murder.

17 (2) Second degree murder.

18 (3) Predatory criminal sexual assault of a child.

19 (4) Aggravated criminal sexual assault.

20 (5) Criminal sexual assault.

21 (6) Aggravated arson.

22 (7) Aggravated kidnapping.

23 (8) Kidnapping.

24 (9) Aggravated battery resulting in great bodily harm  
25 or permanent disability or disfigurement.

26 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

1           Section 15. The Child Care Act of 1969 is amended by  
2 changing Section 3.3 as follows:

3           (225 ILCS 10/3.3)

4           Sec. 3.3. Requirements for criminal background checks for  
5 adoption-only homes. In approving an adoption-only home  
6 pursuant to Section 3.2 of this Act, if an adult resident has  
7 an arrest or conviction record, the licensed child welfare  
8 agency:

9           (1) shall thoroughly investigate and evaluate the  
10 criminal history of the resident and, in so doing, include  
11 an assessment of the applicant's character and, in the  
12 case of the prospective adoptive parent, the impact that  
13 the criminal history has on his or her ability to parent  
14 the child; the investigation should consider the type of  
15 crime, the number of crimes, the nature of the offense,  
16 the age at time of crime, the length of time that has  
17 elapsed since the last conviction, the relationship of the  
18 crime to the ability to care for children, and any  
19 evidence of rehabilitation;

20           (2) shall not approve the home if the record reveals a  
21 felony conviction for crimes against a child, including,  
22 but not limited to, child abuse or neglect, child sexual  
23 abuse material ~~pornography~~, rape, sexual assault, or  
24 homicide;

1           (3) shall not approve the home if the record reveals a  
2           felony conviction within the last 5 years, including, but  
3           not limited to, for physical assault, battery,  
4           drug-related offenses, or spousal abuse; and

5           (4) shall not approve the home if the record reveals a  
6           felony conviction for homicide, rape, or sexual assault.

7           (Source: P.A. 99-833, eff. 1-1-17.)

8           Section 20. The Abused and Neglected Child Reporting Act  
9           is amended by changing Sections 4.5 and 11.1 as follows:

10           (325 ILCS 5/4.5)

11           Sec. 4.5. Electronic and information technology workers;  
12           reporting child sexual abuse material ~~pornography~~.

13           (a) In this Section:

14           "Child sexual abuse material ~~pornography~~" means child  
15           sexual abuse material ~~pornography~~ as described in Section  
16           11-20.1 of the Criminal Code of 2012.

17           "Electronic and information technology equipment" means  
18           equipment used in the creation, manipulation, storage,  
19           display, or transmission of data, including internet and  
20           intranet systems, software applications, operating systems,  
21           video and multimedia, telecommunications products, kiosks,  
22           information transaction machines, copiers, printers, and  
23           desktop and portable computers.

24           "Electronic and information technology equipment worker"



1 means a person who in the scope and course of his or her  
2 employment or business installs, repairs, or otherwise  
3 services electronic and information technology equipment for a  
4 fee but does not include (i) an employee, independent  
5 contractor, or other agent of a telecommunications carrier or  
6 telephone or telecommunications cooperative, as those terms  
7 are defined in the Public Utilities Act, or (ii) an employee,  
8 independent contractor, or other agent of a provider of  
9 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

10 (b) If an electronic and information technology equipment  
11 worker discovers any depiction of child sexual abuse material  
12 ~~pornography~~ while installing, repairing, or otherwise  
13 servicing an item of electronic and information technology  
14 equipment, that worker or the worker's employer shall  
15 immediately report the discovery to the local law enforcement  
16 agency or to the Cyber Tipline at the National Center for  
17 Missing & Exploited Children.

18 (c) If a report is filed in accordance with the  
19 requirements of 42 U.S.C. 13032, the requirements of this  
20 Section 4.5 will be deemed to have been met.

21 (d) An electronic and information technology equipment  
22 worker or electronic and information technology equipment  
23 worker's employer who reports a discovery of child sexual  
24 abuse material ~~pornography~~ as required under this Section is  
25 immune from any criminal, civil, or administrative liability  
26 in connection with making the report, except for willful or

1 wanton misconduct.

2 (e) Failure to report a discovery of child sexual abuse  
3 material ~~pornography~~ as required under this Section is a  
4 business offense subject to a fine of \$1,001.

5 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

6 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

7 Sec. 11.1. Access to records.

8 (a) A person shall have access to the records described in  
9 Section 11 only in furtherance of purposes directly connected  
10 with the administration of this Act or the Intergovernmental  
11 Missing Child Recovery Act of 1984. Those persons and purposes  
12 for access include:

13 (1) Department staff in the furtherance of their  
14 responsibilities under this Act, or for the purpose of  
15 completing background investigations on persons or  
16 agencies licensed by the Department or with whom the  
17 Department contracts for the provision of child welfare  
18 services.

19 (2) A law enforcement agency investigating known or  
20 suspected child abuse or neglect, known or suspected  
21 involvement with child sexual abuse material ~~pornography~~,  
22 known or suspected criminal sexual assault, known or  
23 suspected criminal sexual abuse, or any other sexual  
24 offense when a child is alleged to be involved.

25 (3) The Illinois State Police when administering the

1 provisions of the Intergovernmental Missing Child Recovery  
2 Act of 1984.

3 (4) A physician who has before him a child whom he  
4 reasonably suspects may be abused or neglected.

5 (5) A person authorized under Section 5 of this Act to  
6 place a child in temporary protective custody when such  
7 person requires the information in the report or record to  
8 determine whether to place the child in temporary  
9 protective custody.

10 (6) A person having the legal responsibility or  
11 authorization to care for, treat, or supervise a child, or  
12 a parent, prospective adoptive parent, foster parent,  
13 guardian, or other person responsible for the child's  
14 welfare, who is the subject of a report.

15 (7) Except in regard to harmful or detrimental  
16 information as provided in Section 7.19, any subject of  
17 the report, and if the subject of the report is a minor,  
18 his guardian or guardian ad litem.

19 (8) A court, upon its finding that access to such  
20 records may be necessary for the determination of an issue  
21 before such court; however, such access shall be limited  
22 to in camera inspection, unless the court determines that  
23 public disclosure of the information contained therein is  
24 necessary for the resolution of an issue then pending  
25 before it.

26 (8.1) A probation officer or other authorized

1 representative of a probation or court services department  
2 conducting an investigation ordered by a court under the  
3 Juvenile Court Act of 1987.

4 (9) A grand jury, upon its determination that access  
5 to such records is necessary in the conduct of its  
6 official business.

7 (10) Any person authorized by the Director, in  
8 writing, for audit or bona fide research purposes.

9 (11) Law enforcement agencies, coroners or medical  
10 examiners, physicians, courts, school superintendents and  
11 child welfare agencies in other states who are responsible  
12 for child abuse or neglect investigations or background  
13 investigations.

14 (12) The Department of Professional Regulation, the  
15 State Board of Education and school superintendents in  
16 Illinois, who may use or disclose information from the  
17 records as they deem necessary to conduct investigations  
18 or take disciplinary action, as provided by law.

19 (13) A coroner or medical examiner who has reason to  
20 believe that a child has died as the result of abuse or  
21 neglect.

22 (14) The Director of a State-operated facility when an  
23 employee of that facility is the perpetrator in an  
24 indicated report.

25 (15) The operator of a licensed child care facility or  
26 a facility licensed by the Department of Human Services

1 (as successor to the Department of Alcoholism and  
2 Substance Abuse) in which children reside when a current  
3 or prospective employee of that facility is the  
4 perpetrator in an indicated child abuse or neglect report,  
5 pursuant to Section 4.3 of the Child Care Act of 1969.

6 (16) Members of a multidisciplinary team in the  
7 furtherance of its responsibilities under subsection (b)  
8 of Section 7.1. All reports concerning child abuse and  
9 neglect made available to members of such  
10 multidisciplinary teams and all records generated as a  
11 result of such reports shall be confidential and shall not  
12 be disclosed, except as specifically authorized by this  
13 Act or other applicable law. It is a Class A misdemeanor to  
14 permit, assist or encourage the unauthorized release of  
15 any information contained in such reports or records.  
16 Nothing contained in this Section prevents the sharing of  
17 reports or records relating or pertaining to the death of  
18 a minor under the care of or receiving services from the  
19 Department of Children and Family Services and under the  
20 jurisdiction of the juvenile court with the juvenile  
21 court, the State's Attorney, and the minor's attorney.

22 (17) The Department of Human Services, as provided in  
23 Section 17 of the Rehabilitation of Persons with  
24 Disabilities Act.

25 (18) Any other agency or investigative body, including  
26 the Department of Public Health and a local board of

1 health, authorized by State law to conduct an  
2 investigation into the quality of care provided to  
3 children in hospitals and other State regulated care  
4 facilities.

5 (19) The person appointed, under Section 2-17 of the  
6 Juvenile Court Act of 1987, as the guardian ad litem of a  
7 minor who is the subject of a report or records under this  
8 Act; or the person appointed, under Section 5-610 of the  
9 Juvenile Court Act of 1987, as the guardian ad litem of a  
10 minor who is in the custody or guardianship of the  
11 Department or who has an open intact family services case  
12 with the Department and who is the subject of a report or  
13 records made pursuant to this Act.

14 (20) The Department of Human Services, as provided in  
15 Section 10 of the Early Intervention Services System Act,  
16 and the operator of a facility providing early  
17 intervention services pursuant to that Act, for the  
18 purpose of determining whether a current or prospective  
19 employee who provides or may provide direct services under  
20 that Act is the perpetrator in an indicated report of  
21 child abuse or neglect filed under this Act.

22 (b) Nothing contained in this Act prevents the sharing or  
23 disclosure of information or records relating or pertaining to  
24 juveniles subject to the provisions of the Serious Habitual  
25 Offender Comprehensive Action Program when that information is  
26 used to assist in the early identification and treatment of

1 habitual juvenile offenders.

2 (c) To the extent that persons or agencies are given  
3 access to information pursuant to this Section, those persons  
4 or agencies may give this information to and receive this  
5 information from each other in order to facilitate an  
6 investigation conducted by those persons or agencies.

7 (Source: P.A. 101-43, eff. 1-1-20; 102-538, eff. 8-20-21.)

8 Section 25. The Abused and Neglected Child Reporting Act  
9 is amended by changing Section 3 as follows:

10 (325 ILCS 15/3) (from Ch. 23, par. 2083)

11 Sec. 3. The functions and goals of the programs to be  
12 developed and provided by the Department of Children and  
13 Family Services shall include:

14 (a) Provision of counseling, treatment, rehabilitation and  
15 assistance to sexually abused and exploited children and their  
16 families, particularly to victims of predatory criminal sexual  
17 assault of a child, aggravated criminal sexual assault,  
18 criminal sexual assault, aggravated criminal sexual abuse and  
19 criminal sexual abuse and child sexual abuse material  
20 ~~pornography~~, and provision of training and education and  
21 professional counseling to other persons responsible for the  
22 child's welfare, personnel of the Department responsible for  
23 the licensure of facilities under the Child Care Act of 1969,  
24 and persons required to file reports and conduct

1 investigations of such reports under the Abused and Neglected  
2 Child Reporting Act;

3 (b) Hastening the process of reconstituting the family and  
4 the marriage, where such would be in the interest of the child;

5 (c) Marshaling and coordinating the services of all  
6 agencies responsible for the detection of a sexually abused  
7 and exploited child and for serving such a child, the child's  
8 family, or others responsible for the child's welfare, as well  
9 as for the development of other resources necessary to ensure  
10 a comprehensive program for the prevention of such abuse and  
11 exploitation, supportive case management;

12 (d) Responding to individual physical, emotional, and  
13 social needs of clients so that supportive services are  
14 individually tailored and applied as long as necessary;

15 (e) Informing the public at large and professional  
16 agencies about the problem of child sexual abuse and  
17 exploitation, methods of detecting and responding to such  
18 incidents, including those established under the Abused and  
19 Neglected Child Reporting Act, the availability of State  
20 service and other resources for responding to victims of such  
21 abuse and exploitation, and about the existence and supportive  
22 approach of treatment center programs; and

23 (f) Development of informational and training materials  
24 and seminars to assure the availability of such programs and  
25 services throughout the State, emphasizing the need for  
26 cooperation and coordination with all appropriate elements of



1 the criminal justice system and law enforcement system.

2 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

3 Section 30. The Intergovernmental Missing Child Recovery  
4 Act of 1984 is amended by changing Section 2 as follows:

5 (325 ILCS 40/2) (from Ch. 23, par. 2252)

6 Sec. 2. As used in this Act:

7 (a) (Blank).

8 (b) "Director" means the Director of the Illinois State  
9 Police.

10 (c) "Unit of local government" is defined as in Article  
11 VII, Section 1 of the Illinois Constitution and includes both  
12 home rule units and units which are not home rule units. The  
13 term is also defined to include all public school districts  
14 subject to the provisions of the School Code.

15 (d) "Child" means a person under 21 years of age.

16 (e) A "LEADS terminal" is an interactive computerized  
17 communication and processing unit which permits a direct  
18 on-line communication with the Illinois State Police's central  
19 data repository, the Law Enforcement Agencies Data System  
20 (LEADS).

21 (f) A "primary contact agency" means a law enforcement  
22 agency which maintains a LEADS terminal, or has immediate  
23 access to one on a 24-hour-per-day, 7-day-per-week basis by  
24 written agreement with another law enforcement agency.

1 (g) (Blank).

2 (h) "Missing child" means any person under 21 years of age  
3 whose whereabouts are unknown to his or her parents or legal  
4 guardian.

5 (i) "Exploitation" means activities and actions which  
6 include, but are not limited to, child sexual abuse material  
7 ~~pornography~~, aggravated child sexual abuse material  
8 ~~pornography~~, child prostitution, child sexual abuse, drug and  
9 substance abuse by children, and child suicide.

10 (j) (Blank).

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 Section 35. The Illinois Child Online Exploitation  
13 Reporting Act is amended by changing Section 10 as follows:

14 (325 ILCS 47/10)

15 Sec. 10. Registration. Any entity, subject to the  
16 reporting requirements of 42 U.S.C. 13032, while engaged in  
17 providing an electronic communications service or a remote  
18 computing service to the public, must provide the following  
19 information to the Cyber Tipline at the National Center for  
20 Missing and Exploited Children in order to facilitate the  
21 required reporting of child sexual abuse material ~~pornography~~  
22 crimes, pursuant to 42 U.S.C. 13032:

23 (a) the agent's name, phone number, and email address; and

24 (b) the name of the agent's employer.

1 (Source: P.A. 95-983, eff. 10-3-08.)

2 Section 40. The Criminal and Traffic Assessment Act is  
3 amended by changing Section 15-70 as follows:

4 (705 ILCS 135/15-70)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 15-70. Conditional assessments. In addition to  
7 payments under one of the Schedule of Assessments 1 through 13  
8 of this Act, the court shall also order payment of any of the  
9 following conditional assessment amounts for each sentenced  
10 violation in the case to which a conditional assessment is  
11 applicable, which shall be collected and remitted by the Clerk  
12 of the Circuit Court as provided in this Section:

13 (1) arson, residential arson, or aggravated arson,  
14 \$500 per conviction to the State Treasurer for deposit  
15 into the Fire Prevention Fund;

16 (2) child sexual abuse material ~~pornography~~ under  
17 Section 11-20.1 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, \$500 per conviction, unless more  
19 than one agency is responsible for the arrest in which  
20 case the amount shall be remitted to each unit of  
21 government equally:

22 (A) if the arresting agency is an agency of a unit  
23 of local government, \$500 to the treasurer of the unit  
24 of local government for deposit into the unit of local

1 government's General Fund, except that if the Illinois  
2 State Police provides digital or electronic forensic  
3 examination assistance, or both, to the arresting  
4 agency then \$100 to the State Treasurer for deposit  
5 into the State Crime Laboratory Fund; or

6 (B) if the arresting agency is the Illinois State  
7 Police, \$500 to the State Treasurer for deposit into  
8 the State Crime Laboratory Fund;

9 (3) crime laboratory drug analysis for a drug-related  
10 offense involving possession or delivery of cannabis or  
11 possession or delivery of a controlled substance as  
12 defined in the Cannabis Control Act, the Illinois  
13 Controlled Substances Act, or the Methamphetamine Control  
14 and Community Protection Act, \$100 reimbursement for  
15 laboratory analysis, as set forth in subsection (f) of  
16 Section 5-9-1.4 of the Unified Code of Corrections;

17 (4) DNA analysis, \$250 on each conviction in which it  
18 was used to the State Treasurer for deposit into the State  
19 Crime Laboratory Fund as set forth in Section 5-9-1.4 of  
20 the Unified Code of Corrections;

21 (5) DUI analysis, \$150 on each sentenced violation in  
22 which it was used as set forth in subsection (f) of Section  
23 5-9-1.9 of the Unified Code of Corrections;

24 (6) drug-related offense involving possession or  
25 delivery of cannabis or possession or delivery of a  
26 controlled substance, other than methamphetamine, as

1 defined in the Cannabis Control Act or the Illinois  
2 Controlled Substances Act, an amount not less than the  
3 full street value of the cannabis or controlled substance  
4 seized for each conviction to be disbursed as follows:

5 (A) 12.5% of the street value assessment shall be  
6 paid into the Youth Drug Abuse Prevention Fund, to be  
7 used by the Department of Human Services for the  
8 funding of programs and services for drug-abuse  
9 treatment, and prevention and education services;

10 (B) 37.5% to the county in which the charge was  
11 prosecuted, to be deposited into the county General  
12 Fund;

13 (C) 50% to the treasurer of the arresting law  
14 enforcement agency of the municipality or county, or  
15 to the State Treasurer if the arresting agency was a  
16 state agency, to be deposited as provided in  
17 subsection (c) of Section 10-5;

18 (D) if the arrest was made in combination with  
19 multiple law enforcement agencies, the clerk shall  
20 equitably allocate the portion in subparagraph (C) of  
21 this paragraph (6) among the law enforcement agencies  
22 involved in the arrest;

23 (6.5) Kane County or Will County, in felony,  
24 misdemeanor, local or county ordinance, traffic, or  
25 conservation cases, up to \$30 as set by the county board  
26 under Section 5-1101.3 of the Counties Code upon the entry

1 of a judgment of conviction, an order of supervision, or a  
2 sentence of probation without entry of judgment under  
3 Section 10 of the Cannabis Control Act, Section 410 of the  
4 Illinois Controlled Substances Act, Section 70 of the  
5 Methamphetamine Control and Community Protection Act,  
6 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of  
7 the Criminal Code of 1961 or the Criminal Code of 2012,  
8 Section 10-102 of the Illinois Alcoholism and Other Drug  
9 Dependency Act, or Section 10 of the Steroid Control Act;  
10 except in local or county ordinance, traffic, and  
11 conservation cases, if fines are paid in full without a  
12 court appearance, then the assessment shall not be imposed  
13 or collected. Distribution of assessments collected under  
14 this paragraph (6.5) shall be as provided in Section  
15 5-1101.3 of the Counties Code;

16 (7) methamphetamine-related offense involving  
17 possession or delivery of methamphetamine or any salt of  
18 an optical isomer of methamphetamine or possession of a  
19 methamphetamine manufacturing material as set forth in  
20 Section 10 of the Methamphetamine Control and Community  
21 Protection Act with the intent to manufacture a substance  
22 containing methamphetamine or salt of an optical isomer of  
23 methamphetamine, an amount not less than the full street  
24 value of the methamphetamine or salt of an optical isomer  
25 of methamphetamine or methamphetamine manufacturing  
26 materials seized for each conviction to be disbursed as

1 follows:

2 (A) 12.5% of the street value assessment shall be  
3 paid into the Youth Drug Abuse Prevention Fund, to be  
4 used by the Department of Human Services for the  
5 funding of programs and services for drug-abuse  
6 treatment, and prevention and education services;

7 (B) 37.5% to the county in which the charge was  
8 prosecuted, to be deposited into the county General  
9 Fund;

10 (C) 50% to the treasurer of the arresting law  
11 enforcement agency of the municipality or county, or  
12 to the State Treasurer if the arresting agency was a  
13 state agency, to be deposited as provided in  
14 subsection (c) of Section 10-5;

15 (D) if the arrest was made in combination with  
16 multiple law enforcement agencies, the clerk shall  
17 equitably allocate the portion in subparagraph (C) of  
18 this paragraph (6) among the law enforcement agencies  
19 involved in the arrest;

20 (8) order of protection violation under Section 12-3.4  
21 of the Criminal Code of 2012, \$200 for each conviction to  
22 the county treasurer for deposit into the Probation and  
23 Court Services Fund for implementation of a domestic  
24 violence surveillance program and any other assessments or  
25 fees imposed under Section 5-9-1.16 of the Unified Code of  
26 Corrections;

1           (9) order of protection violation, \$25 for each  
2 violation to the State Treasurer, for deposit into the  
3 Domestic Violence Abuser Services Fund;

4           (10) prosecution by the State's Attorney of a:

5           (A) petty or business offense, \$4 to the county  
6 treasurer of which \$2 deposited into the State's  
7 Attorney Records Automation Fund and \$2 into the  
8 Public Defender Records Automation Fund;

9           (B) conservation or traffic offense, \$2 to the  
10 county treasurer for deposit into the State's Attorney  
11 Records Automation Fund;

12           (11) speeding in a construction zone violation, \$250  
13 to the State Treasurer for deposit into the Transportation  
14 Safety Highway Hire-back Fund, unless (i) the violation  
15 occurred on a highway other than an interstate highway and  
16 (ii) a county police officer wrote the ticket for the  
17 violation, in which case to the county treasurer for  
18 deposit into that county's Transportation Safety Highway  
19 Hire-back Fund;

20           (12) supervision disposition on an offense under the  
21 Illinois Vehicle Code or similar provision of a local  
22 ordinance, 50 cents, unless waived by the court, into the  
23 Prisoner Review Board Vehicle and Equipment Fund;

24           (13) victim and offender are family or household  
25 members as defined in Section 103 of the Illinois Domestic  
26 Violence Act of 1986 and offender pleads guilty or no



1 contest to or is convicted of murder, voluntary  
2 manslaughter, involuntary manslaughter, burglary,  
3 residential burglary, criminal trespass to residence,  
4 criminal trespass to vehicle, criminal trespass to land,  
5 criminal damage to property, telephone harassment,  
6 kidnapping, aggravated kidnaping, unlawful restraint,  
7 forcible detention, child abduction, indecent solicitation  
8 of a child, sexual relations between siblings,  
9 exploitation of a child, child sexual abuse material  
10 ~~pornography~~, assault, aggravated assault, battery,  
11 aggravated battery, heinous battery, aggravated battery of  
12 a child, domestic battery, reckless conduct, intimidation,  
13 criminal sexual assault, predatory criminal sexual assault  
14 of a child, aggravated criminal sexual assault, criminal  
15 sexual abuse, aggravated criminal sexual abuse, violation  
16 of an order of protection, disorderly conduct, endangering  
17 the life or health of a child, child abandonment,  
18 contributing to dependency or neglect of child, or cruelty  
19 to children and others, \$200 for each sentenced violation  
20 to the State Treasurer for deposit as follows: (i) for  
21 sexual assault, as defined in Section 5-9-1.7 of the  
22 Unified Code of Corrections, when the offender and victim  
23 are family members, one-half to the Domestic Violence  
24 Shelter and Service Fund, and one-half to the Sexual  
25 Assault Services Fund; (ii) for the remaining offenses to  
26 the Domestic Violence Shelter and Service Fund;

1 (14) violation of Section 11-501 of the Illinois  
2 Vehicle Code, Section 5-7 of the Snowmobile Registration  
3 and Safety Act, Section 5-16 of the Boat Registration and  
4 Safety Act, or a similar provision, whose operation of a  
5 motor vehicle, snowmobile, or watercraft while in  
6 violation of Section 11-501, Section 5-7 of the Snowmobile  
7 Registration and Safety Act, Section 5-16 of the Boat  
8 Registration and Safety Act, or a similar provision  
9 proximately caused an incident resulting in an appropriate  
10 emergency response, \$1,000 maximum to the public agency  
11 that provided an emergency response related to the  
12 person's violation, or as provided in subsection (c) of  
13 Section 10-5 if the arresting agency was a State agency,  
14 unless more than one agency was responsible for the  
15 arrest, in which case the amount shall be remitted to each  
16 unit of government equally;

17 (15) violation of Section 401, 407, or 407.2 of the  
18 Illinois Controlled Substances Act that proximately caused  
19 any incident resulting in an appropriate drug-related  
20 emergency response, \$1,000 as reimbursement for the  
21 emergency response to the law enforcement agency that made  
22 the arrest, or as provided in subsection (c) of Section  
23 10-5 if the arresting agency was a State agency, unless  
24 more than one agency was responsible for the arrest, in  
25 which case the amount shall be remitted to each unit of  
26 government equally;

1           (16) violation of reckless driving, aggravated  
2 reckless driving, or driving 26 miles per hour or more in  
3 excess of the speed limit that triggered an emergency  
4 response, \$1,000 maximum reimbursement for the emergency  
5 response to be distributed in its entirety to a public  
6 agency that provided an emergency response related to the  
7 person's violation, or as provided in subsection (c) of  
8 Section 10-5 if the arresting agency was a State agency,  
9 unless more than one agency was responsible for the  
10 arrest, in which case the amount shall be remitted to each  
11 unit of government equally;

12           (17) violation based upon each plea of guilty,  
13 stipulation of facts, or finding of guilt resulting in a  
14 judgment of conviction or order of supervision for an  
15 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of  
16 the Criminal Code of 2012 that results in the imposition  
17 of a fine, to be distributed as follows:

18           (A) \$50 to the county treasurer for deposit into  
19 the Circuit Court Clerk Operation and Administrative  
20 Fund to cover the costs in administering this  
21 paragraph (17);

22           (B) \$300 to the State Treasurer who shall deposit  
23 the portion as follows:

24           (i) if the arresting or investigating agency  
25 is the Illinois State Police, into the State  
26 Police Law Enforcement Administration Fund;

1           (ii) if the arresting or investigating agency  
2           is the Department of Natural Resources, into the  
3           Conservation Police Operations Assistance Fund;

4           (iii) if the arresting or investigating agency  
5           is the Secretary of State, into the Secretary of  
6           State Police Services Fund;

7           (iv) if the arresting or investigating agency  
8           is the Illinois Commerce Commission, into the  
9           Transportation Regulatory Fund; or

10          (v) if more than one of the State agencies in  
11          this subparagraph (B) is the arresting or  
12          investigating agency, then equal shares with the  
13          shares deposited as provided in the applicable  
14          items (i) through (iv) of this subparagraph (B);  
15          and

16          (C) the remainder for deposit into the Specialized  
17          Services for Survivors of Human Trafficking Fund;

18          (18) weapons violation under Section 24-1.1, 24-1.2,  
19          or 24-1.5 of the Criminal Code of 1961 or the Criminal Code  
20          of 2012, \$100 for each conviction to the State Treasurer  
21          for deposit into the Trauma Center Fund; and

22          (19) violation of subsection (c) of Section 11-907 of  
23          the Illinois Vehicle Code, \$250 to the State Treasurer for  
24          deposit into the Scott's Law Fund, unless a county or  
25          municipal police officer wrote the ticket for the  
26          violation, in which case to the county treasurer for

1 deposit into that county's or municipality's  
2 Transportation Safety Highway Hire-back Fund to be used as  
3 provided in subsection (j) of Section 11-907 of the  
4 Illinois Vehicle Code.

5 (Source: P.A. 101-173, eff. 1-1-20; 101-636, eff. 6-10-20;  
6 102-145, eff. 7-23-21; 102-505, eff. 8-20-21; 102-538, eff.  
7 8-20-21; revised 10-13-21.)

8 Section 45. The Juvenile Court Act of 1987 is amended by  
9 changing Section 3-40 as follows:

10 (705 ILCS 405/3-40)

11 Sec. 3-40. Minors involved in electronic dissemination of  
12 indecent visual depictions in need of supervision.

13 (a) For the purposes of this Section:

14 "Computer" has the meaning ascribed to it in Section  
15 17-0.5 of the Criminal Code of 2012.

16 "Electronic communication device" means an electronic  
17 device, including but not limited to a wireless telephone,  
18 personal digital assistant, or a portable or mobile computer,  
19 that is capable of transmitting images or pictures.

20 "Indecent visual depiction" means a depiction or portrayal  
21 in any pose, posture, or setting involving a lewd exhibition  
22 of the unclothed or transparently clothed genitals, pubic  
23 area, buttocks, or, if such person is female, a fully or  
24 partially developed breast of the person.

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

2 (b) A minor shall not distribute or disseminate an  
3 indecent visual depiction of another minor through the use of  
4 a computer or electronic communication device.

5 (c) Adjudication. A minor who violates subsection (b) of  
6 this Section may be subject to a petition for adjudication and  
7 adjudged a minor in need of supervision.

8 (d) Kinds of dispositional orders. A minor found to be in  
9 need of supervision under this Section may be:

10 (1) ordered to obtain counseling or other supportive  
11 services to address the acts that led to the need for  
12 supervision; or

13 (2) ordered to perform community service.

14 (e) Nothing in this Section shall be construed to prohibit  
15 a prosecution for disorderly conduct, public indecency, child  
16 sexual abuse material ~~pornography~~, a violation of Article 26.5  
17 (Harassing and Obscene Communications) of the Criminal Code of  
18 2012, or any other applicable provision of law.

19 (Source: P.A. 99-78, eff. 7-20-15.)

20 Section 50. The Criminal Code of 2012 is amended by  
21 changing Sections 3-5, 3-6, 11-0.1, 11-9.1, 11-9.3, 11-20.1,  
22 11-20.2, 11-23, 11-25, 14-3, 26-4, and 36-1 as follows:

23 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

24 Sec. 3-5. General limitations.

1 (a) A prosecution for: (1) first degree murder, attempt to  
2 commit first degree murder, second degree murder, involuntary  
3 manslaughter, reckless homicide, a violation of subparagraph  
4 (F) of paragraph (1) of subsection (d) of Section 11-501 of the  
5 Illinois Vehicle Code for the offense of aggravated driving  
6 under the influence of alcohol, other drug or drugs, or  
7 intoxicating compound or compounds, or any combination thereof  
8 when the violation was a proximate cause of a death, leaving  
9 the scene of a motor vehicle accident involving death or  
10 personal injuries under Section 11-401 of the Illinois Vehicle  
11 Code, failing to give information and render aid under Section  
12 11-403 of the Illinois Vehicle Code, concealment of homicidal  
13 death, treason, arson, residential arson, aggravated arson,  
14 forgery, child sexual abuse material ~~pornography~~ under  
15 paragraph (1) of subsection (a) of Section 11-20.1, or  
16 aggravated child sexual abuse material ~~pornography~~ under  
17 paragraph (1) of subsection (a) of Section 11-20.1B, or (2)  
18 any offense involving sexual conduct or sexual penetration, as  
19 defined by Section 11-0.1 of this Code may be commenced at any  
20 time.

21 (a-5) A prosecution for theft of property exceeding  
22 \$100,000 in value under Section 16-1, identity theft under  
23 subsection (a) of Section 16-30, aggravated identity theft  
24 under subsection (b) of Section 16-30, financial exploitation  
25 of an elderly person or a person with a disability under  
26 Section 17-56; theft by deception of a victim 60 years of age

1 or older or a person with a disability under Section 16-1; or  
2 any offense set forth in Article 16H or Section 17-10.6 may be  
3 commenced within 7 years of the last act committed in  
4 furtherance of the crime.

5 (b) Unless the statute describing the offense provides  
6 otherwise, or the period of limitation is extended by Section  
7 3-6, a prosecution for any offense not designated in  
8 subsection (a) or (a-5) must be commenced within 3 years after  
9 the commission of the offense if it is a felony, or within one  
10 year and 6 months after its commission if it is a misdemeanor.

11 (Source: P.A. 101-130, eff. 1-1-20; 102-244, eff. 1-1-22.)

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

13 Sec. 3-6. Extended limitations. The period within which a  
14 prosecution must be commenced under the provisions of Section  
15 3-5 or other applicable statute is extended under the  
16 following conditions:

17 (a) A prosecution for theft involving a breach of a  
18 fiduciary obligation to the aggrieved person may be commenced  
19 as follows:

20 (1) If the aggrieved person is a minor or a person  
21 under legal disability, then during the minority or legal  
22 disability or within one year after the termination  
23 thereof.

24 (2) In any other instance, within one year after the  
25 discovery of the offense by an aggrieved person, or by a



1 person who has legal capacity to represent an aggrieved  
2 person or has a legal duty to report the offense, and is  
3 not himself or herself a party to the offense; or in the  
4 absence of such discovery, within one year after the  
5 proper prosecuting officer becomes aware of the offense.  
6 However, in no such case is the period of limitation so  
7 extended more than 3 years beyond the expiration of the  
8 period otherwise applicable.

9 (b) A prosecution for any offense based upon misconduct in  
10 office by a public officer or employee may be commenced within  
11 one year after discovery of the offense by a person having a  
12 legal duty to report such offense, or in the absence of such  
13 discovery, within one year after the proper prosecuting  
14 officer becomes aware of the offense. However, in no such case  
15 is the period of limitation so extended more than 3 years  
16 beyond the expiration of the period otherwise applicable.

17 (b-5) When the victim is under 18 years of age at the time  
18 of the offense, a prosecution for involuntary servitude,  
19 involuntary sexual servitude of a minor, or trafficking in  
20 persons and related offenses under Section 10-9 of this Code  
21 may be commenced within 25 years of the victim attaining the  
22 age of 18 years.

23 (b-6) When the victim is 18 years of age or over at the  
24 time of the offense, a prosecution for involuntary servitude,  
25 involuntary sexual servitude of a minor, or trafficking in  
26 persons and related offenses under Section 10-9 of this Code

1 may be commenced within 25 years after the commission of the  
2 offense.

3 (b-7) When the victim is under 18 years of age at the time  
4 of the offense, a prosecution for female genital mutilation  
5 may be commenced at any time.

6 (b-8) When the victim is under 17 years of age at the time  
7 of the offense or is a person with a disability, a prosecution  
8 for grooming may be commenced within 10 years after the victim  
9 or the person with a disability attains 17 years of age.

10 (c) (Blank).

11 (d) A prosecution for child sexual abuse material  
12 ~~pornography~~, aggravated child sexual abuse material  
13 ~~pornography~~, indecent solicitation of a child, soliciting for  
14 a juvenile prostitute, juvenile pimping, exploitation of a  
15 child, or promoting juvenile prostitution except for keeping a  
16 place of juvenile prostitution may be commenced within one  
17 year of the victim attaining the age of 18 years. However, in  
18 no such case shall the time period for prosecution expire  
19 sooner than 3 years after the commission of the offense.

20 (e) Except as otherwise provided in subdivision (j), a  
21 prosecution for any offense involving sexual conduct or sexual  
22 penetration, as defined in Section 11-0.1 of this Code, where  
23 the defendant was within a professional or fiduciary  
24 relationship or a purported professional or fiduciary  
25 relationship with the victim at the time of the commission of  
26 the offense may be commenced within one year after the

1 discovery of the offense by the victim.

2 (f) A prosecution for any offense set forth in Section 44  
3 of the Environmental Protection Act may be commenced within 5  
4 years after the discovery of such an offense by a person or  
5 agency having the legal duty to report the offense or in the  
6 absence of such discovery, within 5 years after the proper  
7 prosecuting officer becomes aware of the offense.

8 (f-5) A prosecution for any offense set forth in Section  
9 16-30 of this Code may be commenced within 5 years after the  
10 discovery of the offense by the victim of that offense.

11 (g) (Blank).

12 (h) (Blank).

13 (i) Except as otherwise provided in subdivision (j), a  
14 prosecution for criminal sexual assault, aggravated criminal  
15 sexual assault, or aggravated criminal sexual abuse may be  
16 commenced at any time. If the victim consented to the  
17 collection of evidence using an Illinois State Police Sexual  
18 Assault Evidence Collection Kit under the Sexual Assault  
19 Survivors Emergency Treatment Act, it shall constitute  
20 reporting for purposes of this Section.

21 Nothing in this subdivision (i) shall be construed to  
22 shorten a period within which a prosecution must be commenced  
23 under any other provision of this Section.

24 (i-5) A prosecution for armed robbery, home invasion,  
25 kidnapping, or aggravated kidnapping ~~kidnaping~~ may be  
26 commenced within 10 years of the commission of the offense if

1 it arises out of the same course of conduct and meets the  
2 criteria under one of the offenses in subsection (i) of this  
3 Section.

4 (j) (1) When the victim is under 18 years of age at the  
5 time of the offense, a prosecution for criminal sexual  
6 assault, aggravated criminal sexual assault, predatory  
7 criminal sexual assault of a child, aggravated criminal sexual  
8 abuse, felony criminal sexual abuse, or female genital  
9 mutilation may be commenced at any time.

10 (2) When in circumstances other than as described in  
11 paragraph (1) of this subsection (j), when the victim is under  
12 18 years of age at the time of the offense, a prosecution for  
13 failure of a person who is required to report an alleged or  
14 suspected commission of criminal sexual assault, aggravated  
15 criminal sexual assault, predatory criminal sexual assault of  
16 a child, aggravated criminal sexual abuse, or felony criminal  
17 sexual abuse under the Abused and Neglected Child Reporting  
18 Act may be commenced within 20 years after the child victim  
19 attains 18 years of age.

20 (3) When the victim is under 18 years of age at the time of  
21 the offense, a prosecution for misdemeanor criminal sexual  
22 abuse may be commenced within 10 years after the child victim  
23 attains 18 years of age.

24 (4) Nothing in this subdivision (j) shall be construed to  
25 shorten a period within which a prosecution must be commenced  
26 under any other provision of this Section.

1 (j-5) A prosecution for armed robbery, home invasion,  
2 kidnapping, or aggravated kidnapping ~~kidnaping~~ may be  
3 commenced at any time if it arises out of the same course of  
4 conduct and meets the criteria under one of the offenses in  
5 subsection (j) of this Section.

6 (k) (Blank).

7 (l) A prosecution for any offense set forth in Section  
8 26-4 of this Code may be commenced within one year after the  
9 discovery of the offense by the victim of that offense.

10 (l-5) A prosecution for any offense involving sexual  
11 conduct or sexual penetration, as defined in Section 11-0.1 of  
12 this Code, in which the victim was 18 years of age or older at  
13 the time of the offense, may be commenced within one year after  
14 the discovery of the offense by the victim when corroborating  
15 physical evidence is available. The charging document shall  
16 state that the statute of limitations is extended under this  
17 subsection (l-5) and shall state the circumstances justifying  
18 the extension. Nothing in this subsection (l-5) shall be  
19 construed to shorten a period within which a prosecution must  
20 be commenced under any other provision of this Section or  
21 Section 3-5 of this Code.

22 (m) The prosecution shall not be required to prove at  
23 trial facts which extend the general limitations in Section  
24 3-5 of this Code when the facts supporting extension of the  
25 period of general limitations are properly pled in the  
26 charging document. Any challenge relating to the extension of

1 the general limitations period as defined in this Section  
2 shall be exclusively conducted under Section 114-1 of the Code  
3 of Criminal Procedure of 1963.

4 (n) A prosecution for any offense set forth in subsection  
5 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the  
6 Illinois Public Aid Code, in which the total amount of money  
7 involved is \$5,000 or more, including the monetary value of  
8 food stamps and the value of commodities under Section 16-1 of  
9 this Code may be commenced within 5 years of the last act  
10 committed in furtherance of the offense.

11 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;  
12 101-130, eff. 1-1-20; 101-285, eff. 1-1-20; 102-558, eff.  
13 8-20-21.)

14 (720 ILCS 5/11-0.1)

15 Sec. 11-0.1. Definitions. In this Article, unless the  
16 context clearly requires otherwise, the following terms are  
17 defined as indicated:

18 "Accused" means a person accused of an offense prohibited  
19 by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of  
20 this Code or a person for whose conduct the accused is legally  
21 responsible under Article 5 of this Code.

22 "Adult obscenity or child sexual abuse material  
23 ~~pornography~~ Internet site". See Section 11-23.

24 "Advance prostitution" means:

25 (1) Soliciting for a prostitute by performing any of

1 the following acts when acting other than as a prostitute  
2 or a patron of a prostitute:

3 (A) Soliciting another for the purpose of  
4 prostitution.

5 (B) Arranging or offering to arrange a meeting of  
6 persons for the purpose of prostitution.

7 (C) Directing another to a place knowing the  
8 direction is for the purpose of prostitution.

9 (2) Keeping a place of prostitution by controlling or  
10 exercising control over the use of any place that could  
11 offer seclusion or shelter for the practice of  
12 prostitution and performing any of the following acts when  
13 acting other than as a prostitute or a patron of a  
14 prostitute:

15 (A) Knowingly granting or permitting the use of  
16 the place for the purpose of prostitution.

17 (B) Granting or permitting the use of the place  
18 under circumstances from which he or she could  
19 reasonably know that the place is used or is to be used  
20 for purposes of prostitution.

21 (C) Permitting the continued use of the place  
22 after becoming aware of facts or circumstances from  
23 which he or she should reasonably know that the place  
24 is being used for purposes of prostitution.

25 "Agency". See Section 11-9.5.

26 "Arranges". See Section 11-6.5.

1 "Bodily harm" means physical harm, and includes, but is  
2 not limited to, sexually transmitted disease, pregnancy, and  
3 impotence.

4 "Care and custody". See Section 11-9.5.

5 "Child care institution". See Section 11-9.3.

6 "Child sexual abuse material ~~pornography~~". See Section  
7 11-20.1.

8 "Child sex offender". See Section 11-9.3.

9 "Community agency". See Section 11-9.5.

10 "Conditional release". See Section 11-9.2.

11 "Consent" means a freely given agreement to the act of  
12 sexual penetration or sexual conduct in question. Lack of  
13 verbal or physical resistance or submission by the victim  
14 resulting from the use of force or threat of force by the  
15 accused shall not constitute consent. The manner of dress of  
16 the victim at the time of the offense shall not constitute  
17 consent.

18 "Custody". See Section 11-9.2.

19 "Day care center". See Section 11-9.3.

20 "Depict by computer". See Section 11-20.1.

21 "Depiction by computer". See Section 11-20.1.

22 "Disseminate". See Section 11-20.1.

23 "Distribute". See Section 11-21.

24 "Family member" means a parent, grandparent, child,  
25 sibling, aunt, uncle, great-aunt, or great-uncle, whether by  
26 whole blood, half-blood, or adoption, and includes a



1 step-grandparent, step-parent, or step-child. "Family member"  
2 also means, if the victim is a child under 18 years of age, an  
3 accused who has resided in the household with the child  
4 continuously for at least 3 ~~6~~ months.

5 "Force or threat of force" means the use of force or  
6 violence or the threat of force or violence, including, but  
7 not limited to, the following situations:

8 (1) when the accused threatens to use force or  
9 violence on the victim or on any other person, and the  
10 victim under the circumstances reasonably believes that  
11 the accused has the ability to execute that threat; or

12 (2) when the accused overcomes the victim by use of  
13 superior strength or size, physical restraint, or physical  
14 confinement.

15 "Harmful to minors". See Section 11-21.

16 "Loiter". See Section 9.3.

17 "Material". See Section 11-21.

18 "Minor". See Section 11-21.

19 "Nudity". See Section 11-21.

20 "Obscene". See Section 11-20.

21 "Part day child care facility". See Section 11-9.3.

22 "Penal system". See Section 11-9.2.

23 "Person responsible for the child's welfare". See Section  
24 11-9.1A.

25 "Person with a disability". See Section 11-9.5.

26 "Playground". See Section 11-9.3.

1 "Probation officer". See Section 11-9.2.

2 "Produce". See Section 11-20.1.

3 "Profit from prostitution" means, when acting other than  
4 as a prostitute, to receive anything of value for personally  
5 rendered prostitution services or to receive anything of value  
6 from a prostitute, if the thing received is not for lawful  
7 consideration and the person knows it was earned in whole or in  
8 part from the practice of prostitution.

9 "Public park". See Section 11-9.3.

10 "Public place". See Section 11-30.

11 "Reproduce". See Section 11-20.1.

12 "Sado-masochistic abuse". See Section 11-21.

13 "School". See Section 11-9.3.

14 "School official". See Section 11-9.3.

15 "Sexual abuse". See Section 11-9.1A.

16 "Sexual act". See Section 11-9.1.

17 "Sexual conduct" means any knowing touching or fondling by  
18 the victim or the accused, either directly or through  
19 clothing, of the sex organs, anus, or breast of the victim or  
20 the accused, or any part of the body of a child under 13 years  
21 of age, or any transfer or transmission of semen by the accused  
22 upon any part of the clothed or unclothed body of the victim,  
23 for the purpose of sexual gratification or arousal of the  
24 victim or the accused.

25 "Sexual excitement". See Section 11-21.

26 "Sexual penetration" means any contact, however slight,

1 between the sex organ or anus of one person and an object or  
2 the sex organ, mouth, or anus of another person, or any  
3 intrusion, however slight, of any part of the body of one  
4 person or of any animal or object into the sex organ or anus of  
5 another person, including, but not limited to, cunnilingus,  
6 fellatio, or anal penetration. Evidence of emission of semen  
7 is not required to prove sexual penetration.

8 "Solicit". See Section 11-6.

9 "State-operated facility". See Section 11-9.5.

10 "Supervising officer". See Section 11-9.2.

11 "Surveillance agent". See Section 11-9.2.

12 "Treatment and detention facility". See Section 11-9.2.

13 "Unable to give knowing consent" includes when the accused  
14 administers any intoxicating or anesthetic substance, or any  
15 controlled substance causing the victim to become unconscious  
16 of the nature of the act and this condition was known, or  
17 reasonably should have been known by the accused. As used in  
18 this paragraph, "unconscious of the nature of the act" means  
19 incapable of resisting because the victim meets any one of the  
20 following conditions:

21 (1) was unconscious or asleep;

22 (2) was not aware, knowing, perceiving, or cognizant  
23 that the act occurred;

24 (3) was not aware, knowing, perceiving, or cognizant  
25 of the essential characteristics of the act due to the  
26 perpetrator's fraud in fact; ~~or~~

1 (4) was not aware, knowing, perceiving, or cognizant  
2 of the essential characteristics of the act due to the  
3 perpetrator's fraudulent representation that the sexual  
4 penetration served a professional purpose when it served  
5 no professional purpose; or

6 (5) was asleep, unconscious, or surprised such that  
7 the victim could not give voluntary, intelligent, and  
8 knowing agreement to the sexual act.

9 It is inferred that a victim is unable to give knowing  
10 consent ~~A victim is presumed "unable to give knowing consent"~~  
11 when the victim:

12 (1) is committed to the care and custody or  
13 supervision of the Illinois Department of Corrections  
14 (IDOC) and the accused is an employee or volunteer who is  
15 not married to the victim who knows or reasonably should  
16 know that the victim is committed to the care and custody  
17 or supervision of such department;

18 (2) is committed to or placed with the Department of  
19 Children and Family Services (DCFS) and in residential  
20 care, and the accused employee is not married to the  
21 victim, and knows or reasonably should know that the  
22 victim is committed to or placed with DCFS and in  
23 residential care;

24 (3) is a client or patient and the accused is a health  
25 care provider or mental health care provider and the  
26 sexual conduct or sexual penetration occurs during a

1 treatment session, consultation, interview, or  
2 examination;

3 (4) is a resident or inpatient of a residential  
4 facility and the accused is an employee of the facility  
5 who is not married to such resident or inpatient who  
6 provides direct care services, case management services,  
7 medical or other clinical services, habilitative services  
8 or direct supervision of the residents in the facility in  
9 which the resident resides; or an officer or other  
10 employee, consultant, contractor or volunteer of the  
11 residential facility, who knows or reasonably should know  
12 that the person is a resident of such facility; or

13 (5) is detained or otherwise in the custody of a  
14 police officer, peace officer, or other law enforcement  
15 official who: (i) is detaining or maintaining custody of  
16 such person; or (ii) knows, or reasonably should know,  
17 that at the time of the offense, such person was detained  
18 or in custody and the police officer, peace officer, or  
19 other law enforcement official is not married to such  
20 detainee.

21 "Victim" means a person alleging to have been subjected to  
22 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,  
23 11-1.50, or 11-1.60 of this Code.

24 (Source: P.A. 102-567, eff. 1-1-22.)

25 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

1           Sec. 11-9.1. Sexual exploitation of a child.

2           (a) A person commits sexual exploitation of a child if in  
3 the presence or virtual presence, or both, of a child and with  
4 knowledge that a child or one whom he or she believes to be a  
5 child would view his or her acts, that person:

6           (1) engages in a sexual act; ~~or~~

7           (2) exposes his or her sex organs, anus or breast for  
8 the purpose of sexual arousal or gratification of such  
9 person or the child or one whom he or she believes to be a  
10 child; or

11           (3) knowingly entices, coerces, or persuades a child  
12 to participate in the production of the recording or  
13 memorializing a sexual act of persons ages 18 or older.

14           (a-5) A person commits sexual exploitation of a child who  
15 knowingly entices, coerces, or persuades a child to remove the  
16 child's clothing for the purpose of sexual arousal or  
17 gratification of the person or the child, or both.

18           (b) Definitions. As used in this Section:

19           "Sexual act" means masturbation, sexual conduct or sexual  
20 penetration as defined in Section 11-0.1 of this Code.

21           "Sex offense" means any violation of Article 11 of this  
22 Code.

23           "Child" means a person under 17 years of age.

24           "Virtual presence" means an environment that is created  
25 with software and presented to the user and or receiver via the  
26 Internet, in such a way that the user appears in front of the

1 receiver on the computer monitor or screen or hand-held  
2 portable electronic device, usually through a web camming  
3 program. "Virtual presence" includes primarily experiencing  
4 through sight or sound, or both, a video image that can be  
5 explored interactively at a personal computer or hand-held  
6 communication device, or both.

7 "Webcam" means a video capturing device connected to a  
8 computer or computer network that is designed to take digital  
9 photographs or live or recorded video which allows for the  
10 live transmission to an end user over the Internet.

11 (c) Sentence.

12 (1) Sexual exploitation of a child is a Class A  
13 misdemeanor. A second or subsequent violation of this  
14 Section or a substantially similar law of another state is  
15 a Class 4 felony.

16 (2) Sexual exploitation of a child is a Class 4 felony  
17 if the person has been previously convicted of a sex  
18 offense.

19 (3) Sexual exploitation of a child is a Class 4 felony  
20 if the victim was under 13 years of age at the time of the  
21 commission of the offense.

22 (4) Sexual exploitation of a child is a Class 4 felony  
23 if committed by a person 18 years of age or older who is on  
24 or within 500 feet of elementary or secondary school  
25 grounds when children are present on the grounds.

26 (5) A violation of paragraph (3) of subsection (a) is

1       a Class 4 felony for a first offense; and a Class 3 felony  
2       for a second or subsequent offense, or if the person has  
3       been previously convicted of a sex offense.

4       (Source: P.A. 102-168, eff. 7-27-21.)

5               (720 ILCS 5/11-9.3)

6       Sec. 11-9.3. Presence within school zone by child sex  
7       offenders prohibited; approaching, contacting, residing with,  
8       or communicating with a child within certain places by child  
9       sex offenders prohibited.

10       (a) It is unlawful for a child sex offender to knowingly be  
11       present in any school building, on real property comprising  
12       any school, or in any conveyance owned, leased, or contracted  
13       by a school to transport students to or from school or a school  
14       related activity when persons under the age of 18 are present  
15       in the building, on the grounds or in the conveyance, unless  
16       the offender is a parent or guardian of a student attending the  
17       school and the parent or guardian is: (i) attending a  
18       conference at the school with school personnel to discuss the  
19       progress of his or her child academically or socially, (ii)  
20       participating in child review conferences in which evaluation  
21       and placement decisions may be made with respect to his or her  
22       child regarding special education services, or (iii) attending  
23       conferences to discuss other student issues concerning his or  
24       her child such as retention and promotion and notifies the  
25       principal of the school of his or her presence at the school or



1 unless the offender has permission to be present from the  
2 superintendent or the school board or in the case of a private  
3 school from the principal. In the case of a public school, if  
4 permission is granted, the superintendent or school board  
5 president must inform the principal of the school where the  
6 sex offender will be present. Notification includes the nature  
7 of the sex offender's visit and the hours in which the sex  
8 offender will be present in the school. The sex offender is  
9 responsible for notifying the principal's office when he or  
10 she arrives on school property and when he or she departs from  
11 school property. If the sex offender is to be present in the  
12 vicinity of children, the sex offender has the duty to remain  
13 under the direct supervision of a school official.

14 (a-5) It is unlawful for a child sex offender to knowingly  
15 be present within 100 feet of a site posted as a pick-up or  
16 discharge stop for a conveyance owned, leased, or contracted  
17 by a school to transport students to or from school or a school  
18 related activity when one or more persons under the age of 18  
19 are present at the site.

20 (a-10) It is unlawful for a child sex offender to  
21 knowingly be present in any public park building, a playground  
22 or recreation area within any publicly accessible privately  
23 owned building, or on real property comprising any public park  
24 when persons under the age of 18 are present in the building or  
25 on the grounds and to approach, contact, or communicate with a  
26 child under 18 years of age, unless the offender is a parent or

1 guardian of a person under 18 years of age present in the  
2 building or on the grounds.

3 (b) It is unlawful for a child sex offender to knowingly  
4 loiter within 500 feet of a school building or real property  
5 comprising any school while persons under the age of 18 are  
6 present in the building or on the grounds, unless the offender  
7 is a parent or guardian of a student attending the school and  
8 the parent or guardian is: (i) attending a conference at the  
9 school with school personnel to discuss the progress of his or  
10 her child academically or socially, (ii) participating in  
11 child review conferences in which evaluation and placement  
12 decisions may be made with respect to his or her child  
13 regarding special education services, or (iii) attending  
14 conferences to discuss other student issues concerning his or  
15 her child such as retention and promotion and notifies the  
16 principal of the school of his or her presence at the school or  
17 has permission to be present from the superintendent or the  
18 school board or in the case of a private school from the  
19 principal. In the case of a public school, if permission is  
20 granted, the superintendent or school board president must  
21 inform the principal of the school where the sex offender will  
22 be present. Notification includes the nature of the sex  
23 offender's visit and the hours in which the sex offender will  
24 be present in the school. The sex offender is responsible for  
25 notifying the principal's office when he or she arrives on  
26 school property and when he or she departs from school

1 property. If the sex offender is to be present in the vicinity  
2 of children, the sex offender has the duty to remain under the  
3 direct supervision of a school official.

4 (b-2) It is unlawful for a child sex offender to knowingly  
5 loiter on a public way within 500 feet of a public park  
6 building or real property comprising any public park while  
7 persons under the age of 18 are present in the building or on  
8 the grounds and to approach, contact, or communicate with a  
9 child under 18 years of age, unless the offender is a parent or  
10 guardian of a person under 18 years of age present in the  
11 building or on the grounds.

12 (b-5) It is unlawful for a child sex offender to knowingly  
13 reside within 500 feet of a school building or the real  
14 property comprising any school that persons under the age of  
15 18 attend. Nothing in this subsection (b-5) prohibits a child  
16 sex offender from residing within 500 feet of a school  
17 building or the real property comprising any school that  
18 persons under 18 attend if the property is owned by the child  
19 sex offender and was purchased before July 7, 2000 (the  
20 effective date of Public Act 91-911).

21 (b-10) It is unlawful for a child sex offender to  
22 knowingly reside within 500 feet of a playground, child care  
23 institution, day care center, part day child care facility,  
24 day care home, group day care home, or a facility providing  
25 programs or services exclusively directed toward persons under  
26 18 years of age. Nothing in this subsection (b-10) prohibits a

1 child sex offender from residing within 500 feet of a  
2 playground or a facility providing programs or services  
3 exclusively directed toward persons under 18 years of age if  
4 the property is owned by the child sex offender and was  
5 purchased before July 7, 2000. Nothing in this subsection  
6 (b-10) prohibits a child sex offender from residing within 500  
7 feet of a child care institution, day care center, or part day  
8 child care facility if the property is owned by the child sex  
9 offender and was purchased before June 26, 2006. Nothing in  
10 this subsection (b-10) prohibits a child sex offender from  
11 residing within 500 feet of a day care home or group day care  
12 home if the property is owned by the child sex offender and was  
13 purchased before August 14, 2008 (the effective date of Public  
14 Act 95-821).

15 (b-15) It is unlawful for a child sex offender to  
16 knowingly reside within 500 feet of the victim of the sex  
17 offense. Nothing in this subsection (b-15) prohibits a child  
18 sex offender from residing within 500 feet of the victim if the  
19 property in which the child sex offender resides is owned by  
20 the child sex offender and was purchased before August 22,  
21 2002.

22 This subsection (b-15) does not apply if the victim of the  
23 sex offense is 21 years of age or older.

24 (b-20) It is unlawful for a child sex offender to  
25 knowingly communicate, other than for a lawful purpose under  
26 Illinois law, using the Internet or any other digital media,

1 with a person under 18 years of age or with a person whom he or  
2 she believes to be a person under 18 years of age, unless the  
3 offender is a parent or guardian of the person under 18 years  
4 of age.

5 (c) It is unlawful for a child sex offender to knowingly  
6 operate, manage, be employed by, volunteer at, be associated  
7 with, or knowingly be present at any: (i) facility providing  
8 programs or services exclusively directed toward persons under  
9 the age of 18; (ii) day care center; (iii) part day child care  
10 facility; (iv) child care institution; (v) school providing  
11 before and after school programs for children under 18 years  
12 of age; (vi) day care home; or (vii) group day care home. This  
13 does not prohibit a child sex offender from owning the real  
14 property upon which the programs or services are offered or  
15 upon which the day care center, part day child care facility,  
16 child care institution, or school providing before and after  
17 school programs for children under 18 years of age is located,  
18 provided the child sex offender refrains from being present on  
19 the premises for the hours during which: (1) the programs or  
20 services are being offered or (2) the day care center, part day  
21 child care facility, child care institution, or school  
22 providing before and after school programs for children under  
23 18 years of age, day care home, or group day care home is  
24 operated.

25 (c-2) It is unlawful for a child sex offender to  
26 participate in a holiday event involving children under 18

1 years of age, including but not limited to distributing candy  
2 or other items to children on Halloween, wearing a Santa Claus  
3 costume on or preceding Christmas, being employed as a  
4 department store Santa Claus, or wearing an Easter Bunny  
5 costume on or preceding Easter. For the purposes of this  
6 subsection, child sex offender has the meaning as defined in  
7 this Section, but does not include as a sex offense under  
8 paragraph (2) of subsection (d) of this Section, the offense  
9 under subsection (c) of Section 11-1.50 of this Code. This  
10 subsection does not apply to a child sex offender who is a  
11 parent or guardian of children under 18 years of age that are  
12 present in the home and other non-familial minors are not  
13 present.

14 (c-5) It is unlawful for a child sex offender to knowingly  
15 operate, manage, be employed by, or be associated with any  
16 county fair when persons under the age of 18 are present.

17 (c-6) It is unlawful for a child sex offender who owns and  
18 resides at residential real estate to knowingly rent any  
19 residential unit within the same building in which he or she  
20 resides to a person who is the parent or guardian of a child or  
21 children under 18 years of age. This subsection shall apply  
22 only to leases or other rental arrangements entered into after  
23 January 1, 2009 (the effective date of Public Act 95-820).

24 (c-7) It is unlawful for a child sex offender to knowingly  
25 offer or provide any programs or services to persons under 18  
26 years of age in his or her residence or the residence of

1 another or in any facility for the purpose of offering or  
2 providing such programs or services, whether such programs or  
3 services are offered or provided by contract, agreement,  
4 arrangement, or on a volunteer basis.

5 (c-8) It is unlawful for a child sex offender to knowingly  
6 operate, whether authorized to do so or not, any of the  
7 following vehicles: (1) a vehicle which is specifically  
8 designed, constructed or modified and equipped to be used for  
9 the retail sale of food or beverages, including but not  
10 limited to an ice cream truck; (2) an authorized emergency  
11 vehicle; or (3) a rescue vehicle.

12 (d) Definitions. In this Section:

13 (1) "Child sex offender" means any person who:

14 (i) has been charged under Illinois law, or any  
15 substantially similar federal law or law of another  
16 state, with a sex offense set forth in paragraph (2) of  
17 this subsection (d) or the attempt to commit an  
18 included sex offense, and the victim is a person under  
19 18 years of age at the time of the offense; and:

20 (A) is convicted of such offense or an attempt  
21 to commit such offense; or

22 (B) is found not guilty by reason of insanity  
23 of such offense or an attempt to commit such  
24 offense; or

25 (C) is found not guilty by reason of insanity  
26 pursuant to subsection (c) of Section 104-25 of

1 the Code of Criminal Procedure of 1963 of such  
2 offense or an attempt to commit such offense; or

3 (D) is the subject of a finding not resulting  
4 in an acquittal at a hearing conducted pursuant to  
5 subsection (a) of Section 104-25 of the Code of  
6 Criminal Procedure of 1963 for the alleged  
7 commission or attempted commission of such  
8 offense; or

9 (E) is found not guilty by reason of insanity  
10 following a hearing conducted pursuant to a  
11 federal law or the law of another state  
12 substantially similar to subsection (c) of Section  
13 104-25 of the Code of Criminal Procedure of 1963  
14 of such offense or of the attempted commission of  
15 such offense; or

16 (F) is the subject of a finding not resulting  
17 in an acquittal at a hearing conducted pursuant to  
18 a federal law or the law of another state  
19 substantially similar to subsection (a) of Section  
20 104-25 of the Code of Criminal Procedure of 1963  
21 for the alleged violation or attempted commission  
22 of such offense; or

23 (ii) is certified as a sexually dangerous person  
24 pursuant to the Illinois Sexually Dangerous Persons  
25 Act, or any substantially similar federal law or the  
26 law of another state, when any conduct giving rise to



1           such certification is committed or attempted against a  
2           person less than 18 years of age; or

3           (iii) is subject to the provisions of Section 2 of  
4           the Interstate Agreements on Sexually Dangerous  
5           Persons Act.

6           Convictions that result from or are connected with the  
7           same act, or result from offenses committed at the same  
8           time, shall be counted for the purpose of this Section as  
9           one conviction. Any conviction set aside pursuant to law  
10          is not a conviction for purposes of this Section.

11          (2) Except as otherwise provided in paragraph (2.5),  
12          "sex offense" means:

13           (i) A violation of any of the following Sections  
14           of the Criminal Code of 1961 or the Criminal Code of  
15           2012: 10-4 (forcible detention), 10-7 (aiding or  
16           abetting child abduction under Section 10-5(b)(10)),  
17           10-5(b)(10) (child luring), 11-1.40 (predatory  
18           criminal sexual assault of a child), 11-6 (indecent  
19           solicitation of a child), 11-6.5 (indecent  
20           solicitation of an adult), 11-9.1 (sexual exploitation  
21           of a child), 11-9.2 (custodial sexual misconduct),  
22           11-9.5 (sexual misconduct with a person with a  
23           disability), 11-11 (sexual relations within families),  
24           11-14.3(a)(1) (promoting prostitution by advancing  
25           prostitution), 11-14.3(a)(2)(A) (promoting  
26           prostitution by profiting from prostitution by

1 compelling a person to be a prostitute),  
2 11-14.3(a)(2)(C) (promoting prostitution by profiting  
3 from prostitution by means other than as described in  
4 subparagraphs (A) and (B) of paragraph (2) of  
5 subsection (a) of Section 11-14.3), 11-14.4 (promoting  
6 juvenile prostitution), 11-18.1 (patronizing a  
7 juvenile prostitute), 11-20.1 (child sexual abuse  
8 material pornography), 11-20.1B (aggravated child  
9 sexual abuse material pornography), 11-21 (harmful  
10 material), 11-25 (grooming), 11-26 (traveling to meet  
11 a minor or traveling to meet a child), 12-33  
12 (ritualized abuse of a child), 11-20 (obscenity) (when  
13 that offense was committed in any school, on real  
14 property comprising any school, in any conveyance  
15 owned, leased, or contracted by a school to transport  
16 students to or from school or a school related  
17 activity, or in a public park), 11-30 (public  
18 indecency) (when committed in a school, on real  
19 property comprising a school, in any conveyance owned,  
20 leased, or contracted by a school to transport  
21 students to or from school or a school related  
22 activity, or in a public park). An attempt to commit  
23 any of these offenses.

24 (ii) A violation of any of the following Sections  
25 of the Criminal Code of 1961 or the Criminal Code of  
26 2012, when the victim is a person under 18 years of

1 age: 11-1.20 (criminal sexual assault), 11-1.30  
2 (aggravated criminal sexual assault), 11-1.50  
3 (criminal sexual abuse), 11-1.60 (aggravated criminal  
4 sexual abuse). An attempt to commit any of these  
5 offenses.

6 (iii) A violation of any of the following Sections  
7 of the Criminal Code of 1961 or the Criminal Code of  
8 2012, when the victim is a person under 18 years of age  
9 and the defendant is not a parent of the victim:

10 10-1 (kidnapping),

11 10-2 (aggravated kidnapping),

12 10-3 (unlawful restraint),

13 10-3.1 (aggravated unlawful restraint),

14 11-9.1(A) (permitting sexual abuse of a child).

15 An attempt to commit any of these offenses.

16 (iv) A violation of any former law of this State  
17 substantially equivalent to any offense listed in  
18 clause (2)(i) or (2)(ii) of subsection (d) of this  
19 Section.

20 (2.5) For the purposes of subsections (b-5) and (b-10)  
21 only, a sex offense means:

22 (i) A violation of any of the following Sections  
23 of the Criminal Code of 1961 or the Criminal Code of  
24 2012: 10-5(b)(10) (child luring), 10-7 (aiding or  
25 abetting child abduction under Section 10-5(b)(10)),  
26 11-1.40 (predatory criminal sexual assault of a

1 child), 11-6 (indecent solicitation of a child),  
2 11-6.5 (indecent solicitation of an adult), 11-9.2  
3 (custodial sexual misconduct), 11-9.5 (sexual  
4 misconduct with a person with a disability), 11-11  
5 (sexual relations within families), 11-14.3(a)(1)  
6 (promoting prostitution by advancing prostitution),  
7 11-14.3(a)(2)(A) (promoting prostitution by profiting  
8 from prostitution by compelling a person to be a  
9 prostitute), 11-14.3(a)(2)(C) (promoting prostitution  
10 by profiting from prostitution by means other than as  
11 described in subparagraphs (A) and (B) of paragraph  
12 (2) of subsection (a) of Section 11-14.3), 11-14.4  
13 (promoting juvenile prostitution), 11-18.1  
14 (patronizing a juvenile prostitute), 11-20.1 (child  
15 sexual abuse material ~~pornography~~), 11-20.1B  
16 (aggravated child sexual abuse material ~~pornography~~),  
17 11-25 (grooming), 11-26 (traveling to meet a minor or  
18 traveling to meet a child), or 12-33 (ritualized abuse  
19 of a child). An attempt to commit any of these  
20 offenses.

21 (ii) A violation of any of the following Sections  
22 of the Criminal Code of 1961 or the Criminal Code of  
23 2012, when the victim is a person under 18 years of  
24 age: 11-1.20 (criminal sexual assault), 11-1.30  
25 (aggravated criminal sexual assault), 11-1.60  
26 (aggravated criminal sexual abuse), and subsection (a)

1 of Section 11-1.50 (criminal sexual abuse). An attempt  
2 to commit any of these offenses.

3 (iii) A violation of any of the following Sections  
4 of the Criminal Code of 1961 or the Criminal Code of  
5 2012, when the victim is a person under 18 years of age  
6 and the defendant is not a parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint),

11 11-9.1(A) (permitting sexual abuse of a child).

12 An attempt to commit any of these offenses.

13 (iv) A violation of any former law of this State  
14 substantially equivalent to any offense listed in this  
15 paragraph (2.5) of this subsection.

16 (3) A conviction for an offense of federal law or the  
17 law of another state that is substantially equivalent to  
18 any offense listed in paragraph (2) of subsection (d) of  
19 this Section shall constitute a conviction for the purpose  
20 of this Section. A finding or adjudication as a sexually  
21 dangerous person under any federal law or law of another  
22 state that is substantially equivalent to the Sexually  
23 Dangerous Persons Act shall constitute an adjudication for  
24 the purposes of this Section.

25 (4) "Authorized emergency vehicle", "rescue vehicle",  
26 and "vehicle" have the meanings ascribed to them in

1 Sections 1-105, 1-171.8 and 1-217, respectively, of the  
2 Illinois Vehicle Code.

3 (5) "Child care institution" has the meaning ascribed  
4 to it in Section 2.06 of the Child Care Act of 1969.

5 (6) "Day care center" has the meaning ascribed to it  
6 in Section 2.09 of the Child Care Act of 1969.

7 (7) "Day care home" has the meaning ascribed to it in  
8 Section 2.18 of the Child Care Act of 1969.

9 (8) "Facility providing programs or services directed  
10 towards persons under the age of 18" means any facility  
11 providing programs or services exclusively directed  
12 towards persons under the age of 18.

13 (9) "Group day care home" has the meaning ascribed to  
14 it in Section 2.20 of the Child Care Act of 1969.

15 (10) "Internet" has the meaning set forth in Section  
16 16-0.1 of this Code.

17 (11) "Loiter" means:

18 (i) Standing, sitting idly, whether or not the  
19 person is in a vehicle, or remaining in or around  
20 school or public park property.

21 (ii) Standing, sitting idly, whether or not the  
22 person is in a vehicle, or remaining in or around  
23 school or public park property, for the purpose of  
24 committing or attempting to commit a sex offense.

25 (iii) Entering or remaining in a building in or  
26 around school property, other than the offender's

1 residence.

2 (12) "Part day child care facility" has the meaning  
3 ascribed to it in Section 2.10 of the Child Care Act of  
4 1969.

5 (13) "Playground" means a piece of land owned or  
6 controlled by a unit of local government that is  
7 designated by the unit of local government for use solely  
8 or primarily for children's recreation.

9 (14) "Public park" includes a park, forest preserve,  
10 bikeway, trail, or conservation area under the  
11 jurisdiction of the State or a unit of local government.

12 (15) "School" means a public or private preschool or  
13 elementary or secondary school.

14 (16) "School official" means the principal, a teacher,  
15 or any other certified employee of the school, the  
16 superintendent of schools or a member of the school board.

17 (e) For the purposes of this Section, the 500 feet  
18 distance shall be measured from: (1) the edge of the property  
19 of the school building or the real property comprising the  
20 school that is closest to the edge of the property of the child  
21 sex offender's residence or where he or she is loitering, and  
22 (2) the edge of the property comprising the public park  
23 building or the real property comprising the public park,  
24 playground, child care institution, day care center, part day  
25 child care facility, or facility providing programs or  
26 services exclusively directed toward persons under 18 years of

1 age, or a victim of the sex offense who is under 21 years of  
2 age, to the edge of the child sex offender's place of residence  
3 or place where he or she is loitering.

4 (f) Sentence. A person who violates this Section is guilty  
5 of a Class 4 felony.

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

7 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

8 Sec. 11-20.1. Child sexual abuse material ~~pornography~~.

9 (a) A person commits child sexual abuse material  
10 ~~pornography~~ who:

11 (1) films, videotapes, photographs, or otherwise  
12 depicts or portrays by means of any similar visual medium  
13 or reproduction or depicts by computer any child whom he  
14 or she knows or reasonably should know to be under the age  
15 of 18 or any person with a severe or profound intellectual  
16 disability where such child or person with a severe or  
17 profound intellectual disability is:

18 (i) actually or by simulation engaged in any act  
19 of sexual penetration or sexual conduct with any  
20 person or animal; or

21 (ii) actually or by simulation engaged in any act  
22 of sexual penetration or sexual conduct involving the  
23 sex organs of the child or person with a severe or  
24 profound intellectual disability and the mouth, anus,  
25 or sex organs of another person or animal; or which



1 involves the mouth, anus or sex organs of the child or  
2 person with a severe or profound intellectual  
3 disability and the sex organs of another person or  
4 animal; or

5 (iii) actually or by simulation engaged in any act  
6 of masturbation; or

7 (iv) actually or by simulation portrayed as being  
8 the object of, or otherwise engaged in, any act of lewd  
9 fondling, touching, or caressing involving another  
10 person or animal; or

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

13 (vi) actually or by simulation portrayed or  
14 depicted as bound, fettered, or subject to sadistic,  
15 masochistic, or sadomasochistic abuse in any sexual  
16 context; or

17 (vii) depicted or portrayed in any pose, posture  
18 or setting involving a lewd exhibition of the  
19 unclothed or transparently clothed genitals, pubic  
20 area, buttocks, or, if such person is female, a fully  
21 or partially developed breast of the child or other  
22 person; or

23 (2) with the knowledge of the nature or content  
24 thereof, reproduces, disseminates, offers to disseminate,  
25 exhibits or possesses with intent to disseminate any film,  
26 videotape, photograph or other similar visual reproduction

1 or depiction by computer of any child or person with a  
2 severe or profound intellectual disability whom the person  
3 knows or reasonably should know to be under the age of 18  
4 or to be a person with a severe or profound intellectual  
5 disability, engaged in any activity described in  
6 subparagraphs (i) through (vii) of paragraph (1) of this  
7 subsection; or

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

16 (4) solicits, uses, persuades, induces, entices, or  
17 coerces any child whom he or she knows or reasonably  
18 should know to be under the age of 18 or a person with a  
19 severe or profound intellectual disability to appear in  
20 any stage play, live presentation, film, videotape,  
21 photograph or other similar visual reproduction or  
22 depiction by computer in which the child or person with a  
23 severe or profound intellectual disability is or will be  
24 depicted, actually or by simulation, in any act, pose or  
25 setting described in subparagraphs (i) through (vii) of  
26 paragraph (1) of this subsection; or

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

13           (6) with knowledge of the nature or content thereof,  
14 possesses any film, videotape, photograph or other similar  
15 visual reproduction or depiction by computer of any child  
16 or person with a severe or profound intellectual  
17 disability whom the person knows or reasonably should know  
18 to be under the age of 18 or to be a person with a severe  
19 or profound intellectual disability, engaged in any  
20 activity described in subparagraphs (i) through (vii) of  
21 paragraph (1) of this subsection; or

22           (7) solicits, or knowingly uses, persuades, induces,  
23 entices, or coerces, a person to provide a child under the  
24 age of 18 or a person with a severe or profound  
25 intellectual disability to appear in any videotape,  
26 photograph, film, stage play, live presentation, or other

1 similar visual reproduction or depiction by computer in  
2 which the child or person with a severe or profound  
3 intellectual disability will be depicted, actually or by  
4 simulation, in any act, pose, or setting described in  
5 subparagraphs (i) through (vii) of paragraph (1) of this  
6 subsection.

7 (a-5) The possession of each individual film, videotape,  
8 photograph, or other similar visual reproduction or depiction  
9 by computer in violation of this Section constitutes a single  
10 and separate violation. This subsection (a-5) does not apply  
11 to multiple copies of the same film, videotape, photograph, or  
12 other similar visual reproduction or depiction by computer  
13 that are identical to each other.

14 (b)(1) It shall be an affirmative defense to a charge of  
15 child sexual abuse material ~~pornography~~ that the defendant  
16 reasonably believed, under all of the circumstances, that the  
17 child was 18 years of age or older or that the person was not a  
18 person with a severe or profound intellectual disability but  
19 only where, prior to the act or acts giving rise to a  
20 prosecution under this Section, he or she took some  
21 affirmative action or made a bonafide inquiry designed to  
22 ascertain whether the child was 18 years of age or older or  
23 that the person was not a person with a severe or profound  
24 intellectual disability and his or her reliance upon the  
25 information so obtained was clearly reasonable.

26 (1.5) Telecommunications carriers, commercial mobile

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

9 (2) (Blank).

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

21 (4) If the defendant possessed more than one of the same  
22 film, videotape or visual reproduction or depiction by  
23 computer in which child sexual abuse material ~~pornography~~ is  
24 depicted, then the trier of fact may infer that the defendant  
25 possessed such materials with the intent to disseminate them.

26 (5) The charge of child sexual abuse material ~~pornography~~

1 does not apply to a person who does not voluntarily possess a  
2 film, videotape, or visual reproduction or depiction by  
3 computer in which child sexual abuse material ~~pornography~~ is  
4 depicted. Possession is voluntary if the defendant knowingly  
5 procures or receives a film, videotape, or visual reproduction  
6 or depiction for a sufficient time to be able to terminate his  
7 or her possession.

8 (6) Any violation of paragraph (1), (2), (3), (4), (5), or  
9 (7) of subsection (a) that includes a child engaged in,  
10 solicited for, depicted in, or posed in any act of sexual  
11 penetration or bound, fettered, or subject to sadistic,  
12 masochistic, or sadomasochistic abuse in a sexual context  
13 shall be deemed a crime of violence.

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

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

18 (c-5) Where the child depicted is under the age of 13, a  
19 violation of paragraph (1), (2), (3), (4), (5), or (7) of  
20 subsection (a) is a Class X felony with a mandatory minimum  
21 fine of \$2,000 and a maximum fine of \$100,000. Where the child  
22 depicted is under the age of 13, a violation of paragraph (6)  
23 of subsection (a) is a Class 2 felony with a mandatory minimum  
24 fine of \$1,000 and a maximum fine of \$100,000. Where the child  
25 depicted is under the age of 13, a person who commits a  
26 violation of paragraph (1), (2), (3), (4), (5), or (7) of

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



1 minimum fine of \$1,000 and a maximum fine of \$100,000. The  
2 issue of whether the child depicted is under the age of 13 is  
3 an element of the offense to be resolved by the trier of fact.

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

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

21 In addition, any person convicted under this Section is  
22 subject to the property forfeiture provisions set forth in  
23 Article 124B of the Code of Criminal Procedure of 1963.

24 (e-5) Upon the conclusion of a case brought under this  
25 Section, the court shall seal all evidence depicting a victim  
26 or witness that is sexually explicit. The evidence may be

1 unsealed and viewed, on a motion of the party seeking to unseal  
2 and view the evidence, only for good cause shown and in the  
3 discretion of the court. The motion must expressly set forth  
4 the purpose for viewing the material. The State's Attorney  
5 ~~attorney~~ and the victim, if possible, shall be provided  
6 reasonable notice of the hearing on the motion to unseal the  
7 evidence. Any person entitled to notice of a hearing under  
8 this subsection (e-5) may object to the motion.

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

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

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

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

20 (4) "Depict by computer" means to generate or create,  
21 or cause to be created or generated, a computer program or  
22 data that, after being processed by a computer either  
23 alone or in conjunction with one or more computer  
24 programs, results in a visual depiction on a computer  
25 monitor, screen, or display.

26 (5) "Depiction by computer" means a computer program

1 or 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 (6) "Computer", "computer program", and "data" have  
6 the meanings ascribed to them in Section 17.05 of this  
7 Code.

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

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

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

3 (i) Section 50-5 of Public Act 88-680, effective  
4 January 1, 1995, contained provisions amending the  
5 child sexual abuse material ~~pornography~~ statute,  
6 Section 11-20.1 of the Criminal Code of 1961. Section  
7 50-5 also contained other provisions.

8 (ii) In addition, Public Act 88-680 was entitled  
9 "AN ACT to create a Safe Neighborhoods Law". (A)  
10 Article 5 was entitled JUVENILE JUSTICE and amended  
11 the Juvenile Court Act of 1987. (B) Article 15 was  
12 entitled GANGS and amended various provisions of the  
13 Criminal Code of 1961 and the Unified Code of  
14 Corrections. (C) Article 20 was entitled ALCOHOL ABUSE  
15 and amended various provisions of the Illinois Vehicle  
16 Code. (D) Article 25 was entitled DRUG ABUSE and  
17 amended the Cannabis Control Act and the Illinois  
18 Controlled Substances Act. (E) Article 30 was entitled  
19 FIREARMS and amended the Criminal Code of 1961 and the  
20 Code of Criminal Procedure of 1963. (F) Article 35  
21 amended the Criminal Code of 1961, the Rights of Crime  
22 Victims and Witnesses Act, and the Unified Code of  
23 Corrections. (G) Article 40 amended the Criminal Code  
24 of 1961 to increase the penalty for compelling  
25 organization membership of persons. (H) Article 45  
26 created the Secure Residential Youth Care Facility

1 Licensing Act and amended the State Finance Act, the  
2 Juvenile Court Act of 1987, the Unified Code of  
3 Corrections, and the Private Correctional Facility  
4 Moratorium Act. (I) Article 50 amended the WIC Vendor  
5 Management Act, the Firearm Owners Identification Card  
6 Act, the Juvenile Court Act of 1987, the Criminal Code  
7 of 1961, the Wrongs to Children Act, and the Unified  
8 Code of Corrections.

9 (iii) On September 22, 1998, the Third District  
10 Appellate Court in People v. Dainty, 701 N.E. 2d 118,  
11 ruled that Public Act 88-680 violates the single  
12 subject clause of the Illinois Constitution (Article  
13 IV, Section 8 (d)) and was unconstitutional in its  
14 entirety. As of the time this amendatory Act of 1999  
15 was prepared, People v. Dainty was still subject to  
16 appeal.

17 (iv) Child sexual abuse material ~~pornography~~ is a  
18 vital concern to the people of this State and the  
19 validity of future prosecutions under the child sexual  
20 abuse material ~~pornography~~ statute of the Criminal  
21 Code of 1961 is in grave doubt.

22 (2) It is the purpose of this amendatory Act of 1999 to  
23 prevent or minimize any problems relating to prosecutions  
24 for child sexual abuse material ~~pornography~~ that may  
25 result from challenges to the constitutional validity of  
26 Public Act 88-680 by re-enacting the Section relating to

1 child sexual abuse material ~~pornography~~ that was included  
2 in Public Act 88-680.

3 (3) This amendatory Act of 1999 re-enacts Section  
4 11-20.1 of the Criminal Code of 1961, as it has been  
5 amended. This re-enactment is intended to remove any  
6 question as to the validity or content of that Section; it  
7 is not intended to supersede any other Public Act that  
8 amends the text of the Section as set forth in this  
9 amendatory Act of 1999. The material is shown as existing  
10 text (i.e., without underscoring) because, as of the time  
11 this amendatory Act of 1999 was prepared, People v. Dainty  
12 was subject to appeal to the Illinois Supreme Court.

13 (4) The re-enactment by this amendatory Act of 1999 of  
14 Section 11-20.1 of the Criminal Code of 1961 relating to  
15 child sexual abuse material ~~pornography~~ that was amended  
16 by Public Act 88-680 is not intended, and shall not be  
17 construed, to imply that Public Act 88-680 is invalid or  
18 to limit or impair any legal argument concerning whether  
19 those provisions were substantially re-enacted by other  
20 Public Acts.

21 (Source: P.A. 101-87, eff. 1-1-20; 102-567, eff. 1-1-22.)

22 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

23 Sec. 11-20.2. Duty of commercial film and photographic  
24 print processors or computer technicians to report sexual  
25 depiction of children.

1           (a) Any commercial film and photographic print processor  
2 or computer technician who has knowledge of or observes,  
3 within the scope of his professional capacity or employment,  
4 any film, photograph, videotape, negative, slide, computer  
5 hard drive or any other magnetic or optical media which  
6 depicts a child whom the processor or computer technician  
7 knows or reasonably should know to be under the age of 18 where  
8 such child is:

9           (i) actually or by simulation engaged in any act of  
10 sexual penetration or sexual conduct with any person or  
11 animal; or

12           (ii) actually or by simulation engaged in any act of  
13 sexual penetration or sexual conduct involving the sex  
14 organs of the child and the mouth, anus, or sex organs of  
15 another person or animal; or which involves the mouth,  
16 anus or sex organs of the child and the sex organs of  
17 another person or animal; or

18           (iii) actually or by simulation engaged in any act of  
19 masturbation; or

20           (iv) actually or by simulation portrayed as being the  
21 object of, or otherwise engaged in, any act of lewd  
22 fondling, touching, or caressing involving another person  
23 or animal; or

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

26           (vi) actually or by simulation portrayed or depicted

1 as bound, fettered, or subject to sadistic, masochistic,  
2 or sadomasochistic abuse in any sexual context; or

3 (vii) depicted or portrayed in any pose, posture or  
4 setting involving a lewd exhibition of the unclothed or  
5 transparently clothed genitals, pubic area, buttocks, or,  
6 if such person is female, a fully or partially developed  
7 breast of the child or other person;

8 shall report or cause a report to be made pursuant to  
9 subsections (b) and (c) as soon as reasonably possible.  
10 Failure to make such report shall be a business offense with a  
11 fine of \$1,000.

12 (b) Commercial film and photographic film processors shall  
13 report or cause a report to be made to the local law  
14 enforcement agency of the jurisdiction in which the image or  
15 images described in subsection (a) are discovered.

16 (c) Computer technicians shall report or cause the report  
17 to be made to the local law enforcement agency of the  
18 jurisdiction in which the image or images described in  
19 subsection (a) are discovered or to the Illinois Child  
20 Exploitation e-Tipline at [reportchildporn@atg.state.il.us](mailto:reportchildporn@atg.state.il.us).

21 (d) Reports required by this Act shall include the  
22 following information: (i) name, address, and telephone number  
23 of the person filing the report; (ii) the employer of the  
24 person filing the report, if any; (iii) the name, address and  
25 telephone number of the person whose property is the subject  
26 of the report, if known; (iv) the circumstances which led to



1 the filing of the report, including a description of the  
2 reported content.

3 (e) If a report is filed with the Cyber Tipline at the  
4 National Center for Missing and Exploited Children or in  
5 accordance with the requirements of 42 U.S.C. 13032, the  
6 requirements of this Act will be deemed to have been met.

7 (f) A computer technician or an employer caused to report  
8 child sexual abuse material ~~pornography~~ under this Section is  
9 immune from any criminal, civil, or administrative liability  
10 in connection with making the report, except for willful or  
11 wanton misconduct.

12 (g) For the purposes of this Section, a "computer  
13 technician" is a person who installs, maintains,  
14 troubleshoots, repairs or upgrades computer hardware,  
15 software, computer networks, peripheral equipment, electronic  
16 mail systems, or provides user assistance for any of the  
17 aforementioned tasks.

18 (Source: P.A. 95-983, eff. 6-1-09; 96-1551, eff. 7-1-11.)

19 (720 ILCS 5/11-23)

20 Sec. 11-23. Posting of identifying or graphic information  
21 on a pornographic Internet site or possessing graphic  
22 information with pornographic material.

23 (a) A person at least 17 years of age who knowingly  
24 discloses on an adult obscenity or child sexual abuse material  
25 ~~pornography~~ Internet site the name, address, telephone number,

1 or e-mail address of a person under 17 years of age at the time  
2 of the commission of the offense or of a person at least 17  
3 years of age without the consent of the person at least 17  
4 years of age is guilty of posting of identifying information  
5 on a pornographic Internet site.

6 (a-5) Any person who knowingly places, posts, reproduces,  
7 or maintains on an adult obscenity or child sexual abuse  
8 material ~~pornography~~ Internet site a photograph, video, or  
9 digital image of a person under 18 years of age that is not  
10 child sexual abuse material ~~pornography~~ under Section 11-20.1,  
11 without the knowledge and consent of the person under 18 years  
12 of age, is guilty of posting of graphic information on a  
13 pornographic Internet site. This provision applies even if the  
14 person under 18 years of age is fully or properly clothed in  
15 the photograph, video, or digital image.

16 (a-10) Any person who knowingly places, posts, reproduces,  
17 or maintains on an adult obscenity or child sexual abuse  
18 material ~~pornography~~ Internet site, or possesses with obscene  
19 or child pornographic material a photograph, video, or digital  
20 image of a person under 18 years of age in which the child is  
21 posed in a suggestive manner with the focus or concentration  
22 of the image on the child's clothed genitals, clothed pubic  
23 area, clothed buttocks area, or if the child is female, the  
24 breast exposed through transparent clothing, and the  
25 photograph, video, or digital image is not child sexual abuse  
26 material ~~pornography~~ under Section 11-20.1, is guilty of

1 posting of graphic information on a pornographic Internet site  
2 or possessing graphic information with pornographic material.

3 (b) Sentence. A person who violates subsection (a) of this  
4 Section is guilty of a Class 4 felony if the victim is at least  
5 17 years of age at the time of the offense and a Class 3 felony  
6 if the victim is under 17 years of age at the time of the  
7 offense. A person who violates subsection (a-5) of this  
8 Section is guilty of a Class 4 felony. A person who violates  
9 subsection (a-10) of this Section is guilty of a Class 3  
10 felony.

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

12 (1) "Adult obscenity or child sexual abuse material  
13 ~~pornography~~ Internet site" means a site on the Internet  
14 that contains material that is obscene as defined in  
15 Section 11-20 of this Code or that is child sexual abuse  
16 material ~~pornography~~ as defined in Section 11-20.1 of this  
17 Code.

18 (2) "Internet" has the meaning set forth in Section  
19 16-0.1 of this Code.

20 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

21 (720 ILCS 5/11-25)

22 (Text of Section before amendment by P.A. 102-676)

23 Sec. 11-25. Grooming.

24 (a) A person commits grooming when he or she knowingly  
25 uses a computer on-line service, Internet service, local

1 bulletin board service, or any other device capable of  
2 electronic data storage or transmission to seduce, solicit,  
3 lure, or entice, or attempt to seduce, solicit, lure, or  
4 entice, a child, a child's guardian, or another person  
5 believed by the person to be a child or a child's guardian, to  
6 commit any sex offense as defined in Section 2 of the Sex  
7 Offender Registration Act, to distribute photographs depicting  
8 the sex organs of the child, or to otherwise engage in any  
9 unlawful sexual conduct with a child or with another person  
10 believed by the person to be a child. As used in this Section,  
11 "child" means a person under 17 years of age.

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

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

14 (Text of Section after amendment by P.A. 102-676)

15 Sec. 11-25. Grooming.

16 (a) A person commits grooming when he or she knowingly:

17 (1) uses a computer on-line service, Internet service,  
18 local bulletin board service, or any other device capable  
19 of electronic data storage or transmission, performs an  
20 act in person or by conduct through a third party, or uses  
21 written communication to seduce, solicit, lure, or entice,  
22 or attempt to seduce, solicit, lure, or entice, a child, a  
23 child's guardian, or another person believed by the person  
24 to be a child or a child's guardian, to commit any sex  
25 offense as defined in Section 2 of the Sex Offender

1 Registration Act, to distribute photographs depicting the  
2 sex organs of the child, or to otherwise engage in any  
3 unlawful sexual conduct with a child or with another  
4 person believed by the person to be a child; or

5 (2) engages in a pattern of conduct that entices,  
6 persuades, induces, or coerces a child to engage or  
7 participate in criminal sexual activity or is for the  
8 purpose of sexual gratification or arousal of the victim,  
9 the accused, or another.

10 (a-5) As used in this Section: 7

11 "Child" "~~child~~" means a person under 17 years of age.

12 "Pattern" means 2 or more instances of conduct.

13 "Sexual activity" includes masturbation and does not  
14 require actual or attempted physical contact between 2  
15 persons.

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

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

18 (720 ILCS 5/14-3)

19 Sec. 14-3. Exemptions. The following activities shall be  
20 exempt from the provisions of this Article:

21 (a) Listening to radio, wireless electronic  
22 communications, and television communications of any sort  
23 where the same are publicly made;

24 (b) Hearing conversation when heard by employees of  
25 any common carrier by wire incidental to the normal course

1 of their employment in the operation, maintenance or  
2 repair of the equipment of such common carrier by wire so  
3 long as no information obtained thereby is used or  
4 divulged by the hearer;

5 (c) Any broadcast by radio, television or otherwise  
6 whether it be a broadcast or recorded for the purpose of  
7 later broadcasts of any function where the public is in  
8 attendance and the conversations are overheard incidental  
9 to the main purpose for which such broadcasts are then  
10 being made;

11 (d) Recording or listening with the aid of any device  
12 to any emergency communication made in the normal course  
13 of operations by any federal, state or local law  
14 enforcement agency or institutions dealing in emergency  
15 services, including, but not limited to, hospitals,  
16 clinics, ambulance services, fire fighting agencies, any  
17 public utility, emergency repair facility, civilian  
18 defense establishment or military installation;

19 (e) Recording the proceedings of any meeting required  
20 to be open by the Open Meetings Act, as amended;

21 (f) Recording or listening with the aid of any device  
22 to incoming telephone calls of phone lines publicly listed  
23 or advertised as consumer "hotlines" by manufacturers or  
24 retailers of food and drug products. Such recordings must  
25 be destroyed, erased or turned over to local law  
26 enforcement authorities within 24 hours from the time of

1 such recording and shall not be otherwise disseminated.  
2 Failure on the part of the individual or business  
3 operating any such recording or listening device to comply  
4 with the requirements of this subsection shall eliminate  
5 any civil or criminal immunity conferred upon that  
6 individual or business by the operation of this Section;

7 (g) With prior notification to the State's Attorney of  
8 the county in which it is to occur, recording or listening  
9 with the aid of any device to any conversation where a law  
10 enforcement officer, or any person acting at the direction  
11 of law enforcement, is a party to the conversation and has  
12 consented to it being intercepted or recorded under  
13 circumstances where the use of the device is necessary for  
14 the protection of the law enforcement officer or any  
15 person acting at the direction of law enforcement, in the  
16 course of an investigation of a forcible felony, a felony  
17 offense of involuntary servitude, involuntary sexual  
18 servitude of a minor, or trafficking in persons under  
19 Section 10-9 of this Code, an offense involving  
20 prostitution, solicitation of a sexual act, or pandering,  
21 a felony violation of the Illinois Controlled Substances  
22 Act, a felony violation of the Cannabis Control Act, a  
23 felony violation of the Methamphetamine Control and  
24 Community Protection Act, any "streetgang related" or  
25 "gang-related" felony as those terms are defined in the  
26 Illinois Streetgang Terrorism Omnibus Prevention Act, or

1 any felony offense involving any weapon listed in  
2 paragraphs (1) through (11) of subsection (a) of Section  
3 24-1 of this Code. Any recording or evidence derived as  
4 the result of this exemption shall be inadmissible in any  
5 proceeding, criminal, civil or administrative, except (i)  
6 where a party to the conversation suffers great bodily  
7 injury or is killed during such conversation, or (ii) when  
8 used as direct impeachment of a witness concerning matters  
9 contained in the interception or recording. The Director  
10 of the Illinois State Police shall issue regulations as  
11 are necessary concerning the use of devices, retention of  
12 tape recordings, and reports regarding their use;

13 (g-5) (Blank);

14 (g-6) With approval of the State's Attorney of the  
15 county in which it is to occur, recording or listening  
16 with the aid of any device to any conversation where a law  
17 enforcement officer, or any person acting at the direction  
18 of law enforcement, is a party to the conversation and has  
19 consented to it being intercepted or recorded in the  
20 course of an investigation of child sexual abuse material  
21 ~~pornography~~, aggravated child sexual abuse material  
22 ~~pornography~~, indecent solicitation of a child, luring of a  
23 minor, sexual exploitation of a child, aggravated criminal  
24 sexual abuse in which the victim of the offense was at the  
25 time of the commission of the offense under 18 years of  
26 age, or criminal sexual abuse by force or threat of force



1 in which the victim of the offense was at the time of the  
2 commission of the offense under 18 years of age. In all  
3 such cases, an application for an order approving the  
4 previous or continuing use of an eavesdropping device must  
5 be made within 48 hours of the commencement of such use. In  
6 the absence of such an order, or upon its denial, any  
7 continuing use shall immediately terminate. The Director  
8 of the Illinois State Police shall issue rules as are  
9 necessary concerning the use of devices, retention of  
10 recordings, and reports regarding their use. Any recording  
11 or evidence obtained or derived in the course of an  
12 investigation of child sexual abuse material ~~pornography~~,  
13 aggravated child sexual abuse material ~~pornography~~,  
14 indecent solicitation of a child, luring of a minor,  
15 sexual exploitation of a child, aggravated criminal sexual  
16 abuse in which the victim of the offense was at the time of  
17 the commission of the offense under 18 years of age, or  
18 criminal sexual abuse by force or threat of force in which  
19 the victim of the offense was at the time of the commission  
20 of the offense under 18 years of age shall, upon motion of  
21 the State's Attorney or Attorney General prosecuting any  
22 case involving child sexual abuse material ~~pornography~~,  
23 aggravated child sexual abuse material ~~pornography~~,  
24 indecent solicitation of a child, luring of a minor,  
25 sexual exploitation of a child, aggravated criminal sexual  
26 abuse in which the victim of the offense was at the time of

1 the commission of the offense under 18 years of age, or  
2 criminal sexual abuse by force or threat of force in which  
3 the victim of the offense was at the time of the commission  
4 of the offense under 18 years of age be reviewed in camera  
5 with notice to all parties present by the court presiding  
6 over the criminal case, and, if ruled by the court to be  
7 relevant and otherwise admissible, it shall be admissible  
8 at the trial of the criminal case. Absent such a ruling,  
9 any such recording or evidence shall not be admissible at  
10 the trial of the criminal case;

11 (h) Recordings made simultaneously with the use of an  
12 in-car video camera recording of an oral conversation  
13 between a uniformed peace officer, who has identified his  
14 or her office, and a person in the presence of the peace  
15 officer whenever (i) an officer assigned a patrol vehicle  
16 is conducting an enforcement stop; or (ii) patrol vehicle  
17 emergency lights are activated or would otherwise be  
18 activated if not for the need to conceal the presence of  
19 law enforcement.

20 For the purposes of this subsection (h), "enforcement  
21 stop" means an action by a law enforcement officer in  
22 relation to enforcement and investigation duties,  
23 including but not limited to, traffic stops, pedestrian  
24 stops, abandoned vehicle contacts, motorist assists,  
25 commercial motor vehicle stops, roadside safety checks,  
26 requests for identification, or responses to requests for

1 emergency assistance;

2 (h-5) Recordings of utterances made by a person while  
3 in the presence of a uniformed peace officer and while an  
4 occupant of a police vehicle including, but not limited  
5 to, (i) recordings made simultaneously with the use of an  
6 in-car video camera and (ii) recordings made in the  
7 presence of the peace officer utilizing video or audio  
8 systems, or both, authorized by the law enforcement  
9 agency;

10 (h-10) Recordings made simultaneously with a video  
11 camera recording during the use of a taser or similar  
12 weapon or device by a peace officer if the weapon or device  
13 is equipped with such camera;

14 (h-15) Recordings made under subsection (h), (h-5), or  
15 (h-10) shall be retained by the law enforcement agency  
16 that employs the peace officer who made the recordings for  
17 a storage period of 90 days, unless the recordings are  
18 made as a part of an arrest or the recordings are deemed  
19 evidence in any criminal, civil, or administrative  
20 proceeding and then the recordings must only be destroyed  
21 upon a final disposition and an order from the court.  
22 Under no circumstances shall any recording be altered or  
23 erased prior to the expiration of the designated storage  
24 period. Upon completion of the storage period, the  
25 recording medium may be erased and reissued for  
26 operational use;

1           (i) Recording of a conversation made by or at the  
2 request of a person, not a law enforcement officer or  
3 agent of a law enforcement officer, who is a party to the  
4 conversation, under reasonable suspicion that another  
5 party to the conversation is committing, is about to  
6 commit, or has committed a criminal offense against the  
7 person or a member of his or her immediate household, and  
8 there is reason to believe that evidence of the criminal  
9 offense may be obtained by the recording;

10           (j) The use of a telephone monitoring device by either  
11 (1) a corporation or other business entity engaged in  
12 marketing or opinion research or (2) a corporation or  
13 other business entity engaged in telephone solicitation,  
14 as defined in this subsection, to record or listen to oral  
15 telephone solicitation conversations or marketing or  
16 opinion research conversations by an employee of the  
17 corporation or other business entity when:

18           (i) the monitoring is used for the purpose of  
19 service quality control of marketing or opinion  
20 research or telephone solicitation, the education or  
21 training of employees or contractors engaged in  
22 marketing or opinion research or telephone  
23 solicitation, or internal research related to  
24 marketing or opinion research or telephone  
25 solicitation; and

26           (ii) the monitoring is used with the consent of at

1 least one person who is an active party to the  
2 marketing or opinion research conversation or  
3 telephone solicitation conversation being monitored.

4 No communication or conversation or any part, portion,  
5 or aspect of the communication or conversation made,  
6 acquired, or obtained, directly or indirectly, under this  
7 exemption (j), may be, directly or indirectly, furnished  
8 to any law enforcement officer, agency, or official for  
9 any purpose or used in any inquiry or investigation, or  
10 used, directly or indirectly, in any administrative,  
11 judicial, or other proceeding, or divulged to any third  
12 party.

13 When recording or listening authorized by this  
14 subsection (j) on telephone lines used for marketing or  
15 opinion research or telephone solicitation purposes  
16 results in recording or listening to a conversation that  
17 does not relate to marketing or opinion research or  
18 telephone solicitation; the person recording or listening  
19 shall, immediately upon determining that the conversation  
20 does not relate to marketing or opinion research or  
21 telephone solicitation, terminate the recording or  
22 listening and destroy any such recording as soon as is  
23 practicable.

24 Business entities that use a telephone monitoring or  
25 telephone recording system pursuant to this exemption (j)  
26 shall provide current and prospective employees with

1 notice that the monitoring or recordings may occur during  
2 the course of their employment. The notice shall include  
3 prominent signage notification within the workplace.

4 Business entities that use a telephone monitoring or  
5 telephone recording system pursuant to this exemption (j)  
6 shall provide their employees or agents with access to  
7 personal-only telephone lines, which may be pay  
8 telephones, that are not subject to telephone monitoring  
9 or telephone recording.

10 For the purposes of this subsection (j), "telephone  
11 solicitation" means a communication through the use of a  
12 telephone by live operators:

13 (i) soliciting the sale of goods or services;

14 (ii) receiving orders for the sale of goods or  
15 services;

16 (iii) assisting in the use of goods or services;

17 or

18 (iv) engaging in the solicitation, administration,  
19 or collection of bank or retail credit accounts.

20 For the purposes of this subsection (j), "marketing or  
21 opinion research" means a marketing or opinion research  
22 interview conducted by a live telephone interviewer  
23 engaged by a corporation or other business entity whose  
24 principal business is the design, conduct, and analysis of  
25 polls and surveys measuring the opinions, attitudes, and  
26 responses of respondents toward products and services, or

1 social or political issues, or both;

2 (k) Electronic recordings, including but not limited  
3 to, a motion picture, videotape, digital, or other visual  
4 or audio recording, made of a custodial interrogation of  
5 an individual at a police station or other place of  
6 detention by a law enforcement officer under Section  
7 5-401.5 of the Juvenile Court Act of 1987 or Section  
8 103-2.1 of the Code of Criminal Procedure of 1963;

9 (l) Recording the interview or statement of any person  
10 when the person knows that the interview is being  
11 conducted by a law enforcement officer or prosecutor and  
12 the interview takes place at a police station that is  
13 currently participating in the Custodial Interview Pilot  
14 Program established under the Illinois Criminal Justice  
15 Information Act;

16 (m) An electronic recording, including but not limited  
17 to, a motion picture, videotape, digital, or other visual  
18 or audio recording, made of the interior of a school bus  
19 while the school bus is being used in the transportation  
20 of students to and from school and school-sponsored  
21 activities, when the school board has adopted a policy  
22 authorizing such recording, notice of such recording  
23 policy is included in student handbooks and other  
24 documents including the policies of the school, notice of  
25 the policy regarding recording is provided to parents of  
26 students, and notice of such recording is clearly posted

1 on the door of and inside the school bus.

2 Recordings made pursuant to this subsection (m) shall  
3 be confidential records and may only be used by school  
4 officials (or their designees) and law enforcement  
5 personnel for investigations, school disciplinary actions  
6 and hearings, proceedings under the Juvenile Court Act of  
7 1987, and criminal prosecutions, related to incidents  
8 occurring in or around the school bus;

9 (n) Recording or listening to an audio transmission  
10 from a microphone placed by a person under the authority  
11 of a law enforcement agency inside a bait car surveillance  
12 vehicle while simultaneously capturing a photographic or  
13 video image;

14 (o) The use of an eavesdropping camera or audio device  
15 during an ongoing hostage or barricade situation by a law  
16 enforcement officer or individual acting on behalf of a  
17 law enforcement officer when the use of such device is  
18 necessary to protect the safety of the general public,  
19 hostages, or law enforcement officers or anyone acting on  
20 their behalf;

21 (p) Recording or listening with the aid of any device  
22 to incoming telephone calls of phone lines publicly listed  
23 or advertised as the "CPS Violence Prevention Hotline",  
24 but only where the notice of recording is given at the  
25 beginning of each call as required by Section 34-21.8 of  
26 the School Code. The recordings may be retained only by



1 the Chicago Police Department or other law enforcement  
2 authorities, and shall not be otherwise retained or  
3 disseminated;

4 (q) (1) With prior request to and written or verbal  
5 approval of the State's Attorney of the county in which  
6 the conversation is anticipated to occur, recording or  
7 listening with the aid of an eavesdropping device to a  
8 conversation in which a law enforcement officer, or any  
9 person acting at the direction of a law enforcement  
10 officer, is a party to the conversation and has consented  
11 to the conversation being intercepted or recorded in the  
12 course of an investigation of a qualified offense. The  
13 State's Attorney may grant this approval only after  
14 determining that reasonable cause exists to believe that  
15 inculpatory conversations concerning a qualified offense  
16 will occur with a specified individual or individuals  
17 within a designated period of time.

18 (2) Request for approval. To invoke the exception  
19 contained in this subsection (q), a law enforcement  
20 officer shall make a request for approval to the  
21 appropriate State's Attorney. The request may be written  
22 or verbal; however, a written memorialization of the  
23 request must be made by the State's Attorney. This request  
24 for approval shall include whatever information is deemed  
25 necessary by the State's Attorney but shall include, at a  
26 minimum, the following information about each specified

1 individual whom the law enforcement officer believes will  
2 commit a qualified offense:

3 (A) his or her full or partial name, nickname or  
4 alias;

5 (B) a physical description; or

6 (C) failing either (A) or (B) of this paragraph  
7 (2), any other supporting information known to the law  
8 enforcement officer at the time of the request that  
9 gives rise to reasonable cause to believe that the  
10 specified individual will participate in an  
11 inculpatory conversation concerning a qualified  
12 offense.

13 (3) Limitations on approval. Each written approval by  
14 the State's Attorney under this subsection (q) shall be  
15 limited to:

16 (A) a recording or interception conducted by a  
17 specified law enforcement officer or person acting at  
18 the direction of a law enforcement officer;

19 (B) recording or intercepting conversations with  
20 the individuals specified in the request for approval,  
21 provided that the verbal approval shall be deemed to  
22 include the recording or intercepting of conversations  
23 with other individuals, unknown to the law enforcement  
24 officer at the time of the request for approval, who  
25 are acting in conjunction with or as co-conspirators  
26 with the individuals specified in the request for

1 approval in the commission of a qualified offense;

2 (C) a reasonable period of time but in no event  
3 longer than 24 consecutive hours;

4 (D) the written request for approval, if  
5 applicable, or the written memorialization must be  
6 filed, along with the written approval, with the  
7 circuit clerk of the jurisdiction on the next business  
8 day following the expiration of the authorized period  
9 of time, and shall be subject to review by the Chief  
10 Judge or his or her designee as deemed appropriate by  
11 the court.

12 (3.5) The written memorialization of the request for  
13 approval and the written approval by the State's Attorney  
14 may be in any format, including via facsimile, email, or  
15 otherwise, so long as it is capable of being filed with the  
16 circuit clerk.

17 (3.10) Beginning March 1, 2015, each State's Attorney  
18 shall annually submit a report to the General Assembly  
19 disclosing:

20 (A) the number of requests for each qualified  
21 offense for approval under this subsection; and

22 (B) the number of approvals for each qualified  
23 offense given by the State's Attorney.

24 (4) Admissibility of evidence. No part of the contents  
25 of any wire, electronic, or oral communication that has  
26 been recorded or intercepted as a result of this exception

1 may be received in evidence in any trial, hearing, or  
2 other proceeding in or before any court, grand jury,  
3 department, officer, agency, regulatory body, legislative  
4 committee, or other authority of this State, or a  
5 political subdivision of the State, other than in a  
6 prosecution of:

7 (A) the qualified offense for which approval was  
8 given to record or intercept a conversation under this  
9 subsection (q);

10 (B) a forcible felony committed directly in the  
11 course of the investigation of the qualified offense  
12 for which approval was given to record or intercept a  
13 conversation under this subsection (q); or

14 (C) any other forcible felony committed while the  
15 recording or interception was approved in accordance  
16 with this subsection (q), but for this specific  
17 category of prosecutions, only if the law enforcement  
18 officer or person acting at the direction of a law  
19 enforcement officer who has consented to the  
20 conversation being intercepted or recorded suffers  
21 great bodily injury or is killed during the commission  
22 of the charged forcible felony.

23 (5) Compliance with the provisions of this subsection  
24 is a prerequisite to the admissibility in evidence of any  
25 part of the contents of any wire, electronic or oral  
26 communication that has been intercepted as a result of

1           this exception, but nothing in this subsection shall be  
2           deemed to prevent a court from otherwise excluding the  
3           evidence on any other ground recognized by State or  
4           federal law, nor shall anything in this subsection be  
5           deemed to prevent a court from independently reviewing the  
6           admissibility of the evidence for compliance with the  
7           Fourth Amendment to the U.S. Constitution or with Article  
8           I, Section 6 of the Illinois Constitution.

9           (6) Use of recordings or intercepts unrelated to  
10          qualified offenses. Whenever any private conversation or  
11          private electronic communication has been recorded or  
12          intercepted as a result of this exception that is not  
13          related to an offense for which the recording or intercept  
14          is admissible under paragraph (4) of this subsection (q),  
15          no part of the contents of the communication and evidence  
16          derived from the communication may be received in evidence  
17          in any trial, hearing, or other proceeding in or before  
18          any court, grand jury, department, officer, agency,  
19          regulatory body, legislative committee, or other authority  
20          of this State, or a political subdivision of the State,  
21          nor may it be publicly disclosed in any way.

22          (6.5) The Illinois State Police shall adopt rules as  
23          are necessary concerning the use of devices, retention of  
24          recordings, and reports regarding their use under this  
25          subsection (q).

26          (7) Definitions. For the purposes of this subsection

1 (q) only:

2 "Forcible felony" includes and is limited to those  
3 offenses contained in Section 2-8 of the Criminal Code  
4 of 1961 as of the effective date of this amendatory Act  
5 of the 97th General Assembly, and only as those  
6 offenses have been defined by law or judicial  
7 interpretation as of that date.

8 "Qualified offense" means and is limited to:

9 (A) a felony violation of the Cannabis Control  
10 Act, the Illinois Controlled Substances Act, or  
11 the Methamphetamine Control and Community  
12 Protection Act, except for violations of:

13 (i) Section 4 of the Cannabis Control Act;

14 (ii) Section 402 of the Illinois  
15 Controlled Substances Act; and

16 (iii) Section 60 of the Methamphetamine  
17 Control and Community Protection Act; and

18 (B) first degree murder, solicitation of  
19 murder for hire, predatory criminal sexual assault  
20 of a child, criminal sexual assault, aggravated  
21 criminal sexual assault, aggravated arson,  
22 kidnapping, aggravated kidnapping, child  
23 abduction, trafficking in persons, involuntary  
24 servitude, involuntary sexual servitude of a  
25 minor, or gunrunning.

26 "State's Attorney" includes and is limited to the

1 State's Attorney or an assistant State's Attorney  
2 designated by the State's Attorney to provide verbal  
3 approval to record or intercept conversations under  
4 this subsection (q).

5 (8) Sunset. This subsection (q) is inoperative on and  
6 after January 1, 2023. No conversations intercepted  
7 pursuant to this subsection (q), while operative, shall be  
8 inadmissible in a court of law by virtue of the  
9 inoperability of this subsection (q) on January 1, 2023.

10 (9) Recordings, records, and custody. Any private  
11 conversation or private electronic communication  
12 intercepted by a law enforcement officer or a person  
13 acting at the direction of law enforcement shall, if  
14 practicable, be recorded in such a way as will protect the  
15 recording from editing or other alteration. Any and all  
16 original recordings made under this subsection (q) shall  
17 be inventoried without unnecessary delay pursuant to the  
18 law enforcement agency's policies for inventorying  
19 evidence. The original recordings shall not be destroyed  
20 except upon an order of a court of competent jurisdiction;  
21 and

22 (r) Electronic recordings, including but not limited  
23 to, motion picture, videotape, digital, or other visual or  
24 audio recording, made of a lineup under Section 107A-2 of  
25 the Code of Criminal Procedure of 1963.

26 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21.)

1 (720 ILCS 5/26-4) (from Ch. 38, par. 26-4)

2 Sec. 26-4. Unauthorized video recording and live video  
3 transmission.

4 (a) It is unlawful for any person to knowingly make a video  
5 record or transmit live video of another person without that  
6 person's consent in a restroom, tanning bed, tanning salon,  
7 locker room, changing room, or hotel bedroom.

8 (a-5) It is unlawful for any person to knowingly make a  
9 video record or transmit live video of another person in that  
10 other person's residence without that person's consent.

11 (a-6) It is unlawful for any person to knowingly make a  
12 video record or transmit live video of another person in that  
13 other person's residence without that person's consent when  
14 the recording or transmission is made outside that person's  
15 residence by use of an audio or video device that records or  
16 transmits from a remote location.

17 (a-10) It is unlawful for any person to knowingly make a  
18 video record or transmit live video of another person's  
19 intimate parts for the purpose of viewing the body of or the  
20 undergarments worn by that other person without that person's  
21 consent. For the purposes of this subsection (a-10), "intimate  
22 parts" means the fully unclothed, partially unclothed, or  
23 transparently clothed genitals, pubic area, anus, or if the  
24 person is female, a partially or fully exposed nipple,  
25 including exposure through transparent clothing.



1 (a-15) It is unlawful for any person to place or cause to  
2 be placed a device that makes a video record or transmits a  
3 live video in a restroom, tanning bed, tanning salon, locker  
4 room, changing room, or hotel bedroom with the intent to make a  
5 video record or transmit live video of another person without  
6 that person's consent.

7 (a-20) It is unlawful for any person to place or cause to  
8 be placed a device that makes a video record or transmits a  
9 live video with the intent to make a video record or transmit  
10 live video of another person in a ~~that other person's~~  
11 residence without that person's consent.

12 (a-25) It is unlawful for any person to, by any means,  
13 knowingly disseminate, or permit to be disseminated, a video  
14 record or live video that he or she knows to have been made or  
15 transmitted in violation of (a), (a-5), (a-6), (a-10), (a-15),  
16 or (a-20).

17 (b) Exemptions. The following activities shall be exempt  
18 from the provisions of this Section:

19 (1) The making of a video record or transmission of  
20 live video by law enforcement officers pursuant to a  
21 criminal investigation, which is otherwise lawful;

22 (2) The making of a video record or transmission of  
23 live video by correctional officials for security reasons  
24 or for investigation of alleged misconduct involving a  
25 person committed to the Department of Corrections; and

26 (3) The making of a video record or transmission of

1 live video in a locker room by a reporter or news medium,  
2 as those terms are defined in Section 8-902 of the Code of  
3 Civil Procedure, where the reporter or news medium has  
4 been granted access to the locker room by an appropriate  
5 authority for the purpose of conducting interviews.

6 (c) The provisions of this Section do not apply to any  
7 sound recording or transmission of an oral conversation made  
8 as the result of the making of a video record or transmission  
9 of live video, and to which Article 14 of this Code applies.

10 (d) Sentence.

11 (1) A violation of subsection (a-15) or (a-20) is a  
12 Class A misdemeanor.

13 (2) A violation of subsection (a), (a-5), (a-6), or  
14 (a-10) is a Class 4 felony.

15 (3) A violation of subsection (a-25) is a Class 3  
16 felony.

17 (4) A violation of subsection (a), (a-5), (a-6),  
18 (a-10), (a-15) or (a-20) is a Class 3 felony if the victim  
19 is a person under 18 years of age or if the violation is  
20 committed by an individual who is required to register as  
21 a sex offender under the Sex Offender Registration Act.

22 (5) A violation of subsection (a-25) is a Class 2  
23 felony if the victim is a person under 18 years of age or  
24 if the violation is committed by an individual who is  
25 required to register as a sex offender under the Sex  
26 Offender Registration Act.

1 (e) For purposes of this Section:

2 (1) "Residence" includes a rental dwelling, but does  
3 not include stairwells, corridors, laundry facilities, or  
4 additional areas in which the general public has access.

5 (2) "Video record" means and includes any videotape,  
6 photograph, film, or other electronic or digital recording  
7 of a still or moving visual image; and "live video" means  
8 and includes any real-time or contemporaneous electronic  
9 or digital transmission of a still or moving visual image.

10 (Source: P.A. 102-567, eff. 1-1-22.)

11 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

12 Sec. 36-1. Property subject to forfeiture.

13 (a) Any vessel or watercraft, vehicle, or aircraft is  
14 subject to forfeiture under this Article if the vessel or  
15 watercraft, vehicle, or aircraft is used with the knowledge  
16 and consent of the owner in the commission of or in the attempt  
17 to commit as defined in Section 8-4 of this Code:

18 (1) an offense prohibited by Section 9-1 (first degree  
19 murder), Section 9-3 (involuntary manslaughter and  
20 reckless homicide), Section 10-2 (aggravated kidnapping  
21 ~~kidnaping~~), Section 11-1.20 (criminal sexual assault),  
22 Section 11-1.30 (aggravated criminal sexual assault),  
23 Section 11-1.40 (predatory criminal sexual assault of a  
24 child), subsection (a) of Section 11-1.50 (criminal sexual  
25 abuse), subsection (a), (c), or (d) of Section 11-1.60

1 (aggravated criminal sexual abuse), Section 11-6 (indecent  
2 solicitation of a child), Section 11-14.4 (promoting  
3 juvenile prostitution except for keeping a place of  
4 juvenile prostitution), Section 11-20.1 (child sexual  
5 abuse material ~~pornography~~), paragraph (a)(1), (a)(2),  
6 (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3), (e)(4),  
7 (e)(5), (e)(6), or (e)(7) of Section 12-3.05 (aggravated  
8 battery), Section 12-7.3 (stalking), Section 12-7.4  
9 (aggravated stalking), Section 16-1 (theft if the theft is  
10 of precious metal or of scrap metal), subdivision (f)(2)  
11 or (f)(3) of Section 16-25 (retail theft), Section 18-2  
12 (armed robbery), Section 19-1 (burglary), Section 19-2  
13 (possession of burglary tools), Section 19-3 (residential  
14 burglary), Section 20-1 (arson; residential arson; place  
15 of worship arson), Section 20-2 (possession of explosives  
16 or explosive or incendiary devices), subdivision (a)(6) or  
17 (a)(7) of Section 24-1 (unlawful use of weapons), Section  
18 24-1.2 (aggravated discharge of a firearm), Section  
19 24-1.2-5 (aggravated discharge of a machine gun or a  
20 firearm equipped with a device designed or used for  
21 silencing the report of a firearm), Section 24-1.5  
22 (reckless discharge of a firearm), Section 28-1  
23 (gambling), or Section 29D-15.2 (possession of a deadly  
24 substance) of this Code;

25 (2) an offense prohibited by Section 21, 22, 23, 24 or  
26 of the Cigarette Tax Act if the vessel or watercraft,

1 vehicle, or aircraft contains more than 10 cartons of such  
2 cigarettes;

3 (3) an offense prohibited by Section 28, 29, or 30 of  
4 the Cigarette Use Tax Act if the vessel or watercraft,  
5 vehicle, or aircraft contains more than 10 cartons of such  
6 cigarettes;

7 (4) an offense prohibited by Section 44 of the  
8 Environmental Protection Act;

9 (5) an offense prohibited by Section 11-204.1 of the  
10 Illinois Vehicle Code (aggravated fleeing or attempting to  
11 elude a peace officer);

12 (6) an offense prohibited by Section 11-501 of the  
13 Illinois Vehicle Code (driving while under the influence  
14 of alcohol or other drug or drugs, intoxicating compound  
15 or compounds or any combination thereof) or a similar  
16 provision of a local ordinance, and:

17 (A) during a period in which his or her driving  
18 privileges are revoked or suspended if the revocation  
19 or suspension was for:

20 (i) Section 11-501 (driving under the  
21 influence of alcohol or other drug or drugs,  
22 intoxicating compound or compounds or any  
23 combination thereof),

24 (ii) Section 11-501.1 (statutory summary  
25 suspension or revocation),

26 (iii) paragraph (b) of Section 11-401 (motor

1 vehicle accidents involving death or personal  
2 injuries), or

3 (iv) reckless homicide as defined in Section  
4 9-3 of this Code;

5 (B) has been previously convicted of reckless  
6 homicide or a similar provision of a law of another  
7 state relating to reckless homicide in which the  
8 person was determined to have been under the influence  
9 of alcohol, other drug or drugs, or intoxicating  
10 compound or compounds as an element of the offense or  
11 the person has previously been convicted of committing  
12 a violation of driving under the influence of alcohol  
13 or other drug or drugs, intoxicating compound or  
14 compounds or any combination thereof and was involved  
15 in a motor vehicle accident that resulted in death,  
16 great bodily harm, or permanent disability or  
17 disfigurement to another, when the violation was a  
18 proximate cause of the death or injuries;

19 (C) the person committed a violation of driving  
20 under the influence of alcohol or other drug or drugs,  
21 intoxicating compound or compounds or any combination  
22 thereof under Section 11-501 of the Illinois Vehicle  
23 Code or a similar provision for the third or  
24 subsequent time;

25 (D) he or she did not possess a valid driver's  
26 license or permit or a valid restricted driving permit

1 or a valid judicial driving permit or a valid  
2 monitoring device driving permit; or

3 (E) he or she knew or should have known that the  
4 vehicle he or she was driving was not covered by a  
5 liability insurance policy;

6 (7) an offense described in subsection (g) of Section  
7 6-303 of the Illinois Vehicle Code;

8 (8) an offense described in subsection (e) of Section  
9 6-101 of the Illinois Vehicle Code; or

10 (9) (A) operating a watercraft under the influence of  
11 alcohol, other drug or drugs, intoxicating compound or  
12 compounds, or combination thereof under Section 5-16 of  
13 the Boat Registration and Safety Act during a period in  
14 which his or her privileges to operate a watercraft are  
15 revoked or suspended and the revocation or suspension was  
16 for operating a watercraft under the influence of alcohol,  
17 other drug or drugs, intoxicating compound or compounds,  
18 or combination thereof; (B) operating a watercraft under  
19 the influence of alcohol, other drug or drugs,  
20 intoxicating compound or compounds, or combination thereof  
21 and has been previously convicted of reckless homicide or  
22 a similar provision of a law in another state relating to  
23 reckless homicide in which the person was determined to  
24 have been under the influence of alcohol, other drug or  
25 drugs, intoxicating compound or compounds, or combination  
26 thereof as an element of the offense or the person has

1 previously been convicted of committing a violation of  
2 operating a watercraft under the influence of alcohol,  
3 other drug or drugs, intoxicating compound or compounds,  
4 or combination thereof and was involved in an accident  
5 that resulted in death, great bodily harm, or permanent  
6 disability or disfigurement to another, when the violation  
7 was a proximate cause of the death or injuries; or (C) the  
8 person committed a violation of operating a watercraft  
9 under the influence of alcohol, other drug or drugs,  
10 intoxicating compound or compounds, or combination thereof  
11 under Section 5-16 of the Boat Registration and Safety Act  
12 or a similar provision for the third or subsequent time.

13 (b) In addition, any mobile or portable equipment used in  
14 the commission of an act which is in violation of Section 7g of  
15 the Metropolitan Water Reclamation District Act shall be  
16 subject to seizure and forfeiture under the same procedures  
17 provided in this Article for the seizure and forfeiture of  
18 vessels or watercraft, vehicles, and aircraft, and any such  
19 equipment shall be deemed a vessel or watercraft, vehicle, or  
20 aircraft for purposes of this Article.

21 (c) In addition, when a person discharges a firearm at  
22 another individual from a vehicle with the knowledge and  
23 consent of the owner of the vehicle and with the intent to  
24 cause death or great bodily harm to that individual and as a  
25 result causes death or great bodily harm to that individual,  
26 the vehicle shall be subject to seizure and forfeiture under



1 the same procedures provided in this Article for the seizure  
2 and forfeiture of vehicles used in violations of clauses (1),  
3 (2), (3), or (4) of subsection (a) of this Section.

4 (d) If the spouse of the owner of a vehicle seized for an  
5 offense described in subsection (g) of Section 6-303 of the  
6 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
7 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
8 11-501 of the Illinois Vehicle Code, or Section 9-3 of this  
9 Code makes a showing that the seized vehicle is the only source  
10 of transportation and it is determined that the financial  
11 hardship to the family as a result of the seizure outweighs the  
12 benefit to the State from the seizure, the vehicle may be  
13 forfeited to the spouse or family member and the title to the  
14 vehicle shall be transferred to the spouse or family member  
15 who is properly licensed and who requires the use of the  
16 vehicle for employment or family transportation purposes. A  
17 written declaration of forfeiture of a vehicle under this  
18 Section shall be sufficient cause for the title to be  
19 transferred to the spouse or family member. The provisions of  
20 this paragraph shall apply only to one forfeiture per vehicle.  
21 If the vehicle is the subject of a subsequent forfeiture  
22 proceeding by virtue of a subsequent conviction of either  
23 spouse or the family member, the spouse or family member to  
24 whom the vehicle was forfeited under the first forfeiture  
25 proceeding may not utilize the provisions of this paragraph in  
26 another forfeiture proceeding. If the owner of the vehicle

1 seized owns more than one vehicle, the procedure set out in  
2 this paragraph may be used for only one vehicle.

3 (e) In addition, property subject to forfeiture under  
4 Section 40 of the Illinois Streetgang Terrorism Omnibus  
5 Prevention Act may be seized and forfeited under this Article.  
6 (Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)

7 Section 55. The Code of Criminal Procedure of 1963 is  
8 amended by changing Sections 106B-10, 115-7, 115-7.3, 115-7.4,  
9 124B-10, 124B-100, 124B-420, and 124B-500 as follows:

10 (725 ILCS 5/106B-10)

11 Sec. 106B-10. Conditions for testimony by a victim or  
12 witness who is under 18 years of age or an ~~a child or a~~  
13 ~~moderately, severely, or profoundly~~ intellectually disabled  
14 person or a person affected by a developmental disability. The  
15 ~~In a prosecution of criminal sexual assault, predatory~~  
16 ~~criminal sexual assault of a child, aggravated criminal sexual~~  
17 ~~assault, criminal sexual abuse, aggravated criminal sexual~~  
18 ~~abuse, or any violent crime as defined in subsection (c) of~~  
19 ~~Section 3 of the Rights of Crime Victims and Witnesses Act, the~~  
20 court may set any conditions it finds just and appropriate on  
21 the taking of testimony of a victim or witness who is under 18  
22 years of age or an intellectually disabled person or a person  
23 affected by a developmental disability ~~victim who is a child~~  
24 ~~under the age of 18 years or a moderately, severely, or~~

1 ~~profoundly intellectually disabled person or a person affected~~  
2 ~~by a developmental disability,~~ involving the use of a facility  
3 dog in any criminal proceeding ~~involving that offense~~. When  
4 deciding whether to permit the child or person to testify with  
5 the assistance of a facility dog, the court shall take into  
6 consideration the age of the child or person, the rights of the  
7 parties to the litigation, and any other relevant factor that  
8 would facilitate the giving of testimony ~~by the child or the~~  
9 ~~person~~. As used in this Section, "facility dog" means a dog  
10 that is a graduate of an assistance dog organization that is a  
11 member of Assistance Dogs International.

12 (Source: P.A. 102-22, eff. 6-25-21.)

13 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

14 Sec. 115-7. a. In prosecutions for predatory criminal  
15 sexual assault of a child, aggravated criminal sexual assault,  
16 criminal sexual assault, aggravated criminal sexual abuse,  
17 criminal sexual abuse, involuntary servitude, involuntary  
18 sexual servitude of a minor, or trafficking in persons ~~or~~  
19 ~~criminal transmission of HIV~~; and in prosecutions for battery  
20 and aggravated battery, when the commission of the offense  
21 involves sexual penetration or sexual conduct as defined in  
22 Section 11-0.1 of the Criminal Code of 2012; and with the trial  
23 or retrial of the offenses formerly known as rape, deviate  
24 sexual assault, indecent liberties with a child, and  
25 aggravated indecent liberties with a child, the prior sexual

1 activity or the reputation of the alleged victim or  
2 corroborating witness under Section 115-7.3 of this Code is  
3 inadmissible except (1) as evidence concerning the past sexual  
4 conduct of the alleged victim or corroborating witness under  
5 Section 115-7.3 of this Code with the accused when this  
6 evidence is offered by the accused upon the issue of whether  
7 the alleged victim or corroborating witness under Section  
8 115-7.3 of this Code consented to the sexual conduct with  
9 respect to which the offense is alleged; or (2) when  
10 constitutionally required to be admitted.

11 b. No evidence admissible under this Section shall be  
12 introduced unless ruled admissible by the trial judge after an  
13 offer of proof has been made at a hearing to be held in camera  
14 in order to determine whether the defense has evidence to  
15 impeach the witness in the event that prior sexual activity  
16 with the defendant is denied. Such offer of proof shall  
17 include reasonably specific information as to the date, time  
18 and place of the past sexual conduct between the alleged  
19 victim or corroborating witness under Section 115-7.3 of this  
20 Code and the defendant. Unless the court finds that reasonably  
21 specific information as to date, time or place, or some  
22 combination thereof, has been offered as to prior sexual  
23 activity with the defendant, counsel for the defendant shall  
24 be ordered to refrain from inquiring into prior sexual  
25 activity between the alleged victim or corroborating witness  
26 under Section 115-7.3 of this Code and the defendant. The

1 court shall not admit evidence under this Section unless it  
2 determines at the hearing that the evidence is relevant and  
3 the probative value of the evidence outweighs the danger of  
4 unfair prejudice. The evidence shall be admissible at trial to  
5 the extent an order made by the court specifies the evidence  
6 that may be admitted and areas with respect to which the  
7 alleged victim or corroborating witness under Section 115-7.3  
8 of this Code may be examined or cross examined.

9 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

10 (725 ILCS 5/115-7.3)

11 Sec. 115-7.3. Evidence in certain cases.

12 (a) This Section applies to criminal cases in which:

13 (1) the defendant is accused of predatory criminal  
14 sexual assault of a child, aggravated criminal sexual  
15 assault, criminal sexual assault, aggravated criminal  
16 sexual abuse, criminal sexual abuse, child sexual abuse  
17 material pornography, aggravated child sexual abuse  
18 material pornography, involuntary servitude, involuntary  
19 sexual servitude of a minor, trafficking in persons,  
20 ~~criminal transmission of HIV,~~ or child abduction as  
21 defined in paragraph (10) of subsection (b) of Section  
22 10-5 of the Criminal Code of 1961 or the Criminal Code of  
23 2012;

24 (2) the defendant is accused of battery, aggravated  
25 battery, first degree murder, or second degree murder when

1 the commission of the offense involves sexual penetration  
2 or sexual conduct as defined in Section 11-0.1 of the  
3 Criminal Code of 2012; or

4 (3) the defendant is tried or retried for any of the  
5 offenses formerly known as rape, deviate sexual assault,  
6 indecent liberties with a child, or aggravated indecent  
7 liberties with a child.

8 (b) If the defendant is accused of an offense set forth in  
9 paragraph (1) or (2) of subsection (a) or the defendant is  
10 tried or retried for any of the offenses set forth in paragraph  
11 (3) of subsection (a), evidence of the defendant's commission  
12 of another offense or offenses set forth in paragraph (1),  
13 (2), or (3) of subsection (a), or evidence to rebut that proof  
14 or an inference from that proof, may be admissible (if that  
15 evidence is otherwise admissible under the rules of evidence)  
16 and may be considered for its bearing on any matter to which it  
17 is relevant.

18 (c) In weighing the probative value of the evidence  
19 against undue prejudice to the defendant, the court may  
20 consider:

21 (1) the proximity in time to the charged or predicate  
22 offense;

23 (2) the degree of factual similarity to the charged or  
24 predicate offense; or

25 (3) other relevant facts and circumstances.

26 (d) In a criminal case in which the prosecution intends to

1 offer evidence under this Section, it must disclose the  
2 evidence, including statements of witnesses or a summary of  
3 the substance of any testimony, at a reasonable time in  
4 advance of trial, or during trial if the court excuses  
5 pretrial notice on good cause shown.

6 (e) In a criminal case in which evidence is offered under  
7 this Section, proof may be made by specific instances of  
8 conduct, testimony as to reputation, or testimony in the form  
9 of an expert opinion, except that the prosecution may offer  
10 reputation testimony only after the opposing party has offered  
11 that testimony.

12 (f) In prosecutions for a violation of Section 10-2,  
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.05, 12-4,  
14 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of the Criminal  
15 Code of 1961 or the Criminal Code of 2012, involving the  
16 involuntary delivery of a controlled substance to a victim, no  
17 inference may be made about the fact that a victim did not  
18 consent to a test for the presence of controlled substances.

19 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;  
20 98-160, eff. 1-1-14.)

21 (725 ILCS 5/115-7.4)

22 Sec. 115-7.4. Evidence in domestic violence cases.

23 (a) In a criminal prosecution in which the defendant is  
24 accused of an offense of domestic violence as defined in  
25 paragraphs (1) and (3) of Section 103 of the Illinois Domestic

1 Violence Act of 1986, or first degree murder or second degree  
2 murder when the commission of the offense involves domestic  
3 violence, involuntary servitude, involuntary sexual servitude  
4 of a minor, or trafficking in persons, evidence of the  
5 defendant's commission of another offense or offenses of  
6 domestic violence is admissible, and may be considered for its  
7 bearing on any matter to which it is relevant.

8 (b) In weighing the probative value of the evidence  
9 against undue prejudice to the defendant, the court may  
10 consider:

11 (1) the proximity in time to the charged or predicate  
12 offense;

13 (2) the degree of factual similarity to the charged or  
14 predicate offense; or

15 (3) other relevant facts and circumstances.

16 (c) In a criminal case in which the prosecution intends to  
17 offer evidence under this Section, it must disclose the  
18 evidence, including statements of witnesses or a summary of  
19 the substance of any testimony, at a reasonable time in  
20 advance of trial, or during trial if the court excuses  
21 pretrial notice on good cause shown.

22 (d) In a criminal case in which evidence is offered under  
23 this Section, proof may be made by specific instances of  
24 conduct, testimony as to reputation, or testimony in the form  
25 of an expert opinion, except that the prosecution may offer  
26 reputation testimony only after the opposing party has offered



1 that testimony.

2 (Source: P.A. 97-1036, eff. 8-20-12.)

3 (725 ILCS 5/124B-10)

4 Sec. 124B-10. Applicability; offenses. This Article  
5 applies to forfeiture of property in connection with the  
6 following:

7 (1) A violation of Section 10-9 or 10A-10 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012  
9 (involuntary servitude; involuntary servitude of a minor;  
10 or trafficking in persons).

11 (2) A violation of subdivision (a)(1) of Section  
12 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
13 of 2012 (promoting juvenile prostitution) or a violation  
14 of Section 11-17.1 of the Criminal Code of 1961 (keeping a  
15 place of juvenile prostitution).

16 (3) A violation of subdivision (a)(4) of Section  
17 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
18 of 2012 (promoting juvenile prostitution) or a violation  
19 of Section 11-19.2 of the Criminal Code of 1961  
20 (exploitation of a child).

21 (4) A second or subsequent violation of Section 11-20  
22 of the Criminal Code of 1961 or the Criminal Code of 2012  
23 (obscenity).

24 (5) A violation of Section 11-20.1 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012 (child sexual

1 abuse material pornography).

2 (6) A violation of Section 11-20.1B or 11-20.3 of the  
3 Criminal Code of 1961 (aggravated child sexual abuse  
4 material pornography).

5 (6.5) A violation of Section 11-23.5 of the Criminal  
6 Code of 2012.

7 (7) A violation of Section 12C-65 of the Criminal Code  
8 of 2012 or Article 44 of the Criminal Code of 1961  
9 (unlawful transfer of a telecommunications device to a  
10 minor).

11 (8) A violation of Section 17-50 or Section 16D-5 of  
12 the Criminal Code of 2012 or the Criminal Code of 1961  
13 (computer fraud).

14 (9) A felony violation of Section 17-6.3 or Article  
15 17B of the Criminal Code of 2012 or the Criminal Code of  
16 1961 (WIC fraud).

17 (10) A felony violation of Section 48-1 of the  
18 Criminal Code of 2012 or Section 26-5 of the Criminal Code  
19 of 1961 (dog fighting).

20 (11) A violation of Article 29D of the Criminal Code  
21 of 1961 or the Criminal Code of 2012 (terrorism).

22 (12) A felony violation of Section 4.01 of the Humane  
23 Care for Animals Act (animals in entertainment).

24 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;  
25 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.  
26 6-1-15.)

1 (725 ILCS 5/124B-100)

2 Sec. 124B-100. Definition; "offense". For purposes of this  
3 Article, "offense" is defined as follows:

4 (1) In the case of forfeiture authorized under Section  
5 10A-15 of the Criminal Code of 1961 or Section 10-9 of the  
6 Criminal Code of 2012, "offense" means the offense of  
7 involuntary servitude, involuntary servitude of a minor,  
8 or trafficking in persons in violation of Section 10-9 or  
9 10A-10 of those Codes.

10 (2) In the case of forfeiture authorized under  
11 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,  
12 of the Criminal Code of 1961 or the Criminal Code of 2012,  
13 "offense" means the offense of promoting juvenile  
14 prostitution or keeping a place of juvenile prostitution  
15 in violation of subdivision (a) (1) of Section 11-14.4, or  
16 Section 11-17.1, of those Codes.

17 (3) In the case of forfeiture authorized under  
18 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,  
19 of the Criminal Code of 1961 or the Criminal Code of 2012,  
20 "offense" means the offense of promoting juvenile  
21 prostitution or exploitation of a child in violation of  
22 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,  
23 of those Codes.

24 (4) In the case of forfeiture authorized under Section  
25 11-20 of the Criminal Code of 1961 or the Criminal Code of

1           2012, "offense" means the offense of obscenity in  
2 violation of that Section.

3           (5) In the case of forfeiture authorized under Section  
4 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
5 of 2012, "offense" means the offense of child sexual abuse  
6 material ~~pornography~~ in violation of Section 11-20.1 of  
7 that Code.

8           (6) In the case of forfeiture authorized under Section  
9 11-20.1B or 11-20.3 of the Criminal Code of 1961,  
10 "offense" means the offense of aggravated child sexual  
11 abuse material ~~pornography~~ in violation of Section  
12 11-20.1B or 11-20.3 of that Code.

13           (7) In the case of forfeiture authorized under Section  
14 12C-65 of the Criminal Code of 2012 or Article 44 of the  
15 Criminal Code of 1961, "offense" means the offense of  
16 unlawful transfer of a telecommunications device to a  
17 minor in violation of Section 12C-65 or Article 44 of  
18 those Codes.

19           (8) In the case of forfeiture authorized under Section  
20 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal  
21 Code of 2012, "offense" means the offense of computer  
22 fraud in violation of Section 17-50 or 16D-5 of those  
23 Codes.

24           (9) In the case of forfeiture authorized under Section  
25 17-6.3 or Article 17B of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, "offense" means any felony

1 violation of Section 17-6.3 or Article 17B of those Codes.

2 (10) In the case of forfeiture authorized under  
3 Section 29D-65 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, "offense" means any offense under  
5 Article 29D of that Code.

6 (11) In the case of forfeiture authorized under  
7 Section 4.01 of the Humane Care for Animals Act, Section  
8 26-5 of the Criminal Code of 1961, or Section 48-1 of the  
9 Criminal Code of 2012, "offense" means any felony offense  
10 under either of those Sections.

11 (12) In the case of forfeiture authorized under  
12 Section 124B-1000(b) of the Code of Criminal Procedure of  
13 1963, "offense" means an offense in violation of the  
14 Criminal Code of 1961, the Criminal Code of 2012, the  
15 Illinois Controlled Substances Act, the Cannabis Control  
16 Act, or the Methamphetamine Control and Community  
17 Protection Act, or an offense involving a  
18 telecommunications device possessed by a person on the  
19 real property of any elementary or secondary school  
20 without authority of the school principal.

21 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;  
22 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
23 1-1-13; 97-1150, eff. 1-25-13.)

24 (725 ILCS 5/124B-420)

25 Sec. 124B-420. Distribution of property and sale proceeds.

1 (a) All moneys and the sale proceeds of all other property  
2 forfeited and seized under this Part 400 shall be distributed  
3 as follows:

4 (1) 50% shall be distributed to the unit of local  
5 government whose officers or employees conducted the  
6 investigation into the offense and caused the arrest or  
7 arrests and prosecution leading to the forfeiture, except  
8 that if the investigation, arrest or arrests, and  
9 prosecution leading to the forfeiture were undertaken by  
10 the sheriff, this portion shall be distributed to the  
11 county for deposit into a special fund in the county  
12 treasury appropriated to the sheriff. Amounts distributed  
13 to the county for the sheriff or to units of local  
14 government under this paragraph shall be used for  
15 enforcement of laws or ordinances governing obscenity and  
16 child sexual abuse material ~~pornography~~. If the  
17 investigation, arrest or arrests, and prosecution leading  
18 to the forfeiture were undertaken solely by a State  
19 agency, however, the portion designated in this paragraph  
20 shall be paid into the State treasury to be used for  
21 enforcement of laws governing obscenity and child sexual  
22 abuse material ~~pornography~~.

23 (2) 25% shall be distributed to the county in which  
24 the prosecution resulting in the forfeiture was  
25 instituted, deposited into a special fund in the county  
26 treasury, and appropriated to the State's Attorney for use

1 in the enforcement of laws governing obscenity and child  
2 sexual abuse material pornography.

3 (3) 25% shall be distributed to the Office of the  
4 State's Attorneys Appellate Prosecutor and deposited into  
5 the Obscenity Profits Forfeiture Fund, which is hereby  
6 created in the State treasury, to be used by the Office of  
7 the State's Attorneys Appellate Prosecutor for additional  
8 expenses incurred in prosecuting appeals arising under  
9 Sections 11-20, 11-20.1, 11-20.1B, and 11-20.3 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012. Any  
11 amounts remaining in the Fund after all additional  
12 expenses have been paid shall be used by the Office to  
13 reduce the participating county contributions to the  
14 Office on a pro-rated basis as determined by the board of  
15 governors of the Office of the State's Attorneys Appellate  
16 Prosecutor based on the populations of the participating  
17 counties.

18 (b) Before any distribution under subsection (a), the  
19 Attorney General or State's Attorney shall retain from the  
20 forfeited moneys or sale proceeds, or both, sufficient moneys  
21 to cover expenses related to the administration and sale of  
22 the forfeited property.

23 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;  
24 97-1150, eff. 1-25-13.)

1           Sec. 124B-500. Persons and property subject to forfeiture.  
2           A person who commits child sexual abuse material ~~pornography~~,  
3           aggravated child sexual abuse material ~~pornography~~, or  
4           non-consensual dissemination of private sexual images under  
5           Section 11-20.1, 11-20.1B, 11-20.3, or 11-23.5 of the Criminal  
6           Code of 1961 or the Criminal Code of 2012 shall forfeit the  
7           following property to the State of Illinois:

8           (1) Any profits or proceeds and any property the  
9           person has acquired or maintained in violation of Section  
10          11-20.1, 11-20.1B, 11-20.3, or 11-23.5 of the Criminal  
11          Code of 1961 or the Criminal Code of 2012 that the  
12          sentencing court determines, after a forfeiture hearing  
13          under this Article, to have been acquired or maintained as  
14          a result of child sexual abuse material ~~pornography~~,  
15          aggravated child sexual abuse material ~~pornography~~, or  
16          non-consensual dissemination of private sexual images.

17          (2) Any interest in, securities of, claim against, or  
18          property or contractual right of any kind affording a  
19          source of influence over any enterprise that the person  
20          has established, operated, controlled, or conducted in  
21          violation of Section 11-20.1, 11-20.1B, 11-20.3, or  
22          11-23.5 of the Criminal Code of 1961 or the Criminal Code  
23          of 2012 that the sentencing court determines, after a  
24          forfeiture hearing under this Article, to have been  
25          acquired or maintained as a result of child sexual abuse  
26          material ~~pornography~~, aggravated child sexual abuse



1        material pornography, or non-consensual dissemination of  
2        private sexual images.

3            (3) Any computer that contains a depiction of child  
4        sexual abuse material pornography in any encoded or  
5        decoded format in violation of Section 11-20.1, 11-20.1B,  
6        or 11-20.3 of the Criminal Code of 1961 or the Criminal  
7        Code of 2012. For purposes of this paragraph (3),  
8        "computer" has the meaning ascribed to it in Section  
9        17-0.5 of the Criminal Code of 2012.

10        (Source: P.A. 97-1150, eff. 1-25-13; 98-1013, eff. 1-1-15;  
11        98-1138, eff. 6-1-15.)

12            Section 60. The Statewide Grand Jury Act is amended by  
13        changing Sections 2 and 3 as follows:

14            (725 ILCS 215/2) (from Ch. 38, par. 1702)

15            Sec. 2. (a) County grand juries and State's Attorneys have  
16        always had and shall continue to have primary responsibility  
17        for investigating, indicting, and prosecuting persons who  
18        violate the criminal laws of the State of Illinois. However,  
19        in recent years organized terrorist activity directed against  
20        innocent civilians and certain criminal enterprises have  
21        developed that require investigation, indictment, and  
22        prosecution on a statewide or multicounty level. The criminal  
23        enterprises exist as a result of the allure of profitability  
24        present in narcotic activity, the unlawful sale and transfer

1 of firearms, and streetgang related felonies and organized  
2 terrorist activity is supported by the contribution of money  
3 and expert assistance from geographically diverse sources. In  
4 order to shut off the life blood of terrorism and weaken or  
5 eliminate the criminal enterprises, assets, and property used  
6 to further these offenses must be frozen, and any profit must  
7 be removed. State statutes exist that can accomplish that  
8 goal. Among them are the offense of money laundering,  
9 violations of Article 29D of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,  
11 and gunrunning. Local prosecutors need investigative personnel  
12 and specialized training to attack and eliminate these  
13 profits. In light of the transitory and complex nature of  
14 conduct that constitutes these criminal activities, the many  
15 diverse property interests that may be used, acquired directly  
16 or indirectly as a result of these criminal activities, and  
17 the many places that illegally obtained property may be  
18 located, it is the purpose of this Act to create a limited,  
19 multicounty Statewide Grand Jury with authority to  
20 investigate, indict, and prosecute: narcotic activity,  
21 including cannabis and controlled substance trafficking,  
22 narcotics racketeering, money laundering, violations of the  
23 Cannabis and Controlled Substances Tax Act, and violations of  
24 Article 29D of the Criminal Code of 1961 or the Criminal Code  
25 of 2012; the unlawful sale and transfer of firearms;  
26 gunrunning; and streetgang related felonies.

1 (b) A Statewide Grand Jury may also investigate, indict,  
2 and prosecute violations facilitated by the use of a computer  
3 of any of the following offenses: indecent solicitation of a  
4 child, sexual exploitation of a child, soliciting for a  
5 juvenile prostitute, keeping a place of juvenile prostitution,  
6 juvenile pimping, child sexual abuse material ~~pornography~~,  
7 aggravated child sexual abuse material ~~pornography~~, or  
8 promoting juvenile prostitution except as described in  
9 subdivision (a) (4) of Section 11-14.4 of the Criminal Code of  
10 1961 or the Criminal Code of 2012.

11 (Source: P.A. 101-593, eff. 12-4-19.)

12 (725 ILCS 215/3) (from Ch. 38, par. 1703)

13 Sec. 3. Written application for the appointment of a  
14 Circuit Judge to convene and preside over a Statewide Grand  
15 Jury, with jurisdiction extending throughout the State, shall  
16 be made to the Chief Justice of the Supreme Court. Upon such  
17 written application, the Chief Justice of the Supreme Court  
18 shall appoint a Circuit Judge from the circuit where the  
19 Statewide Grand Jury is being sought to be convened, who shall  
20 make a determination that the convening of a Statewide Grand  
21 Jury is necessary.

22 In such application the Attorney General shall state that  
23 the convening of a Statewide Grand Jury is necessary because  
24 of an alleged offense or offenses set forth in this Section  
25 involving more than one county of the State and identifying

1 any such offense alleged; and

2 (a) that he or she believes that the grand jury  
3 function for the investigation and indictment of the  
4 offense or offenses cannot effectively be performed by a  
5 county grand jury together with the reasons for such  
6 belief, and

7 (b) (1) that each State's Attorney with jurisdiction  
8 over an offense or offenses to be investigated has  
9 consented to the impaneling of the Statewide Grand Jury,  
10 or

11 (2) if one or more of the State's Attorneys having  
12 jurisdiction over an offense or offenses to be  
13 investigated fails to consent to the impaneling of the  
14 Statewide Grand Jury, the Attorney General shall set forth  
15 good cause for impaneling the Statewide Grand Jury.

16 If the Circuit Judge determines that the convening of a  
17 Statewide Grand Jury is necessary, he or she shall convene and  
18 impanel the Statewide Grand Jury with jurisdiction extending  
19 throughout the State to investigate and return indictments:

20 (a) For violations of any of the following or for any  
21 other criminal offense committed in the course of  
22 violating any of the following: Article 29D of the  
23 Criminal Code of 1961 or the Criminal Code of 2012, the  
24 Illinois Controlled Substances Act, the Cannabis Control  
25 Act, the Methamphetamine Control and Community Protection  
26 Act, or the Narcotics Profit Forfeiture Act; a streetgang

1 related felony offense; Section 24-2.1, 24-2.2, 24-3,  
2 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection  
3 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),  
4 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or  
5 the Criminal Code of 2012; or a money laundering offense;  
6 provided that the violation or offense involves acts  
7 occurring in more than one county of this State; and

8 (a-5) For violations facilitated by the use of a  
9 computer, including the use of the Internet, the World  
10 Wide Web, electronic mail, message board, newsgroup, or  
11 any other commercial or noncommercial on-line service, of  
12 any of the following offenses: indecent solicitation of a  
13 child, sexual exploitation of a child, soliciting for a  
14 juvenile prostitute, keeping a place of juvenile  
15 prostitution, juvenile pimping, child sexual abuse  
16 material pornography, aggravated child sexual abuse  
17 material pornography, or promoting juvenile prostitution  
18 except as described in subdivision (a)(4) of Section  
19 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
20 of 2012; and

21 (b) For the offenses of perjury, subornation of  
22 perjury, communicating with jurors and witnesses, and  
23 harassment of jurors and witnesses, as they relate to  
24 matters before the Statewide Grand Jury.

25 "Streetgang related" has the meaning ascribed to it in  
26 Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2       Upon written application by the Attorney General for the  
3 convening of an additional Statewide Grand Jury, the Chief  
4 Justice of the Supreme Court shall appoint a Circuit Judge  
5 from the circuit for which the additional Statewide Grand Jury  
6 is sought. The Circuit Judge shall determine the necessity for  
7 an additional Statewide Grand Jury in accordance with the  
8 provisions of this Section. No more than 2 Statewide Grand  
9 Juries may be empaneled at any time.

10 (Source: P.A. 101-593, eff. 12-4-19.)

11       Section 65. The Unified Code of Corrections is amended by  
12 changing Sections 3-1-2, 3-12.5-10, 5-5-3, 5-5-3.2, 5-8-1,  
13 5-8-4, 5-9-1.7, and 5-9-1.8 as follows:

14       (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

15       (Text of Section before amendment by P.A. 102-616)

16       Sec. 3-1-2. Definitions.

17       (a) "Chief Administrative Officer" means the person  
18 designated by the Director to exercise the powers and duties  
19 of the Department of Corrections in regard to committed  
20 persons within a correctional institution or facility, and  
21 includes the superintendent of any juvenile institution or  
22 facility.

23       (a-3) "Aftercare release" means the conditional and  
24 revocable release of a person committed to the Department of

1 Juvenile Justice under the Juvenile Court Act of 1987, under  
2 the supervision of the Department of Juvenile Justice.

3 (a-5) "Sex offense" for the purposes of paragraph (16) of  
4 subsection (a) of Section 3-3-7, paragraph (10) of subsection  
5 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of  
6 Section 5-6-3.1 only means:

7 (i) A violation of any of the following Sections of  
8 the Criminal Code of 1961 or the Criminal Code of 2012:  
9 10-7 (aiding or abetting child abduction under Section  
10 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent  
11 solicitation of a child), 11-6.5 (indecent solicitation of  
12 an adult), 11-14.4 (promoting juvenile prostitution),  
13 11-15.1 (soliciting for a juvenile prostitute), 11-17.1  
14 (keeping a place of juvenile prostitution), 11-18.1  
15 (patronizing a juvenile prostitute), 11-19.1 (juvenile  
16 pimping), 11-19.2 (exploitation of a child), 11-20.1  
17 (child sexual abuse material ~~pornography~~), 11-20.1B or  
18 11-20.3 (aggravated child sexual abuse material  
19 ~~pornography~~), 11-1.40 or 12-14.1 (predatory criminal  
20 sexual assault of a child), or 12-33 (ritualized abuse of  
21 a child). An attempt to commit any of these offenses.

22 (ii) A violation of any of the following Sections of  
23 the Criminal Code of 1961 or the Criminal Code of 2012:  
24 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or  
25 12-14 (aggravated criminal sexual assault), 11-1.60 or  
26 12-16 (aggravated criminal sexual abuse), and subsection

1 (a) of Section 11-1.50 or subsection (a) of Section 12-15  
2 (criminal sexual abuse). An attempt to commit any of these  
3 offenses.

4 (iii) A violation of any of the following Sections of  
5 the Criminal Code of 1961 or the Criminal Code of 2012 when  
6 the defendant is not a parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

12 (iv) A violation of any former law of this State  
13 substantially equivalent to any offense listed in this  
14 subsection (a-5).

15 An offense violating federal law or the law of another  
16 state that is substantially equivalent to any offense listed  
17 in this subsection (a-5) shall constitute a sex offense for  
18 the purpose of this subsection (a-5). A finding or  
19 adjudication as a sexually dangerous person under any federal  
20 law or law of another state that is substantially equivalent  
21 to the Sexually Dangerous Persons Act shall constitute an  
22 adjudication for a sex offense for the purposes of this  
23 subsection (a-5).

24 (b) "Commitment" means a judicially determined placement  
25 in the custody of the Department of Corrections on the basis of  
26 delinquency or conviction.



1           (c) "Committed person" is a person committed to the  
2 Department, however a committed person shall not be considered  
3 to be an employee of the Department of Corrections for any  
4 purpose, including eligibility for a pension, benefits, or any  
5 other compensation or rights or privileges which may be  
6 provided to employees of the Department.

7           (c-5) "Computer scrub software" means any third-party  
8 added software, designed to delete information from the  
9 computer unit, the hard drive, or other software, which would  
10 eliminate and prevent discovery of browser activity,  
11 including, but not limited to, Internet history, address bar  
12 or bars, cache or caches, and/or cookies, and which would  
13 over-write files in a way so as to make previous computer  
14 activity, including, but not limited to, website access, more  
15 difficult to discover.

16           (c-10) "Content-controlled tablet" means any device that  
17 can only access visitation applications or content relating to  
18 educational or personal development.

19           (d) "Correctional institution or facility" means any  
20 building or part of a building where committed persons are  
21 kept in a secured manner.

22           (e) "Department" means both the Department of Corrections  
23 and the Department of Juvenile Justice of this State, unless  
24 the context is specific to either the Department of  
25 Corrections or the Department of Juvenile Justice.

26           (f) "Director" means both the Director of Corrections and

1 the Director of Juvenile Justice, unless the context is  
2 specific to either the Director of Corrections or the Director  
3 of Juvenile Justice.

4 (f-5) (Blank).

5 (g) "Discharge" means the final termination of a  
6 commitment to the Department of Corrections.

7 (h) "Discipline" means the rules and regulations for the  
8 maintenance of order and the protection of persons and  
9 property within the institutions and facilities of the  
10 Department and their enforcement.

11 (i) "Escape" means the intentional and unauthorized  
12 absence of a committed person from the custody of the  
13 Department.

14 (j) "Furlough" means an authorized leave of absence from  
15 the Department of Corrections for a designated purpose and  
16 period of time.

17 (k) "Parole" means the conditional and revocable release  
18 of a person committed to the Department of Corrections under  
19 the supervision of a parole officer.

20 (l) "Prisoner Review Board" means the Board established in  
21 Section 3-3-1(a), independent of the Department, to review  
22 rules and regulations with respect to good time credits, to  
23 hear charges brought by the Department against certain  
24 prisoners alleged to have violated Department rules with  
25 respect to good time credits, to set release dates for certain  
26 prisoners sentenced under the law in effect prior to February

1 1, 1978 (the effective date of Public Act 80-1099), to hear and  
2 decide the time of aftercare release for persons committed to  
3 the Department of Juvenile Justice under the Juvenile Court  
4 Act of 1987 to hear requests and make recommendations to the  
5 Governor with respect to pardon, reprieve or commutation, to  
6 set conditions for parole, aftercare release, and mandatory  
7 supervised release and determine whether violations of those  
8 conditions justify revocation of parole or release, and to  
9 assume all other functions previously exercised by the  
10 Illinois Parole and Pardon Board.

11 (m) Whenever medical treatment, service, counseling, or  
12 care is referred to in this Unified Code of Corrections, such  
13 term may be construed by the Department or Court, within its  
14 discretion, to include treatment, service, or counseling by a  
15 Christian Science practitioner or nursing care appropriate  
16 therewith whenever request therefor is made by a person  
17 subject to the provisions of this Code.

18 (n) "Victim" shall have the meaning ascribed to it in  
19 subsection (a) of Section 3 of the Rights of Crime Victims and  
20 Witnesses Act.

21 (o) "Wrongfully imprisoned person" means a person who has  
22 been discharged from a prison of this State and has received:

23 (1) a pardon from the Governor stating that such  
24 pardon is issued on the ground of innocence of the crime  
25 for which he or she was imprisoned; or

26 (2) a certificate of innocence from the Circuit Court

1 as provided in Section 2-702 of the Code of Civil  
2 Procedure.

3 (Source: P.A. 102-558, eff. 8-20-21.)

4 (Text of Section after amendment by P.A. 102-616)

5 Sec. 3-1-2. Definitions.

6 (a) "Chief Administrative Officer" means the person  
7 designated by the Director to exercise the powers and duties  
8 of the Department of Corrections in regard to committed  
9 persons within a correctional institution or facility, and  
10 includes the superintendent of any juvenile institution or  
11 facility.

12 (a-3) "Aftercare release" means the conditional and  
13 revocable release of a person committed to the Department of  
14 Juvenile Justice under the Juvenile Court Act of 1987, under  
15 the supervision of the Department of Juvenile Justice.

16 (a-5) "Sex offense" for the purposes of paragraph (16) of  
17 subsection (a) of Section 3-3-7, paragraph (10) of subsection  
18 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of  
19 Section 5-6-3.1 only means:

20 (i) A violation of any of the following Sections of  
21 the Criminal Code of 1961 or the Criminal Code of 2012:  
22 10-7 (aiding or abetting child abduction under Section  
23 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent  
24 solicitation of a child), 11-6.5 (indecent solicitation of  
25 an adult), 11-14.4 (promoting juvenile prostitution),

1 11-15.1 (soliciting for a juvenile prostitute), 11-17.1  
2 (keeping a place of juvenile prostitution), 11-18.1  
3 (patronizing a juvenile prostitute), 11-19.1 (juvenile  
4 pimping), 11-19.2 (exploitation of a child), 11-20.1  
5 (child sexual abuse material ~~pornography~~), 11-20.1B or  
6 11-20.3 (aggravated child sexual abuse material  
7 ~~pornography~~), 11-1.40 or 12-14.1 (predatory criminal  
8 sexual assault of a child), or 12-33 (ritualized abuse of  
9 a child). An attempt to commit any of these offenses.

10 (ii) A violation of any of the following Sections of  
11 the Criminal Code of 1961 or the Criminal Code of 2012:  
12 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or  
13 12-14 (aggravated criminal sexual assault), 11-1.60 or  
14 12-16 (aggravated criminal sexual abuse), and subsection  
15 (a) of Section 11-1.50 or subsection (a) of Section 12-15  
16 (criminal sexual abuse). An attempt to commit any of these  
17 offenses.

18 (iii) A violation of any of the following Sections of  
19 the Criminal Code of 1961 or the Criminal Code of 2012 when  
20 the defendant is not a parent of the victim:

21 10-1 (kidnapping),

22 10-2 (aggravated kidnapping),

23 10-3 (unlawful restraint),

24 10-3.1 (aggravated unlawful restraint).

25 An attempt to commit any of these offenses.

26 (iv) A violation of any former law of this State

1 substantially equivalent to any offense listed in this  
2 subsection (a-5).

3 An offense violating federal law or the law of another  
4 state that is substantially equivalent to any offense listed  
5 in this subsection (a-5) shall constitute a sex offense for  
6 the purpose of this subsection (a-5). A finding or  
7 adjudication as a sexually dangerous person under any federal  
8 law or law of another state that is substantially equivalent  
9 to the Sexually Dangerous Persons Act shall constitute an  
10 adjudication for a sex offense for the purposes of this  
11 subsection (a-5).

12 (b) "Commitment" means a judicially determined placement  
13 in the custody of the Department of Corrections on the basis of  
14 delinquency or conviction.

15 (c) "Committed person" is a person committed to the  
16 Department, however a committed person shall not be considered  
17 to be an employee of the Department of Corrections for any  
18 purpose, including eligibility for a pension, benefits, or any  
19 other compensation or rights or privileges which may be  
20 provided to employees of the Department.

21 (c-5) "Computer scrub software" means any third-party  
22 added software, designed to delete information from the  
23 computer unit, the hard drive, or other software, which would  
24 eliminate and prevent discovery of browser activity,  
25 including, but not limited to, Internet history, address bar  
26 or bars, cache or caches, and/or cookies, and which would

1 over-write files in a way so as to make previous computer  
2 activity, including, but not limited to, website access, more  
3 difficult to discover.

4 (c-10) "Content-controlled tablet" means any device that  
5 can only access visitation applications or content relating to  
6 educational or personal development.

7 (d) "Correctional institution or facility" means any  
8 building or part of a building where committed persons are  
9 kept in a secured manner.

10 (d-5) "Correctional officer" means: an employee of the  
11 Department of Corrections who has custody and control over  
12 committed persons in an adult correctional facility; or, for  
13 an employee of the Department of Juvenile Justice, direct care  
14 staff of persons committed to a juvenile facility.

15 (e) "Department" means both the Department of Corrections  
16 and the Department of Juvenile Justice of this State, unless  
17 the context is specific to either the Department of  
18 Corrections or the Department of Juvenile Justice.

19 (f) "Director" means both the Director of Corrections and  
20 the Director of Juvenile Justice, unless the context is  
21 specific to either the Director of Corrections or the Director  
22 of Juvenile Justice.

23 (f-5) (Blank).

24 (g) "Discharge" means the final termination of a  
25 commitment to the Department of Corrections.

26 (h) "Discipline" means the rules and regulations for the

1 maintenance of order and the protection of persons and  
2 property within the institutions and facilities of the  
3 Department and their enforcement.

4 (i) "Escape" means the intentional and unauthorized  
5 absence of a committed person from the custody of the  
6 Department.

7 (j) "Furlough" means an authorized leave of absence from  
8 the Department of Corrections for a designated purpose and  
9 period of time.

10 (k) "Parole" means the conditional and revocable release  
11 of a person committed to the Department of Corrections under  
12 the supervision of a parole officer.

13 (l) "Prisoner Review Board" means the Board established in  
14 Section 3-3-1(a), independent of the Department, to review  
15 rules and regulations with respect to good time credits, to  
16 hear charges brought by the Department against certain  
17 prisoners alleged to have violated Department rules with  
18 respect to good time credits, to set release dates for certain  
19 prisoners sentenced under the law in effect prior to February  
20 1, 1978 (the effective date of Public Act 80-1099), to hear and  
21 decide the time of aftercare release for persons committed to  
22 the Department of Juvenile Justice under the Juvenile Court  
23 Act of 1987 to hear requests and make recommendations to the  
24 Governor with respect to pardon, reprieve or commutation, to  
25 set conditions for parole, aftercare release, and mandatory  
26 supervised release and determine whether violations of those



1 conditions justify revocation of parole or release, and to  
2 assume all other functions previously exercised by the  
3 Illinois Parole and Pardon Board.

4 (m) Whenever medical treatment, service, counseling, or  
5 care is referred to in this Unified Code of Corrections, such  
6 term may be construed by the Department or Court, within its  
7 discretion, to include treatment, service, or counseling by a  
8 Christian Science practitioner or nursing care appropriate  
9 therewith whenever request therefor is made by a person  
10 subject to the provisions of this Code.

11 (n) "Victim" shall have the meaning ascribed to it in  
12 subsection (a) of Section 3 of the Rights of Crime Victims and  
13 Witnesses Act.

14 (o) "Wrongfully imprisoned person" means a person who has  
15 been discharged from a prison of this State and has received:

16 (1) a pardon from the Governor stating that such  
17 pardon is issued on the ground of innocence of the crime  
18 for which he or she was imprisoned; or

19 (2) a certificate of innocence from the Circuit Court  
20 as provided in Section 2-702 of the Code of Civil  
21 Procedure.

22 (Source: P.A. 102-558, eff. 8-20-21; 102-616, eff. 1-1-22.)

23 (730 ILCS 5/3-12.5-10)

24 (Section scheduled to be repealed on August 24, 2022)

25 Sec. 3-12.5-10. Selection. Inmates may be selected to

1 participate in the pre-release Prisoner Entrepreneur Education  
2 Program only if all of the following conditions are met:

3 (1) the inmate is within 3 years of being released  
4 from custody of the Department of Corrections;

5 (2) the inmate has not been disciplined by the  
6 Department of Corrections within the past year;

7 (3) the inmate has a high school diploma or GED;

8 (4) the inmate has never been convicted of an offense  
9 described in Subdivision 5 of Article 11 of the Criminal  
10 Code of 2012 (major sex offenses), Subdivision 10 of  
11 Article 11 of the Criminal Code of 2012 (vulnerable victim  
12 sex offenses), Section 11-20.1 of Subdivision 20 of  
13 Article 11 of the Criminal Code of 2012 (child sexual  
14 abuse material ~~pornography~~ offenses), or similar offenses  
15 under the Criminal Code of 1961;

16 (5) the inmate is not currently affiliated with a  
17 gang; and

18 (6) the inmate is committed to personal change.

19 (Source: P.A. 100-283, eff. 8-24-17.)

20 (730 ILCS 5/5-5-3)

21 Sec. 5-5-3. Disposition.

22 (a) (Blank).

23 (b) (Blank).

24 (c) (1) (Blank).

25 (2) A period of probation, a term of periodic imprisonment

1 or conditional discharge shall not be imposed for the  
2 following offenses. The court shall sentence the offender to  
3 not less than the minimum term of imprisonment set forth in  
4 this Code for the following offenses, and may order a fine or  
5 restitution or both in conjunction with such term of  
6 imprisonment:

7 (A) First degree murder where the death penalty is not  
8 imposed.

9 (B) Attempted first degree murder.

10 (C) A Class X felony.

11 (D) A violation of Section 401.1 or 407 of the  
12 Illinois Controlled Substances Act, or a violation of  
13 subdivision (c)(1.5) of Section 401 of that Act which  
14 relates to more than 5 grams of a substance containing  
15 fentanyl or an analog thereof.

16 (D-5) A violation of subdivision (c)(1) of Section 401  
17 of the Illinois Controlled Substances Act which relates to  
18 3 or more grams of a substance containing heroin or an  
19 analog thereof.

20 (E) (Blank).

21 (F) A Class 1 or greater felony if the offender had  
22 been convicted of a Class 1 or greater felony, including  
23 any state or federal conviction for an offense that  
24 contained, at the time it was committed, the same elements  
25 as an offense now (the date of the offense committed after  
26 the prior Class 1 or greater felony) classified as a Class

1 1 or greater felony, within 10 years of the date on which  
2 the offender committed the offense for which he or she is  
3 being sentenced, except as otherwise provided in Section  
4 40-10 of the Substance Use Disorder Act.

5 (F-3) A Class 2 or greater felony sex offense or  
6 felony firearm offense if the offender had been convicted  
7 of a Class 2 or greater felony, including any state or  
8 federal conviction for an offense that contained, at the  
9 time it was committed, the same elements as an offense now  
10 (the date of the offense committed after the prior Class 2  
11 or greater felony) classified as a Class 2 or greater  
12 felony, within 10 years of the date on which the offender  
13 committed the offense for which he or she is being  
14 sentenced, except as otherwise provided in Section 40-10  
15 of the Substance Use Disorder Act.

16 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6  
17 of the Criminal Code of 1961 or the Criminal Code of 2012  
18 for which imprisonment is prescribed in those Sections.

19 (G) Residential burglary, except as otherwise provided  
20 in Section 40-10 of the Substance Use Disorder Act.

21 (H) Criminal sexual assault.

22 (I) Aggravated battery of a senior citizen as  
23 described in Section 12-4.6 or subdivision (a)(4) of  
24 Section 12-3.05 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012.

26 (J) A forcible felony if the offense was related to

1 the activities of an organized gang.

2 Before July 1, 1994, for the purposes of this  
3 paragraph, "organized gang" means an association of 5 or  
4 more persons, with an established hierarchy, that  
5 encourages members of the association to perpetrate crimes  
6 or provides support to the members of the association who  
7 do commit crimes.

8 Beginning July 1, 1994, for the purposes of this  
9 paragraph, "organized gang" has the meaning ascribed to it  
10 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
11 Prevention Act.

12 (K) Vehicular hijacking.

13 (L) A second or subsequent conviction for the offense  
14 of hate crime when the underlying offense upon which the  
15 hate crime is based is felony aggravated assault or felony  
16 mob action.

17 (M) A second or subsequent conviction for the offense  
18 of institutional vandalism if the damage to the property  
19 exceeds \$300.

20 (N) A Class 3 felony violation of paragraph (1) of  
21 subsection (a) of Section 2 of the Firearm Owners  
22 Identification Card Act.

23 (O) A violation of Section 12-6.1 or 12-6.5 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012.

25 (P) A violation of paragraph (1), (2), (3), (4), (5),  
26 or (7) of subsection (a) of Section 11-20.1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 (P-5) A violation of paragraph (6) of subsection (a)  
3 of Section 11-20.1 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012 if the victim is a household or  
5 family member of the defendant.

6 (Q) A violation of subsection (b) or (b-5) of Section  
7 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
8 Code of 1961 or the Criminal Code of 2012.

9 (R) A violation of Section 24-3A of the Criminal Code  
10 of 1961 or the Criminal Code of 2012.

11 (S) (Blank).

12 (T) (Blank).

13 (U) A second or subsequent violation of Section 6-303  
14 of the Illinois Vehicle Code committed while his or her  
15 driver's license, permit, or privilege was revoked because  
16 of a violation of Section 9-3 of the Criminal Code of 1961  
17 or the Criminal Code of 2012, relating to the offense of  
18 reckless homicide, or a similar provision of a law of  
19 another state.

20 (V) A violation of paragraph (4) of subsection (c) of  
21 Section 11-20.1B or paragraph (4) of subsection (c) of  
22 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
23 (6) of subsection (a) of Section 11-20.1 of the Criminal  
24 Code of 2012 when the victim is under 13 years of age and  
25 the defendant has previously been convicted under the laws  
26 of this State or any other state of the offense of child

1 sexual abuse material pornography, aggravated child sexual  
2 abuse material pornography, aggravated criminal sexual  
3 abuse, aggravated criminal sexual assault, predatory  
4 criminal sexual assault of a child, or any of the offenses  
5 formerly known as rape, deviate sexual assault, indecent  
6 liberties with a child, or aggravated indecent liberties  
7 with a child where the victim was under the age of 18 years  
8 or an offense that is substantially equivalent to those  
9 offenses.

10 (W) A violation of Section 24-3.5 of the Criminal Code  
11 of 1961 or the Criminal Code of 2012.

12 (X) A violation of subsection (a) of Section 31-1a of  
13 the Criminal Code of 1961 or the Criminal Code of 2012.

14 (Y) A conviction for unlawful possession of a firearm  
15 by a street gang member when the firearm was loaded or  
16 contained firearm ammunition.

17 (Z) A Class 1 felony committed while he or she was  
18 serving a term of probation or conditional discharge for a  
19 felony.

20 (AA) Theft of property exceeding \$500,000 and not  
21 exceeding \$1,000,000 in value.

22 (BB) Laundering of criminally derived property of a  
23 value exceeding \$500,000.

24 (CC) Knowingly selling, offering for sale, holding for  
25 sale, or using 2,000 or more counterfeit items or  
26 counterfeit items having a retail value in the aggregate

1 of \$500,000 or more.

2 (DD) A conviction for aggravated assault under  
3 paragraph (6) of subsection (c) of Section 12-2 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012 if the  
5 firearm is aimed toward the person against whom the  
6 firearm is being used.

7 (EE) A conviction for a violation of paragraph (2) of  
8 subsection (a) of Section 24-3B of the Criminal Code of  
9 2012.

10 (3) (Blank).

11 (4) A minimum term of imprisonment of not less than 10  
12 consecutive days or 30 days of community service shall be  
13 imposed for a violation of paragraph (c) of Section 6-303 of  
14 the Illinois Vehicle Code.

15 (4.1) (Blank).

16 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
17 this subsection (c), a minimum of 100 hours of community  
18 service shall be imposed for a second violation of Section  
19 6-303 of the Illinois Vehicle Code.

20 (4.3) A minimum term of imprisonment of 30 days or 300  
21 hours of community service, as determined by the court, shall  
22 be imposed for a second violation of subsection (c) of Section  
23 6-303 of the Illinois Vehicle Code.

24 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
25 (4.9) of this subsection (c), a minimum term of imprisonment  
26 of 30 days or 300 hours of community service, as determined by



1 the court, shall be imposed for a third or subsequent  
2 violation of Section 6-303 of the Illinois Vehicle Code. The  
3 court may give credit toward the fulfillment of community  
4 service hours for participation in activities and treatment as  
5 determined by court services.

6 (4.5) A minimum term of imprisonment of 30 days shall be  
7 imposed for a third violation of subsection (c) of Section  
8 6-303 of the Illinois Vehicle Code.

9 (4.6) Except as provided in paragraph (4.10) of this  
10 subsection (c), a minimum term of imprisonment of 180 days  
11 shall be imposed for a fourth or subsequent violation of  
12 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

13 (4.7) A minimum term of imprisonment of not less than 30  
14 consecutive days, or 300 hours of community service, shall be  
15 imposed for a violation of subsection (a-5) of Section 6-303  
16 of the Illinois Vehicle Code, as provided in subsection (b-5)  
17 of that Section.

18 (4.8) A mandatory prison sentence shall be imposed for a  
19 second violation of subsection (a-5) of Section 6-303 of the  
20 Illinois Vehicle Code, as provided in subsection (c-5) of that  
21 Section. The person's driving privileges shall be revoked for  
22 a period of not less than 5 years from the date of his or her  
23 release from prison.

24 (4.9) A mandatory prison sentence of not less than 4 and  
25 not more than 15 years shall be imposed for a third violation  
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-2.5) of that Section. The  
2 person's driving privileges shall be revoked for the remainder  
3 of his or her life.

4 (4.10) A mandatory prison sentence for a Class 1 felony  
5 shall be imposed, and the person shall be eligible for an  
6 extended term sentence, for a fourth or subsequent violation  
7 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
8 Code, as provided in subsection (d-3.5) of that Section. The  
9 person's driving privileges shall be revoked for the remainder  
10 of his or her life.

11 (5) The court may sentence a corporation or unincorporated  
12 association convicted of any offense to:

13 (A) a period of conditional discharge;

14 (B) a fine;

15 (C) make restitution to the victim under Section 5-5-6  
16 of this Code.

17 (5.1) In addition to any other penalties imposed, and  
18 except as provided in paragraph (5.2) or (5.3), a person  
19 convicted of violating subsection (c) of Section 11-907 of the  
20 Illinois Vehicle Code shall have his or her driver's license,  
21 permit, or privileges suspended for at least 90 days but not  
22 more than one year, if the violation resulted in damage to the  
23 property of another person.

24 (5.2) In addition to any other penalties imposed, and  
25 except as provided in paragraph (5.3), a person convicted of  
26 violating subsection (c) of Section 11-907 of the Illinois

1 Vehicle Code shall have his or her driver's license, permit,  
2 or privileges suspended for at least 180 days but not more than  
3 2 years, if the violation resulted in injury to another  
4 person.

5 (5.3) In addition to any other penalties imposed, a person  
6 convicted of violating subsection (c) of Section 11-907 of the  
7 Illinois Vehicle Code shall have his or her driver's license,  
8 permit, or privileges suspended for 2 years, if the violation  
9 resulted in the death of another person.

10 (5.4) In addition to any other penalties imposed, a person  
11 convicted of violating Section 3-707 of the Illinois Vehicle  
12 Code shall have his or her driver's license, permit, or  
13 privileges suspended for 3 months and until he or she has paid  
14 a reinstatement fee of \$100.

15 (5.5) In addition to any other penalties imposed, a person  
16 convicted of violating Section 3-707 of the Illinois Vehicle  
17 Code during a period in which his or her driver's license,  
18 permit, or privileges were suspended for a previous violation  
19 of that Section shall have his or her driver's license,  
20 permit, or privileges suspended for an additional 6 months  
21 after the expiration of the original 3-month suspension and  
22 until he or she has paid a reinstatement fee of \$100.

23 (6) (Blank).

24 (7) (Blank).

25 (8) (Blank).

26 (9) A defendant convicted of a second or subsequent

1 offense of ritualized abuse of a child may be sentenced to a  
2 term of natural life imprisonment.

3 (10) (Blank).

4 (11) The court shall impose a minimum fine of \$1,000 for a  
5 first offense and \$2,000 for a second or subsequent offense  
6 upon a person convicted of or placed on supervision for  
7 battery when the individual harmed was a sports official or  
8 coach at any level of competition and the act causing harm to  
9 the sports official or coach occurred within an athletic  
10 facility or within the immediate vicinity of the athletic  
11 facility at which the sports official or coach was an active  
12 participant of the athletic contest held at the athletic  
13 facility. For the purposes of this paragraph (11), "sports  
14 official" means a person at an athletic contest who enforces  
15 the rules of the contest, such as an umpire or referee;  
16 "athletic facility" means an indoor or outdoor playing field  
17 or recreational area where sports activities are conducted;  
18 and "coach" means a person recognized as a coach by the  
19 sanctioning authority that conducted the sporting event.

20 (12) A person may not receive a disposition of court  
21 supervision for a violation of Section 5-16 of the Boat  
22 Registration and Safety Act if that person has previously  
23 received a disposition of court supervision for a violation of  
24 that Section.

25 (13) A person convicted of or placed on court supervision  
26 for an assault or aggravated assault when the victim and the

1 offender are family or household members as defined in Section  
2 103 of the Illinois Domestic Violence Act of 1986 or convicted  
3 of domestic battery or aggravated domestic battery may be  
4 required to attend a Partner Abuse Intervention Program under  
5 protocols set forth by the Illinois Department of Human  
6 Services under such terms and conditions imposed by the court.  
7 The costs of such classes shall be paid by the offender.

8 (d) In any case in which a sentence originally imposed is  
9 vacated, the case shall be remanded to the trial court. The  
10 trial court shall hold a hearing under Section 5-4-1 of this  
11 Code which may include evidence of the defendant's life, moral  
12 character and occupation during the time since the original  
13 sentence was passed. The trial court shall then impose  
14 sentence upon the defendant. The trial court may impose any  
15 sentence which could have been imposed at the original trial  
16 subject to Section 5-5-4 of this Code. If a sentence is vacated  
17 on appeal or on collateral attack due to the failure of the  
18 trier of fact at trial to determine beyond a reasonable doubt  
19 the existence of a fact (other than a prior conviction)  
20 necessary to increase the punishment for the offense beyond  
21 the statutory maximum otherwise applicable, either the  
22 defendant may be re-sentenced to a term within the range  
23 otherwise provided or, if the State files notice of its  
24 intention to again seek the extended sentence, the defendant  
25 shall be afforded a new trial.

26 (e) In cases where prosecution for aggravated criminal

1 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012 results in conviction  
3 of a defendant who was a family member of the victim at the  
4 time of the commission of the offense, the court shall  
5 consider the safety and welfare of the victim and may impose a  
6 sentence of probation only where:

7 (1) the court finds (A) or (B) or both are  
8 appropriate:

9 (A) the defendant is willing to undergo a court  
10 approved counseling program for a minimum duration of  
11 2 years; or

12 (B) the defendant is willing to participate in a  
13 court approved plan, including, but not limited to,  
14 the defendant's:

15 (i) removal from the household;

16 (ii) restricted contact with the victim;

17 (iii) continued financial support of the  
18 family;

19 (iv) restitution for harm done to the victim;

20 and

21 (v) compliance with any other measures that  
22 the court may deem appropriate; and

23 (2) the court orders the defendant to pay for the  
24 victim's counseling services, to the extent that the court  
25 finds, after considering the defendant's income and  
26 assets, that the defendant is financially capable of

1           paying for such services, if the victim was under 18 years  
2           of age at the time the offense was committed and requires  
3           counseling as a result of the offense.

4           Probation may be revoked or modified pursuant to Section  
5           5-6-4; except where the court determines at the hearing that  
6           the defendant violated a condition of his or her probation  
7           restricting contact with the victim or other family members or  
8           commits another offense with the victim or other family  
9           members, the court shall revoke the defendant's probation and  
10          impose a term of imprisonment.

11          For the purposes of this Section, "family member" and  
12          "victim" shall have the meanings ascribed to them in Section  
13          11-0.1 of the Criminal Code of 2012.

14          (f) (Blank).

15          (g) Whenever a defendant is convicted of an offense under  
16          Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
17          11-14.3, 11-14.4 except for an offense that involves keeping a  
18          place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
19          11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
20          12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
21          Criminal Code of 2012, the defendant shall undergo medical  
22          testing to determine whether the defendant has any sexually  
23          transmissible disease, including a test for infection with  
24          human immunodeficiency virus (HIV) or any other identified  
25          causative agent of acquired immunodeficiency syndrome (AIDS).  
26          Any such medical test shall be performed only by appropriately

1 licensed medical practitioners and may include an analysis of  
2 any bodily fluids as well as an examination of the defendant's  
3 person. Except as otherwise provided by law, the results of  
4 such test shall be kept strictly confidential by all medical  
5 personnel involved in the testing and must be personally  
6 delivered in a sealed envelope to the judge of the court in  
7 which the conviction was entered for the judge's inspection in  
8 camera. Acting in accordance with the best interests of the  
9 victim and the public, the judge shall have the discretion to  
10 determine to whom, if anyone, the results of the testing may be  
11 revealed. The court shall notify the defendant of the test  
12 results. The court shall also notify the victim if requested  
13 by the victim, and if the victim is under the age of 15 and if  
14 requested by the victim's parents or legal guardian, the court  
15 shall notify the victim's parents or legal guardian of the  
16 test results. The court shall provide information on the  
17 availability of HIV testing and counseling at Department of  
18 Public Health facilities to all parties to whom the results of  
19 the testing are revealed and shall direct the State's Attorney  
20 to provide the information to the victim when possible. The  
21 court shall order that the cost of any such test shall be paid  
22 by the county and may be taxed as costs against the convicted  
23 defendant.

24 (g-5) When an inmate is tested for an airborne  
25 communicable disease, as determined by the Illinois Department  
26 of Public Health, including, but not limited to, tuberculosis,



1 the results of the test shall be personally delivered by the  
2 warden or his or her designee in a sealed envelope to the judge  
3 of the court in which the inmate must appear for the judge's  
4 inspection in camera if requested by the judge. Acting in  
5 accordance with the best interests of those in the courtroom,  
6 the judge shall have the discretion to determine what if any  
7 precautions need to be taken to prevent transmission of the  
8 disease in the courtroom.

9 (h) Whenever a defendant is convicted of an offense under  
10 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
11 defendant shall undergo medical testing to determine whether  
12 the defendant has been exposed to human immunodeficiency virus  
13 (HIV) or any other identified causative agent of acquired  
14 immunodeficiency syndrome (AIDS). Except as otherwise provided  
15 by law, the results of such test shall be kept strictly  
16 confidential by all medical personnel involved in the testing  
17 and must be personally delivered in a sealed envelope to the  
18 judge of the court in which the conviction was entered for the  
19 judge's inspection in camera. Acting in accordance with the  
20 best interests of the public, the judge shall have the  
21 discretion to determine to whom, if anyone, the results of the  
22 testing may be revealed. The court shall notify the defendant  
23 of a positive test showing an infection with the human  
24 immunodeficiency virus (HIV). The court shall provide  
25 information on the availability of HIV testing and counseling  
26 at Department of Public Health facilities to all parties to

1 whom the results of the testing are revealed and shall direct  
2 the State's Attorney to provide the information to the victim  
3 when possible. The court shall order that the cost of any such  
4 test shall be paid by the county and may be taxed as costs  
5 against the convicted defendant.

6 (i) All fines and penalties imposed under this Section for  
7 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
8 Vehicle Code, or a similar provision of a local ordinance, and  
9 any violation of the Child Passenger Protection Act, or a  
10 similar provision of a local ordinance, shall be collected and  
11 disbursed by the circuit clerk as provided under the Criminal  
12 and Traffic Assessment Act.

13 (j) In cases when prosecution for any violation of Section  
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
15 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
17 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
18 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
19 Code of 2012, any violation of the Illinois Controlled  
20 Substances Act, any violation of the Cannabis Control Act, or  
21 any violation of the Methamphetamine Control and Community  
22 Protection Act results in conviction, a disposition of court  
23 supervision, or an order of probation granted under Section 10  
24 of the Cannabis Control Act, Section 410 of the Illinois  
25 Controlled Substances Act, or Section 70 of the  
26 Methamphetamine Control and Community Protection Act of a

1 defendant, the court shall determine whether the defendant is  
2 employed by a facility or center as defined under the Child  
3 Care Act of 1969, a public or private elementary or secondary  
4 school, or otherwise works with children under 18 years of age  
5 on a daily basis. When a defendant is so employed, the court  
6 shall order the Clerk of the Court to send a copy of the  
7 judgment of conviction or order of supervision or probation to  
8 the defendant's employer by certified mail. If the employer of  
9 the defendant is a school, the Clerk of the Court shall direct  
10 the mailing of a copy of the judgment of conviction or order of  
11 supervision or probation to the appropriate regional  
12 superintendent of schools. The regional superintendent of  
13 schools shall notify the State Board of Education of any  
14 notification under this subsection.

15 (j-5) A defendant at least 17 years of age who is convicted  
16 of a felony and who has not been previously convicted of a  
17 misdemeanor or felony and who is sentenced to a term of  
18 imprisonment in the Illinois Department of Corrections shall  
19 as a condition of his or her sentence be required by the court  
20 to attend educational courses designed to prepare the  
21 defendant for a high school diploma and to work toward a high  
22 school diploma or to work toward passing high school  
23 equivalency testing or to work toward completing a vocational  
24 training program offered by the Department of Corrections. If  
25 a defendant fails to complete the educational training  
26 required by his or her sentence during the term of

1 incarceration, the Prisoner Review Board shall, as a condition  
2 of mandatory supervised release, require the defendant, at his  
3 or her own expense, to pursue a course of study toward a high  
4 school diploma or passage of high school equivalency testing.  
5 The Prisoner Review Board shall revoke the mandatory  
6 supervised release of a defendant who wilfully fails to comply  
7 with this subsection (j-5) upon his or her release from  
8 confinement in a penal institution while serving a mandatory  
9 supervised release term; however, the inability of the  
10 defendant after making a good faith effort to obtain financial  
11 aid or pay for the educational training shall not be deemed a  
12 wilful failure to comply. The Prisoner Review Board shall  
13 recommit the defendant whose mandatory supervised release term  
14 has been revoked under this subsection (j-5) as provided in  
15 Section 3-3-9. This subsection (j-5) does not apply to a  
16 defendant who has a high school diploma or has successfully  
17 passed high school equivalency testing. This subsection (j-5)  
18 does not apply to a defendant who is determined by the court to  
19 be a person with a developmental disability or otherwise  
20 mentally incapable of completing the educational or vocational  
21 program.

22 (k) (Blank).

23 (l) (A) Except as provided in paragraph (C) of subsection  
24 (l), whenever a defendant, who is an alien as defined by the  
25 Immigration and Nationality Act, is convicted of any felony or  
26 misdemeanor offense, the court after sentencing the defendant

1 may, upon motion of the State's Attorney, hold sentence in  
2 abeyance and remand the defendant to the custody of the  
3 Attorney General of the United States or his or her designated  
4 agent to be deported when:

5 (1) a final order of deportation has been issued  
6 against the defendant pursuant to proceedings under the  
7 Immigration and Nationality Act, and

8 (2) the deportation of the defendant would not  
9 deprecate the seriousness of the defendant's conduct and  
10 would not be inconsistent with the ends of justice.

11 Otherwise, the defendant shall be sentenced as provided in  
12 this Chapter V.

13 (B) If the defendant has already been sentenced for a  
14 felony or misdemeanor offense, or has been placed on probation  
15 under Section 10 of the Cannabis Control Act, Section 410 of  
16 the Illinois Controlled Substances Act, or Section 70 of the  
17 Methamphetamine Control and Community Protection Act, the  
18 court may, upon motion of the State's Attorney to suspend the  
19 sentence imposed, commit the defendant to the custody of the  
20 Attorney General of the United States or his or her designated  
21 agent when:

22 (1) a final order of deportation has been issued  
23 against the defendant pursuant to proceedings under the  
24 Immigration and Nationality Act, and

25 (2) the deportation of the defendant would not  
26 deprecate the seriousness of the defendant's conduct and

1 would not be inconsistent with the ends of justice.

2 (C) This subsection (1) does not apply to offenders who  
3 are subject to the provisions of paragraph (2) of subsection  
4 (a) of Section 3-6-3.

5 (D) Upon motion of the State's Attorney, if a defendant  
6 sentenced under this Section returns to the jurisdiction of  
7 the United States, the defendant shall be recommitted to the  
8 custody of the county from which he or she was sentenced.  
9 Thereafter, the defendant shall be brought before the  
10 sentencing court, which may impose any sentence that was  
11 available under Section 5-5-3 at the time of initial  
12 sentencing. In addition, the defendant shall not be eligible  
13 for additional earned sentence credit as provided under  
14 Section 3-6-3.

15 (m) A person convicted of criminal defacement of property  
16 under Section 21-1.3 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, in which the property damage exceeds  
18 \$300 and the property damaged is a school building, shall be  
19 ordered to perform community service that may include cleanup,  
20 removal, or painting over the defacement.

21 (n) The court may sentence a person convicted of a  
22 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
23 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
24 of 1961 or the Criminal Code of 2012 (i) to an impact  
25 incarceration program if the person is otherwise eligible for  
26 that program under Section 5-8-1.1, (ii) to community service,

1 or (iii) if the person has a substance use disorder, as defined  
2 in the Substance Use Disorder Act, to a treatment program  
3 licensed under that Act.

4 (o) Whenever a person is convicted of a sex offense as  
5 defined in Section 2 of the Sex Offender Registration Act, the  
6 defendant's driver's license or permit shall be subject to  
7 renewal on an annual basis in accordance with the provisions  
8 of license renewal established by the Secretary of State.

9 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;  
10 102-531, eff. 1-1-22; revised 10-12-21.)

11 (730 ILCS 5/5-5-3.2)

12 (Text of Section before amendment by P.A. 101-652)

13 Sec. 5-5-3.2. Factors in aggravation and extended-term  
14 sentencing.

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

19 (1) the defendant's conduct caused or threatened  
20 serious harm;

21 (2) the defendant received compensation for committing  
22 the offense;

23 (3) the defendant has a history of prior delinquency  
24 or criminal activity;

25 (4) the defendant, by the duties of his office or by

1 his position, was obliged to prevent the particular  
2 offense committed or to bring the offenders committing it  
3 to justice;

4 (5) the defendant held public office at the time of  
5 the offense, and the offense related to the conduct of  
6 that office;

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

10 (7) the sentence is necessary to deter others from  
11 committing the same crime;

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

14 (9) the defendant committed the offense against a  
15 person who has a physical disability or such person's  
16 property;

17 (10) by reason of another individual's actual or  
18 perceived race, color, creed, religion, ancestry, gender,  
19 sexual orientation, physical or mental disability, or  
20 national origin, the defendant committed the offense  
21 against (i) the person or property of that individual;  
22 (ii) the person or property of a person who has an  
23 association with, is married to, or has a friendship with  
24 the other individual; or (iii) the person or property of a  
25 relative (by blood or marriage) of a person described in  
26 clause (i) or (ii). For the purposes of this Section,



1 "sexual orientation" has the meaning ascribed to it in  
2 paragraph (O-1) of Section 1-103 of the Illinois Human  
3 Rights Act;

4 (11) the offense took place in a place of worship or on  
5 the grounds of a place of worship, immediately prior to,  
6 during or immediately following worship services. For  
7 purposes of this subparagraph, "place of worship" shall  
8 mean any church, synagogue or other building, structure or  
9 place used primarily for religious worship;

10 (12) the defendant was convicted of a felony committed  
11 while he was released on bail or his own recognizance  
12 pending trial for a prior felony and was convicted of such  
13 prior felony, or the defendant was convicted of a felony  
14 committed while he was serving a period of probation,  
15 conditional discharge, or mandatory supervised release  
16 under subsection (d) of Section 5-8-1 for a prior felony;

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

22 (14) the defendant held a position of trust or  
23 supervision such as, but not limited to, family member as  
24 defined in Section 11-0.1 of the Criminal Code of 2012,  
25 teacher, scout leader, baby sitter, or day care worker, in  
26 relation to a victim under 18 years of age, and the

1 defendant committed an offense in violation of Section  
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
3 11-14.4 except for an offense that involves keeping a  
4 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
5 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
6 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
7 of 2012 against that victim;

8 (15) the defendant committed an offense related to the  
9 activities of an organized gang. For the purposes of this  
10 factor, "organized gang" has the meaning ascribed to it in  
11 Section 10 of the Streetgang Terrorism Omnibus Prevention  
12 Act;

13 (16) the defendant committed an offense in violation  
14 of one of the following Sections while in a school,  
15 regardless of the time of day or time of year; on any  
16 conveyance owned, leased, or contracted by a school to  
17 transport students to or from school or a school related  
18 activity; on the real property of a school; or on a public  
19 way within 1,000 feet of the real property comprising any  
20 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
21 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
22 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
23 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
24 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
25 for subdivision (a) (4) or (g) (1), of the Criminal Code of  
26 1961 or the Criminal Code of 2012;

1           (16.5) the defendant committed an offense in violation  
2 of one of the following Sections while in a day care  
3 center, regardless of the time of day or time of year; on  
4 the real property of a day care center, regardless of the  
5 time of day or time of year; or on a public way within  
6 1,000 feet of the real property comprising any day care  
7 center, regardless of the time of day or time of year:  
8 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
9 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
10 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
11 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
12 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
13 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
14 Criminal Code of 2012;

15           (17) the defendant committed the offense by reason of  
16 any person's activity as a community policing volunteer or  
17 to prevent any person from engaging in activity as a  
18 community policing volunteer. For the purpose of this  
19 Section, "community policing volunteer" has the meaning  
20 ascribed to it in Section 2-3.5 of the Criminal Code of  
21 2012;

22           (18) the defendant committed the offense in a nursing  
23 home or on the real property comprising a nursing home.  
24 For the purposes of this paragraph (18), "nursing home"  
25 means a skilled nursing or intermediate long term care  
26 facility that is subject to license by the Illinois

1 Department of Public Health under the Nursing Home Care  
2 Act, the Specialized Mental Health Rehabilitation Act of  
3 2013, the ID/DD Community Care Act, or the MC/DD Act;

4 (19) the defendant was a federally licensed firearm  
5 dealer and was previously convicted of a violation of  
6 subsection (a) of Section 3 of the Firearm Owners  
7 Identification Card Act and has now committed either a  
8 felony violation of the Firearm Owners Identification Card  
9 Act or an act of armed violence while armed with a firearm;

10 (20) the defendant (i) committed the offense of  
11 reckless homicide under Section 9-3 of the Criminal Code  
12 of 1961 or the Criminal Code of 2012 or the offense of  
13 driving under the influence of alcohol, other drug or  
14 drugs, intoxicating compound or compounds or any  
15 combination thereof under Section 11-501 of the Illinois  
16 Vehicle Code or a similar provision of a local ordinance  
17 and (ii) was operating a motor vehicle in excess of 20  
18 miles per hour over the posted speed limit as provided in  
19 Article VI of Chapter 11 of the Illinois Vehicle Code;

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

26 (22) the defendant committed the offense against a

1 person that the defendant knew, or reasonably should have  
2 known, was a member of the Armed Forces of the United  
3 States serving on active duty. For purposes of this clause  
4 (22), the term "Armed Forces" means any of the Armed  
5 Forces of the United States, including a member of any  
6 reserve component thereof or National Guard unit called to  
7 active duty;

8 (23) the defendant committed the offense against a  
9 person who was elderly or infirm or who was a person with a  
10 disability by taking advantage of a family or fiduciary  
11 relationship with the elderly or infirm person or person  
12 with a disability;

13 (24) the defendant committed any offense under Section  
14 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
15 of 2012 and possessed 100 or more images;

16 (25) the defendant committed the offense while the  
17 defendant or the victim was in a train, bus, or other  
18 vehicle used for public transportation;

19 (26) the defendant committed the offense of child  
20 sexual abuse material ~~pornography~~ or aggravated child  
21 sexual abuse material ~~pornography~~, specifically including  
22 paragraph (1), (2), (3), (4), (5), or (7) of subsection  
23 (a) of Section 11-20.1 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012 where a child engaged in, solicited  
25 for, depicted in, or posed in any act of sexual  
26 penetration or bound, fettered, or subject to sadistic,

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

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

26 (28) the defendant committed the offense of assault,

1 aggravated assault, battery, aggravated battery, robbery,  
2 armed robbery, or aggravated robbery against a person that  
3 the defendant knew or reasonably should have known was a  
4 letter carrier or postal worker while that person was  
5 performing his or her duties delivering mail for the  
6 United States Postal Service;

7 (29) the defendant committed the offense of criminal  
8 sexual assault, aggravated criminal sexual assault,  
9 criminal sexual abuse, or aggravated criminal sexual abuse  
10 against a victim with an intellectual disability, and the  
11 defendant holds a position of trust, authority, or  
12 supervision in relation to the victim;

13 (30) the defendant committed the offense of promoting  
14 juvenile prostitution, patronizing a prostitute, or  
15 patronizing a minor engaged in prostitution and at the  
16 time of the commission of the offense knew that the  
17 prostitute or minor engaged in prostitution was in the  
18 custody or guardianship of the Department of Children and  
19 Family Services;

20 (31) the defendant (i) committed the offense of  
21 driving while under the influence of alcohol, other drug  
22 or drugs, intoxicating compound or compounds or any  
23 combination thereof in violation of Section 11-501 of the  
24 Illinois Vehicle Code or a similar provision of a local  
25 ordinance and (ii) the defendant during the commission of  
26 the offense was driving his or her vehicle upon a roadway

1 designated for one-way traffic in the opposite direction  
2 of the direction indicated by official traffic control  
3 devices;

4 (32) the defendant committed the offense of reckless  
5 homicide while committing a violation of Section 11-907 of  
6 the Illinois Vehicle Code;

7 (33) the defendant was found guilty of an  
8 administrative infraction related to an act or acts of  
9 public indecency or sexual misconduct in the penal  
10 institution. In this paragraph (33), "penal institution"  
11 has the same meaning as in Section 2-14 of the Criminal  
12 Code of 2012; or

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

24 For the purposes of this Section:

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



1 "Day care center" means a public or private State  
2 certified and licensed day care center as defined in Section  
3 2.09 of the Child Care Act of 1969 that displays a sign in  
4 plain view stating that the property is a day care center.

5 "Intellectual disability" means significantly subaverage  
6 intellectual functioning which exists concurrently with  
7 impairment in adaptive behavior.

8 "Public transportation" means the transportation or  
9 conveyance of persons by means available to the general  
10 public, and includes paratransit services.

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

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

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

1           (2) When a defendant is convicted of any felony and  
2 the court finds that the offense was accompanied by  
3 exceptionally brutal or heinous behavior indicative of  
4 wanton cruelty; or

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

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

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

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

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

19                 (i) the brutalizing or torturing of humans or  
20 animals;

21                 (ii) the theft of human corpses;

22                 (iii) the kidnapping of humans;

23                 (iv) the desecration of any cemetery, religious,  
24 fraternal, business, governmental, educational, or  
25 other building or property; or

26                 (v) ritualized abuse of a child; or

1           (5) When a defendant is convicted of a felony other  
2 than conspiracy and the court finds that the felony was  
3 committed under an agreement with 2 or more other persons  
4 to commit that offense and the defendant, with respect to  
5 the other individuals, occupied a position of organizer,  
6 supervisor, financier, or any other position of management  
7 or leadership, and the court further finds that the felony  
8 committed was related to or in furtherance of the criminal  
9 activities of an organized gang or was motivated by the  
10 defendant's leadership in an organized gang; or

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

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

24           (8) When a defendant commits any felony and the  
25 defendant used, possessed, exercised control over, or  
26 otherwise directed an animal to assault a law enforcement

1 officer engaged in the execution of his or her official  
2 duties or in furtherance of the criminal activities of an  
3 organized gang in which the defendant is engaged; or

4 (9) When a defendant commits any felony and the  
5 defendant knowingly video or audio records the offense  
6 with the intent to disseminate the recording.

7 (c) The following factors may be considered by the court  
8 as reasons to impose an extended term sentence under Section  
9 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
10 offenses:

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

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

26 (2) When a defendant is convicted of voluntary

1 manslaughter, second degree murder, involuntary  
2 manslaughter, or reckless homicide in which the defendant  
3 has been convicted of causing the death of more than one  
4 individual.

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

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

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

1           (6) When a defendant was convicted of unlawful use of  
2 weapons under Section 24-1 of the Criminal Code of 1961 or  
3 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
4 a weapon that is not readily distinguishable as one of the  
5 weapons enumerated in Section 24-1 of the Criminal Code of  
6 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

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

26           (8) When the defendant is convicted of attempted mob

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

9       (d) For the purposes of this Section, "organized gang" has  
10      the meaning ascribed to it in Section 10 of the Illinois  
11      Streetgang Terrorism Omnibus Prevention Act.

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

24      (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
25      101-417, eff. 1-1-20; 102-558, eff. 8-20-21.)

1 (Text of Section after amendment by P.A. 101-652)

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

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

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

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

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

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

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

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

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

26 (8) the defendant committed the offense against a



1 person 60 years of age or older or such person's property;

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

5 (10) by reason of another individual's actual or  
6 perceived race, color, creed, religion, ancestry, gender,  
7 sexual orientation, physical or mental disability, or  
8 national origin, the defendant committed the offense  
9 against (i) the person or property of that individual;  
10 (ii) the person or property of a person who has an  
11 association with, is married to, or has a friendship with  
12 the other individual; or (iii) the person or property of a  
13 relative (by blood or marriage) of a person described in  
14 clause (i) or (ii). For the purposes of this Section,  
15 "sexual orientation" has the meaning ascribed to it in  
16 paragraph (0-1) of Section 1-103 of the Illinois Human  
17 Rights Act;

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

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

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

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

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

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

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

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

1 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
2 Criminal Code of 2012;

3 (17) the defendant committed the offense by reason of  
4 any person's activity as a community policing volunteer or  
5 to prevent any person from engaging in activity as a  
6 community policing volunteer. For the purpose of this  
7 Section, "community policing volunteer" has the meaning  
8 ascribed to it in Section 2-3.5 of the Criminal Code of  
9 2012;

10 (18) the defendant committed the offense in a nursing  
11 home or on the real property comprising a nursing home.  
12 For the purposes of this paragraph (18), "nursing home"  
13 means a skilled nursing or intermediate long term care  
14 facility that is subject to license by the Illinois  
15 Department of Public Health under the Nursing Home Care  
16 Act, the Specialized Mental Health Rehabilitation Act of  
17 2013, the ID/DD Community Care Act, or the MC/DD Act;

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

24 (20) the defendant (i) committed the offense of  
25 reckless homicide under Section 9-3 of the Criminal Code  
26 of 1961 or the Criminal Code of 2012 or the offense of

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

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

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

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

1 (24) the defendant committed any offense under Section  
2 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
3 of 2012 and possessed 100 or more images;

4 (25) the defendant committed the offense while the  
5 defendant or the victim was in a train, bus, or other  
6 vehicle used for public transportation;

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

23 (27) the defendant committed the offense of first  
24 degree murder, assault, aggravated assault, battery,  
25 aggravated battery, robbery, armed robbery, or aggravated  
26 robbery against a person who was a veteran and the

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

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

21 (29) the defendant committed the offense of criminal  
22 sexual assault, aggravated criminal sexual assault,  
23 criminal sexual abuse, or aggravated criminal sexual abuse  
24 against a victim with an intellectual disability, and the  
25 defendant holds a position of trust, authority, or  
26 supervision in relation to the victim;

1           (30) the defendant committed the offense of promoting  
2 juvenile prostitution, patronizing a prostitute, or  
3 patronizing a minor engaged in prostitution and at the  
4 time of the commission of the offense knew that the  
5 prostitute or minor engaged in prostitution was in the  
6 custody or guardianship of the Department of Children and  
7 Family Services;

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

18           (32) the defendant committed the offense of reckless  
19 homicide while committing a violation of Section 11-907 of  
20 the Illinois Vehicle Code;

21           (33) the defendant was found guilty of an  
22 administrative infraction related to an act or acts of  
23 public indecency or sexual misconduct in the penal  
24 institution. In this paragraph (33), "penal institution"  
25 has the same meaning as in Section 2-14 of the Criminal  
26 Code of 2012; or



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

12          For the purposes of this Section:

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

15          "Day care center" means a public or private State  
16          certified and licensed day care center as defined in Section  
17          2.09 of the Child Care Act of 1969 that displays a sign in  
18          plain view stating that the property is a day care center.

19          "Intellectual disability" means significantly subaverage  
20          intellectual functioning which exists concurrently with  
21          impairment in adaptive behavior.

22          "Public transportation" means the transportation or  
23          conveyance of persons by means available to the general  
24          public, and includes paratransit services.

25          "Traffic control devices" means all signs, signals,  
26          markings, and devices that conform to the Illinois Manual on

1 Uniform Traffic Control Devices, placed or erected by  
2 authority of a public body or official having jurisdiction,  
3 for the purpose of regulating, warning, or guiding traffic.

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

7 (1) When a defendant is convicted of any felony, after  
8 having been previously convicted in Illinois or any other  
9 jurisdiction of the same or similar class felony or  
10 greater class felony, when such conviction has occurred  
11 within 10 years after the previous conviction, excluding  
12 time spent in custody, and such charges are separately  
13 brought and tried and arise out of different series of  
14 acts; or

15 (2) When a defendant is convicted of any felony and  
16 the court finds that the offense was accompanied by  
17 exceptionally brutal or heinous behavior indicative of  
18 wanton cruelty; or

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

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

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

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

1           (4) When a defendant is convicted of any felony and  
2 the offense involved any of the following types of  
3 specific misconduct committed as part of a ceremony, rite,  
4 initiation, observance, performance, practice or activity  
5 of any actual or ostensible religious, fraternal, or  
6 social group:

7           (i) the brutalizing or torturing of humans or  
8 animals;

9           (ii) the theft of human corpses;

10          (iii) the kidnapping of humans;

11          (iv) the desecration of any cemetery, religious,  
12 fraternal, business, governmental, educational, or  
13 other building or property; or

14          (v) ritualized abuse of a child; or

15           (5) When a defendant is convicted of a felony other  
16 than conspiracy and the court finds that the felony was  
17 committed under an agreement with 2 or more other persons  
18 to commit that offense and the defendant, with respect to  
19 the other individuals, occupied a position of organizer,  
20 supervisor, financier, or any other position of management  
21 or leadership, and the court further finds that the felony  
22 committed was related to or in furtherance of the criminal  
23 activities of an organized gang or was motivated by the  
24 defendant's leadership in an organized gang; or

25           (6) When a defendant is convicted of an offense  
26 committed while using a firearm with a laser sight

1 attached to it. For purposes of this paragraph, "laser  
2 sight" has the meaning ascribed to it in Section 26-7 of  
3 the Criminal Code of 2012; or

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

12 (8) When a defendant commits any felony and the  
13 defendant used, possessed, exercised control over, or  
14 otherwise directed an animal to assault a law enforcement  
15 officer engaged in the execution of his or her official  
16 duties or in furtherance of the criminal activities of an  
17 organized gang in which the defendant is engaged; or

18 (9) When a defendant commits any felony and the  
19 defendant knowingly video or audio records the offense  
20 with the intent to disseminate the recording.

21 (c) The following factors may be considered by the court  
22 as reasons to impose an extended term sentence under Section  
23 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
24 offenses:

25 (1) When a defendant is convicted of first degree  
26 murder, after having been previously convicted in Illinois

1 of any offense listed under paragraph (c)(2) of Section  
2 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
3 occurred within 10 years after the previous conviction,  
4 excluding time spent in custody, and the charges are  
5 separately brought and tried and arise out of different  
6 series of acts.

7 (1.5) When a defendant is convicted of first degree  
8 murder, after having been previously convicted of domestic  
9 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
10 (720 ILCS 5/12-3.3) committed on the same victim or after  
11 having been previously convicted of violation of an order  
12 of protection (720 ILCS 5/12-30) in which the same victim  
13 was the protected person.

14 (2) When a defendant is convicted of voluntary  
15 manslaughter, second degree murder, involuntary  
16 manslaughter, or reckless homicide in which the defendant  
17 has been convicted of causing the death of more than one  
18 individual.

19 (3) When a defendant is convicted of aggravated  
20 criminal sexual assault or criminal sexual assault, when  
21 there is a finding that aggravated criminal sexual assault  
22 or criminal sexual assault was also committed on the same  
23 victim by one or more other individuals, and the defendant  
24 voluntarily participated in the crime with the knowledge  
25 of the participation of the others in the crime, and the  
26 commission of the crime was part of a single course of

1           conduct during which there was no substantial change in  
2           the nature of the criminal objective.

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

10          (5) When a defendant is convicted of a felony  
11          violation of Section 24-1 of the Criminal Code of 1961 or  
12          the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
13          finding that the defendant is a member of an organized  
14          gang.

15          (6) When a defendant was convicted of unlawful use of  
16          weapons under Section 24-1 of the Criminal Code of 1961 or  
17          the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
18          a weapon that is not readily distinguishable as one of the  
19          weapons enumerated in Section 24-1 of the Criminal Code of  
20          1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

21          (7) When a defendant is convicted of an offense  
22          involving the illegal manufacture of a controlled  
23          substance under Section 401 of the Illinois Controlled  
24          Substances Act (720 ILCS 570/401), the illegal manufacture  
25          of methamphetamine under Section 25 of the Methamphetamine  
26          Control and Community Protection Act (720 ILCS 646/25), or

1 the illegal possession of explosives and an emergency  
2 response officer in the performance of his or her duties  
3 is killed or injured at the scene of the offense while  
4 responding to the emergency caused by the commission of  
5 the offense. In this paragraph, "emergency" means a  
6 situation in which a person's life, health, or safety is  
7 in jeopardy; and "emergency response officer" means a  
8 peace officer, community policing volunteer, fireman,  
9 emergency medical technician-ambulance, emergency medical  
10 technician-intermediate, emergency medical  
11 technician-paramedic, ambulance driver, other medical  
12 assistance or first aid personnel, or hospital emergency  
13 room personnel.

14 (8) When the defendant is convicted of attempted mob  
15 action, solicitation to commit mob action, or conspiracy  
16 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
17 Criminal Code of 2012, where the criminal object is a  
18 violation of Section 25-1 of the Criminal Code of 2012,  
19 and an electronic communication is used in the commission  
20 of the offense. For the purposes of this paragraph (8),  
21 "electronic communication" shall have the meaning provided  
22 in Section 26.5-0.1 of the Criminal Code of 2012.

23 (d) For the purposes of this Section, "organized gang" has  
24 the meaning ascribed to it in Section 10 of the Illinois  
25 Streetgang Terrorism Omnibus Prevention Act.

26 (e) The court may impose an extended term sentence under

1 Article 4.5 of Chapter V upon an offender who has been  
2 convicted of a felony violation of Section 11-1.20, 11-1.30,  
3 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
4 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
5 when the victim of the offense is under 18 years of age at the  
6 time of the commission of the offense and, during the  
7 commission of the offense, the victim was under the influence  
8 of alcohol, regardless of whether or not the alcohol was  
9 supplied by the offender; and the offender, at the time of the  
10 commission of the offense, knew or should have known that the  
11 victim had consumed alcohol.

12 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;  
13 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; 101-652, eff.  
14 1-1-23; 102-558, eff. 8-20-21.)

15 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

16 Sec. 5-8-1. Natural life imprisonment; enhancements for  
17 use of a firearm; mandatory supervised release terms.

18 (a) Except as otherwise provided in the statute defining  
19 the offense or in Article 4.5 of Chapter V, a sentence of  
20 imprisonment for a felony shall be a determinate sentence set  
21 by the court under this Section, subject to Section 5-4.5-115  
22 of this Code, according to the following limitations:

23 (1) for first degree murder,

24 (a) (blank),

25 (b) if a trier of fact finds beyond a reasonable



1           doubt that the murder was accompanied by exceptionally  
2           brutal or heinous behavior indicative of wanton  
3           cruelty or, except as set forth in subsection  
4           (a) (1) (c) of this Section, that any of the aggravating  
5           factors listed in subsection (b) or (b-5) of Section  
6           9-1 of the Criminal Code of 1961 or the Criminal Code  
7           of 2012 are present, the court may sentence the  
8           defendant, subject to Section 5-4.5-105, to a term of  
9           natural life imprisonment, or

10           (c) the court shall sentence the defendant to a  
11           term of natural life imprisonment if the defendant, at  
12           the time of the commission of the murder, had attained  
13           the age of 18, and:

14                   (i) has previously been convicted of first  
15                   degree murder under any state or federal law, or

16                   (ii) is found guilty of murdering more than  
17                   one victim, or

18                   (iii) is found guilty of murdering a peace  
19                   officer, fireman, or emergency management worker  
20                   when the peace officer, fireman, or emergency  
21                   management worker was killed in the course of  
22                   performing his official duties, or to prevent the  
23                   peace officer or fireman from performing his  
24                   official duties, or in retaliation for the peace  
25                   officer, fireman, or emergency management worker  
26                   from performing his official duties, and the

1 defendant knew or should have known that the  
2 murdered individual was a peace officer, fireman,  
3 or emergency management worker, or

4 (iv) is found guilty of murdering an employee  
5 of an institution or facility of the Department of  
6 Corrections, or any similar local correctional  
7 agency, when the employee was killed in the course  
8 of performing his official duties, or to prevent  
9 the employee from performing his official duties,  
10 or in retaliation for the employee performing his  
11 official duties, or

12 (v) is found guilty of murdering an emergency  
13 medical technician - ambulance, emergency medical  
14 technician - intermediate, emergency medical  
15 technician - paramedic, ambulance driver or other  
16 medical assistance or first aid person while  
17 employed by a municipality or other governmental  
18 unit when the person was killed in the course of  
19 performing official duties or to prevent the  
20 person from performing official duties or in  
21 retaliation for performing official duties and the  
22 defendant knew or should have known that the  
23 murdered individual was an emergency medical  
24 technician - ambulance, emergency medical  
25 technician - intermediate, emergency medical  
26 technician - paramedic, ambulance driver, or other

1 medical assistant or first aid personnel, or

2 (vi) (blank), or

3 (vii) is found guilty of first degree murder  
4 and the murder was committed by reason of any  
5 person's activity as a community policing  
6 volunteer or to prevent any person from engaging  
7 in activity as a community policing volunteer. For  
8 the purpose of this Section, "community policing  
9 volunteer" has the meaning ascribed to it in  
10 Section 2-3.5 of the Criminal Code of 2012.

11 For purposes of clause (v), "emergency medical  
12 technician - ambulance", "emergency medical technician  
13 - intermediate", "emergency medical technician -  
14 paramedic", have the meanings ascribed to them in the  
15 Emergency Medical Services (EMS) Systems Act.

16 (d) (i) if the person committed the offense while  
17 armed with a firearm, 15 years shall be added to  
18 the term of imprisonment imposed by the court;

19 (ii) if, during the commission of the offense, the  
20 person personally discharged a firearm, 20 years shall  
21 be added to the term of imprisonment imposed by the  
22 court;

23 (iii) if, during the commission of the offense,  
24 the person personally discharged a firearm that  
25 proximately caused great bodily harm, permanent  
26 disability, permanent disfigurement, or death to

1 another person, 25 years or up to a term of natural  
2 life shall be added to the term of imprisonment  
3 imposed by the court.

4 (2) (blank);

5 (2.5) for a person who has attained the age of 18 years  
6 at the time of the commission of the offense and who is  
7 convicted under the circumstances described in subdivision  
8 (b)(1)(B) of Section 11-1.20 or paragraph (3) of  
9 subsection (b) of Section 12-13, subdivision (d)(2) of  
10 Section 11-1.30 or paragraph (2) of subsection (d) of  
11 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or  
12 paragraph (1.2) of subsection (b) of Section 12-14.1,  
13 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of  
14 subsection (b) of Section 12-14.1 of the Criminal Code of  
15 1961 or the Criminal Code of 2012, the sentence shall be a  
16 term of natural life imprisonment.

17 (b) (Blank).

18 (c) (Blank).

19 (d) Subject to earlier termination under Section 3-3-8,  
20 the parole or mandatory supervised release term shall be  
21 written as part of the sentencing order and shall be as  
22 follows:

23 (1) for first degree murder or for the offenses of  
24 predatory criminal sexual assault of a child, aggravated  
25 criminal sexual assault, and criminal sexual assault if  
26 committed on or before December 12, 2005, 3 years;

1 (1.5) except as provided in paragraph (7) of this  
2 subsection (d), for a Class X felony except for the  
3 offenses of predatory criminal sexual assault of a child,  
4 aggravated criminal sexual assault, and criminal sexual  
5 assault if committed on or after December 13, 2005 (the  
6 effective date of Public Act 94-715) and except for the  
7 offense of aggravated child sexual abuse material  
8 ~~pornography~~ under Section 11-20.1B, 11-20.3, or 11-20.1  
9 with sentencing under subsection (c-5) of Section 11-20.1  
10 of the Criminal Code of 1961 or the Criminal Code of 2012,  
11 if committed on or after January 1, 2009, 18 months;

12 (2) except as provided in paragraph (7) of this  
13 subsection (d), for a Class 1 felony or a Class 2 felony  
14 except for the offense of criminal sexual assault if  
15 committed on or after December 13, 2005 (the effective  
16 date of Public Act 94-715) and except for the offenses of  
17 manufacture and dissemination of child sexual abuse  
18 material ~~pornography~~ under clauses (a)(1) and (a)(2) of  
19 Section 11-20.1 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, if committed on or after January 1,  
21 2009, 12 months;

22 (3) except as provided in paragraph (4), (6), or (7)  
23 of this subsection (d), a mandatory supervised release  
24 term shall not be imposed for a Class 3 felony or a Class 4  
25 felony; unless:

26 (A) the Prisoner Review Board, based on a

1 validated risk and needs assessment, determines it is  
2 necessary for an offender to serve a mandatory  
3 supervised release term;

4 (B) if the Prisoner Review Board determines a  
5 mandatory supervised release term is necessary  
6 pursuant to subparagraph (A) of this paragraph (3),  
7 the Prisoner Review Board shall specify the maximum  
8 number of months of mandatory supervised release the  
9 offender may serve, limited to a term of: (i) 12 months  
10 for a Class 3 felony; and (ii) 12 months for a Class 4  
11 felony;

12 (4) for defendants who commit the offense of predatory  
13 criminal sexual assault of a child, aggravated criminal  
14 sexual assault, or criminal sexual assault, on or after  
15 December 13, 2005 (the effective date of Public Act  
16 94-715), or who commit the offense of aggravated child  
17 sexual abuse material pornography under Section 11-20.1B,  
18 11-20.3, or 11-20.1 with sentencing under subsection (c-5)  
19 of Section 11-20.1 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, manufacture of child sexual abuse  
21 material pornography, or dissemination of child sexual  
22 abuse material pornography after January 1, 2009, the term  
23 of mandatory supervised release shall range from a minimum  
24 of 3 years to a maximum of the natural life of the  
25 defendant;

26 (5) if the victim is under 18 years of age, for a

1 second or subsequent offense of aggravated criminal sexual  
2 abuse or felony criminal sexual abuse, 4 years, at least  
3 the first 2 years of which the defendant shall serve in an  
4 electronic monitoring or home detention program under  
5 Article 8A of Chapter V of this Code;

6 (6) for a felony domestic battery, aggravated domestic  
7 battery, stalking, aggravated stalking, and a felony  
8 violation of an order of protection, 4 years;

9 (7) for any felony described in paragraph (a) (2) (ii),  
10 (a) (2) (iii), (a) (2) (iv), (a) (2) (vi), (a) (2.1), (a) (2.3),  
11 (a) (2.4), (a) (2.5), or (a) (2.6) of Article 5, Section  
12 3-6-3 of the Unified Code of Corrections requiring an  
13 inmate to serve a minimum of 85% of their court-imposed  
14 sentence, except for the offenses of predatory criminal  
15 sexual assault of a child, aggravated criminal sexual  
16 assault, and criminal sexual assault if committed on or  
17 after December 13, 2005 (the effective date of Public Act  
18 94-715) and except for the offense of aggravated child  
19 sexual abuse material ~~pornography~~ under Section 11-20.1B,  
20 11-20.3, or 11-20.1 with sentencing under subsection (c-5)  
21 of Section 11-20.1 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, if committed on or after January 1,  
23 2009 and except as provided in paragraph (4) or paragraph  
24 (6) of this subsection (d), the term of mandatory  
25 supervised release shall be as follows:

26 (A) Class X felony, 3 years;

1 (B) Class 1 or Class 2 felonies, 2 years;

2 (C) Class 3 or Class 4 felonies, 1 year.

3 (e) (Blank).

4 (f) (Blank).

5 (g) Notwithstanding any other provisions of this Act and  
6 of Public Act 101-652: (i) the provisions of paragraph (3) of  
7 subsection (d) are effective on July 1, 2022 and shall apply to  
8 all individuals convicted on or after the effective date of  
9 paragraph (3) of subsection (d); and (ii) the provisions of  
10 paragraphs (1.5) and (2) of subsection (d) are effective on  
11 July 1, 2021 and shall apply to all individuals convicted on or  
12 after the effective date of paragraphs (1.5) and (2) of  
13 subsection (d).

14 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;  
15 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.  
16 1-7-22.)

17 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

18 Sec. 5-8-4. Concurrent and consecutive terms of  
19 imprisonment.

20 (a) Concurrent terms; multiple or additional sentences.  
21 When an Illinois court (i) imposes multiple sentences of  
22 imprisonment on a defendant at the same time or (ii) imposes a  
23 sentence of imprisonment on a defendant who is already subject  
24 to a sentence of imprisonment imposed by an Illinois court, a  
25 court of another state, or a federal court, then the sentences



1 shall run concurrently unless otherwise determined by the  
2 Illinois court under this Section.

3 (b) Concurrent terms; misdemeanor and felony. A defendant  
4 serving a sentence for a misdemeanor who is convicted of a  
5 felony and sentenced to imprisonment shall be transferred to  
6 the Department of Corrections, and the misdemeanor sentence  
7 shall be merged in and run concurrently with the felony  
8 sentence.

9 (c) Consecutive terms; permissive. The court may impose  
10 consecutive sentences in any of the following circumstances:

11 (1) If, having regard to the nature and circumstances  
12 of the offense and the history and character of the  
13 defendant, it is the opinion of the court that consecutive  
14 sentences are required to protect the public from further  
15 criminal conduct by the defendant, the basis for which the  
16 court shall set forth in the record.

17 (2) If one of the offenses for which a defendant was  
18 convicted was a violation of Section 32-5.2 (aggravated  
19 false personation of a peace officer) of the Criminal Code  
20 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
21 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
22 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
23 offense was committed in attempting or committing a  
24 forcible felony.

25 (d) Consecutive terms; mandatory. The court shall impose  
26 consecutive sentences in each of the following circumstances:

1 (1) One of the offenses for which the defendant was  
2 convicted was first degree murder or a Class X or Class 1  
3 felony and the defendant inflicted severe bodily injury.

4 (2) The defendant was convicted of a violation of  
5 Section 11-1.20 or 12-13 (criminal sexual assault),  
6 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
7 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
8 child) of the Criminal Code of 1961 or the Criminal Code of  
9 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
10 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
11 5/12-14.1).

12 (2.5) The defendant was convicted of a violation of  
13 paragraph (1), (2), (3), (4), (5), or (7) of subsection  
14 (a) of Section 11-20.1 (child sexual abuse material  
15 ~~pornography~~) or of paragraph (1), (2), (3), (4), (5), or  
16 (7) of subsection (a) of Section 11-20.1B or 11-20.3  
17 (aggravated child sexual abuse material ~~pornography~~) of  
18 the Criminal Code of 1961 or the Criminal Code of 2012; or  
19 the defendant was convicted of a violation of paragraph  
20 (6) of subsection (a) of Section 11-20.1 (child sexual  
21 abuse material ~~pornography~~) or of paragraph (6) of  
22 subsection (a) of Section 11-20.1B or 11-20.3 (aggravated  
23 child sexual abuse material ~~pornography~~) of the Criminal  
24 Code of 1961 or the Criminal Code of 2012, when the child  
25 depicted is under the age of 13.

26 (3) The defendant was convicted of armed violence

1 based upon the predicate offense of any of the following:  
2 solicitation of murder, solicitation of murder for hire,  
3 heinous battery as described in Section 12-4.1 or  
4 subdivision (a)(2) of Section 12-3.05, aggravated battery  
5 of a senior citizen as described in Section 12-4.6 or  
6 subdivision (a)(4) of Section 12-3.05, criminal sexual  
7 assault, a violation of subsection (g) of Section 5 of the  
8 Cannabis Control Act (720 ILCS 550/5), cannabis  
9 trafficking, a violation of subsection (a) of Section 401  
10 of the Illinois Controlled Substances Act (720 ILCS  
11 570/401), controlled substance trafficking involving a  
12 Class X felony amount of controlled substance under  
13 Section 401 of the Illinois Controlled Substances Act (720  
14 ILCS 570/401), a violation of the Methamphetamine Control  
15 and Community Protection Act (720 ILCS 646/), calculated  
16 criminal drug conspiracy, or streetgang criminal drug  
17 conspiracy.

18 (4) The defendant was convicted of the offense of  
19 leaving the scene of a motor vehicle accident involving  
20 death or personal injuries under Section 11-401 of the  
21 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
22 aggravated driving under the influence of alcohol, other  
23 drug or drugs, or intoxicating compound or compounds, or  
24 any combination thereof under Section 11-501 of the  
25 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
26 homicide under Section 9-3 of the Criminal Code of 1961 or

1 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
2 offense described in item (A) and an offense described in  
3 item (B).

4 (5) The defendant was convicted of a violation of  
5 Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
6 death) or Section 12-20.5 (dismembering a human body) of  
7 the Criminal Code of 1961 or the Criminal Code of 2012 (720  
8 ILCS 5/9-3.1 or 5/12-20.5).

9 (5.5) The defendant was convicted of a violation of  
10 Section 24-3.7 (use of a stolen firearm in the commission  
11 of an offense) of the Criminal Code of 1961 or the Criminal  
12 Code of 2012.

13 (6) If the defendant was in the custody of the  
14 Department of Corrections at the time of the commission of  
15 the offense, the sentence shall be served consecutive to  
16 the sentence under which the defendant is held by the  
17 Department of Corrections. If, however, the defendant is  
18 sentenced to punishment by death, the sentence shall be  
19 executed at such time as the court may fix without regard  
20 to the sentence under which the defendant may be held by  
21 the Department.

22 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
23 for escape or attempted escape shall be served consecutive  
24 to the terms under which the offender is held by the  
25 Department of Corrections.

26 (8) If a person charged with a felony commits a

1 separate felony while on pretrial release or in pretrial  
2 detention in a county jail facility or county detention  
3 facility, then the sentences imposed upon conviction of  
4 these felonies shall be served consecutively regardless of  
5 the order in which the judgments of conviction are  
6 entered.

7 (8.5) If a person commits a battery against a county  
8 correctional officer or sheriff's employee while serving a  
9 sentence or in pretrial detention in a county jail  
10 facility, then the sentence imposed upon conviction of the  
11 battery shall be served consecutively with the sentence  
12 imposed upon conviction of the earlier misdemeanor or  
13 felony, regardless of the order in which the judgments of  
14 conviction are entered.

15 (9) If a person admitted to bail following conviction  
16 of a felony commits a separate felony while free on bond or  
17 if a person detained in a county jail facility or county  
18 detention facility following conviction of a felony  
19 commits a separate felony while in detention, then any  
20 sentence following conviction of the separate felony shall  
21 be consecutive to that of the original sentence for which  
22 the defendant was on bond or detained.

23 (10) If a person is found to be in possession of an  
24 item of contraband, as defined in Section 31A-0.1 of the  
25 Criminal Code of 2012, while serving a sentence in a  
26 county jail or while in pre-trial detention in a county

1 jail, the sentence imposed upon conviction for the offense  
2 of possessing contraband in a penal institution shall be  
3 served consecutively to the sentence imposed for the  
4 offense in which the person is serving sentence in the  
5 county jail or serving pretrial detention, regardless of  
6 the order in which the judgments of conviction are  
7 entered.

8 (11) If a person is sentenced for a violation of bail  
9 bond under Section 32-10 of the Criminal Code of 1961 or  
10 the Criminal Code of 2012, any sentence imposed for that  
11 violation shall be served consecutive to the sentence  
12 imposed for the charge for which bail had been granted and  
13 with respect to which the defendant has been convicted.

14 (e) Consecutive terms; subsequent non-Illinois term. If an  
15 Illinois court has imposed a sentence of imprisonment on a  
16 defendant and the defendant is subsequently sentenced to a  
17 term of imprisonment by a court of another state or a federal  
18 court, then the Illinois sentence shall run consecutively to  
19 the sentence imposed by the court of the other state or the  
20 federal court. That same Illinois court, however, may order  
21 that the Illinois sentence run concurrently with the sentence  
22 imposed by the court of the other state or the federal court,  
23 but only if the defendant applies to that same Illinois court  
24 within 30 days after the sentence imposed by the court of the  
25 other state or the federal court is finalized.

26 (f) Consecutive terms; aggregate maximums and minimums.

1 The aggregate maximum and aggregate minimum of consecutive  
2 sentences shall be determined as follows:

3 (1) For sentences imposed under law in effect prior to  
4 February 1, 1978, the aggregate maximum of consecutive  
5 sentences shall not exceed the maximum term authorized  
6 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
7 Chapter V for the 2 most serious felonies involved. The  
8 aggregate minimum period of consecutive sentences shall  
9 not exceed the highest minimum term authorized under  
10 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
11 V for the 2 most serious felonies involved. When sentenced  
12 only for misdemeanors, a defendant shall not be  
13 consecutively sentenced to more than the maximum for one  
14 Class A misdemeanor.

15 (2) For sentences imposed under the law in effect on  
16 or after February 1, 1978, the aggregate of consecutive  
17 sentences for offenses that were committed as part of a  
18 single course of conduct during which there was no  
19 substantial change in the nature of the criminal objective  
20 shall not exceed the sum of the maximum terms authorized  
21 under Article 4.5 of Chapter V for the 2 most serious  
22 felonies involved, but no such limitation shall apply for  
23 offenses that were not committed as part of a single  
24 course of conduct during which there was no substantial  
25 change in the nature of the criminal objective. When  
26 sentenced only for misdemeanors, a defendant shall not be

1           consecutively sentenced to more than the maximum for one  
2           Class A misdemeanor.

3           (g) Consecutive terms; manner served. In determining the  
4           manner in which consecutive sentences of imprisonment, one or  
5           more of which is for a felony, will be served, the Department  
6           of Corrections shall treat the defendant as though he or she  
7           had been committed for a single term subject to each of the  
8           following:

9           (1) The maximum period of a term of imprisonment shall  
10          consist of the aggregate of the maximums of the imposed  
11          indeterminate terms, if any, plus the aggregate of the  
12          imposed determinate sentences for felonies, plus the  
13          aggregate of the imposed determinate sentences for  
14          misdemeanors, subject to subsection (f) of this Section.

15          (2) The parole or mandatory supervised release term  
16          shall be as provided in paragraph (e) of Section 5-4.5-50  
17          (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
18          involved.

19          (3) The minimum period of imprisonment shall be the  
20          aggregate of the minimum and determinate periods of  
21          imprisonment imposed by the court, subject to subsection  
22          (f) of this Section.

23          (4) The defendant shall be awarded credit against the  
24          aggregate maximum term and the aggregate minimum term of  
25          imprisonment for all time served in an institution since  
26          the commission of the offense or offenses and as a



1 consequence thereof at the rate specified in Section 3-6-3  
2 (730 ILCS 5/3-6-3).

3 (h) Notwithstanding any other provisions of this Section,  
4 all sentences imposed by an Illinois court under this Code  
5 shall run concurrent to any and all sentences imposed under  
6 the Juvenile Court Act of 1987.

7 (Source: P.A. 102-350, eff. 8-13-21.)

8 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)  
9 Sec. 5-9-1.7. Sexual assault fines.

10 (a) Definitions. The terms used in this Section shall have  
11 the following meanings ascribed to them:

12 (1) "Sexual assault" means the commission or attempted  
13 commission of the following: sexual exploitation of a  
14 child, criminal sexual assault, predatory criminal sexual  
15 assault of a child, aggravated criminal sexual assault,  
16 criminal sexual abuse, aggravated criminal sexual abuse,  
17 indecent solicitation of a child, public indecency, sexual  
18 relations within families, promoting juvenile  
19 prostitution, soliciting for a juvenile prostitute,  
20 keeping a place of juvenile prostitution, patronizing a  
21 juvenile prostitute, juvenile pimping, exploitation of a  
22 child, obscenity, child sexual abuse material ~~pornography~~,  
23 aggravated child sexual abuse material ~~pornography~~,  
24 harmful material, or ritualized abuse of a child, as those  
25 offenses are defined in the Criminal Code of 1961 or the

1 Criminal Code of 2012.

2 (2) (Blank).

3 (3) "Sexual assault organization" means any  
4 not-for-profit organization providing comprehensive,  
5 community-based services to victims of sexual assault.  
6 "Community-based services" include, but are not limited  
7 to, direct crisis intervention through a 24-hour response,  
8 medical and legal advocacy, counseling, information and  
9 referral services, training, and community education.

10 (b) (Blank).

11 (c) Sexual Assault Services Fund; administration. There is  
12 created a Sexual Assault Services Fund. Moneys deposited into  
13 the Fund under Section 15-20 and 15-40 of the Criminal and  
14 Traffic Assessment Act shall be appropriated to the Department  
15 of Public Health. Upon appropriation of moneys from the Sexual  
16 Assault Services Fund, the Department of Public Health shall  
17 make grants of these moneys from the Fund to sexual assault  
18 organizations with whom the Department has contracts for the  
19 purpose of providing community-based services to victims of  
20 sexual assault. Grants made under this Section are in addition  
21 to, and are not substitutes for, other grants authorized and  
22 made by the Department.

23 (Source: P.A. 100-987, eff. 7-1-19.)

24 (730 ILCS 5/5-9-1.8)

25 Sec. 5-9-1.8. Child sexual abuse material ~~pornography~~

1 fines. Beginning July 1, 2006, 100% of the fines in excess of  
2 \$10,000 collected for violations of Section 11-20.1 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012 shall be  
4 deposited into the Child Abuse Prevention Fund that is created  
5 in the State Treasury. Moneys in the Fund resulting from the  
6 fines shall be for the use of the Department of Children and  
7 Family Services for grants to private entities giving  
8 treatment and counseling to victims of child sexual abuse.

9 Notwithstanding any other provision of law, in addition to  
10 any other transfers that may be provided by law, on July 1,  
11 2006, or as soon thereafter as practical, the State  
12 Comptroller shall direct and the State Treasurer shall  
13 transfer the remaining balance from the Child Sexual Abuse  
14 Fund into the Child Abuse Prevention Fund. Upon completion of  
15 the transfer, the Child Sexual Abuse Fund is dissolved, and  
16 any future deposits due to that Fund and any outstanding  
17 obligations or liabilities of the Fund pass to the Child Abuse  
18 Prevention Fund.

19 (Source: P.A. 97-1150, eff. 1-25-13.)

20 Section 70. The Sex Offender Registration Act is amended  
21 by changing Section 2 as follows:

22 (730 ILCS 150/2) (from Ch. 38, par. 222)

23 Sec. 2. Definitions.

24 (A) As used in this Article, "sex offender" means any

1 person who is:

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

7 (a) is convicted of such offense or an attempt to  
8 commit such offense; or

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

11 (c) is found not guilty by reason of insanity  
12 pursuant to Section 104-25(c) of the Code of Criminal  
13 Procedure of 1963 of such offense or an attempt to  
14 commit such offense; or

15 (d) is the subject of a finding not resulting in an  
16 acquittal at a hearing conducted pursuant to Section  
17 104-25(a) of the Code of Criminal Procedure of 1963  
18 for the alleged commission or attempted commission of  
19 such offense; or

20 (e) is found not guilty by reason of insanity  
21 following a hearing conducted pursuant to a federal,  
22 Uniform Code of Military Justice, sister state, or  
23 foreign country law substantially similar to Section  
24 104-25(c) of the Code of Criminal Procedure of 1963 of  
25 such offense or of the attempted commission of such  
26 offense; or

1 (f) is the subject of a finding not resulting in an  
2 acquittal at a hearing conducted pursuant to a  
3 federal, Uniform Code of Military Justice, sister  
4 state, or foreign country law substantially similar to  
5 Section 104-25(a) of the Code of Criminal Procedure of  
6 1963 for the alleged violation or attempted commission  
7 of such offense; or

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

12 (3) subject to the provisions of Section 2 of the  
13 Interstate Agreements on Sexually Dangerous Persons Act;  
14 or

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

19 (5) adjudicated a juvenile delinquent as the result of  
20 committing or attempting to commit an act which, if  
21 committed by an adult, would constitute any of the  
22 offenses specified in item (B), (C), or (C-5) of this  
23 Section or a violation of any substantially similar  
24 federal, Uniform Code of Military Justice, sister state,  
25 or foreign country law, or found guilty under Article V of  
26 the Juvenile Court Act of 1987 of committing or attempting

1 to commit an act which, if committed by an adult, would  
2 constitute any of the offenses specified in item (B), (C),  
3 or (C-5) of this Section or a violation of any  
4 substantially similar federal, Uniform Code of Military  
5 Justice, sister state, or foreign country law.

6 Convictions that result from or are connected with the  
7 same act, or result from offenses committed at the same time,  
8 shall be counted for the purpose of this Article as one  
9 conviction. Any conviction set aside pursuant to law is not a  
10 conviction for purposes of this Article.

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

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

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

16 11-20.1 (child sexual abuse material pornography),

17 11-20.1B or 11-20.3 (aggravated child sexual abuse  
18 material pornography),

19 11-6 (indecent solicitation of a child),

20 11-9.1 (sexual exploitation of a child),

21 11-9.2 (custodial sexual misconduct),

22 11-9.5 (sexual misconduct with a person with a  
23 disability),

24 11-14.4 (promoting juvenile prostitution),

25 11-15.1 (soliciting for a juvenile prostitute),

26 11-18.1 (patronizing a juvenile prostitute),

1           11-17.1     (keeping     a     place     of     juvenile  
2     prostitution),

3           11-19.1 (juvenile pimping),

4           11-19.2 (exploitation of a child),

5           11-25 (grooming),

6           11-26 (traveling to meet a minor or traveling to  
7     meet a child),

8           11-1.20 or 12-13 (criminal sexual assault),

9           11-1.30    or    12-14    (aggravated    criminal    sexual  
10    assault),

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

13          11-1.50 or 12-15 (criminal sexual abuse),

14          11-1.60    or    12-16    (aggravated    criminal    sexual  
15    abuse),

16          12-33 (ritualized abuse of a child).

17          An attempt to commit any of these offenses.

18          (1.5) A violation of any of the following Sections of  
19    the Criminal Code of 1961 or the Criminal Code of 2012,  
20    when the victim is a person under 18 years of age, the  
21    defendant is not a parent of the victim, the offense was  
22    sexually motivated as defined in Section 10 of the Sex  
23    Offender Evaluation and Treatment Act, and the offense was  
24    committed on or after January 1, 1996:

25          10-1 (kidnapping),

26          10-2 (aggravated kidnapping),

1                   10-3 (unlawful restraint),

2                   10-3.1 (aggravated unlawful restraint).

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

8                   (1.6) First degree murder under Section 9-1 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012,  
10 provided the offense was sexually motivated as defined in  
11 Section 10 of the Sex Offender Management Board Act.

12                   (1.7) (Blank).

13                   (1.8) A violation or attempted violation of Section  
14 11-11 (sexual relations within families) of the Criminal  
15 Code of 1961 or the Criminal Code of 2012, and the offense  
16 was committed on or after June 1, 1997. If the offense was  
17 committed before June 1, 1997, it is a sex offense  
18 requiring registration only when the person is convicted  
19 of any felony after July 1, 2011, and paragraph (2.1) of  
20 subsection (c) of Section 3 of this Act applies.

21                   (1.9) Child abduction under paragraph (10) of  
22 subsection (b) of Section 10-5 of the Criminal Code of  
23 1961 or the Criminal Code of 2012 committed by luring or  
24 attempting to lure a child under the age of 16 into a motor  
25 vehicle, building, house trailer, or dwelling place  
26 without the consent of the parent or lawful custodian of



1 the child for other than a lawful purpose and the offense  
2 was committed on or after January 1, 1998, provided the  
3 offense was sexually motivated as defined in Section 10 of  
4 the Sex Offender Management Board Act. If the offense was  
5 committed before January 1, 1998, it is a sex offense  
6 requiring registration only when the person is convicted  
7 of any felony after July 1, 2011, and paragraph (2.1) of  
8 subsection (c) of Section 3 of this Act applies.

9 (1.10) A violation or attempted violation of any of  
10 the following Sections of the Criminal Code of 1961 or the  
11 Criminal Code of 2012 when the offense was committed on or  
12 after July 1, 1999:

13 10-4 (forcible detention, if the victim is under  
14 18 years of age), provided the offense was sexually  
15 motivated as defined in Section 10 of the Sex Offender  
16 Management Board Act,

17 11-6.5 (indecent solicitation of an adult),

18 11-14.3 that involves soliciting for a prostitute,  
19 or 11-15 (soliciting for a prostitute, if the victim  
20 is under 18 years of age),

21 subdivision (a)(2)(A) or (a)(2)(B) of Section  
22 11-14.3, or Section 11-16 (pandering, if the victim is  
23 under 18 years of age),

24 11-18 (patronizing a prostitute, if the victim is  
25 under 18 years of age),

26 subdivision (a)(2)(C) of Section 11-14.3, or

1           Section 11-19 (pimping, if the victim is under 18  
2           years of age).

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

8           (1.11) A violation or attempted violation of any of  
9           the following Sections of the Criminal Code of 1961 or the  
10          Criminal Code of 2012 when the offense was committed on or  
11          after August 22, 2002:

12                 11-9 or 11-30 (public indecency for a third or  
13                 subsequent conviction).

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

19          (1.12) A violation or attempted violation of Section  
20          5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
21          Criminal Code of 1961 or the Criminal Code of 2012  
22          (permitting sexual abuse) when the offense was committed  
23          on or after August 22, 2002. If the offense was committed  
24          before August 22, 2002, it is a sex offense requiring  
25          registration only when the person is convicted of any  
26          felony after July 1, 2011, and paragraph (2.1) of

1 subsection (c) of Section 3 of this Act applies.

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

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

17 (C-5) A person at least 17 years of age at the time of the  
18 commission of the offense who is convicted of first degree  
19 murder under Section 9-1 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, against a person under 18 years of age,  
21 shall be required to register for natural life. A conviction  
22 for an offense of federal, Uniform Code of Military Justice,  
23 sister state, or foreign country law that is substantially  
24 equivalent to any offense listed in subsection (C-5) of this  
25 Section shall constitute a conviction for the purpose of this  
26 Article. This subsection (C-5) applies to a person who

1 committed the offense before June 1, 1996 if: (i) the person is  
2 incarcerated in an Illinois Department of Corrections facility  
3 on August 20, 2004 (the effective date of Public Act 93-977),  
4 or (ii) subparagraph (i) does not apply and the person is  
5 convicted of any felony after July 1, 2011, and paragraph  
6 (2.1) of subsection (c) of Section 3 of this Act applies.

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

19 (D) As used in this Article, "law enforcement agency  
20 having jurisdiction" means the Chief of Police in each of the  
21 municipalities in which the sex offender expects to reside,  
22 work, or attend school (1) upon his or her discharge, parole or  
23 release or (2) during the service of his or her sentence of  
24 probation or conditional discharge, or the Sheriff of the  
25 county, in the event no Police Chief exists or if the offender  
26 intends to reside, work, or attend school in an unincorporated

1 area. "Law enforcement agency having jurisdiction" includes  
2 the location where out-of-state students attend school and  
3 where out-of-state employees are employed or are otherwise  
4 required to register.

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

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

10 (1) Convicted for an offense of federal, Uniform Code  
11 of Military Justice, sister state, or foreign country law  
12 that is substantially equivalent to any offense listed in  
13 subsection (E) or (E-5) of this Section shall constitute a  
14 conviction for the purpose of this Article. Convicted of a  
15 violation or attempted violation of any of the following  
16 Sections of the Criminal Code of 1961 or the Criminal Code  
17 of 2012:

18 10-5.1 (luring of a minor),

19 11-14.4 that involves keeping a place of juvenile  
20 prostitution, or 11-17.1 (keeping a place of juvenile  
21 prostitution),

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

24 subdivision (a) (4) of Section 11-14.4, or Section  
25 11-19.2 (exploitation of a child),

26 11-20.1 (child sexual abuse material pornography),

1 11-20.1B or 11-20.3 (aggravated child sexual abuse  
2 material pornography),

3 11-1.20 or 12-13 (criminal sexual assault),

4 11-1.30 or 12-14 (aggravated criminal sexual  
5 assault),

6 11-1.40 or 12-14.1 (predatory criminal sexual  
7 assault of a child),

8 11-1.60 or 12-16 (aggravated criminal sexual  
9 abuse),

10 12-33 (ritualized abuse of a child);

11 (2) (blank);

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

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

20 (5) convicted of a second or subsequent offense which  
21 requires registration pursuant to this Act. For purposes  
22 of this paragraph (5), "convicted" shall include a  
23 conviction under any substantially similar Illinois,  
24 federal, Uniform Code of Military Justice, sister state,  
25 or foreign country law;

26 (6) (blank); or

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

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

11           (1) Section 9-1 (first degree murder, when the victim  
12           was a person under 18 years of age and the defendant was at  
13           least 17 years of age at the time of the commission of the  
14           offense, provided the offense was sexually motivated as  
15           defined in Section 10 of the Sex Offender Management Board  
16           Act);

17           (2) Section 11-9.5 (sexual misconduct with a person  
18           with a disability);

19           (3) when the victim is a person under 18 years of age,  
20           the defendant is not a parent of the victim, the offense  
21           was sexually motivated as defined in Section 10 of the Sex  
22           Offender Management Board Act, and the offense was  
23           committed on or after January 1, 1996: (A) Section 10-1  
24           (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
25           (C) Section 10-3 (unlawful restraint), and (D) Section  
26           10-3.1 (aggravated unlawful restraint); and

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

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

15          (F) As used in this Article, "out-of-state student" means  
16          any sex offender, as defined in this Section, or sexual  
17          predator who is enrolled in Illinois, on a full-time or  
18          part-time basis, in any public or private educational  
19          institution, including, but not limited to, any secondary  
20          school, trade or professional institution, or institution of  
21          higher learning.

22          (G) As used in this Article, "out-of-state employee" means  
23          any sex offender, as defined in this Section, or sexual  
24          predator who works in Illinois, regardless of whether the  
25          individual receives payment for services performed, for a  
26          period of time of 10 or more days or for an aggregate period of



1 time of 30 or more days during any calendar year. Persons who  
2 operate motor vehicles in the State accrue one day of  
3 employment time for any portion of a day spent in Illinois.

4 (H) As used in this Article, "school" means any public or  
5 private educational institution, including, but not limited  
6 to, any elementary or secondary school, trade or professional  
7 institution, or institution of higher education.

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

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

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

16 Section 75. The Trafficking Victims Protection Act is  
17 amended by changing Section 10 as follows:

18 (740 ILCS 128/10)

19 Sec. 10. Definitions. As used in this Act:

20 "Human trafficking" means a violation or attempted  
21 violation of subsection (d) of Section 10-9 of the Criminal  
22 Code of 2012.

23 "Involuntary servitude" means a violation or attempted  
24 violation of subsection (b) of Section 10-9 of the Criminal

1 Code of 2012.

2 "Sex trade" means a violation or attempted violation of  
3 any of the following Sections of the Criminal Code of 1961 or  
4 the Criminal Code of 2012: 11-14.3 (promoting prostitution);  
5 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting  
6 for a prostitute); 11-15.1 (soliciting for a juvenile  
7 prostitute); 11-16 (pandering); 11-17 (keeping a place of  
8 prostitution); 11-17.1 (keeping a place of juvenile  
9 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and  
10 aggravated juvenile pimping); 11-19.2 (exploitation of a  
11 child); 11-20 (obscenity); 11-20.1 (child sexual abuse  
12 material ~~pornography~~); 11-20.1B or 11-20.3 (aggravated child  
13 sexual abuse material ~~pornography~~); or subsection (c) of  
14 Section 10-9 (involuntary sexual servitude of a minor).

15 "Sex trade" activity may involve adults and youth of all  
16 genders and sexual orientations.

17 "Victim of the sex trade" means, for the following sex  
18 trade acts, the person or persons indicated:

19 (1) soliciting for a prostitute: the prostitute who is  
20 the object of the solicitation;

21 (2) soliciting for a juvenile prostitute: the juvenile  
22 prostitute, or person with a severe or profound  
23 intellectual disability, who is the object of the  
24 solicitation;

25 (3) promoting prostitution as described in subdivision  
26 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, or pandering:  
2 the person intended or compelled to act as a prostitute;

3 (4) keeping a place of prostitution: any person  
4 intended or compelled to act as a prostitute, while  
5 present at the place, during the time period in question;

6 (5) keeping a place of juvenile prostitution: any  
7 juvenile intended or compelled to act as a prostitute,  
8 while present at the place, during the time period in  
9 question;

10 (6) promoting prostitution as described in subdivision  
11 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961  
12 or the Criminal Code of 2012, or pimping: the prostitute  
13 from whom anything of value is received;

14 (7) promoting juvenile prostitution as described in  
15 subdivision (a)(2) or (a)(3) of Section 11-14.4 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012, or  
17 juvenile pimping and aggravated juvenile pimping: the  
18 juvenile, or person with a severe or profound intellectual  
19 disability, from whom anything of value is received for  
20 that person's act of prostitution;

21 (8) promoting juvenile prostitution as described in  
22 subdivision (a)(4) of Section 11-14.4 of the Criminal Code  
23 of 1961 or the Criminal Code of 2012, or exploitation of a  
24 child: the juvenile, or person with a severe or profound  
25 intellectual disability, intended or compelled to act as a  
26 prostitute or from whom anything of value is received for

1 that person's act of prostitution;

2 (9) obscenity: any person who appears in or is  
3 described or depicted in the offending conduct or  
4 material;

5 (10) child sexual abuse material ~~pornography~~ or  
6 aggravated child sexual abuse material ~~pornography~~: any  
7 child, or person with a severe or profound intellectual  
8 disability, who appears in or is described or depicted in  
9 the offending conduct or material; or

10 (11) involuntary sexual servitude of a minor as  
11 defined in subsection (c) of Section 10-9 of the Criminal  
12 Code of 1961 or the Criminal Code of 2012.

13 (Source: P.A. 99-143, eff. 7-27-15; 100-939, eff. 1-1-19.)

14 Section 95. No acceleration or delay. Where this Act makes  
15 changes in a statute that is represented in this Act by text  
16 that is not yet or no longer in effect (for example, a Section  
17 represented by multiple versions), the use of that text does  
18 not accelerate or delay the taking effect of (i) the changes  
19 made by this Act or (ii) provisions derived from any other  
20 Public Act."