

1 AN ACT concerning criminal law.

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

4 Section 5. The 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
17 declared as a sexually dangerous person under the Sexually
18 Dangerous Persons Act or declared a sexually violent person
19 under the Sexually Violent Persons Commitment Act, or any
20 substantially similar federal law or law of another state.

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

23 (1) indecent solicitation of a child, in violation of

1 Section 11-6 of the Criminal Code of 1961 or the Criminal
2 Code of 2012;

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

6 (3) public indecency, in violation of Section 11-9 or
7 11-30 of the Criminal Code of 1961 or the Criminal Code of
8 2012;

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

12 (5) sexual relations within families, in violation of
13 Section 11-11 of the Criminal Code of 1961 or the Criminal
14 Code of 2012;

15 (6) promoting juvenile prostitution or soliciting for
16 a juvenile prostitute, in violation of Section 11-14.4 or
17 11-15.1 of the Criminal Code of 1961 or the Criminal Code
18 of 2012;

19 (7) promoting juvenile prostitution or keeping a place
20 of juvenile prostitution, in violation of Section 11-14.4
21 or 11-17.1 of the Criminal Code of 1961 or the Criminal
22 Code of 2012;

23 (8) patronizing a juvenile prostitute, in violation of
24 Section 11-18.1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012;

26 (9) promoting juvenile prostitution or juvenile

1 pimping, in violation of Section 11-14.4 or 11-19.1 of the
2 Criminal Code of 1961 or the Criminal Code of 2012;

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

6 (11) child sexual abuse material ~~pornography~~, in
7 violation of Section 11-20.1 of the Criminal Code of 1961
8 or the Criminal Code of 2012;

9 (11.5) aggravated child sexual abuse material
10 ~~pornography~~, in violation of Section 11-20.1B or 11-20.3
11 of the Criminal Code of 1961;

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

14 (13) criminal sexual assault, in violation of Section
15 11-1.20 or 12-13 of the Criminal Code of 1961 or the
16 Criminal Code of 2012;

17 (13.5) grooming, in violation of Section 11-25 of the
18 Criminal Code of 1961 or the Criminal Code of 2012;

19 (14) aggravated criminal sexual assault, in violation
20 of Section 11-1.30 or 12-14 of the Criminal Code of 1961 or
21 the Criminal Code of 2012;

22 (14.5) traveling to meet a minor or traveling to meet
23 a child, in violation of Section 11-26 of the Criminal
24 Code of 1961 or the Criminal Code of 2012;

25 (15) predatory criminal sexual assault of a child, in
26 violation of Section 11-1.40 or 12-14.1 of the Criminal

1 Code of 1961 or the Criminal Code of 2012;

2 (16) criminal sexual abuse, in violation of Section
3 11-1.50 or 12-15 of the Criminal Code of 1961 or the
4 Criminal Code of 2012;

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

8 (18) ritualized abuse of a child, in violation of
9 Section 12-33 of the Criminal Code of 1961 or the Criminal
10 Code of 2012;

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

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

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

18 (e) "Sexually motivated" means one or more of the facts of
19 the underlying offense indicates conduct that is of a sexual
20 nature or that shows an intent to engage in behavior of a
21 sexual nature.

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

25 (g) "Sex offender treatment provider" means a person
26 licensed under the Sex Offender Evaluation and Treatment

1 Provider Act to provide sex offender treatment services.

2 (h) "Associate sex offender provider" means a person
3 licensed under the Sex Offender Evaluation and Treatment
4 Provider Act to provide sex offender evaluations and to
5 provide sex offender treatment under the supervision of a
6 licensed sex offender evaluator or a licensed sex offender
7 treatment provider.

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

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

12 (110 ILCS 57/5)

13 Sec. 5. Definitions.

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

18 "Sex offender" means any person who is convicted pursuant
19 to Illinois law or any substantially similar federal, Uniform
20 Code of Military Justice, sister state, or foreign country law
21 with any of the following sex offenses set forth in the
22 Criminal Code of 1961 or the Criminal Code of 2012:

23 (1) Indecent solicitation of a child.

24 (2) Sexual exploitation of a child.

- 1 (3) Custodial sexual misconduct.
- 2 (4) Exploitation of a child.
- 3 (5) Child sexual abuse material ~~pornography~~.
- 4 (6) Aggravated child sexual abuse material
- 5 ~~pornography~~.

6 "Violent felony" means any of the following offenses, as
7 defined by the Criminal Code of 1961 or the Criminal Code of
8 2012:

- 9 (1) First degree murder.
- 10 (2) Second degree murder.
- 11 (3) Predatory criminal sexual assault of a child.
- 12 (4) Aggravated criminal sexual assault.
- 13 (5) Criminal sexual assault.
- 14 (6) Aggravated arson.
- 15 (7) Aggravated kidnapping.
- 16 (8) Kidnapping.
- 17 (9) Aggravated battery resulting in great bodily harm
- 18 or permanent disability or disfigurement.

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

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

22 (225 ILCS 10/3.3)

23 Sec. 3.3. Requirements for criminal background checks for
24 adoption-only homes. In approving an adoption-only home

1 pursuant to Section 3.2 of this Act, if an adult resident has
2 an arrest or conviction record, the licensed child welfare
3 agency:

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

15 (2) shall not approve the home if the record reveals a
16 felony conviction for crimes against a child, including,
17 but not limited to, child abuse or neglect, child sexual
18 abuse material ~~pornography~~, rape, sexual assault, or
19 homicide;

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

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

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

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

3 (325 ILCS 5/4.5)

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

6 (a) In this Section:

7 "Child sexual abuse material ~~pornography~~" means child
8 sexual abuse material ~~pornography~~ as described in Section
9 11-20.1 of the Criminal Code of 2012.

10 "Electronic and information technology equipment" means
11 equipment used in the creation, manipulation, storage,
12 display, or transmission of data, including internet and
13 intranet systems, software applications, operating systems,
14 video and multimedia, telecommunications products, kiosks,
15 information transaction machines, copiers, printers, and
16 desktop and portable computers.

17 "Electronic and information technology equipment worker"
18 means a person who in the scope and course of his or her
19 employment or business installs, repairs, or otherwise
20 services electronic and information technology equipment for a
21 fee but does not include (i) an employee, independent
22 contractor, or other agent of a telecommunications carrier or
23 telephone or telecommunications cooperative, as those terms
24 are defined in the Public Utilities Act, or (ii) an employee,

1 independent contractor, or other agent of a provider of
2 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

3 (b) If an electronic and information technology equipment
4 worker discovers any depiction of child sexual abuse material
5 ~~pornography~~ while installing, repairing, or otherwise
6 servicing an item of electronic and information technology
7 equipment, that worker or the worker's employer shall
8 immediately report the discovery to the local law enforcement
9 agency or to the Cyber Tipline at the National Center for
10 Missing & Exploited Children.

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

14 (d) An electronic and information technology equipment
15 worker or electronic and information technology equipment
16 worker's employer who reports a discovery of child sexual
17 abuse material ~~pornography~~ as required under this Section is
18 immune from any criminal, civil, or administrative liability
19 in connection with making the report, except for willful or
20 wanton misconduct.

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

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

25 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

1 Sec. 11.1. Access to records.

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

7 (1) Department staff in the furtherance of their
8 responsibilities under this Act, or for the purpose of
9 completing background investigations on persons or
10 agencies licensed by the Department or with whom the
11 Department contracts for the provision of child welfare
12 services.

13 (2) A law enforcement agency investigating known or
14 suspected child abuse or neglect, known or suspected
15 involvement with child sexual abuse material ~~pornography~~,
16 known or suspected criminal sexual assault, known or
17 suspected criminal sexual abuse, or any other sexual
18 offense when a child is alleged to be involved.

19 (3) The Illinois State Police when administering the
20 provisions of the Intergovernmental Missing Child Recovery
21 Act of 1984.

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

24 (5) A person authorized under Section 5 of this Act to
25 place a child in temporary protective custody when such
26 person requires the information in the report or record to

1 determine whether to place the child in temporary
2 protective custody.

3 (6) A person having the legal responsibility or
4 authorization to care for, treat, or supervise a child, or
5 a parent, prospective adoptive parent, foster parent,
6 guardian, or other person responsible for the child's
7 welfare, who is the subject of a report.

8 (7) Except in regard to harmful or detrimental
9 information as provided in Section 7.19, any subject of
10 the report, and if the subject of the report is a minor,
11 his guardian or guardian ad litem.

12 (8) A court, upon its finding that access to such
13 records may be necessary for the determination of an issue
14 before such court; however, such access shall be limited
15 to in camera inspection, unless the court determines that
16 public disclosure of the information contained therein is
17 necessary for the resolution of an issue then pending
18 before it.

19 (8.1) A probation officer or other authorized
20 representative of a probation or court services department
21 conducting an investigation ordered by a court under the
22 Juvenile Court Act of 1987.

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

26 (10) Any person authorized by the Director, in

1 writing, for audit or bona fide research purposes.

2 (11) Law enforcement agencies, coroners or medical
3 examiners, physicians, courts, school superintendents and
4 child welfare agencies in other states who are responsible
5 for child abuse or neglect investigations or background
6 investigations.

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

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

15 (14) The Director of a State-operated facility when an
16 employee of that facility is the perpetrator in an
17 indicated report.

18 (15) The operator of a licensed child care facility or
19 a facility licensed by the Department of Human Services
20 (as successor to the Department of Alcoholism and
21 Substance Abuse) in which children reside when a current
22 or prospective employee of that facility is the
23 perpetrator in an indicated child abuse or neglect report,
24 pursuant to Section 4.3 of the Child Care Act of 1969.

25 (16) Members of a multidisciplinary team in the
26 furtherance of its responsibilities under subsection (b)

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

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

18 (18) Any other agency or investigative body, including
19 the Department of Public Health and a local board of
20 health, authorized by State law to conduct an
21 investigation into the quality of care provided to
22 children in hospitals and other State regulated care
23 facilities.

24 (19) The person appointed, under Section 2-17 of the
25 Juvenile Court Act of 1987, as the guardian ad litem of a
26 minor who is the subject of a report or records under this

1 Act; or the person appointed, under Section 5-610 of the
2 Juvenile Court Act of 1987, as the guardian ad litem of a
3 minor who is in the custody or guardianship of the
4 Department or who has an open intact family services case
5 with the Department and who is the subject of a report or
6 records made pursuant to this Act.

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

15 (b) Nothing contained in this Act prevents the sharing or
16 disclosure of information or records relating or pertaining to
17 juveniles subject to the provisions of the Serious Habitual
18 Offender Comprehensive Action Program when that information is
19 used to assist in the early identification and treatment of
20 habitual juvenile offenders.

21 (c) To the extent that persons or agencies are given
22 access to information pursuant to this Section, those persons
23 or agencies may give this information to and receive this
24 information from each other in order to facilitate an
25 investigation conducted by those persons or agencies.

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

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

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

4 Sec. 3. The functions and goals of the programs to be
5 developed and provided by the Department of Children and
6 Family Services shall include:

7 (a) Provision of counseling, treatment, rehabilitation and
8 assistance to sexually abused and exploited children and their
9 families, particularly to victims of predatory criminal sexual
10 assault of a child, aggravated criminal sexual assault,
11 criminal sexual assault, aggravated criminal sexual abuse and
12 criminal sexual abuse and child sexual abuse material
13 ~~pornography~~, and provision of training and education and
14 professional counseling to other persons responsible for the
15 child's welfare, personnel of the Department responsible for
16 the licensure of facilities under the Child Care Act of 1969,
17 and persons required to file reports and conduct
18 investigations of such reports under the Abused and Neglected
19 Child Reporting Act;

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

22 (c) Marshaling and coordinating the services of all
23 agencies responsible for the detection of a sexually abused
24 and exploited child and for serving such a child, the child's

1 family, or others responsible for the child's welfare, as well
2 as for the development of other resources necessary to ensure
3 a comprehensive program for the prevention of such abuse and
4 exploitation, supportive case management;

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

8 (e) Informing the public at large and professional
9 agencies about the problem of child sexual abuse and
10 exploitation, methods of detecting and responding to such
11 incidents, including those established under the Abused and
12 Neglected Child Reporting Act, the availability of State
13 service and other resources for responding to victims of such
14 abuse and exploitation, and about the existence and supportive
15 approach of treatment center programs; and

16 (f) Development of informational and training materials
17 and seminars to assure the availability of such programs and
18 services throughout the State, emphasizing the need for
19 cooperation and coordination with all appropriate elements of
20 the criminal justice system and law enforcement system.

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

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

24 (325 ILCS 40/2) (from Ch. 23, par. 2252)

1 Sec. 2. As used in this Act:

2 (a) (Blank).

3 (b) "Director" means the Director of the Illinois State
4 Police.

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

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

11 (e) A "LEADS terminal" is an interactive computerized
12 communication and processing unit which permits a direct
13 on-line communication with the Illinois State Police's central
14 data repository, the Law Enforcement Agencies Data System
15 (LEADS).

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

20 (g) (Blank).

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

24 (i) "Exploitation" means activities and actions which
25 include, but are not limited to, child sexual abuse material
26 pornography, aggravated child sexual abuse material

1 ~~pornography~~, child prostitution, child sexual abuse, drug and
2 substance abuse by children, and child suicide.

3 (j) (Blank).

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

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

7 (325 ILCS 47/10)

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

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

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

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

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

21 (705 ILCS 135/15-70)

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

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

8 (1) arson, residential arson, or aggravated arson,
9 \$500 per conviction to the State Treasurer for deposit
10 into the Fire Prevention Fund;

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

17 (A) if the arresting agency is an agency of a unit
18 of local government, \$500 to the treasurer of the unit
19 of local government for deposit into the unit of local
20 government's General Fund, except that if the Illinois
21 State Police provides digital or electronic forensic
22 examination assistance, or both, to the arresting
23 agency then \$100 to the State Treasurer for deposit
24 into the State Crime Laboratory Fund; or

25 (B) if the arresting agency is the Illinois State
26 Police, \$500 to the State Treasurer for deposit into

1 the State Crime Laboratory Fund;

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

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

14 (5) DUI analysis, \$150 on each sentenced violation in
15 which it was used as set forth in subsection (f) of Section
16 5-9-1.9 of the Unified Code of Corrections;

17 (6) drug-related offense involving possession or
18 delivery of cannabis or possession or delivery of a
19 controlled substance, other than methamphetamine, as
20 defined in the Cannabis Control Act or the Illinois
21 Controlled Substances Act, an amount not less than the
22 full street value of the cannabis or controlled substance
23 seized for each conviction to be disbursed as follows:

24 (A) 12.5% of the street value assessment shall be
25 paid into the Youth Drug Abuse Prevention Fund, to be
26 used by the Department of Human Services for the

1 funding of programs and services for drug-abuse
2 treatment, and prevention and education services;

3 (B) 37.5% to the county in which the charge was
4 prosecuted, to be deposited into the county General
5 Fund;

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

11 (D) if the arrest was made in combination with
12 multiple law enforcement agencies, the clerk shall
13 equitably allocate the portion in subparagraph (C) of
14 this paragraph (6) among the law enforcement agencies
15 involved in the arrest;

16 (6.5) Kane County or Will County, in felony,
17 misdemeanor, local or county ordinance, traffic, or
18 conservation cases, up to \$30 as set by the county board
19 under Section 5-1101.3 of the Counties Code upon the entry
20 of a judgment of conviction, an order of supervision, or a
21 sentence of probation without entry of judgment under
22 Section 10 of the Cannabis Control Act, Section 410 of the
23 Illinois Controlled Substances Act, Section 70 of the
24 Methamphetamine Control and Community Protection Act,
25 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
26 the Criminal Code of 1961 or the Criminal Code of 2012,

1 Section 10-102 of the Illinois Alcoholism and Other Drug
2 Dependency Act, or Section 10 of the Steroid Control Act;
3 except in local or county ordinance, traffic, and
4 conservation cases, if fines are paid in full without a
5 court appearance, then the assessment shall not be imposed
6 or collected. Distribution of assessments collected under
7 this paragraph (6.5) shall be as provided in Section
8 5-1101.3 of the Counties Code;

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

21 (A) 12.5% of the street value assessment shall be
22 paid into the Youth Drug Abuse Prevention Fund, to be
23 used by the Department of Human Services for the
24 funding of programs and services for drug-abuse
25 treatment, and prevention and education services;

26 (B) 37.5% to the county in which the charge was

1 prosecuted, to be deposited into the county General
2 Fund;

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

8 (D) if the arrest was made in combination with
9 multiple law enforcement agencies, the clerk shall
10 equitably allocate the portion in subparagraph (C) of
11 this paragraph (6) among the law enforcement agencies
12 involved in the arrest;

13 (8) order of protection violation under Section 12-3.4
14 of the Criminal Code of 2012, \$200 for each conviction to
15 the county treasurer for deposit into the Probation and
16 Court Services Fund for implementation of a domestic
17 violence surveillance program and any other assessments or
18 fees imposed under Section 5-9-1.16 of the Unified Code of
19 Corrections;

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

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

24 (A) petty or business offense, \$4 to the county
25 treasurer of which \$2 deposited into the State's
26 Attorney Records Automation Fund and \$2 into the

1 Public Defender Records Automation Fund;

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

5 (11) speeding in a construction zone violation, \$250
6 to the State Treasurer for deposit into the Transportation
7 Safety Highway Hire-back Fund, unless (i) the violation
8 occurred on a highway other than an interstate highway and
9 (ii) a county police officer wrote the ticket for the
10 violation, in which case to the county treasurer for
11 deposit into that county's Transportation Safety Highway
12 Hire-back Fund;

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

17 (13) victim and offender are family or household
18 members as defined in Section 103 of the Illinois Domestic
19 Violence Act of 1986 and offender pleads guilty or no
20 contest to or is convicted of murder, voluntary
21 manslaughter, involuntary manslaughter, burglary,
22 residential burglary, criminal trespass to residence,
23 criminal trespass to vehicle, criminal trespass to land,
24 criminal damage to property, telephone harassment,
25 kidnapping, aggravated kidnaping, unlawful restraint,
26 forcible detention, child abduction, indecent solicitation

1 of a child, sexual relations between siblings,
2 exploitation of a child, child sexual abuse material
3 ~~pornography~~, assault, aggravated assault, battery,
4 aggravated battery, heinous battery, aggravated battery of
5 a child, domestic battery, reckless conduct, intimidation,
6 criminal sexual assault, predatory criminal sexual assault
7 of a child, aggravated criminal sexual assault, criminal
8 sexual abuse, aggravated criminal sexual abuse, violation
9 of an order of protection, disorderly conduct, endangering
10 the life or health of a child, child abandonment,
11 contributing to dependency or neglect of child, or cruelty
12 to children and others, \$200 for each sentenced violation
13 to the State Treasurer for deposit as follows: (i) for
14 sexual assault, as defined in Section 5-9-1.7 of the
15 Unified Code of Corrections, when the offender and victim
16 are family members, one-half to the Domestic Violence
17 Shelter and Service Fund, and one-half to the Sexual
18 Assault Services Fund; (ii) for the remaining offenses to
19 the Domestic Violence Shelter and Service Fund;

20 (14) violation of Section 11-501 of the Illinois
21 Vehicle Code, Section 5-7 of the Snowmobile Registration
22 and Safety Act, Section 5-16 of the Boat Registration and
23 Safety Act, or a similar provision, whose operation of a
24 motor vehicle, snowmobile, or watercraft while in
25 violation of Section 11-501, Section 5-7 of the Snowmobile
26 Registration and Safety Act, Section 5-16 of the Boat

1 Registration and Safety Act, or a similar provision
2 proximately caused an incident resulting in an appropriate
3 emergency response, \$1,000 maximum to the public agency
4 that provided an emergency response related to the
5 person's violation, or as provided in subsection (c) of
6 Section 10-5 if the arresting agency was a State agency,
7 unless more than one agency was responsible for the
8 arrest, in which case the amount shall be remitted to each
9 unit of government equally;

10 (15) violation of Section 401, 407, or 407.2 of the
11 Illinois Controlled Substances Act that proximately caused
12 any incident resulting in an appropriate drug-related
13 emergency response, \$1,000 as reimbursement for the
14 emergency response to the law enforcement agency that made
15 the arrest, or as provided in subsection (c) of Section
16 10-5 if the arresting agency was a State agency, unless
17 more than one agency was responsible for the arrest, in
18 which case the amount shall be remitted to each unit of
19 government equally;

20 (16) violation of reckless driving, aggravated
21 reckless driving, or driving 26 miles per hour or more in
22 excess of the speed limit that triggered an emergency
23 response, \$1,000 maximum reimbursement for the emergency
24 response to be distributed in its entirety to a public
25 agency that provided an emergency response related to the
26 person's violation, or as provided in subsection (c) of

1 Section 10-5 if the arresting agency was a State agency,
2 unless more than one agency was responsible for the
3 arrest, in which case the amount shall be remitted to each
4 unit of government equally;

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

11 (A) \$50 to the county treasurer for deposit into
12 the Circuit Court Clerk Operation and Administrative
13 Fund to cover the costs in administering this
14 paragraph (17);

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

17 (i) if the arresting or investigating agency
18 is the Illinois State Police, into the State
19 Police Law Enforcement Administration Fund;

20 (ii) if the arresting or investigating agency
21 is the Department of Natural Resources, into the
22 Conservation Police Operations Assistance Fund;

23 (iii) if the arresting or investigating agency
24 is the Secretary of State, into the Secretary of
25 State Police Services Fund;

26 (iv) if the arresting or investigating agency

1 is the Illinois Commerce Commission, into the
2 Transportation Regulatory Fund; or

3 (v) if more than one of the State agencies in
4 this subparagraph (B) is the arresting or
5 investigating agency, then equal shares with the
6 shares deposited as provided in the applicable
7 items (i) through (iv) of this subparagraph (B);
8 and

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

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

15 (19) violation of subsection (c) of Section 11-907 of
16 the Illinois Vehicle Code, \$250 to the State Treasurer for
17 deposit into the Scott's Law Fund, unless a county or
18 municipal police officer wrote the ticket for the
19 violation, in which case to the county treasurer for
20 deposit into that county's or municipality's
21 Transportation Safety Highway Hire-back Fund to be used as
22 provided in subsection (j) of Section 11-907 of the
23 Illinois Vehicle Code.

24 (Source: P.A. 101-173, eff. 1-1-20; 101-636, eff. 6-10-20;
25 102-145, eff. 7-23-21; 102-505, eff. 8-20-21; 102-538, eff.
26 8-20-21; revised 10-13-21.)

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

3 (705 ILCS 405/3-40)

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

6 (a) For the purposes of this Section:

7 "Computer" has the meaning ascribed to it in Section
8 17-0.5 of the Criminal Code of 2012.

9 "Electronic communication device" means an electronic
10 device, including but not limited to a wireless telephone,
11 personal digital assistant, or a portable or mobile computer,
12 that is capable of transmitting images or pictures.

13 "Indecent visual depiction" means a depiction or portrayal
14 in any pose, posture, or setting involving a lewd exhibition
15 of the unclothed or transparently clothed genitals, pubic
16 area, buttocks, or, if such person is female, a fully or
17 partially developed breast of the person.

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

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

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

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

3 (1) ordered to obtain counseling or other supportive
4 services to address the acts that led to the need for
5 supervision; or

6 (2) ordered to perform community service.

7 (e) Nothing in this Section shall be construed to prohibit
8 a prosecution for disorderly conduct, public indecency, child
9 sexual abuse material ~~pornography~~, a violation of Article 26.5
10 (Harassing and Obscene Communications) of the Criminal Code of
11 2012, or any other applicable provision of law.

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

13 Section 50. The Criminal Code of 2012 is amended by
14 changing Sections 3-5, 3-6, 11-0.1, 11-9.1, 11-9.3, 11-20.1,
15 11-20.2, 11-23, 11-25, 14-3, 26-4, and 36-1 as follows:

16 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

17 Sec. 3-5. General limitations.

18 (a) A prosecution for: (1) first degree murder, attempt to
19 commit first degree murder, second degree murder, involuntary
20 manslaughter, reckless homicide, a violation of subparagraph
21 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
22 Illinois Vehicle Code for the offense of aggravated driving
23 under the influence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds, or any combination thereof

1 when the violation was a proximate cause of a death, leaving
2 the scene of a motor vehicle accident involving death or
3 personal injuries under Section 11-401 of the Illinois Vehicle
4 Code, failing to give information and render aid under Section
5 11-403 of the Illinois Vehicle Code, concealment of homicidal
6 death, treason, arson, residential arson, aggravated arson,
7 forgery, child sexual abuse material ~~pornography~~ under
8 paragraph (1) of subsection (a) of Section 11-20.1, or
9 aggravated child sexual abuse material ~~pornography~~ under
10 paragraph (1) of subsection (a) of Section 11-20.1B, or (2)
11 any offense involving sexual conduct or sexual penetration, as
12 defined by Section 11-0.1 of this Code may be commenced at any
13 time.

14 (a-5) A prosecution for theft of property exceeding
15 \$100,000 in value under Section 16-1, identity theft under
16 subsection (a) of Section 16-30, aggravated identity theft
17 under subsection (b) of Section 16-30, financial exploitation
18 of an elderly person or a person with a disability under
19 Section 17-56; theft by deception of a victim 60 years of age
20 or older or a person with a disability under Section 16-1; or
21 any offense set forth in Article 16H or Section 17-10.6 may be
22 commenced within 7 years of the last act committed in
23 furtherance of the crime.

24 (b) Unless the statute describing the offense provides
25 otherwise, or the period of limitation is extended by Section
26 3-6, a prosecution for any offense not designated in

1 subsection (a) or (a-5) must be commenced within 3 years after
2 the commission of the offense if it is a felony, or within one
3 year and 6 months after its commission if it is a misdemeanor.
4 (Source: P.A. 101-130, eff. 1-1-20; 102-244, eff. 1-1-22.)

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

6 Sec. 3-6. Extended limitations. The period within which a
7 prosecution must be commenced under the provisions of Section
8 3-5 or other applicable statute is extended under the
9 following conditions:

10 (a) A prosecution for theft involving a breach of a
11 fiduciary obligation to the aggrieved person may be commenced
12 as follows:

13 (1) If the aggrieved person is a minor or a person
14 under legal disability, then during the minority or legal
15 disability or within one year after the termination
16 thereof.

17 (2) In any other instance, within one year after the
18 discovery of the offense by an aggrieved person, or by a
19 person who has legal capacity to represent an aggrieved
20 person or has a legal duty to report the offense, and is
21 not himself or herself a party to the offense; or in the
22 absence of such discovery, within one year after the
23 proper prosecuting officer becomes aware of the offense.
24 However, in no such case is the period of limitation so
25 extended more than 3 years beyond the expiration of the

1 period otherwise applicable.

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

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

16 (b-6) When the victim is 18 years of age or over at the
17 time of the offense, a prosecution for involuntary servitude,
18 involuntary sexual servitude of a minor, or trafficking in
19 persons and related offenses under Section 10-9 of this Code
20 may be commenced within 25 years after the commission of the
21 offense.

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

25 (b-8) When the victim is under 17 years of age at the time
26 of the offense or is a person with a disability, a prosecution

1 for grooming may be commenced within 10 years after the victim
2 or the person with a disability attains 17 years of age.

3 (c) (Blank).

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

13 (e) Except as otherwise provided in subdivision (j), a
14 prosecution for any offense involving sexual conduct or sexual
15 penetration, as defined in Section 11-0.1 of this Code, where
16 the defendant was within a professional or fiduciary
17 relationship or a purported professional or fiduciary
18 relationship with the victim at the time of the commission of
19 the offense may be commenced within one year after the
20 discovery of the offense by the victim.

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

1 (f-5) A prosecution for any offense set forth in Section
2 16-30 of this Code may be commenced within 5 years after the
3 discovery of the offense by the victim of that offense.

4 (g) (Blank).

5 (h) (Blank).

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

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

17 (i-5) A prosecution for armed robbery, home invasion,
18 kidnapping, or aggravated kidnapping ~~kidnaping~~ may be
19 commenced within 10 years of the commission of the offense if
20 it arises out of the same course of conduct and meets the
21 criteria under one of the offenses in subsection (i) of this
22 Section.

23 (j) (1) When the victim is under 18 years of age at the
24 time of the offense, a prosecution for criminal sexual
25 assault, aggravated criminal sexual assault, predatory
26 criminal sexual assault of a child, aggravated criminal sexual

1 abuse, felony criminal sexual abuse, or female genital
2 mutilation may be commenced at any time.

3 (2) When in circumstances other than as described in
4 paragraph (1) of this subsection (j), when the victim is under
5 18 years of age at the time of the offense, a prosecution for
6 failure of a person who is required to report an alleged or
7 suspected commission of criminal sexual assault, aggravated
8 criminal sexual assault, predatory criminal sexual assault of
9 a child, aggravated criminal sexual abuse, or felony criminal
10 sexual abuse under the Abused and Neglected Child Reporting
11 Act may be commenced within 20 years after the child victim
12 attains 18 years of age.

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

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

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

25 (k) (Blank).

26 (l) A prosecution for any offense set forth in Section

1 26-4 of this Code may be commenced within one year after the
2 discovery of the offense by the victim of that offense.

3 (1-5) A prosecution for any offense involving sexual
4 conduct or sexual penetration, as defined in Section 11-0.1 of
5 this Code, in which the victim was 18 years of age or older at
6 the time of the offense, may be commenced within one year after
7 the discovery of the offense by the victim when corroborating
8 physical evidence is available. The charging document shall
9 state that the statute of limitations is extended under this
10 subsection (1-5) and shall state the circumstances justifying
11 the extension. Nothing in this subsection (1-5) shall be
12 construed to shorten a period within which a prosecution must
13 be commenced under any other provision of this Section or
14 Section 3-5 of this Code.

15 (m) The prosecution shall not be required to prove at
16 trial facts which extend the general limitations in Section
17 3-5 of this Code when the facts supporting extension of the
18 period of general limitations are properly pled in the
19 charging document. Any challenge relating to the extension of
20 the general limitations period as defined in this Section
21 shall be exclusively conducted under Section 114-1 of the Code
22 of Criminal Procedure of 1963.

23 (n) A prosecution for any offense set forth in subsection
24 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the
25 Illinois Public Aid Code, in which the total amount of money
26 involved is \$5,000 or more, including the monetary value of

1 food stamps and the value of commodities under Section 16-1 of
2 this Code may be commenced within 5 years of the last act
3 committed in furtherance of the offense.

4 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
5 101-130, eff. 1-1-20; 101-285, eff. 1-1-20; 102-558, eff.
6 8-20-21.)

7 (720 ILCS 5/11-0.1)

8 Sec. 11-0.1. Definitions. In this Article, unless the
9 context clearly requires otherwise, the following terms are
10 defined as indicated:

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

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

17 "Advance prostitution" means:

18 (1) Soliciting for a prostitute by performing any of
19 the following acts when acting other than as a prostitute
20 or a patron of a prostitute:

21 (A) Soliciting another for the purpose of
22 prostitution.

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

25 (C) Directing another to a place knowing the

1 direction is for the purpose of prostitution.

2 (2) Keeping a place of prostitution by controlling or
3 exercising control over the use of any place that could
4 offer seclusion or shelter for the practice of
5 prostitution and performing any of the following acts when
6 acting other than as a prostitute or a patron of a
7 prostitute:

8 (A) Knowingly granting or permitting the use of
9 the place for the purpose of prostitution.

10 (B) Granting or permitting the use of the place
11 under circumstances from which he or she could
12 reasonably know that the place is used or is to be used
13 for purposes of prostitution.

14 (C) Permitting the continued use of the place
15 after becoming aware of facts or circumstances from
16 which he or she should reasonably know that the place
17 is being used for purposes of prostitution.

18 "Agency". See Section 11-9.5.

19 "Arranges". See Section 11-6.5.

20 "Bodily harm" means physical harm, and includes, but is
21 not limited to, sexually transmitted disease, pregnancy, and
22 impotence.

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

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

25 "Child sexual abuse material ~~pornography~~". See Section
26 11-20.1.

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

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

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

4 "Consent" means a freely given agreement to the act of
5 sexual penetration or sexual conduct in question. Lack of
6 verbal or physical resistance or submission by the victim
7 resulting from the use of force or threat of force by the
8 accused shall not constitute consent. The manner of dress of
9 the victim at the time of the offense shall not constitute
10 consent.

11 "Custody". See Section 11-9.2.

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

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

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

15 "Disseminate". See Section 11-20.1.

16 "Distribute". See Section 11-21.

17 "Family member" means a parent, grandparent, child,
18 sibling, aunt, uncle, great-aunt, or great-uncle, whether by
19 whole blood, half-blood, or adoption, and includes a
20 step-grandparent, step-parent, or step-child. "Family member"
21 also means, if the victim is a child under 18 years of age, an
22 accused who has resided in the household with the child
23 continuously for at least 3 ~~6~~ months.

24 "Force or threat of force" means the use of force or
25 violence or the threat of force or violence, including, but
26 not limited to, the following situations:

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

5 (2) when the accused overcomes the victim by use of
6 superior strength or size, physical restraint, or physical
7 confinement.

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

9 "Loiter". See Section 9.3.

10 "Material". See Section 11-21.

11 "Minor". See Section 11-21.

12 "Nudity". See Section 11-21.

13 "Obscene". See Section 11-20.

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

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

16 "Person responsible for the child's welfare". See Section
17 11-9.1A.

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

19 "Playground". See Section 11-9.3.

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

21 "Produce". See Section 11-20.1.

22 "Profit from prostitution" means, when acting other than
23 as a prostitute, to receive anything of value for personally
24 rendered prostitution services or to receive anything of value
25 from a prostitute, if the thing received is not for lawful
26 consideration and the person knows it was earned in whole or in

1 part from the practice of prostitution.

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

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

4 "Reproduce". See Section 11-20.1.

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

6 "School". See Section 11-9.3.

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

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

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

10 "Sexual conduct" means any knowing touching or fondling by
11 the victim or the accused, either directly or through
12 clothing, of the sex organs, anus, or breast of the victim or
13 the accused, or any part of the body of a child under 13 years
14 of age, or any transfer or transmission of semen by the accused
15 upon any part of the clothed or unclothed body of the victim,
16 for the purpose of sexual gratification or arousal of the
17 victim or the accused.

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

19 "Sexual penetration" means any contact, however slight,
20 between the sex organ or anus of one person and an object or
21 the sex organ, mouth, or anus of another person, or any
22 intrusion, however slight, of any part of the body of one
23 person or of any animal or object into the sex organ or anus of
24 another person, including, but not limited to, cunnilingus,
25 fellatio, or anal penetration. Evidence of emission of semen
26 is not required to prove sexual penetration.

1 "Solicit". See Section 11-6.

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

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

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

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

6 "Unable to give knowing consent" includes when the accused
7 administers any intoxicating or anesthetic substance, or any
8 controlled substance causing the victim to become unconscious
9 of the nature of the act and this condition was known, or
10 reasonably should have been known by the accused. As used in
11 this paragraph, "unconscious of the nature of the act" means
12 incapable of resisting because the victim meets any one of the
13 following conditions:

14 (1) was unconscious or asleep;

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

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

20 (4) was not aware, knowing, perceiving, or cognizant
21 of the essential characteristics of the act due to the
22 perpetrator's fraudulent representation that the sexual
23 penetration served a professional purpose when it served
24 no professional purpose; or

25 (5) was asleep, unconscious, or surprised such that
26 the victim could not give voluntary, intelligent, and

1 knowing agreement to the sexual act.

2 It is inferred that a victim is unable to give knowing
3 consent ~~A victim is presumed "unable to give knowing consent"~~
4 when the victim:

5 (1) is committed to the care and custody or
6 supervision of the Illinois Department of Corrections
7 (IDOC) and the accused is an employee or volunteer who is
8 not married to the victim who knows or reasonably should
9 know that the victim is committed to the care and custody
10 or supervision of such department;

11 (2) is committed to or placed with the Department of
12 Children and Family Services (DCFS) and in residential
13 care, and the accused employee is not married to the
14 victim, and knows or reasonably should know that the
15 victim is committed to or placed with DCFS and in
16 residential care;

17 (3) is a client or patient and the accused is a health
18 care provider or mental health care provider and the
19 sexual conduct or sexual penetration occurs during a
20 treatment session, consultation, interview, or
21 examination;

22 (4) is a resident or inpatient of a residential
23 facility and the accused is an employee of the facility
24 who is not married to such resident or inpatient who
25 provides direct care services, case management services,
26 medical or other clinical services, habilitative services

1 or direct supervision of the residents in the facility in
2 which the resident resides; or an officer or other
3 employee, consultant, contractor or volunteer of the
4 residential facility, who knows or reasonably should know
5 that the person is a resident of such facility; or

6 (5) is detained or otherwise in the custody of a
7 police officer, peace officer, or other law enforcement
8 official who: (i) is detaining or maintaining custody of
9 such person; or (ii) knows, or reasonably should know,
10 that at the time of the offense, such person was detained
11 or in custody and the police officer, peace officer, or
12 other law enforcement official is not married to such
13 detainee.

14 "Victim" means a person alleging to have been subjected to
15 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,
16 11-1.50, or 11-1.60 of this Code.

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

18 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

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

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

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

25 (2) exposes his or her sex organs, anus or breast for

1 the purpose of sexual arousal or gratification of such
2 person or the child or one whom he or she believes to be a
3 child; or

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

7 (a-5) A person commits sexual exploitation of a child who
8 knowingly entices, coerces, or persuades a child to remove the
9 child's clothing for the purpose of sexual arousal or
10 gratification of the person or the child, or both.

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

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

14 "Sex offense" means any violation of Article 11 of this
15 Code.

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

17 "Virtual presence" means an environment that is created
18 with software and presented to the user and or receiver via the
19 Internet, in such a way that the user appears in front of the
20 receiver on the computer monitor or screen or hand-held
21 portable electronic device, usually through a web camming
22 program. "Virtual presence" includes primarily experiencing
23 through sight or sound, or both, a video image that can be
24 explored interactively at a personal computer or hand-held
25 communication device, or both.

26 "Webcam" means a video capturing device connected to a

1 computer or computer network that is designed to take digital
2 photographs or live or recorded video which allows for the
3 live transmission to an end user over the Internet.

4 (c) Sentence.

5 (1) Sexual exploitation of a child is a Class A
6 misdemeanor. A second or subsequent violation of this
7 Section or a substantially similar law of another state is
8 a Class 4 felony.

9 (2) Sexual exploitation of a child is a Class 4 felony
10 if the person has been previously convicted of a sex
11 offense.

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

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

19 (5) A violation of paragraph (3) of subsection (a) is
20 a Class 4 felony for a first offense; and a Class 3 felony
21 for a second or subsequent offense, or if the person has
22 been previously convicted of a sex offense.

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

24 (720 ILCS 5/11-9.3)

25 Sec. 11-9.3. Presence within school zone by child sex

1 offenders prohibited; approaching, contacting, residing with,
2 or communicating with a child within certain places by child
3 sex offenders prohibited.

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

1 offender will be present in the school. The sex offender is
2 responsible for notifying the principal's office when he or
3 she arrives on school property and when he or she departs from
4 school property. If the sex offender is to be present in the
5 vicinity of children, the sex offender has the duty to remain
6 under the direct supervision of a school official.

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

13 (a-10) It is unlawful for a child sex offender to
14 knowingly be present in any public park building, a playground
15 or recreation area within any publicly accessible privately
16 owned building, or on real property comprising any public park
17 when persons under the age of 18 are present in the building or
18 on the grounds and to approach, contact, or communicate with a
19 child under 18 years of age, unless the offender is a parent or
20 guardian of a person under 18 years of age present in the
21 building or on the grounds.

22 (b) It is unlawful for a child sex offender to knowingly
23 loiter within 500 feet of a school building or real property
24 comprising any school while persons under the age of 18 are
25 present in the building or on the grounds, unless the offender
26 is a parent or guardian of a student attending the school and

1 the parent or guardian is: (i) attending a conference at the
2 school with school personnel to discuss the progress of his or
3 her child academically or socially, (ii) participating in
4 child review conferences in which evaluation and placement
5 decisions may be made with respect to his or her child
6 regarding special education services, or (iii) attending
7 conferences to discuss other student issues concerning his or
8 her child such as retention and promotion and notifies the
9 principal of the school of his or her presence at the school or
10 has permission to be present from the superintendent or the
11 school board or in the case of a private school from the
12 principal. In the case of a public school, if permission is
13 granted, the superintendent or school board president must
14 inform the principal of the school where the sex offender will
15 be present. Notification includes the nature of the sex
16 offender's visit and the hours in which the sex offender will
17 be present in the school. The sex offender is responsible for
18 notifying the principal's office when he or she arrives on
19 school property and when he or she departs from school
20 property. If the sex offender is to be present in the vicinity
21 of children, the sex offender has the duty to remain under the
22 direct supervision of a school official.

23 (b-2) It is unlawful for a child sex offender to knowingly
24 loiter on a public way within 500 feet of a public park
25 building or real property comprising any public park while
26 persons under the age of 18 are present in the building or on

1 the grounds and to approach, contact, or communicate with a
2 child under 18 years of age, unless the offender is a parent or
3 guardian of a person under 18 years of age present in the
4 building or on the grounds.

5 (b-5) It is unlawful for a child sex offender to knowingly
6 reside within 500 feet of a school building or the real
7 property comprising any school that persons under the age of
8 18 attend. Nothing in this subsection (b-5) prohibits a child
9 sex offender from residing within 500 feet of a school
10 building or the real property comprising any school that
11 persons under 18 attend if the property is owned by the child
12 sex offender and was purchased before July 7, 2000 (the
13 effective date of Public Act 91-911).

14 (b-10) It is unlawful for a child sex offender to
15 knowingly reside within 500 feet of a playground, child care
16 institution, day care center, part day child care facility,
17 day care home, group day care home, or a facility providing
18 programs or services exclusively directed toward persons under
19 18 years of age. Nothing in this subsection (b-10) prohibits a
20 child sex offender from residing within 500 feet of a
21 playground or a facility providing programs or services
22 exclusively directed toward persons under 18 years of age if
23 the property is owned by the child sex offender and was
24 purchased before July 7, 2000. Nothing in this subsection
25 (b-10) prohibits a child sex offender from residing within 500
26 feet of a child care institution, day care center, or part day

1 child care facility if the property is owned by the child sex
2 offender and was purchased before June 26, 2006. Nothing in
3 this subsection (b-10) prohibits a child sex offender from
4 residing within 500 feet of a day care home or group day care
5 home if the property is owned by the child sex offender and was
6 purchased before August 14, 2008 (the effective date of Public
7 Act 95-821).

8 (b-15) It is unlawful for a child sex offender to
9 knowingly reside within 500 feet of the victim of the sex
10 offense. Nothing in this subsection (b-15) prohibits a child
11 sex offender from residing within 500 feet of the victim if the
12 property in which the child sex offender resides is owned by
13 the child sex offender and was purchased before August 22,
14 2002.

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

17 (b-20) It is unlawful for a child sex offender to
18 knowingly communicate, other than for a lawful purpose under
19 Illinois law, using the Internet or any other digital media,
20 with a person under 18 years of age or with a person whom he or
21 she believes to be a person under 18 years of age, unless the
22 offender is a parent or guardian of the person under 18 years
23 of age.

24 (c) It is unlawful for a child sex offender to knowingly
25 operate, manage, be employed by, volunteer at, be associated
26 with, or knowingly be present at any: (i) facility providing

1 programs or services exclusively directed toward persons under
2 the age of 18; (ii) day care center; (iii) part day child care
3 facility; (iv) child care institution; (v) school providing
4 before and after school programs for children under 18 years
5 of age; (vi) day care home; or (vii) group day care home. This
6 does not prohibit a child sex offender from owning the real
7 property upon which the programs or services are offered or
8 upon which the day care center, part day child care facility,
9 child care institution, or school providing before and after
10 school programs for children under 18 years of age is located,
11 provided the child sex offender refrains from being present on
12 the premises for the hours during which: (1) the programs or
13 services are being offered or (2) the day care center, part day
14 child care facility, child care institution, or school
15 providing before and after school programs for children under
16 18 years of age, day care home, or group day care home is
17 operated.

18 (c-2) It is unlawful for a child sex offender to
19 participate in a holiday event involving children under 18
20 years of age, including but not limited to distributing candy
21 or other items to children on Halloween, wearing a Santa Claus
22 costume on or preceding Christmas, being employed as a
23 department store Santa Claus, or wearing an Easter Bunny
24 costume on or preceding Easter. For the purposes of this
25 subsection, child sex offender has the meaning as defined in
26 this Section, but does not include as a sex offense under

1 paragraph (2) of subsection (d) of this Section, the offense
2 under subsection (c) of Section 11-1.50 of this Code. This
3 subsection does not apply to a child sex offender who is a
4 parent or guardian of children under 18 years of age that are
5 present in the home and other non-familial minors are not
6 present.

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

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

17 (c-7) It is unlawful for a child sex offender to knowingly
18 offer or provide any programs or services to persons under 18
19 years of age in his or her residence or the residence of
20 another or in any facility for the purpose of offering or
21 providing such programs or services, whether such programs or
22 services are offered or provided by contract, agreement,
23 arrangement, or on a volunteer basis.

24 (c-8) It is unlawful for a child sex offender to knowingly
25 operate, whether authorized to do so or not, any of the
26 following vehicles: (1) a vehicle which is specifically

1 designed, constructed or modified and equipped to be used for
2 the retail sale of food or beverages, including but not
3 limited to an ice cream truck; (2) an authorized emergency
4 vehicle; or (3) a rescue vehicle.

5 (d) Definitions. In this Section:

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

7 (i) has been charged under Illinois law, or any
8 substantially similar federal law or law of another
9 state, with a sex offense set forth in paragraph (2) of
10 this subsection (d) or the attempt to commit an
11 included sex offense, and the victim is a person under
12 18 years of age at the time of the offense; and:

13 (A) is convicted of such offense or an attempt
14 to commit such offense; or

15 (B) is found not guilty by reason of insanity
16 of such offense or an attempt to commit such
17 offense; or

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

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

1 offense; or

2 (E) is found not guilty by reason of insanity
3 following a hearing conducted pursuant to a
4 federal law or the law of another state
5 substantially similar to subsection (c) of Section
6 104-25 of the Code of Criminal Procedure of 1963
7 of such offense or of the attempted commission of
8 such offense; or

9 (F) is the subject of a finding not resulting
10 in an acquittal at a hearing conducted pursuant to
11 a federal law or the law of another state
12 substantially similar to subsection (a) of Section
13 104-25 of the Code of Criminal Procedure of 1963
14 for the alleged violation or attempted commission
15 of such offense; or

16 (ii) is certified as a sexually dangerous person
17 pursuant to the Illinois Sexually Dangerous Persons
18 Act, or any substantially similar federal law or the
19 law of another state, when any conduct giving rise to
20 such certification is committed or attempted against a
21 person less than 18 years of age; or

22 (iii) is subject to the provisions of Section 2 of
23 the Interstate Agreements on Sexually Dangerous
24 Persons Act.

25 Convictions that result from or are connected with the
26 same act, or result from offenses committed at the same

1 time, shall be counted for the purpose of this Section as
2 one conviction. Any conviction set aside pursuant to law
3 is not a conviction for purposes of this Section.

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

6 (i) A violation of any of the following Sections
7 of the Criminal Code of 1961 or the Criminal Code of
8 2012: 10-4 (forcible detention), 10-7 (aiding or
9 abetting child abduction under Section 10-5(b)(10)),
10 10-5(b)(10) (child luring), 11-1.40 (predatory
11 criminal sexual assault of a child), 11-6 (indecent
12 solicitation of a child), 11-6.5 (indecent
13 solicitation of an adult), 11-9.1 (sexual exploitation
14 of a child), 11-9.2 (custodial sexual misconduct),
15 11-9.5 (sexual misconduct with a person with a
16 disability), 11-11 (sexual relations within families),
17 11-14.3(a)(1) (promoting prostitution by advancing
18 prostitution), 11-14.3(a)(2)(A) (promoting
19 prostitution by profiting from prostitution by
20 compelling a person to be a prostitute),
21 11-14.3(a)(2)(C) (promoting prostitution by profiting
22 from prostitution by means other than as described in
23 subparagraphs (A) and (B) of paragraph (2) of
24 subsection (a) of Section 11-14.3), 11-14.4 (promoting
25 juvenile prostitution), 11-18.1 (patronizing a
26 juvenile prostitute), 11-20.1 (child sexual abuse

1 material pornography), 11-20.1B (aggravated child
2 sexual abuse material pornography), 11-21 (harmful
3 material), 11-25 (grooming), 11-26 (traveling to meet
4 a minor or traveling to meet a child), 12-33
5 (ritualized abuse of a child), 11-20 (obscenity) (when
6 that offense was committed in any school, on real
7 property comprising any school, in any conveyance
8 owned, leased, or contracted by a school to transport
9 students to or from school or a school related
10 activity, or in a public park), 11-30 (public
11 indecent) (when committed in a school, on real
12 property comprising a school, in any conveyance owned,
13 leased, or contracted by a school to transport
14 students to or from school or a school related
15 activity, or in a public park). An attempt to commit
16 any of these offenses.

17 (ii) A violation of any of the following Sections
18 of the Criminal Code of 1961 or the Criminal Code of
19 2012, when the victim is a person under 18 years of
20 age: 11-1.20 (criminal sexual assault), 11-1.30
21 (aggravated criminal sexual assault), 11-1.50
22 (criminal sexual abuse), 11-1.60 (aggravated criminal
23 sexual abuse). An attempt to commit any of these
24 offenses.

25 (iii) A violation of any of the following Sections
26 of the Criminal Code of 1961 or the Criminal Code of

1 2012, when the victim is a person under 18 years of age
2 and the defendant is not a parent of the victim:

3 10-1 (kidnapping),
4 10-2 (aggravated kidnapping),
5 10-3 (unlawful restraint),
6 10-3.1 (aggravated unlawful restraint),
7 11-9.1(A) (permitting sexual abuse of a child).

8 An attempt to commit any of these offenses.

9 (iv) A violation of any former law of this State
10 substantially equivalent to any offense listed in
11 clause (2)(i) or (2)(ii) of subsection (d) of this
12 Section.

13 (2.5) For the purposes of subsections (b-5) and (b-10)
14 only, a sex offense means:

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

1 from prostitution by compelling a person to be a
2 prostitute), 11-14.3(a)(2)(C) (promoting prostitution
3 by profiting from prostitution by means other than as
4 described in subparagraphs (A) and (B) of paragraph
5 (2) of subsection (a) of Section 11-14.3), 11-14.4
6 (promoting juvenile prostitution), 11-18.1
7 (patronizing a juvenile prostitute), 11-20.1 (child
8 sexual abuse material ~~pornography~~), 11-20.1B
9 (aggravated child sexual abuse material ~~pornography~~),
10 11-25 (grooming), 11-26 (traveling to meet a minor or
11 traveling to meet a child), or 12-33 (ritualized abuse
12 of a child). An attempt to commit any of these
13 offenses.

14 (ii) A violation of any of the following Sections
15 of the Criminal Code of 1961 or the Criminal Code of
16 2012, when the victim is a person under 18 years of
17 age: 11-1.20 (criminal sexual assault), 11-1.30
18 (aggravated criminal sexual assault), 11-1.60
19 (aggravated criminal sexual abuse), and subsection (a)
20 of Section 11-1.50 (criminal sexual abuse). An attempt
21 to commit any of these offenses.

22 (iii) A violation of any of the following Sections
23 of the Criminal Code of 1961 or the Criminal Code of
24 2012, when the victim is a person under 18 years of age
25 and the defendant is not a parent of the victim:

26 10-1 (kidnapping),

1 10-2 (aggravated kidnapping),
2 10-3 (unlawful restraint),
3 10-3.1 (aggravated unlawful restraint),
4 11-9.1(A) (permitting sexual abuse of a child).

5 An attempt to commit any of these offenses.

6 (iv) A violation of any former law of this State
7 substantially equivalent to any offense listed in this
8 paragraph (2.5) of this subsection.

9 (3) A conviction for an offense of federal law or the
10 law of another state that is substantially equivalent to
11 any offense listed in paragraph (2) of subsection (d) of
12 this Section shall constitute a conviction for the purpose
13 of this Section. A finding or adjudication as a sexually
14 dangerous person under any federal law or law of another
15 state that is substantially equivalent to the Sexually
16 Dangerous Persons Act shall constitute an adjudication for
17 the purposes of this Section.

18 (4) "Authorized emergency vehicle", "rescue vehicle",
19 and "vehicle" have the meanings ascribed to them in
20 Sections 1-105, 1-171.8 and 1-217, respectively, of the
21 Illinois Vehicle Code.

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

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

26 (7) "Day care home" has the meaning ascribed to it in

1 Section 2.18 of the Child Care Act of 1969.

2 (8) "Facility providing programs or services directed
3 towards persons under the age of 18" means any facility
4 providing programs or services exclusively directed
5 towards persons under the age of 18.

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

8 (10) "Internet" has the meaning set forth in Section
9 16-0.1 of this Code.

10 (11) "Loiter" means:

11 (i) Standing, sitting idly, whether or not the
12 person is in a vehicle, or remaining in or around
13 school or public park property.

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

18 (iii) Entering or remaining in a building in or
19 around school property, other than the offender's
20 residence.

21 (12) "Part day child care facility" has the meaning
22 ascribed to it in Section 2.10 of the Child Care Act of
23 1969.

24 (13) "Playground" means a piece of land owned or
25 controlled by a unit of local government that is
26 designated by the unit of local government for use solely

1 or primarily for children's recreation.

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

5 (15) "School" means a public or private preschool or
6 elementary or secondary school.

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

10 (e) For the purposes of this Section, the 500 feet
11 distance shall be measured from: (1) the edge of the property
12 of the school building or the real property comprising the
13 school that is closest to the edge of the property of the child
14 sex offender's residence or where he or she is loitering, and
15 (2) the edge of the property comprising the public park
16 building or the real property comprising the public park,
17 playground, child care institution, day care center, part day
18 child care facility, or facility providing programs or
19 services exclusively directed toward persons under 18 years of
20 age, or a victim of the sex offense who is under 21 years of
21 age, to the edge of the child sex offender's place of residence
22 or place where he or she is loitering.

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

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

1 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

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

3 (a) A person commits child sexual abuse material
4 ~~pornography~~ who:

5 (1) films, videotapes, photographs, or otherwise
6 depicts or portrays by means of any similar visual medium
7 or reproduction or depicts by computer any child whom he
8 or she knows or reasonably should know to be under the age
9 of 18 or any person with a severe or profound intellectual
10 disability where such child or person with a severe or
11 profound intellectual disability is:

12 (i) actually or by simulation engaged in any act
13 of sexual penetration or sexual conduct with any
14 person or animal; or

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

24 (iii) actually or by simulation engaged in any act
25 of masturbation; or

26 (iv) actually or by simulation portrayed as being

1 the object of, or otherwise engaged in, any act of lewd
2 fondling, touching, or caressing involving another
3 person or animal; or

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

6 (vi) actually or by simulation portrayed or
7 depicted as bound, fettered, or subject to sadistic,
8 masochistic, or sadomasochistic abuse in any sexual
9 context; or

10 (vii) depicted or portrayed in any pose, posture
11 or setting involving a lewd exhibition of the
12 unclothed or transparently clothed genitals, pubic
13 area, buttocks, or, if such person is female, a fully
14 or partially developed breast of the child or other
15 person; or

16 (2) with the knowledge of the nature or content
17 thereof, reproduces, disseminates, offers to disseminate,
18 exhibits or possesses with intent to disseminate any film,
19 videotape, photograph or other similar visual reproduction
20 or depiction by computer of any child or person with a
21 severe or profound intellectual disability whom the person
22 knows or reasonably should know to be under the age of 18
23 or to be a person with a severe or profound intellectual
24 disability, engaged in any activity described in
25 subparagraphs (i) through (vii) of paragraph (1) of this
26 subsection; or

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

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

20 (5) is a parent, step-parent, legal guardian or other
21 person having care or custody of a child whom the person
22 knows or reasonably should know to be under the age of 18
23 or a person with a severe or profound intellectual
24 disability and who knowingly permits, induces, promotes,
25 or arranges for such child or person with a severe or
26 profound intellectual disability to appear in any stage

1 play, live performance, film, videotape, photograph or
2 other similar visual presentation, portrayal or simulation
3 or depiction by computer of any act or activity described
4 in subparagraphs (i) through (vii) of paragraph (1) of
5 this subsection; or

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

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

26 (a-5) The possession of each individual film, videotape,

1 photograph, or other similar visual reproduction or depiction
2 by computer in violation of this Section constitutes a single
3 and separate violation. This subsection (a-5) does not apply
4 to multiple copies of the same film, videotape, photograph, or
5 other similar visual reproduction or depiction by computer
6 that are identical to each other.

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

19 (1.5) Telecommunications carriers, commercial mobile
20 service providers, and providers of information services,
21 including, but not limited to, Internet service providers and
22 hosting service providers, are not liable under this Section
23 by virtue of the transmission, storage, or caching of
24 electronic communications or messages of others or by virtue
25 of the provision of other related telecommunications,
26 commercial mobile services, or information services used by

1 others in violation of this Section.

2 (2) (Blank).

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

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

19 (5) The charge of child sexual abuse material ~~pornography~~
20 does not apply to a person who does not voluntarily possess a
21 film, videotape, or visual reproduction or depiction by
22 computer in which child sexual abuse material ~~pornography~~ is
23 depicted. Possession is voluntary if the defendant knowingly
24 procures or receives a film, videotape, or visual reproduction
25 or depiction for a sufficient time to be able to terminate his
26 or her possession.

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

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

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

11 (c-5) Where the child depicted is under the age of 13, a
12 violation of paragraph (1), (2), (3), (4), (5), or (7) of
13 subsection (a) is a Class X felony with a mandatory minimum
14 fine of \$2,000 and a maximum fine of \$100,000. Where the child
15 depicted is under the age of 13, a violation of paragraph (6)
16 of subsection (a) is a Class 2 felony with a mandatory minimum
17 fine of \$1,000 and a maximum fine of \$100,000. Where the child
18 depicted is under the age of 13, a person who commits a
19 violation of paragraph (1), (2), (3), (4), (5), or (7) of
20 subsection (a) where the defendant has previously been
21 convicted under the laws of this State or any other state of
22 the offense of child sexual abuse material ~~pornography~~,
23 aggravated child sexual abuse material ~~pornography~~, aggravated
24 criminal sexual abuse, aggravated criminal sexual assault,
25 predatory criminal sexual assault of a child, or any of the
26 offenses formerly known as rape, deviate sexual assault,

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

23 (d) If a person is convicted of a second or subsequent
24 violation of this Section within 10 years of a prior
25 conviction, the court shall order a presentence psychiatric
26 examination of the person. The examiner shall report to the

1 court whether treatment of the person is necessary.

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

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

17 (e-5) Upon the conclusion of a case brought under this
18 Section, the court shall seal all evidence depicting a victim
19 or witness that is sexually explicit. The evidence may be
20 unsealed and viewed, on a motion of the party seeking to unseal
21 and view the evidence, only for good cause shown and in the
22 discretion of the court. The motion must expressly set forth
23 the purpose for viewing the material. The State's Attorney
24 ~~attorney~~ and the victim, if possible, shall be provided
25 reasonable notice of the hearing on the motion to unseal the
26 evidence. Any person entitled to notice of a hearing under

1 this subsection (e-5) may object to the motion.

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

3 (1) "Disseminate" means (i) to sell, distribute,
4 exchange or transfer possession, whether with or without
5 consideration or (ii) to make a depiction by computer
6 available for distribution or downloading through the
7 facilities of any telecommunications network or through
8 any other means of transferring computer programs or data
9 to a computer.

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

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

13 (4) "Depict by computer" means to generate or create,
14 or cause to be created or generated, a computer program or
15 data that, after being processed by a computer either
16 alone or in conjunction with one or more computer
17 programs, results in a visual depiction on a computer
18 monitor, screen, or display.

19 (5) "Depiction by computer" means a computer program
20 or data that, after being processed by a computer either
21 alone or in conjunction with one or more computer
22 programs, results in a visual depiction on a computer
23 monitor, screen, or display.

24 (6) "Computer", "computer program", and "data" have
25 the meanings ascribed to them in Section 17.05 of this
26 Code.

1 (ii) In addition, Public Act 88-680 was entitled
2 "AN ACT to create a Safe Neighborhoods Law". (A)
3 Article 5 was entitled JUVENILE JUSTICE and amended
4 the Juvenile Court Act of 1987. (B) Article 15 was
5 entitled GANGS and amended various provisions of the
6 Criminal Code of 1961 and the Unified Code of
7 Corrections. (C) Article 20 was entitled ALCOHOL ABUSE
8 and amended various provisions of the Illinois Vehicle
9 Code. (D) Article 25 was entitled DRUG ABUSE and
10 amended the Cannabis Control Act and the Illinois
11 Controlled Substances Act. (E) Article 30 was entitled
12 FIREARMS and amended the Criminal Code of 1961 and the
13 Code of Criminal Procedure of 1963. (F) Article 35
14 amended the Criminal Code of 1961, the Rights of Crime
15 Victims and Witnesses Act, and the Unified Code of
16 Corrections. (G) Article 40 amended the Criminal Code
17 of 1961 to increase the penalty for compelling
18 organization membership of persons. (H) Article 45
19 created the Secure Residential Youth Care Facility
20 Licensing Act and amended the State Finance Act, the
21 Juvenile Court Act of 1987, the Unified Code of
22 Corrections, and the Private Correctional Facility
23 Moratorium Act. (I) Article 50 amended the WIC Vendor
24 Management Act, the Firearm Owners Identification Card
25 Act, the Juvenile Court Act of 1987, the Criminal Code
26 of 1961, the Wrongs to Children Act, and the Unified

1 Code of Corrections.

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

10 (iv) Child sexual abuse material ~~pornography~~ is a
11 vital concern to the people of this State and the
12 validity of future prosecutions under the child sexual
13 abuse material ~~pornography~~ statute of the Criminal
14 Code of 1961 is in grave doubt.

15 (2) It is the purpose of this amendatory Act of 1999 to
16 prevent or minimize any problems relating to prosecutions
17 for child sexual abuse material ~~pornography~~ that may
18 result from challenges to the constitutional validity of
19 Public Act 88-680 by re-enacting the Section relating to
20 child sexual abuse material ~~pornography~~ that was included
21 in Public Act 88-680.

22 (3) This amendatory Act of 1999 re-enacts Section
23 11-20.1 of the Criminal Code of 1961, as it has been
24 amended. This re-enactment is intended to remove any
25 question as to the validity or content of that Section; it
26 is not intended to supersede any other Public Act that

1 amends the text of the Section as set forth in this
2 amendatory Act of 1999. The material is shown as existing
3 text (i.e., without underscoring) because, as of the time
4 this amendatory Act of 1999 was prepared, People v. Dainty
5 was subject to appeal to the Illinois Supreme Court.

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

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

15 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

16 Sec. 11-20.2. Duty of commercial film and photographic
17 print processors or computer technicians to report sexual
18 depiction of children.

19 (a) Any commercial film and photographic print processor
20 or computer technician who has knowledge of or observes,
21 within the scope of his professional capacity or employment,
22 any film, photograph, videotape, negative, slide, computer
23 hard drive or any other magnetic or optical media which
24 depicts a child whom the processor or computer technician
25 knows or reasonably should know to be under the age of 18 where

1 such child is:

2 (i) actually or by simulation engaged in any act of
3 sexual penetration or sexual conduct with any person or
4 animal; or

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

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

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

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

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

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

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

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

9 (c) Computer technicians shall report or cause the report
10 to be made to the local law enforcement agency of the
11 jurisdiction in which the image or images described in
12 subsection (a) are discovered or to the Illinois Child
13 Exploitation e-Tipline at reportchildporn@atg.state.il.us.

14 (d) Reports required by this Act shall include the
15 following information: (i) name, address, and telephone number
16 of the person filing the report; (ii) the employer of the
17 person filing the report, if any; (iii) the name, address and
18 telephone number of the person whose property is the subject
19 of the report, if known; (iv) the circumstances which led to
20 the filing of the report, including a description of the
21 reported content.

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

26 (f) A computer technician or an employer caused to report

1 child sexual abuse material ~~pornography~~ under this Section is
2 immune from any criminal, civil, or administrative liability
3 in connection with making the report, except for willful or
4 wanton misconduct.

5 (g) For the purposes of this Section, a "computer
6 technician" is a person who installs, maintains,
7 troubleshoots, repairs or upgrades computer hardware,
8 software, computer networks, peripheral equipment, electronic
9 mail systems, or provides user assistance for any of the
10 aforementioned tasks.

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

12 (720 ILCS 5/11-23)

13 Sec. 11-23. Posting of identifying or graphic information
14 on a pornographic Internet site or possessing graphic
15 information with pornographic material.

16 (a) A person at least 17 years of age who knowingly
17 discloses on an adult obscenity or child sexual abuse material
18 ~~pornography~~ Internet site the name, address, telephone number,
19 or e-mail address of a person under 17 years of age at the time
20 of the commission of the offense or of a person at least 17
21 years of age without the consent of the person at least 17
22 years of age is guilty of posting of identifying information
23 on a pornographic Internet site.

24 (a-5) Any person who knowingly places, posts, reproduces,
25 or maintains on an adult obscenity or child sexual abuse

1 ~~material pornography~~ Internet site a photograph, video, or
2 digital image of a person under 18 years of age that is not
3 child sexual abuse material ~~pornography~~ under Section 11-20.1,
4 without the knowledge and consent of the person under 18 years
5 of age, is guilty of posting of graphic information on a
6 pornographic Internet site. This provision applies even if the
7 person under 18 years of age is fully or properly clothed in
8 the photograph, video, or digital image.

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

22 (b) Sentence. A person who violates subsection (a) of this
23 Section is guilty of a Class 4 felony if the victim is at least
24 17 years of age at the time of the offense and a Class 3 felony
25 if the victim is under 17 years of age at the time of the
26 offense. A person who violates subsection (a-5) of this

1 Section is guilty of a Class 4 felony. A person who violates
2 subsection (a-10) of this Section is guilty of a Class 3
3 felony.

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

5 (1) "Adult obscenity or child sexual abuse material
6 ~~pornography~~ Internet site" means a site on the Internet
7 that contains material that is obscene as defined in
8 Section 11-20 of this Code or that is child sexual abuse
9 material ~~pornography~~ as defined in Section 11-20.1 of this
10 Code.

11 (2) "Internet" has the meaning set forth in Section
12 16-0.1 of this Code.

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

14 (720 ILCS 5/11-25)

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

16 Sec. 11-25. Grooming.

17 (a) A person commits grooming when he or she knowingly
18 uses a computer on-line service, Internet service, local
19 bulletin board service, or any other device capable of
20 electronic data storage or transmission to seduce, solicit,
21 lure, or entice, or attempt to seduce, solicit, lure, or
22 entice, a child, a child's guardian, or another person
23 believed by the person to be a child or a child's guardian, to
24 commit any sex offense as defined in Section 2 of the Sex
25 Offender Registration Act, to distribute photographs depicting

1 the sex organs of the child, or to otherwise engage in any
2 unlawful sexual conduct with a child or with another person
3 believed by the person to be a child. As used in this Section,
4 "child" means a person under 17 years of age.

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

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

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

8 Sec. 11-25. Grooming.

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

10 (1) uses a computer on-line service, Internet service,
11 local bulletin board service, or any other device capable
12 of electronic data storage or transmission, performs an
13 act in person or by conduct through a third party, or uses
14 written communication to seduce, solicit, lure, or entice,
15 or attempt to seduce, solicit, lure, or entice, a child, a
16 child's guardian, or another person believed by the person
17 to be a child or a child's guardian, to commit any sex
18 offense as defined in Section 2 of the Sex Offender
19 Registration Act, to distribute photographs depicting the
20 sex organs of the child, or to otherwise engage in any
21 unlawful sexual conduct with a child or with another
22 person believed by the person to be a child; or

23 (2) engages in a pattern of conduct that entices,
24 persuades, induces, or coerces a child to engage or
25 participate in criminal sexual activity or is for the

1 purpose of sexual gratification or arousal of the victim,
2 the accused, or another.

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

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

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

6 "Sexual activity" includes masturbation and does not
7 require actual or attempted physical contact between 2
8 persons.

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

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

11 (720 ILCS 5/14-3)

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

14 (a) Listening to radio, wireless electronic
15 communications, and television communications of any sort
16 where the same are publicly made;

17 (b) Hearing conversation when heard by employees of
18 any common carrier by wire incidental to the normal course
19 of their employment in the operation, maintenance or
20 repair of the equipment of such common carrier by wire so
21 long as no information obtained thereby is used or
22 divulged by the hearer;

23 (c) Any broadcast by radio, television or otherwise
24 whether it be a broadcast or recorded for the purpose of
25 later broadcasts of any function where the public is in

1 attendance and the conversations are overheard incidental
2 to the main purpose for which such broadcasts are then
3 being made;

4 (d) Recording or listening with the aid of any device
5 to any emergency communication made in the normal course
6 of operations by any federal, state or local law
7 enforcement agency or institutions dealing in emergency
8 services, including, but not limited to, hospitals,
9 clinics, ambulance services, fire fighting agencies, any
10 public utility, emergency repair facility, civilian
11 defense establishment or military installation;

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

14 (f) Recording or listening with the aid of any device
15 to incoming telephone calls of phone lines publicly listed
16 or advertised as consumer "hotlines" by manufacturers or
17 retailers of food and drug products. Such recordings must
18 be destroyed, erased or turned over to local law
19 enforcement authorities within 24 hours from the time of
20 such recording and shall not be otherwise disseminated.
21 Failure on the part of the individual or business
22 operating any such recording or listening device to comply
23 with the requirements of this subsection shall eliminate
24 any civil or criminal immunity conferred upon that
25 individual or business by the operation of this Section;

26 (g) With prior notification to the State's Attorney of

1 the county in which it is to occur, recording or listening
2 with the aid of any device to any conversation where a law
3 enforcement officer, or any person acting at the direction
4 of law enforcement, is a party to the conversation and has
5 consented to it being intercepted or recorded under
6 circumstances where the use of the device is necessary for
7 the protection of the law enforcement officer or any
8 person acting at the direction of law enforcement, in the
9 course of an investigation of a forcible felony, a felony
10 offense of involuntary servitude, involuntary sexual
11 servitude of a minor, or trafficking in persons under
12 Section 10-9 of this Code, an offense involving
13 prostitution, solicitation of a sexual act, or pandering,
14 a felony violation of the Illinois Controlled Substances
15 Act, a felony violation of the Cannabis Control Act, a
16 felony violation of the Methamphetamine Control and
17 Community Protection Act, any "streetgang related" or
18 "gang-related" felony as those terms are defined in the
19 Illinois Streetgang Terrorism Omnibus Prevention Act, or
20 any felony offense involving any weapon listed in
21 paragraphs (1) through (11) of subsection (a) of Section
22 24-1 of this Code. Any recording or evidence derived as
23 the result of this exemption shall be inadmissible in any
24 proceeding, criminal, civil or administrative, except (i)
25 where a party to the conversation suffers great bodily
26 injury or is killed during such conversation, or (ii) when

1 used as direct impeachment of a witness concerning matters
2 contained in the interception or recording. The Director
3 of the Illinois State Police shall issue regulations as
4 are necessary concerning the use of devices, retention of
5 tape recordings, and reports regarding their use;

6 (g-5) (Blank);

7 (g-6) With approval of the State's Attorney of the
8 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 in the
13 course of an investigation of child sexual abuse material
14 ~~pornography~~, aggravated child sexual abuse material
15 ~~pornography~~, indecent solicitation of a child, luring of a
16 minor, sexual exploitation of a child, aggravated criminal
17 sexual abuse in which the victim of the offense was at the
18 time of the commission of the offense under 18 years of
19 age, or criminal sexual abuse by force or threat of force
20 in which the victim of the offense was at the time of the
21 commission of the offense under 18 years of age. In all
22 such cases, an application for an order approving the
23 previous or continuing use of an eavesdropping device must
24 be made within 48 hours of the commencement of such use. In
25 the absence of such an order, or upon its denial, any
26 continuing use shall immediately terminate. The Director

1 of the Illinois State Police shall issue rules as are
2 necessary concerning the use of devices, retention of
3 recordings, and reports regarding their use. Any recording
4 or evidence obtained or derived in the course of an
5 investigation of child sexual abuse material ~~pornography~~,
6 aggravated child sexual abuse material ~~pornography~~,
7 indecent solicitation of a child, luring of a minor,
8 sexual exploitation of a child, aggravated criminal sexual
9 abuse in which the victim of the offense was at the time of
10 the commission of the offense under 18 years of age, or
11 criminal sexual abuse by force or threat of force in which
12 the victim of the offense was at the time of the commission
13 of the offense under 18 years of age shall, upon motion of
14 the State's Attorney or Attorney General prosecuting any
15 case involving child sexual abuse material ~~pornography~~,
16 aggravated child sexual abuse material ~~pornography~~,
17 indecent solicitation of a child, luring of a minor,
18 sexual exploitation of a child, aggravated criminal sexual
19 abuse in which the victim of the offense was at the time of
20 the commission of the offense under 18 years of age, or
21 criminal sexual abuse by force or threat of force in which
22 the victim of the offense was at the time of the commission
23 of the offense under 18 years of age be reviewed in camera
24 with notice to all parties present by the court presiding
25 over the criminal case, and, if ruled by the court to be
26 relevant and otherwise admissible, it shall be admissible

1 at the trial of the criminal case. Absent such a ruling,
2 any such recording or evidence shall not be admissible at
3 the trial of the criminal case;

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

13 For the purposes of this subsection (h), "enforcement
14 stop" means an action by a law enforcement officer in
15 relation to enforcement and investigation duties,
16 including but not limited to, traffic stops, pedestrian
17 stops, abandoned vehicle contacts, motorist assists,
18 commercial motor vehicle stops, roadside safety checks,
19 requests for identification, or responses to requests for
20 emergency assistance;

21 (h-5) Recordings of utterances made by a person while
22 in the presence of a uniformed peace officer and while an
23 occupant of a police vehicle including, but not limited
24 to, (i) recordings made simultaneously with the use of an
25 in-car video camera and (ii) recordings made in the
26 presence of the peace officer utilizing video or audio

1 systems, or both, authorized by the law enforcement
2 agency;

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

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

20 (i) Recording of a conversation made by or at the
21 request of a person, not a law enforcement officer or
22 agent of a law enforcement officer, who is a party to the
23 conversation, under reasonable suspicion that another
24 party to the conversation is committing, is about to
25 commit, or has committed a criminal offense against the
26 person or a member of his or her immediate household, and

1 there is reason to believe that evidence of the criminal
2 offense may be obtained by the recording;

3 (j) The use of a telephone monitoring device by either
4 (1) a corporation or other business entity engaged in
5 marketing or opinion research or (2) a corporation or
6 other business entity engaged in telephone solicitation,
7 as defined in this subsection, to record or listen to oral
8 telephone solicitation conversations or marketing or
9 opinion research conversations by an employee of the
10 corporation or other business entity when:

11 (i) the monitoring is used for the purpose of
12 service quality control of marketing or opinion
13 research or telephone solicitation, the education or
14 training of employees or contractors engaged in
15 marketing or opinion research or telephone
16 solicitation, or internal research related to
17 marketing or opinion research or telephone
18 solicitation; and

19 (ii) the monitoring is used with the consent of at
20 least one person who is an active party to the
21 marketing or opinion research conversation or
22 telephone solicitation conversation being monitored.

23 No communication or conversation or any part, portion,
24 or aspect of the communication or conversation made,
25 acquired, or obtained, directly or indirectly, under this
26 exemption (j), may be, directly or indirectly, furnished

1 to any law enforcement officer, agency, or official for
2 any purpose or used in any inquiry or investigation, or
3 used, directly or indirectly, in any administrative,
4 judicial, or other proceeding, or divulged to any third
5 party.

6 When recording or listening authorized by this
7 subsection (j) on telephone lines used for marketing or
8 opinion research or telephone solicitation purposes
9 results in recording or listening to a conversation that
10 does not relate to marketing or opinion research or
11 telephone solicitation; the person recording or listening
12 shall, immediately upon determining that the conversation
13 does not relate to marketing or opinion research or
14 telephone solicitation, terminate the recording or
15 listening and destroy any such recording as soon as is
16 practicable.

17 Business entities that use a telephone monitoring or
18 telephone recording system pursuant to this exemption (j)
19 shall provide current and prospective employees with
20 notice that the monitoring or recordings may occur during
21 the course of their employment. The notice shall include
22 prominent signage notification within the workplace.

23 Business entities that use a telephone monitoring or
24 telephone recording system pursuant to this exemption (j)
25 shall provide their employees or agents with access to
26 personal-only telephone lines, which may be pay

1 telephones, that are not subject to telephone monitoring
2 or telephone recording.

3 For the purposes of this subsection (j), "telephone
4 solicitation" means a communication through the use of a
5 telephone by live operators:

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

7 (ii) receiving orders for the sale of goods or
8 services;

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

10 or

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

13 For the purposes of this subsection (j), "marketing or
14 opinion research" means a marketing or opinion research
15 interview conducted by a live telephone interviewer
16 engaged by a corporation or other business entity whose
17 principal business is the design, conduct, and analysis of
18 polls and surveys measuring the opinions, attitudes, and
19 responses of respondents toward products and services, or
20 social or political issues, or both;

21 (k) Electronic recordings, including but not limited
22 to, a motion picture, videotape, digital, or other visual
23 or audio recording, made of a custodial interrogation of
24 an individual at a police station or other place of
25 detention by a law enforcement officer under Section
26 5-401.5 of the Juvenile Court Act of 1987 or Section

1 103-2.1 of the Code of Criminal Procedure of 1963;

2 (l) Recording the interview or statement of any person
3 when the person knows that the interview is being
4 conducted by a law enforcement officer or prosecutor and
5 the interview takes place at a police station that is
6 currently participating in the Custodial Interview Pilot
7 Program established under the Illinois Criminal Justice
8 Information Act;

9 (m) An electronic recording, including but not limited
10 to, a motion picture, videotape, digital, or other visual
11 or audio recording, made of the interior of a school bus
12 while the school bus is being used in the transportation
13 of students to and from school and school-sponsored
14 activities, when the school board has adopted a policy
15 authorizing such recording, notice of such recording
16 policy is included in student handbooks and other
17 documents including the policies of the school, notice of
18 the policy regarding recording is provided to parents of
19 students, and notice of such recording is clearly posted
20 on the door of and inside the school bus.

21 Recordings made pursuant to this subsection (m) shall
22 be confidential records and may only be used by school
23 officials (or their designees) and law enforcement
24 personnel for investigations, school disciplinary actions
25 and hearings, proceedings under the Juvenile Court Act of
26 1987, and criminal prosecutions, related to incidents

1 occurring in or around the school bus;

2 (n) Recording or listening to an audio transmission
3 from a microphone placed by a person under the authority
4 of a law enforcement agency inside a bait car surveillance
5 vehicle while simultaneously capturing a photographic or
6 video image;

7 (o) The use of an eavesdropping camera or audio device
8 during an ongoing hostage or barricade situation by a law
9 enforcement officer or individual acting on behalf of a
10 law enforcement officer when the use of such device is
11 necessary to protect the safety of the general public,
12 hostages, or law enforcement officers or anyone acting on
13 their behalf;

14 (p) Recording or listening with the aid of any device
15 to incoming telephone calls of phone lines publicly listed
16 or advertised as the "CPS Violence Prevention Hotline",
17 but only where the notice of recording is given at the
18 beginning of each call as required by Section 34-21.8 of
19 the School Code. The recordings may be retained only by
20 the Chicago Police Department or other law enforcement
21 authorities, and shall not be otherwise retained or
22 disseminated;

23 (q) (1) With prior request to and written or verbal
24 approval of the State's Attorney of the county in which
25 the conversation is anticipated to occur, recording or
26 listening with the aid of an eavesdropping device to a

1 conversation in which a law enforcement officer, or any
2 person acting at the direction of a law enforcement
3 officer, is a party to the conversation and has consented
4 to the conversation being intercepted or recorded in the
5 course of an investigation of a qualified offense. The
6 State's Attorney may grant this approval only after
7 determining that reasonable cause exists to believe that
8 inculpatory conversations concerning a qualified offense
9 will occur with a specified individual or individuals
10 within a designated period of time.

11 (2) Request for approval. To invoke the exception
12 contained in this subsection (q), a law enforcement
13 officer shall make a request for approval to the
14 appropriate State's Attorney. The request may be written
15 or verbal; however, a written memorialization of the
16 request must be made by the State's Attorney. This request
17 for approval shall include whatever information is deemed
18 necessary by the State's Attorney but shall include, at a
19 minimum, the following information about each specified
20 individual whom the law enforcement officer believes will
21 commit a qualified offense:

22 (A) his or her full or partial name, nickname or
23 alias;

24 (B) a physical description; or

25 (C) failing either (A) or (B) of this paragraph

26 (2), any other supporting information known to the law

1 enforcement officer at the time of the request that
2 gives rise to reasonable cause to believe that the
3 specified individual will participate in an
4 inculpatory conversation concerning a qualified
5 offense.

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

9 (A) a recording or interception conducted by a
10 specified law enforcement officer or person acting at
11 the direction of a law enforcement officer;

12 (B) recording or intercepting conversations with
13 the individuals specified in the request for approval,
14 provided that the verbal approval shall be deemed to
15 include the recording or intercepting of conversations
16 with other individuals, unknown to the law enforcement
17 officer at the time of the request for approval, who
18 are acting in conjunction with or as co-conspirators
19 with the individuals specified in the request for
20 approval in the commission of a qualified offense;

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

23 (D) the written request for approval, if
24 applicable, or the written memorialization must be
25 filed, along with the written approval, with the
26 circuit clerk of the jurisdiction on the next business

1 day following the expiration of the authorized period
2 of time, and shall be subject to review by the Chief
3 Judge or his or her designee as deemed appropriate by
4 the court.

5 (3.5) The written memorialization of the request for
6 approval and the written approval by the State's Attorney
7 may be in any format, including via facsimile, email, or
8 otherwise, so long as it is capable of being filed with the
9 circuit clerk.

10 (3.10) Beginning March 1, 2015, each State's Attorney
11 shall annually submit a report to the General Assembly
12 disclosing:

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

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

17 (4) Admissibility of evidence. No part of the contents
18 of any wire, electronic, or oral communication that has
19 been recorded or intercepted as a result of this exception
20 may be received in evidence in any trial, hearing, or
21 other proceeding in or before any court, grand jury,
22 department, officer, agency, regulatory body, legislative
23 committee, or other authority of this State, or a
24 political subdivision of the State, other than in a
25 prosecution of:

26 (A) the qualified offense for which approval was

1 given to record or intercept a conversation under this
2 subsection (q);

3 (B) a forcible felony committed directly in the
4 course of the investigation of the qualified offense
5 for which approval was given to record or intercept a
6 conversation under this subsection (q); or

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

16 (5) Compliance with the provisions of this subsection
17 is a prerequisite to the admissibility in evidence of any
18 part of the contents of any wire, electronic or oral
19 communication that has been intercepted as a result of
20 this exception, but nothing in this subsection shall be
21 deemed to prevent a court from otherwise excluding the
22 evidence on any other ground recognized by State or
23 federal law, nor shall anything in this subsection be
24 deemed to prevent a court from independently reviewing the
25 admissibility of the evidence for compliance with the
26 Fourth Amendment to the U.S. Constitution or with Article

1 I, Section 6 of the Illinois Constitution.

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

15 (6.5) The Illinois State Police shall adopt rules as
16 are necessary concerning the use of devices, retention of
17 recordings, and reports regarding their use under this
18 subsection (q).

19 (7) Definitions. For the purposes of this subsection
20 (q) only:

21 "Forcible felony" includes and is limited to those
22 offenses contained in Section 2-8 of the Criminal Code
23 of 1961 as of the effective date of this amendatory Act
24 of the 97th General Assembly, and only as those
25 offenses have been defined by law or judicial
26 interpretation as of that date.

1 "Qualified offense" means and is limited to:

2 (A) a felony violation of the Cannabis Control
3 Act, the Illinois Controlled Substances Act, or
4 the Methamphetamine Control and Community
5 Protection Act, except for violations of:

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

7 (ii) Section 402 of the Illinois
8 Controlled Substances Act; and

9 (iii) Section 60 of the Methamphetamine
10 Control and Community Protection Act; and

11 (B) first degree murder, solicitation of
12 murder for hire, predatory criminal sexual assault
13 of a child, criminal sexual assault, aggravated
14 criminal sexual assault, aggravated arson,
15 kidnapping, aggravated kidnapping, child
16 abduction, trafficking in persons, involuntary
17 servitude, involuntary sexual servitude of a
18 minor, or gunrunning.

19 "State's Attorney" includes and is limited to the
20 State's Attorney or an assistant State's Attorney
21 designated by the State's Attorney to provide verbal
22 approval to record or intercept conversations under
23 this subsection (q).

24 (8) Sunset. This subsection (q) is inoperative on and
25 after January 1, 2023. No conversations intercepted
26 pursuant to this subsection (q), while operative, shall be

1 inadmissible in a court of law by virtue of the
2 inoperability of this subsection (q) on January 1, 2023.

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

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

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

20 (720 ILCS 5/26-4) (from Ch. 38, par. 26-4)

21 Sec. 26-4. Unauthorized video recording and live video
22 transmission.

23 (a) It is unlawful for any person to knowingly make a video
24 record or transmit live video of another person without that
25 person's consent in a restroom, tanning bed, tanning salon,

1 locker room, changing room, or hotel bedroom.

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

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

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

20 (a-15) It is unlawful for any person to place or cause to
21 be placed a device that makes a video record or transmits a
22 live video in a restroom, tanning bed, tanning salon, locker
23 room, changing room, or hotel bedroom with the intent to make a
24 video record or transmit live video of another person without
25 that person's consent.

26 (a-20) It is unlawful for any person to place or cause to

1 be placed a device that makes a video record or transmits a
2 live video with the intent to make a video record or transmit
3 live video of another person in a ~~that other person's~~
4 residence without that person's consent.

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

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

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

15 (2) The making of a video record or transmission of
16 live video by correctional officials for security reasons
17 or for investigation of alleged misconduct involving a
18 person committed to the Department of Corrections; and

19 (3) The making of a video record or transmission of
20 live video in a locker room by a reporter or news medium,
21 as those terms are defined in Section 8-902 of the Code of
22 Civil Procedure, where the reporter or news medium has
23 been granted access to the locker room by an appropriate
24 authority for the purpose of conducting interviews.

25 (c) The provisions of this Section do not apply to any
26 sound recording or transmission of an oral conversation made

1 as the result of the making of a video record or transmission
2 of live video, and to which Article 14 of this Code applies.

3 (d) Sentence.

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

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

8 (3) A violation of subsection (a-25) is a Class 3
9 felony.

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

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

20 (e) For purposes of this Section:

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

24 (2) "Video record" means and includes any videotape,
25 photograph, film, or other electronic or digital recording
26 of a still or moving visual image; and "live video" means

1 and includes any real-time or contemporaneous electronic
2 or digital transmission of a still or moving visual image.
3 (Source: P.A. 102-567, eff. 1-1-22.)

4 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

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

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

11 (1) an offense prohibited by Section 9-1 (first degree
12 murder), Section 9-3 (involuntary manslaughter and
13 reckless homicide), Section 10-2 (aggravated kidnapping
14 ~~kidnaping~~), Section 11-1.20 (criminal sexual assault),
15 Section 11-1.30 (aggravated criminal sexual assault),
16 Section 11-1.40 (predatory criminal sexual assault of a
17 child), subsection (a) of Section 11-1.50 (criminal sexual
18 abuse), subsection (a), (c), or (d) of Section 11-1.60
19 (aggravated criminal sexual abuse), Section 11-6 (indecent
20 solicitation of a child), Section 11-14.4 (promoting
21 juvenile prostitution except for keeping a place of
22 juvenile prostitution), Section 11-20.1 (child sexual
23 abuse material ~~pornography~~), paragraph (a)(1), (a)(2),
24 (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3), (e)(4),
25 (e)(5), (e)(6), or (e)(7) of Section 12-3.05 (aggravated

1 battery), Section 12-7.3 (stalking), Section 12-7.4
2 (aggravated stalking), Section 16-1 (theft if the theft is
3 of precious metal or of scrap metal), subdivision (f)(2)
4 or (f)(3) of Section 16-25 (retail theft), Section 18-2
5 (armed robbery), Section 19-1 (burglary), Section 19-2
6 (possession of burglary tools), Section 19-3 (residential
7 burglary), Section 20-1 (arson; residential arson; place
8 of worship arson), Section 20-2 (possession of explosives
9 or explosive or incendiary devices), subdivision (a)(6) or
10 (a)(7) of Section 24-1 (unlawful use of weapons), Section
11 24-1.2 (aggravated discharge of a firearm), Section
12 24-1.2-5 (aggravated discharge of a machine gun or a
13 firearm equipped with a device designed or used for
14 silencing the report of a firearm), Section 24-1.5
15 (reckless discharge of a firearm), Section 28-1
16 (gambling), or Section 29D-15.2 (possession of a deadly
17 substance) of this Code;

18 (2) an offense prohibited by Section 21, 22, 23, 24 or
19 26 of the Cigarette Tax Act if the vessel or watercraft,
20 vehicle, or aircraft contains more than 10 cartons of such
21 cigarettes;

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

26 (4) an offense prohibited by Section 44 of the

1 Environmental Protection Act;

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

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

10 (A) during a period in which his or her driving
11 privileges are revoked or suspended if the revocation
12 or suspension was for:

13 (i) Section 11-501 (driving under the
14 influence of alcohol or other drug or drugs,
15 intoxicating compound or compounds or any
16 combination thereof),

17 (ii) Section 11-501.1 (statutory summary
18 suspension or revocation),

19 (iii) paragraph (b) of Section 11-401 (motor
20 vehicle accidents involving death or personal
21 injuries), or

22 (iv) reckless homicide as defined in Section
23 9-3 of this Code;

24 (B) has been previously convicted of reckless
25 homicide or a similar provision of a law of another
26 state relating to reckless homicide in which the

1 person was determined to have been under the influence
2 of alcohol, other drug or drugs, or intoxicating
3 compound or compounds as an element of the offense or
4 the person has previously been convicted of committing
5 a violation of driving under the influence of alcohol
6 or other drug or drugs, intoxicating compound or
7 compounds or any combination thereof and was involved
8 in a motor vehicle accident that resulted in death,
9 great bodily harm, or permanent disability or
10 disfigurement to another, when the violation was a
11 proximate cause of the death or injuries;

12 (C) the person committed a violation of driving
13 under the influence of alcohol or other drug or drugs,
14 intoxicating compound or compounds or any combination
15 thereof under Section 11-501 of the Illinois Vehicle
16 Code or a similar provision for the third or
17 subsequent time;

18 (D) he or she did not possess a valid driver's
19 license or permit or a valid restricted driving permit
20 or a valid judicial driving permit or a valid
21 monitoring device driving permit; or

22 (E) he or she knew or should have known that the
23 vehicle he or she was driving was not covered by a
24 liability insurance policy;

25 (7) an offense described in subsection (g) of Section
26 6-303 of the Illinois Vehicle Code;

1 (8) an offense described in subsection (e) of Section
2 6-101 of the Illinois Vehicle Code; or

3 (9) (A) operating a watercraft under the influence of
4 alcohol, other drug or drugs, intoxicating compound or
5 compounds, or combination thereof under Section 5-16 of
6 the Boat Registration and Safety Act during a period in
7 which his or her privileges to operate a watercraft are
8 revoked or suspended and the revocation or suspension was
9 for operating a watercraft under the influence of alcohol,
10 other drug or drugs, intoxicating compound or compounds,
11 or combination thereof; (B) operating a watercraft under
12 the influence of alcohol, other drug or drugs,
13 intoxicating compound or compounds, or combination thereof
14 and has been previously convicted of reckless homicide or
15 a similar provision of a law in another state relating to
16 reckless homicide in which the person was determined to
17 have been under the influence of alcohol, other drug or
18 drugs, intoxicating compound or compounds, or combination
19 thereof as an element of the offense or the person has
20 previously been convicted of committing a violation of
21 operating a watercraft under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds,
23 or combination thereof and was involved in an accident
24 that resulted in death, great bodily harm, or permanent
25 disability or disfigurement to another, when the violation
26 was a proximate cause of the death or injuries; or (C) the

1 person committed a violation of operating a watercraft
2 under the influence of alcohol, other drug or drugs,
3 intoxicating compound or compounds, or combination thereof
4 under Section 5-16 of the Boat Registration and Safety Act
5 or a similar provision for the third or subsequent time.

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

14 (c) In addition, when a person discharges a firearm at
15 another individual from a vehicle with the knowledge and
16 consent of the owner of the vehicle and with the intent to
17 cause death or great bodily harm to that individual and as a
18 result causes death or great bodily harm to that individual,
19 the vehicle shall be subject to seizure and forfeiture under
20 the same procedures provided in this Article for the seizure
21 and forfeiture of vehicles used in violations of clauses (1),
22 (2), (3), or (4) of subsection (a) of this Section.

23 (d) If the spouse of the owner of a vehicle seized for an
24 offense described in subsection (g) of Section 6-303 of the
25 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
26 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section

1 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
2 Code makes a showing that the seized vehicle is the only source
3 of transportation and it is determined that the financial
4 hardship to the family as a result of the seizure outweighs the
5 benefit to the State from the seizure, the vehicle may be
6 forfeited to the spouse or family member and the title to the
7 vehicle shall be transferred to the spouse or family member
8 who is properly licensed and who requires the use of the
9 vehicle for employment or family transportation purposes. A
10 written declaration of forfeiture of a vehicle under this
11 Section shall be sufficient cause for the title to be
12 transferred to the spouse or family member. The provisions of
13 this paragraph shall apply only to one forfeiture per vehicle.
14 If the vehicle is the subject of a subsequent forfeiture
15 proceeding by virtue of a subsequent conviction of either
16 spouse or the family member, the spouse or family member to
17 whom the vehicle was forfeited under the first forfeiture
18 proceeding may not utilize the provisions of this paragraph in
19 another forfeiture proceeding. If the owner of the vehicle
20 seized owns more than one vehicle, the procedure set out in
21 this paragraph may be used for only one vehicle.

22 (e) In addition, property subject to forfeiture under
23 Section 40 of the Illinois Streetgang Terrorism Omnibus
24 Prevention Act may be seized and forfeited under this Article.

25 (Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)

1 Section 55. The Code of Criminal Procedure of 1963 is
2 amended by changing Sections 106B-10, 115-7, 115-7.3, 115-7.4,
3 124B-10, 124B-100, 124B-420, and 124B-500 as follows:

4 (725 ILCS 5/106B-10)

5 Sec. 106B-10. Conditions for testimony by a victim or
6 witness who is under 18 years of age or an ~~a child or a~~
7 ~~moderately, severely, or profoundly~~ intellectually disabled
8 person or a person affected by a developmental disability. The
9 ~~In a prosecution of criminal sexual assault, predatory~~
10 ~~criminal sexual assault of a child, aggravated criminal sexual~~
11 ~~assault, criminal sexual abuse, aggravated criminal sexual~~
12 ~~abuse, or any violent crime as defined in subsection (c) of~~
13 ~~Section 3 of the Rights of Crime Victims and Witnesses Act, the~~
14 court may set any conditions it finds just and appropriate on
15 the taking of testimony of a victim or witness who is under 18
16 years of age or an intellectually disabled person or a person
17 affected by a developmental disability ~~victim who is a child~~
18 ~~under the age of 18 years or a moderately, severely, or~~
19 ~~profoundly intellectually disabled person or a person affected~~
20 ~~by a developmental disability,~~ involving the use of a facility
21 dog in any criminal proceeding ~~involving that offense~~. When
22 deciding whether to permit the child or person to testify with
23 the assistance of a facility dog, the court shall take into
24 consideration the age of the child or person, the rights of the
25 parties to the litigation, and any other relevant factor that

1 would facilitate the giving of testimony ~~by the child or the~~
2 ~~person~~. As used in this Section, "facility dog" means a dog
3 that is a graduate of an assistance dog organization that is a
4 member of Assistance Dogs International.

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

6 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

7 Sec. 115-7. a. In prosecutions for predatory criminal
8 sexual assault of a child, aggravated criminal sexual assault,
9 criminal sexual assault, aggravated criminal sexual abuse,
10 criminal sexual abuse, involuntary servitude, involuntary
11 sexual servitude of a minor, or trafficking in persons ~~or~~
12 ~~criminal transmission of HIV~~; and in prosecutions for battery
13 and aggravated battery, when the commission of the offense
14 involves sexual penetration or sexual conduct as defined in
15 Section 11-0.1 of the Criminal Code of 2012; and with the trial
16 or retrial of the offenses formerly known as rape, deviate
17 sexual assault, indecent liberties with a child, and
18 aggravated indecent liberties with a child, the prior sexual
19 activity or the reputation of the alleged victim or
20 corroborating witness under Section 115-7.3 of this Code is
21 inadmissible except (1) as evidence concerning the past sexual
22 conduct of the alleged victim or corroborating witness under
23 Section 115-7.3 of this Code with the accused when this
24 evidence is offered by the accused upon the issue of whether
25 the alleged victim or corroborating witness under Section

1 115-7.3 of this Code consented to the sexual conduct with
2 respect to which the offense is alleged; or (2) when
3 constitutionally required to be admitted.

4 b. No evidence admissible under this Section shall be
5 introduced unless ruled admissible by the trial judge after an
6 offer of proof has been made at a hearing to be held in camera
7 in order to determine whether the defense has evidence to
8 impeach the witness in the event that prior sexual activity
9 with the defendant is denied. Such offer of proof shall
10 include reasonably specific information as to the date, time
11 and place of the past sexual conduct between the alleged
12 victim or corroborating witness under Section 115-7.3 of this
13 Code and the defendant. Unless the court finds that reasonably
14 specific information as to date, time or place, or some
15 combination thereof, has been offered as to prior sexual
16 activity with the defendant, counsel for the defendant shall
17 be ordered to refrain from inquiring into prior sexual
18 activity between the alleged victim or corroborating witness
19 under Section 115-7.3 of this Code and the defendant. The
20 court shall not admit evidence under this Section unless it
21 determines at the hearing that the evidence is relevant and
22 the probative value of the evidence outweighs the danger of
23 unfair prejudice. The evidence shall be admissible at trial to
24 the extent an order made by the court specifies the evidence
25 that may be admitted and areas with respect to which the
26 alleged victim or corroborating witness under Section 115-7.3

1 of this Code may be examined or cross examined.

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

3 (725 ILCS 5/115-7.3)

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

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

6 (1) the defendant is accused of predatory criminal
7 sexual assault of a child, aggravated criminal sexual
8 assault, criminal sexual assault, aggravated criminal
9 sexual abuse, criminal sexual abuse, child sexual abuse
10 material pornography, aggravated child sexual abuse
11 material pornography, involuntary servitude, involuntary
12 sexual servitude of a minor, trafficking in persons,
13 ~~criminal transmission of HIV~~, or child abduction as
14 defined in paragraph (10) of subsection (b) of Section
15 10-5 of the Criminal Code of 1961 or the Criminal Code of
16 2012;

17 (2) the defendant is accused of battery, aggravated
18 battery, first degree murder, or second degree murder when
19 the commission of the offense involves sexual penetration
20 or sexual conduct as defined in Section 11-0.1 of the
21 Criminal Code of 2012; or

22 (3) the defendant is tried or retried for any of the
23 offenses formerly known as rape, deviate sexual assault,
24 indecent liberties with a child, or aggravated indecent
25 liberties with a child.

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

11 (c) In weighing the probative value of the evidence
12 against undue prejudice to the defendant, the court may
13 consider:

14 (1) the proximity in time to the charged or predicate
15 offense;

16 (2) the degree of factual similarity to the charged or
17 predicate offense; or

18 (3) other relevant facts and circumstances.

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

25 (e) In a criminal case in which evidence is offered under
26 this Section, proof may be made by specific instances of

1 conduct, testimony as to reputation, or testimony in the form
2 of an expert opinion, except that the prosecution may offer
3 reputation testimony only after the opposing party has offered
4 that testimony.

5 (f) In prosecutions for a violation of Section 10-2,
6 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.05, 12-4,
7 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of the Criminal
8 Code of 1961 or the Criminal Code of 2012, involving the
9 involuntary delivery of a controlled substance to a victim, no
10 inference may be made about the fact that a victim did not
11 consent to a test for the presence of controlled substances.

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

14 (725 ILCS 5/115-7.4)

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

16 (a) In a criminal prosecution in which the defendant is
17 accused of an offense of domestic violence as defined in
18 paragraphs (1) and (3) of Section 103 of the Illinois Domestic
19 Violence Act of 1986, or first degree murder or second degree
20 murder when the commission of the offense involves domestic
21 violence, involuntary servitude, involuntary sexual servitude
22 of a minor, or trafficking in persons, evidence of the
23 defendant's commission of another offense or offenses of
24 domestic violence is admissible, and may be considered for its
25 bearing on any matter to which it is relevant.

1 (b) In weighing the probative value of the evidence
2 against undue prejudice to the defendant, the court may
3 consider:

4 (1) the proximity in time to the charged or predicate
5 offense;

6 (2) the degree of factual similarity to the charged or
7 predicate offense; or

8 (3) other relevant facts and circumstances.

9 (c) In a criminal case in which the prosecution intends to
10 offer evidence under this Section, it must disclose the
11 evidence, including statements of witnesses or a summary of
12 the substance of any testimony, at a reasonable time in
13 advance of trial, or during trial if the court excuses
14 pretrial notice on good cause shown.

15 (d) In a criminal case in which evidence is offered under
16 this Section, proof may be made by specific instances of
17 conduct, testimony as to reputation, or testimony in the form
18 of an expert opinion, except that the prosecution may offer
19 reputation testimony only after the opposing party has offered
20 that testimony.

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

22 (725 ILCS 5/124B-10)

23 Sec. 124B-10. Applicability; offenses. This Article
24 applies to forfeiture of property in connection with the
25 following:

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

5 (2) A violation of subdivision (a)(1) of Section
6 11-14.4 of the Criminal Code of 1961 or the Criminal Code
7 of 2012 (promoting juvenile prostitution) or a violation
8 of Section 11-17.1 of the Criminal Code of 1961 (keeping a
9 place of juvenile prostitution).

10 (3) A violation of subdivision (a)(4) of Section
11 11-14.4 of the Criminal Code of 1961 or the Criminal Code
12 of 2012 (promoting juvenile prostitution) or a violation
13 of Section 11-19.2 of the Criminal Code of 1961
14 (exploitation of a child).

15 (4) A second or subsequent violation of Section 11-20
16 of the Criminal Code of 1961 or the Criminal Code of 2012
17 (obscenity).

18 (5) A violation of Section 11-20.1 of the Criminal
19 Code of 1961 or the Criminal Code of 2012 (child sexual
20 abuse material ~~pornography~~).

21 (6) A violation of Section 11-20.1B or 11-20.3 of the
22 Criminal Code of 1961 (aggravated child sexual abuse
23 material ~~pornography~~).

24 (6.5) A violation of Section 11-23.5 of the Criminal
25 Code of 2012.

26 (7) A violation of Section 12C-65 of the Criminal Code

1 of 2012 or Article 44 of the Criminal Code of 1961
2 (unlawful transfer of a telecommunications device to a
3 minor).

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

7 (9) A felony violation of Section 17-6.3 or Article
8 17B of the Criminal Code of 2012 or the Criminal Code of
9 1961 (WIC fraud).

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

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

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

17 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;
18 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.
19 6-1-15.)

20 (725 ILCS 5/124B-100)

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

23 (1) In the case of forfeiture authorized under Section
24 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
25 Criminal Code of 2012, "offense" means the offense of

1 involuntary servitude, involuntary servitude of a minor,
2 or trafficking in persons in violation of Section 10-9 or
3 10A-10 of those Codes.

4 (2) In the case of forfeiture authorized under
5 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 "offense" means the offense of promoting juvenile
8 prostitution or keeping a place of juvenile prostitution
9 in violation of subdivision (a) (1) of Section 11-14.4, or
10 Section 11-17.1, of those Codes.

11 (3) In the case of forfeiture authorized under
12 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 "offense" means the offense of promoting juvenile
15 prostitution or exploitation of a child in violation of
16 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
17 of those Codes.

18 (4) In the case of forfeiture authorized under Section
19 11-20 of the Criminal Code of 1961 or the Criminal Code of
20 2012, "offense" means the offense of obscenity in
21 violation of that Section.

22 (5) In the case of forfeiture authorized under Section
23 11-20.1 of the Criminal Code of 1961 or the Criminal Code
24 of 2012, "offense" means the offense of child sexual abuse
25 material ~~pornography~~ in violation of Section 11-20.1 of
26 that Code.

1 (6) In the case of forfeiture authorized under Section
2 11-20.1B or 11-20.3 of the Criminal Code of 1961,
3 "offense" means the offense of aggravated child sexual
4 abuse material ~~pornography~~ in violation of Section
5 11-20.1B or 11-20.3 of that Code.

6 (7) In the case of forfeiture authorized under Section
7 12C-65 of the Criminal Code of 2012 or Article 44 of the
8 Criminal Code of 1961, "offense" means the offense of
9 unlawful transfer of a telecommunications device to a
10 minor in violation of Section 12C-65 or Article 44 of
11 those Codes.

12 (8) In the case of forfeiture authorized under Section
13 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, "offense" means the offense of computer
15 fraud in violation of Section 17-50 or 16D-5 of those
16 Codes.

17 (9) In the case of forfeiture authorized under Section
18 17-6.3 or Article 17B of the Criminal Code of 1961 or the
19 Criminal Code of 2012, "offense" means any felony
20 violation of Section 17-6.3 or Article 17B of those Codes.

21 (10) In the case of forfeiture authorized under
22 Section 29D-65 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, "offense" means any offense under
24 Article 29D of that Code.

25 (11) In the case of forfeiture authorized under
26 Section 4.01 of the Humane Care for Animals Act, Section

1 26-5 of the Criminal Code of 1961, or Section 48-1 of the
2 Criminal Code of 2012, "offense" means any felony offense
3 under either of those Sections.

4 (12) In the case of forfeiture authorized under
5 Section 124B-1000(b) of the Code of Criminal Procedure of
6 1963, "offense" means an offense in violation of the
7 Criminal Code of 1961, the Criminal Code of 2012, the
8 Illinois Controlled Substances Act, the Cannabis Control
9 Act, or the Methamphetamine Control and Community
10 Protection Act, or an offense involving a
11 telecommunications device possessed by a person on the
12 real property of any elementary or secondary school
13 without authority of the school principal.

14 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
15 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
16 1-1-13; 97-1150, eff. 1-25-13.)

17 (725 ILCS 5/124B-420)

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

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

22 (1) 50% shall be distributed to the unit of local
23 government whose officers or employees conducted the
24 investigation into the offense and caused the arrest or
25 arrests and prosecution leading to the forfeiture, except

1 that if the investigation, arrest or arrests, and
2 prosecution leading to the forfeiture were undertaken by
3 the sheriff, this portion shall be distributed to the
4 county for deposit into a special fund in the county
5 treasury appropriated to the sheriff. Amounts distributed
6 to the county for the sheriff or to units of local
7 government under this paragraph shall be used for
8 enforcement of laws or ordinances governing obscenity and
9 child sexual abuse material ~~pornography~~. If the
10 investigation, arrest or arrests, and prosecution leading
11 to the forfeiture were undertaken solely by a State
12 agency, however, the portion designated in this paragraph
13 shall be paid into the State treasury to be used for
14 enforcement of laws governing obscenity and child sexual
15 abuse material ~~pornography~~.

16 (2) 25% shall be distributed to the county in which
17 the prosecution resulting in the forfeiture was
18 instituted, deposited into a special fund in the county
19 treasury, and appropriated to the State's Attorney for use
20 in the enforcement of laws governing obscenity and child
21 sexual abuse material ~~pornography~~.

22 (3) 25% shall be distributed to the Office of the
23 State's Attorneys Appellate Prosecutor and deposited into
24 the Obscenity Profits Forfeiture Fund, which is hereby
25 created in the State treasury, to be used by the Office of
26 the State's Attorneys Appellate Prosecutor for additional

1 expenses incurred in prosecuting appeals arising under
2 Sections 11-20, 11-20.1, 11-20.1B, and 11-20.3 of the
3 Criminal Code of 1961 or the Criminal Code of 2012. Any
4 amounts remaining in the Fund after all additional
5 expenses have been paid shall be used by the Office to
6 reduce the participating county contributions to the
7 Office on a pro-rated basis as determined by the board of
8 governors of the Office of the State's Attorneys Appellate
9 Prosecutor based on the populations of the participating
10 counties.

11 (b) Before any distribution under subsection (a), the
12 Attorney General or State's Attorney shall retain from the
13 forfeited moneys or sale proceeds, or both, sufficient moneys
14 to cover expenses related to the administration and sale of
15 the forfeited property.

16 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
17 97-1150, eff. 1-25-13.)

18 (725 ILCS 5/124B-500)

19 Sec. 124B-500. Persons and property subject to forfeiture.
20 A person who commits child sexual abuse material ~~pornography~~,
21 aggravated child sexual abuse material ~~pornography~~, or
22 non-consensual dissemination of private sexual images under
23 Section 11-20.1, 11-20.1B, 11-20.3, or 11-23.5 of the Criminal
24 Code of 1961 or the Criminal Code of 2012 shall forfeit the
25 following property to the State of Illinois:

1 (1) Any profits or proceeds and any property the
2 person has acquired or maintained in violation of Section
3 11-20.1, 11-20.1B, 11-20.3, or 11-23.5 of the Criminal
4 Code of 1961 or the Criminal Code of 2012 that the
5 sentencing court determines, after a forfeiture hearing
6 under this Article, to have been acquired or maintained as
7 a result of child sexual abuse material ~~pornography~~,
8 aggravated child sexual abuse material ~~pornography~~, or
9 non-consensual dissemination of private sexual images.

10 (2) Any interest in, securities of, claim against, or
11 property or contractual right of any kind affording a
12 source of influence over any enterprise that the person
13 has established, operated, controlled, or conducted in
14 violation of Section 11-20.1, 11-20.1B, 11-20.3, or
15 11-23.5 of the Criminal Code of 1961 or the Criminal Code
16 of 2012 that the sentencing court determines, after a
17 forfeiture hearing under this Article, to have been
18 acquired or maintained as a result of child sexual abuse
19 material ~~pornography~~, aggravated child sexual abuse
20 material ~~pornography~~, or non-consensual dissemination of
21 private sexual images.

22 (3) Any computer that contains a depiction of child
23 sexual abuse material ~~pornography~~ in any encoded or
24 decoded format in violation of Section 11-20.1, 11-20.1B,
25 or 11-20.3 of the Criminal Code of 1961 or the Criminal
26 Code of 2012. For purposes of this paragraph (3),

1 "computer" has the meaning ascribed to it in Section
2 17-0.5 of the Criminal Code of 2012.

3 (Source: P.A. 97-1150, eff. 1-25-13; 98-1013, eff. 1-1-15;
4 98-1138, eff. 6-1-15.)

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

7 (725 ILCS 215/2) (from Ch. 38, par. 1702)

8 Sec. 2. (a) County grand juries and State's Attorneys have
9 always had and shall continue to have primary responsibility
10 for investigating, indicting, and prosecuting persons who
11 violate the criminal laws of the State of Illinois. However,
12 in recent years organized terrorist activity directed against
13 innocent civilians and certain criminal enterprises have
14 developed that require investigation, indictment, and
15 prosecution on a statewide or multicounty level. The criminal
16 enterprises exist as a result of the allure of profitability
17 present in narcotic activity, the unlawful sale and transfer
18 of firearms, and streetgang related felonies and organized
19 terrorist activity is supported by the contribution of money
20 and expert assistance from geographically diverse sources. In
21 order to shut off the life blood of terrorism and weaken or
22 eliminate the criminal enterprises, assets, and property used
23 to further these offenses must be frozen, and any profit must
24 be removed. State statutes exist that can accomplish that

1 goal. Among them are the offense of money laundering,
2 violations of Article 29D of the Criminal Code of 1961 or the
3 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,
4 and gunrunning. Local prosecutors need investigative personnel
5 and specialized training to attack and eliminate these
6 profits. In light of the transitory and complex nature of
7 conduct that constitutes these criminal activities, the many
8 diverse property interests that may be used, acquired directly
9 or indirectly as a result of these criminal activities, and
10 the many places that illegally obtained property may be
11 located, it is the purpose of this Act to create a limited,
12 multicounty Statewide Grand Jury with authority to
13 investigate, indict, and prosecute: narcotic activity,
14 including cannabis and controlled substance trafficking,
15 narcotics racketeering, money laundering, violations of the
16 Cannabis and Controlled Substances Tax Act, and violations of
17 Article 29D of the Criminal Code of 1961 or the Criminal Code
18 of 2012; the unlawful sale and transfer of firearms;
19 gunrunning; and streetgang related felonies.

20 (b) A Statewide Grand Jury may also investigate, indict,
21 and prosecute violations facilitated by the use of a computer
22 of any of the following offenses: indecent solicitation of a
23 child, sexual exploitation of a child, soliciting for a
24 juvenile prostitute, keeping a place of juvenile prostitution,
25 juvenile pimping, child sexual abuse material ~~pornography~~,
26 aggravated child sexual abuse material ~~pornography~~, or

1 promoting juvenile prostitution except as described in
2 subdivision (a) (4) of Section 11-14.4 of the Criminal Code of
3 1961 or the Criminal Code of 2012.

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

5 (725 ILCS 215/3) (from Ch. 38, par. 1703)

6 Sec. 3. Written application for the appointment of a
7 Circuit Judge to convene and preside over a Statewide Grand
8 Jury, with jurisdiction extending throughout the State, shall
9 be made to the Chief Justice of the Supreme Court. Upon such
10 written application, the Chief Justice of the Supreme Court
11 shall appoint a Circuit Judge from the circuit where the
12 Statewide Grand Jury is being sought to be convened, who shall
13 make a determination that the convening of a Statewide Grand
14 Jury is necessary.

15 In such application the Attorney General shall state that
16 the convening of a Statewide Grand Jury is necessary because
17 of an alleged offense or offenses set forth in this Section
18 involving more than one county of the State and identifying
19 any such offense alleged; and

20 (a) that he or she believes that the grand jury
21 function for the investigation and indictment of the
22 offense or offenses cannot effectively be performed by a
23 county grand jury together with the reasons for such
24 belief, and

25 (b) (1) that each State's Attorney with jurisdiction

1 over an offense or offenses to be investigated has
2 consented to the impaneling of the Statewide Grand Jury,
3 or

4 (2) if one or more of the State's Attorneys having
5 jurisdiction over an offense or offenses to be
6 investigated fails to consent to the impaneling of the
7 Statewide Grand Jury, the Attorney General shall set forth
8 good cause for impaneling the Statewide Grand Jury.

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

13 (a) For violations of any of the following or for any
14 other criminal offense committed in the course of
15 violating any of the following: Article 29D of the
16 Criminal Code of 1961 or the Criminal Code of 2012, the
17 Illinois Controlled Substances Act, the Cannabis Control
18 Act, the Methamphetamine Control and Community Protection
19 Act, or the Narcotics Profit Forfeiture Act; a streetgang
20 related felony offense; Section 24-2.1, 24-2.2, 24-3,
21 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
22 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),
23 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or
24 the Criminal Code of 2012; or a money laundering offense;
25 provided that the violation or offense involves acts
26 occurring in more than one county of this State; and

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

14 (b) For the offenses of perjury, subornation of
15 perjury, communicating with jurors and witnesses, and
16 harassment of jurors and witnesses, as they relate to
17 matters before the Statewide Grand Jury.

18 "Streetgang related" has the meaning ascribed to it in
19 Section 10 of the Illinois Streetgang Terrorism Omnibus
20 Prevention Act.

21 Upon written application by the Attorney General for the
22 convening of an additional Statewide Grand Jury, the Chief
23 Justice of the Supreme Court shall appoint a Circuit Judge
24 from the circuit for which the additional Statewide Grand Jury
25 is sought. The Circuit Judge shall determine the necessity for
26 an additional Statewide Grand Jury in accordance with the

1 provisions of this Section. No more than 2 Statewide Grand
2 Juries may be empaneled at any time.

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

4 Section 65. The Unified Code of Corrections is amended by
5 changing Sections 3-1-2, 3-12.5-10, 5-5-3, 5-5-3.2, 5-8-1,
6 5-8-4, 5-9-1.7, and 5-9-1.8 as follows:

7 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

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

9 Sec. 3-1-2. Definitions.

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

16 (a-3) "Aftercare release" means the conditional and
17 revocable release of a person committed to the Department of
18 Juvenile Justice under the Juvenile Court Act of 1987, under
19 the supervision of the Department of Juvenile Justice.

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

24 (i) A violation of any of the following Sections of

1 the Criminal Code of 1961 or the Criminal Code of 2012:
2 10-7 (aiding or abetting child abduction under Section
3 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
4 solicitation of a child), 11-6.5 (indecent solicitation of
5 an adult), 11-14.4 (promoting juvenile prostitution),
6 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
7 (keeping a place of juvenile prostitution), 11-18.1
8 (patronizing a juvenile prostitute), 11-19.1 (juvenile
9 pimping), 11-19.2 (exploitation of a child), 11-20.1
10 (child sexual abuse material ~~pornography~~), 11-20.1B or
11 11-20.3 (aggravated child sexual abuse material
12 ~~pornography~~), 11-1.40 or 12-14.1 (predatory criminal
13 sexual assault of a child), or 12-33 (ritualized abuse of
14 a child). An attempt to commit any of these offenses.

15 (ii) A violation of any of the following Sections of
16 the Criminal Code of 1961 or the Criminal Code of 2012:
17 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
18 12-14 (aggravated criminal sexual assault), 11-1.60 or
19 12-16 (aggravated criminal sexual abuse), and subsection
20 (a) of Section 11-1.50 or subsection (a) of Section 12-15
21 (criminal sexual abuse). An attempt to commit any of these
22 offenses.

23 (iii) A violation of any of the following Sections of
24 the Criminal Code of 1961 or the Criminal Code of 2012 when
25 the defendant is not a parent of the victim:

26 10-1 (kidnapping),

1 10-2 (aggravated kidnapping),
2 10-3 (unlawful restraint),
3 10-3.1 (aggravated unlawful restraint).

4 An attempt to commit any of these offenses.

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

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

17 (b) "Commitment" means a judicially determined placement
18 in the custody of the Department of Corrections on the basis of
19 delinquency or conviction.

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

26 (c-5) "Computer scrub software" means any third-party

1 added software, designed to delete information from the
2 computer unit, the hard drive, or other software, which would
3 eliminate and prevent discovery of browser activity,
4 including, but not limited to, Internet history, address bar
5 or bars, cache or caches, and/or cookies, and which would
6 over-write files in a way so as to make previous computer
7 activity, including, but not limited to, website access, more
8 difficult to discover.

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

12 (d) "Correctional institution or facility" means any
13 building or part of a building where committed persons are
14 kept in a secured manner.

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.)

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

24 Sec. 3-1-2. Definitions.

25 (a) "Chief Administrative Officer" means the person

1 designated by the Director to exercise the powers and duties
2 of the Department of Corrections in regard to committed
3 persons within a correctional institution or facility, and
4 includes the superintendent of any juvenile institution or
5 facility.

6 (a-3) "Aftercare release" means the conditional and
7 revocable release of a person committed to the Department of
8 Juvenile Justice under the Juvenile Court Act of 1987, under
9 the supervision of the Department of Juvenile Justice.

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

14 (i) A violation of any of the following Sections of
15 the Criminal Code of 1961 or the Criminal Code of 2012:
16 10-7 (aiding or abetting child abduction under Section
17 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
18 solicitation of a child), 11-6.5 (indecent solicitation of
19 an adult), 11-14.4 (promoting juvenile prostitution),
20 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
21 (keeping a place of juvenile prostitution), 11-18.1
22 (patronizing a juvenile prostitute), 11-19.1 (juvenile
23 pimping), 11-19.2 (exploitation of a child), 11-20.1
24 (child sexual abuse material ~~pornography~~), 11-20.1B or
25 11-20.3 (aggravated child sexual abuse material
26 ~~pornography~~), 11-1.40 or 12-14.1 (predatory criminal

1 sexual assault of a child), or 12-33 (ritualized abuse of
2 a child). An attempt to commit any of these offenses.

3 (ii) A violation of any of the following Sections of
4 the Criminal Code of 1961 or the Criminal Code of 2012:
5 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
6 12-14 (aggravated criminal sexual assault), 11-1.60 or
7 12-16 (aggravated criminal sexual abuse), and subsection
8 (a) of Section 11-1.50 or subsection (a) of Section 12-15
9 (criminal sexual abuse). An attempt to commit any of these
10 offenses.

11 (iii) A violation of any of the following Sections of
12 the Criminal Code of 1961 or the Criminal Code of 2012 when
13 the defendant is not a parent of the victim:

14 10-1 (kidnapping),
15 10-2 (aggravated kidnapping),
16 10-3 (unlawful restraint),
17 10-3.1 (aggravated unlawful restraint).

18 An attempt to commit any of these offenses.

19 (iv) A violation of any former law of this State
20 substantially equivalent to any offense listed in this
21 subsection (a-5).

22 An offense violating federal law or the law of another
23 state that is substantially equivalent to any offense listed
24 in this subsection (a-5) shall constitute a sex offense for
25 the purpose of this subsection (a-5). A finding or
26 adjudication as a sexually dangerous person under any federal

1 law or law of another state that is substantially equivalent
2 to the Sexually Dangerous Persons Act shall constitute an
3 adjudication for a sex offense for the purposes of this
4 subsection (a-5).

5 (b) "Commitment" means a judicially determined placement
6 in the custody of the Department of Corrections on the basis of
7 delinquency or conviction.

8 (c) "Committed person" is a person committed to the
9 Department, however a committed person shall not be considered
10 to be an employee of the Department of Corrections for any
11 purpose, including eligibility for a pension, benefits, or any
12 other compensation or rights or privileges which may be
13 provided to employees of the Department.

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

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

26 (d) "Correctional institution or facility" means any

1 building or part of a building where committed persons are
2 kept in a secured manner.

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

8 (e) "Department" means both the Department of Corrections
9 and the Department of Juvenile Justice of this State, unless
10 the context is specific to either the Department of
11 Corrections or the Department of Juvenile Justice.

12 (f) "Director" means both the Director of Corrections and
13 the Director of Juvenile Justice, unless the context is
14 specific to either the Director of Corrections or the Director
15 of Juvenile Justice.

16 (f-5) (Blank).

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

19 (h) "Discipline" means the rules and regulations for the
20 maintenance of order and the protection of persons and
21 property within the institutions and facilities of the
22 Department and their enforcement.

23 (i) "Escape" means the intentional and unauthorized
24 absence of a committed person from the custody of the
25 Department.

26 (j) "Furlough" means an authorized leave of absence from

1 the Department of Corrections for a designated purpose and
2 period of time.

3 (k) "Parole" means the conditional and revocable release
4 of a person committed to the Department of Corrections under
5 the supervision of a parole officer.

6 (l) "Prisoner Review Board" means the Board established in
7 Section 3-3-1(a), independent of the Department, to review
8 rules and regulations with respect to good time credits, to
9 hear charges brought by the Department against certain
10 prisoners alleged to have violated Department rules with
11 respect to good time credits, to set release dates for certain
12 prisoners sentenced under the law in effect prior to February
13 1, 1978 (the effective date of Public Act 80-1099), to hear and
14 decide the time of aftercare release for persons committed to
15 the Department of Juvenile Justice under the Juvenile Court
16 Act of 1987 to hear requests and make recommendations to the
17 Governor with respect to pardon, reprieve or commutation, to
18 set conditions for parole, aftercare release, and mandatory
19 supervised release and determine whether violations of those
20 conditions justify revocation of parole or release, and to
21 assume all other functions previously exercised by the
22 Illinois Parole and Pardon Board.

23 (m) Whenever medical treatment, service, counseling, or
24 care is referred to in this Unified Code of Corrections, such
25 term may be construed by the Department or Court, within its
26 discretion, to include treatment, service, or counseling by a

1 Christian Science practitioner or nursing care appropriate
2 therewith whenever request therefor is made by a person
3 subject to the provisions of this Code.

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

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

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

12 (2) a certificate of innocence from the Circuit Court
13 as provided in Section 2-702 of the Code of Civil
14 Procedure.

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

16 (730 ILCS 5/3-12.5-10)

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

18 Sec. 3-12.5-10. Selection. Inmates may be selected to
19 participate in the pre-release Prisoner Entrepreneur Education
20 Program only if all of the following conditions are met:

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

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

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

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

9 (5) the inmate is not currently affiliated with a
10 gang; and

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

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

13 (730 ILCS 5/5-5-3)

14 Sec. 5-5-3. Disposition.

15 (a) (Blank).

16 (b) (Blank).

17 (c) (1) (Blank).

18 (2) A period of probation, a term of periodic imprisonment
19 or conditional discharge shall not be imposed for the
20 following offenses. The court shall sentence the offender to
21 not less than the minimum term of imprisonment set forth in
22 this Code for the following offenses, and may order a fine or
23 restitution or both in conjunction with such term of
24 imprisonment:

25 (A) First degree murder where the death penalty is not

1 imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

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

9 (D-5) A violation of subdivision (c)(1) of Section 401
10 of the Illinois Controlled Substances Act which relates to
11 3 or more grams of a substance containing heroin or an
12 analog thereof.

13 (E) (Blank).

14 (F) A Class 1 or greater felony if the offender had
15 been convicted of a Class 1 or greater felony, including
16 any state or federal conviction for an offense that
17 contained, at the time it was committed, the same elements
18 as an offense now (the date of the offense committed after
19 the prior Class 1 or greater felony) classified as a Class
20 1 or greater felony, within 10 years of the date on which
21 the offender committed the offense for which he or she is
22 being sentenced, except as otherwise provided in Section
23 40-10 of the Substance Use Disorder Act.

24 (F-3) A Class 2 or greater felony sex offense or
25 felony firearm offense if the offender had been convicted
26 of a Class 2 or greater felony, including any state or

1 federal conviction for an offense that contained, at the
2 time it was committed, the same elements as an offense now
3 (the date of the offense committed after the prior Class 2
4 or greater felony) classified as a Class 2 or greater
5 felony, within 10 years of the date on which the offender
6 committed the offense for which he or she is being
7 sentenced, except as otherwise provided in Section 40-10
8 of the Substance Use Disorder Act.

9 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
10 of the Criminal Code of 1961 or the Criminal Code of 2012
11 for which imprisonment is prescribed in those Sections.

12 (G) Residential burglary, except as otherwise provided
13 in Section 40-10 of the Substance Use Disorder Act.

14 (H) Criminal sexual assault.

15 (I) Aggravated battery of a senior citizen as
16 described in Section 12-4.6 or subdivision (a)(4) of
17 Section 12-3.05 of the Criminal Code of 1961 or the
18 Criminal Code of 2012.

19 (J) A forcible felony if the offense was related to
20 the activities of an organized gang.

21 Before July 1, 1994, for the purposes of this
22 paragraph, "organized gang" means an association of 5 or
23 more persons, with an established hierarchy, that
24 encourages members of the association to perpetrate crimes
25 or provides support to the members of the association who
26 do commit crimes.

1 Beginning July 1, 1994, for the purposes of this
2 paragraph, "organized gang" has the meaning ascribed to it
3 in Section 10 of the Illinois Streetgang Terrorism Omnibus
4 Prevention Act.

5 (K) Vehicular hijacking.

6 (L) A second or subsequent conviction for the offense
7 of hate crime when the underlying offense upon which the
8 hate crime is based is felony aggravated assault or felony
9 mob action.

10 (M) A second or subsequent conviction for the offense
11 of institutional vandalism if the damage to the property
12 exceeds \$300.

13 (N) A Class 3 felony violation of paragraph (1) of
14 subsection (a) of Section 2 of the Firearm Owners
15 Identification Card Act.

16 (O) A violation of Section 12-6.1 or 12-6.5 of the
17 Criminal Code of 1961 or the Criminal Code of 2012.

18 (P) A violation of paragraph (1), (2), (3), (4), (5),
19 or (7) of subsection (a) of Section 11-20.1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012.

21 (P-5) A violation of paragraph (6) of subsection (a)
22 of Section 11-20.1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 if the victim is a household or
24 family member of the defendant.

25 (Q) A violation of subsection (b) or (b-5) of Section
26 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal

1 Code of 1961 or the Criminal Code of 2012.

2 (R) A violation of Section 24-3A of the Criminal Code
3 of 1961 or the Criminal Code of 2012.

4 (S) (Blank).

5 (T) (Blank).

6 (U) A second or subsequent violation of Section 6-303
7 of the Illinois Vehicle Code committed while his or her
8 driver's license, permit, or privilege was revoked because
9 of a violation of Section 9-3 of the Criminal Code of 1961
10 or the Criminal Code of 2012, relating to the offense of
11 reckless homicide, or a similar provision of a law of
12 another state.

13 (V) A violation of paragraph (4) of subsection (c) of
14 Section 11-20.1B or paragraph (4) of subsection (c) of
15 Section 11-20.3 of the Criminal Code of 1961, or paragraph
16 (6) of subsection (a) of Section 11-20.1 of the Criminal
17 Code of 2012 when the victim is under 13 years of age and
18 the defendant has previously been convicted under the laws
19 of this State or any other state of the offense of child
20 sexual abuse material pornography, aggravated child sexual
21 abuse material pornography, aggravated criminal sexual
22 abuse, aggravated criminal sexual assault, predatory
23 criminal sexual assault of a child, or any of the offenses
24 formerly known as rape, deviate sexual assault, indecent
25 liberties with a child, or aggravated indecent liberties
26 with a child where the victim was under the age of 18 years

1 or an offense that is substantially equivalent to those
2 offenses.

3 (W) A violation of Section 24-3.5 of the Criminal Code
4 of 1961 or the Criminal Code of 2012.

5 (X) A violation of subsection (a) of Section 31-1a of
6 the Criminal Code of 1961 or the Criminal Code of 2012.

7 (Y) A conviction for unlawful possession of a firearm
8 by a street gang member when the firearm was loaded or
9 contained firearm ammunition.

10 (Z) A Class 1 felony committed while he or she was
11 serving a term of probation or conditional discharge for a
12 felony.

13 (AA) Theft of property exceeding \$500,000 and not
14 exceeding \$1,000,000 in value.

15 (BB) Laundering of criminally derived property of a
16 value exceeding \$500,000.

17 (CC) Knowingly selling, offering for sale, holding for
18 sale, or using 2,000 or more counterfeit items or
19 counterfeit items having a retail value in the aggregate
20 of \$500,000 or more.

21 (DD) A conviction for aggravated assault under
22 paragraph (6) of subsection (c) of Section 12-2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 if the
24 firearm is aimed toward the person against whom the
25 firearm is being used.

26 (EE) A conviction for a violation of paragraph (2) of

1 subsection (a) of Section 24-3B of the Criminal Code of
2 2012.

3 (3) (Blank).

4 (4) A minimum term of imprisonment of not less than 10
5 consecutive days or 30 days of community service shall be
6 imposed for a violation of paragraph (c) of Section 6-303 of
7 the Illinois Vehicle Code.

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
10 this subsection (c), a minimum of 100 hours of community
11 service shall be imposed for a second violation of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300
14 hours of community service, as determined by the court, shall
15 be imposed for a second violation of subsection (c) of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6), and
18 (4.9) of this subsection (c), a minimum term of imprisonment
19 of 30 days or 300 hours of community service, as determined by
20 the court, shall be imposed for a third or subsequent
21 violation of Section 6-303 of the Illinois Vehicle Code. The
22 court may give credit toward the fulfillment of community
23 service hours for participation in activities and treatment as
24 determined by court services.

25 (4.5) A minimum term of imprisonment of 30 days shall be
26 imposed for a third violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this
3 subsection (c), a minimum term of imprisonment of 180 days
4 shall be imposed for a fourth or subsequent violation of
5 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

6 (4.7) A minimum term of imprisonment of not less than 30
7 consecutive days, or 300 hours of community service, shall be
8 imposed for a violation of subsection (a-5) of Section 6-303
9 of the Illinois Vehicle Code, as provided in subsection (b-5)
10 of that Section.

11 (4.8) A mandatory prison sentence shall be imposed for a
12 second violation of subsection (a-5) of Section 6-303 of the
13 Illinois Vehicle Code, as provided in subsection (c-5) of that
14 Section. The person's driving privileges shall be revoked for
15 a period of not less than 5 years from the date of his or her
16 release from prison.

17 (4.9) A mandatory prison sentence of not less than 4 and
18 not more than 15 years shall be imposed for a third violation
19 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
20 Code, as provided in subsection (d-2.5) of that Section. The
21 person's driving privileges shall be revoked for the remainder
22 of his or her life.

23 (4.10) A mandatory prison sentence for a Class 1 felony
24 shall be imposed, and the person shall be eligible for an
25 extended term sentence, for a fourth or subsequent violation
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-3.5) of that Section. The
2 person's driving privileges shall be revoked for the remainder
3 of his or her life.

4 (5) The court may sentence a corporation or unincorporated
5 association convicted of any offense to:

6 (A) a period of conditional discharge;

7 (B) a fine;

8 (C) make restitution to the victim under Section 5-5-6
9 of this Code.

10 (5.1) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.2) or (5.3), a person
12 convicted of violating subsection (c) of Section 11-907 of the
13 Illinois Vehicle Code shall have his or her driver's license,
14 permit, or privileges suspended for at least 90 days but not
15 more than one year, if the violation resulted in damage to the
16 property of another person.

17 (5.2) In addition to any other penalties imposed, and
18 except as provided in paragraph (5.3), a person convicted of
19 violating subsection (c) of Section 11-907 of the Illinois
20 Vehicle Code shall have his or her driver's license, permit,
21 or privileges suspended for at least 180 days but not more than
22 2 years, if the violation resulted in injury to another
23 person.

24 (5.3) In addition to any other penalties imposed, a person
25 convicted of violating subsection (c) of Section 11-907 of the
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 2 years, if the violation
2 resulted in the death of another person.

3 (5.4) In addition to any other penalties imposed, a person
4 convicted of violating Section 3-707 of the Illinois Vehicle
5 Code shall have his or her driver's license, permit, or
6 privileges suspended for 3 months and until he or she has paid
7 a reinstatement fee of \$100.

8 (5.5) In addition to any other penalties imposed, a person
9 convicted of violating Section 3-707 of the Illinois Vehicle
10 Code during a period in which his or her driver's license,
11 permit, or privileges were suspended for a previous violation
12 of that Section shall have his or her driver's license,
13 permit, or privileges suspended for an additional 6 months
14 after the expiration of the original 3-month suspension and
15 until he or she has paid a reinstatement fee of \$100.

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

19 (9) A defendant convicted of a second or subsequent
20 offense of ritualized abuse of a child may be sentenced to a
21 term of natural life imprisonment.

22 (10) (Blank).

23 (11) The court shall impose a minimum fine of \$1,000 for a
24 first offense and \$2,000 for a second or subsequent offense
25 upon a person convicted of or placed on supervision for
26 battery when the individual harmed was a sports official or

1 coach at any level of competition and the act causing harm to
2 the sports official or coach occurred within an athletic
3 facility or within the immediate vicinity of the athletic
4 facility at which the sports official or coach was an active
5 participant of the athletic contest held at the athletic
6 facility. For the purposes of this paragraph (11), "sports
7 official" means a person at an athletic contest who enforces
8 the rules of the contest, such as an umpire or referee;
9 "athletic facility" means an indoor or outdoor playing field
10 or recreational area where sports activities are conducted;
11 and "coach" means a person recognized as a coach by the
12 sanctioning authority that conducted the sporting event.

13 (12) A person may not receive a disposition of court
14 supervision for a violation of Section 5-16 of the Boat
15 Registration and Safety Act if that person has previously
16 received a disposition of court supervision for a violation of
17 that Section.

18 (13) A person convicted of or placed on court supervision
19 for an assault or aggravated assault when the victim and the
20 offender are family or household members as defined in Section
21 103 of the Illinois Domestic Violence Act of 1986 or convicted
22 of domestic battery or aggravated domestic battery may be
23 required to attend a Partner Abuse Intervention Program under
24 protocols set forth by the Illinois Department of Human
25 Services under such terms and conditions imposed by the court.
26 The costs of such classes shall be paid by the offender.

1 (d) In any case in which a sentence originally imposed is
2 vacated, the case shall be remanded to the trial court. The
3 trial court shall hold a hearing under Section 5-4-1 of this
4 Code which may include evidence of the defendant's life, moral
5 character and occupation during the time since the original
6 sentence was passed. The trial court shall then impose
7 sentence upon the defendant. The trial court may impose any
8 sentence which could have been imposed at the original trial
9 subject to Section 5-5-4 of this Code. If a sentence is vacated
10 on appeal or on collateral attack due to the failure of the
11 trier of fact at trial to determine beyond a reasonable doubt
12 the existence of a fact (other than a prior conviction)
13 necessary to increase the punishment for the offense beyond
14 the statutory maximum otherwise applicable, either the
15 defendant may be re-sentenced to a term within the range
16 otherwise provided or, if the State files notice of its
17 intention to again seek the extended sentence, the defendant
18 shall be afforded a new trial.

19 (e) In cases where prosecution for aggravated criminal
20 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
21 Code of 1961 or the Criminal Code of 2012 results in conviction
22 of a defendant who was a family member of the victim at the
23 time of the commission of the offense, the court shall
24 consider the safety and welfare of the victim and may impose a
25 sentence of probation only where:

26 (1) the court finds (A) or (B) or both are

1 appropriate:

2 (A) the defendant is willing to undergo a court
3 approved counseling program for a minimum duration of
4 2 years; or

5 (B) the defendant is willing to participate in a
6 court approved plan, including, but not limited to,
7 the defendant's:

8 (i) removal from the household;

9 (ii) restricted contact with the victim;

10 (iii) continued financial support of the
11 family;

12 (iv) restitution for harm done to the victim;

13 and

14 (v) compliance with any other measures that
15 the court may deem appropriate; and

16 (2) the court orders the defendant to pay for the
17 victim's counseling services, to the extent that the court
18 finds, after considering the defendant's income and
19 assets, that the defendant is financially capable of
20 paying for such services, if the victim was under 18 years
21 of age at the time the offense was committed and requires
22 counseling as a result of the offense.

23 Probation may be revoked or modified pursuant to Section
24 5-6-4; except where the court determines at the hearing that
25 the defendant violated a condition of his or her probation
26 restricting contact with the victim or other family members or

1 commits another offense with the victim or other family
2 members, the court shall revoke the defendant's probation and
3 impose a term of imprisonment.

4 For the purposes of this Section, "family member" and
5 "victim" shall have the meanings ascribed to them in Section
6 11-0.1 of the Criminal Code of 2012.

7 (f) (Blank).

8 (g) Whenever a defendant is convicted of an offense under
9 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
10 11-14.3, 11-14.4 except for an offense that involves keeping a
11 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
12 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
13 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, the defendant shall undergo medical
15 testing to determine whether the defendant has any sexually
16 transmissible disease, including a test for infection with
17 human immunodeficiency virus (HIV) or any other identified
18 causative agent of acquired immunodeficiency syndrome (AIDS).
19 Any such medical test shall be performed only by appropriately
20 licensed medical practitioners and may include an analysis of
21 any bodily fluids as well as an examination of the defendant's
22 person. Except as otherwise provided by law, the results of
23 such test shall be kept strictly confidential by all medical
24 personnel involved in the testing and must be personally
25 delivered in a sealed envelope to the judge of the court in
26 which the conviction was entered for the judge's inspection in

1 camera. Acting in accordance with the best interests of the
2 victim and the public, the judge shall have the discretion to
3 determine to whom, if anyone, the results of the testing may be
4 revealed. The court shall notify the defendant of the test
5 results. The court shall also notify the victim if requested
6 by the victim, and if the victim is under the age of 15 and if
7 requested by the victim's parents or legal guardian, the court
8 shall notify the victim's parents or legal guardian of the
9 test results. The court shall provide information on the
10 availability of HIV testing and counseling at Department of
11 Public Health facilities to all parties to whom the results of
12 the testing are revealed and shall direct the State's Attorney
13 to provide the information to the victim when possible. The
14 court shall order that the cost of any such test shall be paid
15 by the county and may be taxed as costs against the convicted
16 defendant.

17 (g-5) When an inmate is tested for an airborne
18 communicable disease, as determined by the Illinois Department
19 of Public Health, including, but not limited to, tuberculosis,
20 the results of the test shall be personally delivered by the
21 warden or his or her designee in a sealed envelope to the judge
22 of the court in which the inmate must appear for the judge's
23 inspection in camera if requested by the judge. Acting in
24 accordance with the best interests of those in the courtroom,
25 the judge shall have the discretion to determine what if any
26 precautions need to be taken to prevent transmission of the

1 disease in the courtroom.

2 (h) Whenever a defendant is convicted of an offense under
3 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
4 defendant shall undergo medical testing to determine whether
5 the defendant has been exposed to human immunodeficiency virus
6 (HIV) or any other identified causative agent of acquired
7 immunodeficiency syndrome (AIDS). Except as otherwise provided
8 by law, the results of such test shall be kept strictly
9 confidential by all medical personnel involved in the testing
10 and must be personally delivered in a sealed envelope to the
11 judge of the court in which the conviction was entered for the
12 judge's inspection in camera. Acting in accordance with the
13 best interests of the public, the judge shall have the
14 discretion to determine to whom, if anyone, the results of the
15 testing may be revealed. The court shall notify the defendant
16 of a positive test showing an infection with the human
17 immunodeficiency virus (HIV). The court shall provide
18 information on the availability of HIV testing and counseling
19 at Department of Public Health facilities to all parties to
20 whom the results of the testing are revealed and shall direct
21 the State's Attorney to provide the information to the victim
22 when possible. The court shall order that the cost of any such
23 test shall be paid by the county and may be taxed as costs
24 against the convicted defendant.

25 (i) All fines and penalties imposed under this Section for
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and
2 any violation of the Child Passenger Protection Act, or a
3 similar provision of a local ordinance, shall be collected and
4 disbursed by the circuit clerk as provided under the Criminal
5 and Traffic Assessment Act.

6 (j) In cases when prosecution for any violation of Section
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
8 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
9 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
10 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
11 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
12 Code of 2012, any violation of the Illinois Controlled
13 Substances Act, any violation of the Cannabis Control Act, or
14 any violation of the Methamphetamine Control and Community
15 Protection Act results in conviction, a disposition of court
16 supervision, or an order of probation granted under Section 10
17 of the Cannabis Control Act, Section 410 of the Illinois
18 Controlled Substances Act, or Section 70 of the
19 Methamphetamine Control and Community Protection Act of a
20 defendant, the court shall determine whether the defendant is
21 employed by a facility or center as defined under the Child
22 Care Act of 1969, a public or private elementary or secondary
23 school, or otherwise works with children under 18 years of age
24 on a daily basis. When a defendant is so employed, the court
25 shall order the Clerk of the Court to send a copy of the
26 judgment of conviction or order of supervision or probation to

1 the defendant's employer by certified mail. If the employer of
2 the defendant is a school, the Clerk of the Court shall direct
3 the mailing of a copy of the judgment of conviction or order of
4 supervision or probation to the appropriate regional
5 superintendent of schools. The regional superintendent of
6 schools shall notify the State Board of Education of any
7 notification under this subsection.

8 (j-5) A defendant at least 17 years of age who is convicted
9 of a felony and who has not been previously convicted of a
10 misdemeanor or felony and who is sentenced to a term of
11 imprisonment in the Illinois Department of Corrections shall
12 as a condition of his or her sentence be required by the court
13 to attend educational courses designed to prepare the
14 defendant for a high school diploma and to work toward a high
15 school diploma or to work toward passing high school
16 equivalency testing or to work toward completing a vocational
17 training program offered by the Department of Corrections. If
18 a defendant fails to complete the educational training
19 required by his or her sentence during the term of
20 incarceration, the Prisoner Review Board shall, as a condition
21 of mandatory supervised release, require the defendant, at his
22 or her own expense, to pursue a course of study toward a high
23 school diploma or passage of high school equivalency testing.
24 The Prisoner Review Board shall revoke the mandatory
25 supervised release of a defendant who wilfully fails to comply
26 with this subsection (j-5) upon his or her release from

1 confinement in a penal institution while serving a mandatory
2 supervised release term; however, the inability of the
3 defendant after making a good faith effort to obtain financial
4 aid or pay for the educational training shall not be deemed a
5 wilful failure to comply. The Prisoner Review Board shall
6 recommit the defendant whose mandatory supervised release term
7 has been revoked under this subsection (j-5) as provided in
8 Section 3-3-9. This subsection (j-5) does not apply to a
9 defendant who has a high school diploma or has successfully
10 passed high school equivalency testing. This subsection (j-5)
11 does not apply to a defendant who is determined by the court to
12 be a person with a developmental disability or otherwise
13 mentally incapable of completing the educational or vocational
14 program.

15 (k) (Blank).

16 (l) (A) Except as provided in paragraph (C) of subsection
17 (l), whenever a defendant, who is an alien as defined by the
18 Immigration and Nationality Act, is convicted of any felony or
19 misdemeanor offense, the court after sentencing the defendant
20 may, upon motion of the State's Attorney, hold sentence in
21 abeyance and remand the defendant to the custody of the
22 Attorney General of the United States or his or her designated
23 agent to be deported when:

24 (1) a final order of deportation has been issued
25 against the defendant pursuant to proceedings under the
26 Immigration and Nationality Act, and

1 (2) the deportation of the defendant would not
2 deprecate the seriousness of the defendant's conduct and
3 would not be inconsistent with the ends of justice.

4 Otherwise, the defendant shall be sentenced as provided in
5 this Chapter V.

6 (B) If the defendant has already been sentenced for a
7 felony or misdemeanor offense, or has been placed on probation
8 under Section 10 of the Cannabis Control Act, Section 410 of
9 the Illinois Controlled Substances Act, or Section 70 of the
10 Methamphetamine Control and Community Protection Act, the
11 court may, upon motion of the State's Attorney to suspend the
12 sentence imposed, commit the defendant to the custody of the
13 Attorney General of the United States or his or her designated
14 agent when:

15 (1) a final order of deportation has been issued
16 against the defendant pursuant to proceedings under the
17 Immigration and Nationality Act, and

18 (2) the deportation of the defendant would not
19 deprecate the seriousness of the defendant's conduct and
20 would not be inconsistent with the ends of justice.

21 (C) This subsection (1) does not apply to offenders who
22 are subject to the provisions of paragraph (2) of subsection
23 (a) of Section 3-6-3.

24 (D) Upon motion of the State's Attorney, if a defendant
25 sentenced under this Section returns to the jurisdiction of
26 the United States, the defendant shall be recommitted to the

1 custody of the county from which he or she was sentenced.
2 Thereafter, the defendant shall be brought before the
3 sentencing court, which may impose any sentence that was
4 available under Section 5-5-3 at the time of initial
5 sentencing. In addition, the defendant shall not be eligible
6 for additional earned sentence credit as provided under
7 Section 3-6-3.

8 (m) A person convicted of criminal defacement of property
9 under Section 21-1.3 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, in which the property damage exceeds
11 \$300 and the property damaged is a school building, shall be
12 ordered to perform community service that may include cleanup,
13 removal, or painting over the defacement.

14 (n) The court may sentence a person convicted of a
15 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
16 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
17 of 1961 or the Criminal Code of 2012 (i) to an impact
18 incarceration program if the person is otherwise eligible for
19 that program under Section 5-8-1.1, (ii) to community service,
20 or (iii) if the person has a substance use disorder, as defined
21 in the Substance Use Disorder Act, to a treatment program
22 licensed under that Act.

23 (o) Whenever a person is convicted of a sex offense as
24 defined in Section 2 of the Sex Offender Registration Act, the
25 defendant's driver's license or permit shall be subject to
26 renewal on an annual basis in accordance with the provisions

1 of license renewal established by the Secretary of State.
2 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
3 102-531, eff. 1-1-22; revised 10-12-21.)

4 (730 ILCS 5/5-5-3.2)

5 (Text of Section before amendment by P.A. 101-652)

6 Sec. 5-5-3.2. Factors in aggravation and extended-term
7 sentencing.

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

12 (1) the defendant's conduct caused or threatened
13 serious harm;

14 (2) the defendant received compensation for committing
15 the offense;

16 (3) the defendant has a history of prior delinquency
17 or criminal activity;

18 (4) the defendant, by the duties of his office or by
19 his position, was obliged to prevent the particular
20 offense committed or to bring the offenders committing it
21 to justice;

22 (5) the defendant held public office at the time of
23 the offense, and the offense related to the conduct of
24 that office;

25 (6) the defendant utilized his professional reputation

1 or position in the community to commit the offense, or to
2 afford him an easier means of committing it;

3 (7) the sentence is necessary to deter others from
4 committing the same crime;

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

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

10 (10) by reason of another individual's actual or
11 perceived race, color, creed, religion, ancestry, gender,
12 sexual orientation, physical or mental disability, or
13 national origin, the defendant committed the offense
14 against (i) the person or property of that individual;
15 (ii) the person or property of a person who has an
16 association with, is married to, or has a friendship with
17 the other individual; or (iii) the person or property of a
18 relative (by blood or marriage) of a person described in
19 clause (i) or (ii). For the purposes of this Section,
20 "sexual orientation" has the meaning ascribed to it in
21 paragraph (0-1) of Section 1-103 of the Illinois Human
22 Rights Act;

23 (11) the offense took place in a place of worship or on
24 the grounds of a place of worship, immediately prior to,
25 during or immediately following worship services. For
26 purposes of this subparagraph, "place of worship" shall

1 mean any church, synagogue or other building, structure or
2 place used primarily for religious worship;

3 (12) the defendant was convicted of a felony committed
4 while he was released on bail or his own recognizance
5 pending trial for a prior felony and was convicted of such
6 prior felony, or the defendant was convicted of a felony
7 committed while he was serving a period of probation,
8 conditional discharge, or mandatory supervised release
9 under subsection (d) of Section 5-8-1 for a prior felony;

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

15 (14) the defendant held a position of trust or
16 supervision such as, but not limited to, family member as
17 defined in Section 11-0.1 of the Criminal Code of 2012,
18 teacher, scout leader, baby sitter, or day care worker, in
19 relation to a victim under 18 years of age, and the
20 defendant committed an offense in violation of Section
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
22 11-14.4 except for an offense that involves keeping a
23 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
24 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
25 or 12-16 of the Criminal Code of 1961 or the Criminal Code
26 of 2012 against that victim;

1 (15) the defendant committed an offense related to the
2 activities of an organized gang. For the purposes of this
3 factor, "organized gang" has the meaning ascribed to it in
4 Section 10 of the Streetgang Terrorism Omnibus Prevention
5 Act;

6 (16) the defendant committed an offense in violation
7 of one of the following Sections while in a school,
8 regardless of the time of day or time of year; on any
9 conveyance owned, leased, or contracted by a school to
10 transport students to or from school or a school related
11 activity; on the real property of a school; or on a public
12 way within 1,000 feet of the real property comprising any
13 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
14 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
15 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
16 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
17 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
18 for subdivision (a)(4) or (g)(1), of the Criminal Code of
19 1961 or the Criminal Code of 2012;

20 (16.5) the defendant committed an offense in violation
21 of one of the following Sections while in a day care
22 center, regardless of the time of day or time of year; on
23 the real property of a day care center, regardless of the
24 time of day or time of year; or on a public way within
25 1,000 feet of the real property comprising any day care
26 center, regardless of the time of day or time of year:

1 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
2 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
3 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
4 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
5 18-2, or 33A-2, or Section 12-3.05 except for subdivision
6 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
7 Criminal Code of 2012;

8 (17) the defendant committed the offense by reason of
9 any person's activity as a community policing volunteer or
10 to prevent any person from engaging in activity as a
11 community policing volunteer. For the purpose of this
12 Section, "community policing volunteer" has the meaning
13 ascribed to it in Section 2-3.5 of the Criminal Code of
14 2012;

15 (18) the defendant committed the offense in a nursing
16 home or on the real property comprising a nursing home.
17 For the purposes of this paragraph (18), "nursing home"
18 means a skilled nursing or intermediate long term care
19 facility that is subject to license by the Illinois
20 Department of Public Health under the Nursing Home Care
21 Act, the Specialized Mental Health Rehabilitation Act of
22 2013, the ID/DD Community Care Act, or the MC/DD Act;

23 (19) the defendant was a federally licensed firearm
24 dealer and was previously convicted of a violation of
25 subsection (a) of Section 3 of the Firearm Owners
26 Identification Card Act and has now committed either a

1 felony violation of the Firearm Owners Identification Card
2 Act or an act of armed violence while armed with a firearm;

3 (20) the defendant (i) committed the offense of
4 reckless homicide under Section 9-3 of the Criminal Code
5 of 1961 or the Criminal Code of 2012 or the offense of
6 driving under the influence of alcohol, other drug or
7 drugs, intoxicating compound or compounds or any
8 combination thereof under Section 11-501 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance
10 and (ii) was operating a motor vehicle in excess of 20
11 miles per hour over the posted speed limit as provided in
12 Article VI of Chapter 11 of the Illinois Vehicle Code;

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

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

1 (23) the defendant committed the offense against a
2 person who was elderly or infirm or who was a person with a
3 disability by taking advantage of a family or fiduciary
4 relationship with the elderly or infirm person or person
5 with a disability;

6 (24) the defendant committed any offense under Section
7 11-20.1 of the Criminal Code of 1961 or the Criminal Code
8 of 2012 and possessed 100 or more images;

9 (25) the defendant committed the offense while the
10 defendant or the victim was in a train, bus, or other
11 vehicle used for public transportation;

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

1 sexual context;

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

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

26 (29) the defendant committed the offense of criminal

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

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

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

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

26 (33) the defendant was found guilty of an

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

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

17 For the purposes of this Section:

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

20 "Day care center" means a public or private State
21 certified and licensed day care center as defined in Section
22 2.09 of the Child Care Act of 1969 that displays a sign in
23 plain view stating that the property is a day care center.

24 "Intellectual disability" means significantly subaverage
25 intellectual functioning which exists concurrently with
26 impairment in adaptive behavior.

1 "Public transportation" means the transportation or
2 conveyance of persons by means available to the general
3 public, and includes paratransit services.

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

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

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

20 (2) When a defendant is convicted of any felony and
21 the court finds that the offense was accompanied by
22 exceptionally brutal or heinous behavior indicative of
23 wanton cruelty; or

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

26 (i) a person under 12 years of age at the time of

1 the offense or such person's property;

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

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

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

12 (i) the brutalizing or torturing of humans or
13 animals;

14 (ii) the theft of human corpses;

15 (iii) the kidnapping of humans;

16 (iv) the desecration of any cemetery, religious,
17 fraternal, business, governmental, educational, or
18 other building or property; or

19 (v) ritualized abuse of a child; or

20 (5) When a defendant is convicted of a felony other
21 than conspiracy and the court finds that the felony was
22 committed under an agreement with 2 or more other persons
23 to commit that offense and the defendant, with respect to
24 the other individuals, occupied a position of organizer,
25 supervisor, financier, or any other position of management
26 or leadership, and the court further finds that the felony

1 committed was related to or in furtherance of the criminal
2 activities of an organized gang or was motivated by the
3 defendant's leadership in an organized gang; or

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

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

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

23 (9) When a defendant commits any felony and the
24 defendant knowingly video or audio records the offense
25 with the intent to disseminate the recording.

26 (c) The following factors may be considered by the court

1 as reasons to impose an extended term sentence under Section
2 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
3 offenses:

4 (1) When a defendant is convicted of first degree
5 murder, after having been previously convicted in Illinois
6 of any offense listed under paragraph (c)(2) of Section
7 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
8 occurred within 10 years after the previous conviction,
9 excluding time spent in custody, and the charges are
10 separately brought and tried and arise out of different
11 series of acts.

12 (1.5) When a defendant is convicted of first degree
13 murder, after having been previously convicted of domestic
14 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
15 (720 ILCS 5/12-3.3) committed on the same victim or after
16 having been previously convicted of violation of an order
17 of protection (720 ILCS 5/12-30) in which the same victim
18 was the protected person.

19 (2) When a defendant is convicted of voluntary
20 manslaughter, second degree murder, involuntary
21 manslaughter, or reckless homicide in which the defendant
22 has been convicted of causing the death of more than one
23 individual.

24 (3) When a defendant is convicted of aggravated
25 criminal sexual assault or criminal sexual assault, when
26 there is a finding that aggravated criminal sexual assault

1 or criminal sexual assault was also committed on the same
2 victim by one or more other individuals, and the defendant
3 voluntarily participated in the crime with the knowledge
4 of the participation of the others in the crime, and the
5 commission of the crime was part of a single course of
6 conduct during which there was no substantial change in
7 the nature of the criminal objective.

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

15 (5) When a defendant is convicted of a felony
16 violation of Section 24-1 of the Criminal Code of 1961 or
17 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
18 finding that the defendant is a member of an organized
19 gang.

20 (6) When a defendant was convicted of unlawful use of
21 weapons under Section 24-1 of the Criminal Code of 1961 or
22 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
23 a weapon that is not readily distinguishable as one of the
24 weapons enumerated in Section 24-1 of the Criminal Code of
25 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

26 (7) When a defendant is convicted of an offense

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

19 (8) When the defendant is convicted of attempted mob
20 action, solicitation to commit mob action, or conspiracy
21 to commit mob action under Section 8-1, 8-2, or 8-4 of the
22 Criminal Code of 2012, where the criminal object is a
23 violation of Section 25-1 of the Criminal Code of 2012,
24 and an electronic communication is used in the commission
25 of the offense. For the purposes of this paragraph (8),
26 "electronic communication" shall have the meaning provided

1 in Section 26.5-0.1 of the Criminal Code of 2012.

2 (d) For the purposes of this Section, "organized gang" has
3 the meaning ascribed to it in Section 10 of the Illinois
4 Streetgang Terrorism Omnibus Prevention Act.

5 (e) The court may impose an extended term sentence under
6 Article 4.5 of Chapter V upon an offender who has been
7 convicted of a felony violation of Section 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
9 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
10 when the victim of the offense is under 18 years of age at the
11 time of the commission of the offense and, during the
12 commission of the offense, the victim was under the influence
13 of alcohol, regardless of whether or not the alcohol was
14 supplied by the offender; and the offender, at the time of the
15 commission of the offense, knew or should have known that the
16 victim had consumed alcohol.

17 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
18 101-417, eff. 1-1-20; 102-558, eff. 8-20-21.)

19 (Text of Section after amendment by P.A. 101-652)

20 Sec. 5-5-3.2. Factors in aggravation and extended-term
21 sentencing.

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

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

3 (2) the defendant received compensation for committing
4 the offense;

5 (3) the defendant has a history of prior delinquency
6 or criminal activity;

7 (4) the defendant, by the duties of his office or by
8 his position, was obliged to prevent the particular
9 offense committed or to bring the offenders committing it
10 to justice;

11 (5) the defendant held public office at the time of
12 the offense, and the offense related to the conduct of
13 that office;

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

17 (7) the sentence is necessary to deter others from
18 committing the same crime;

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

21 (9) the defendant committed the offense against a
22 person who has a physical disability or such person's
23 property;

24 (10) by reason of another individual's actual or
25 perceived race, color, creed, religion, ancestry, gender,
26 sexual orientation, physical or mental disability, or

1 national origin, the defendant committed the offense
2 against (i) the person or property of that individual;
3 (ii) the person or property of a person who has an
4 association with, is married to, or has a friendship with
5 the other individual; or (iii) the person or property of a
6 relative (by blood or marriage) of a person described in
7 clause (i) or (ii). For the purposes of this Section,
8 "sexual orientation" has the meaning ascribed to it in
9 paragraph (O-1) of Section 1-103 of the Illinois Human
10 Rights Act;

11 (11) the offense took place in a place of worship or on
12 the grounds of a place of worship, immediately prior to,
13 during or immediately following worship services. For
14 purposes of this subparagraph, "place of worship" shall
15 mean any church, synagogue or other building, structure or
16 place used primarily for religious worship;

17 (12) the defendant was convicted of a felony committed
18 while he was on pretrial release or his own recognizance
19 pending trial for a prior felony and was convicted of such
20 prior felony, or the defendant was convicted of a felony
21 committed while he was serving a period of probation,
22 conditional discharge, or mandatory supervised release
23 under subsection (d) of Section 5-8-1 for a prior felony;

24 (13) the defendant committed or attempted to commit a
25 felony while he was wearing a bulletproof vest. For the
26 purposes of this paragraph (13), a bulletproof vest is any

1 device which is designed for the purpose of protecting the
2 wearer from bullets, shot or other lethal projectiles;

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

15 (15) the defendant committed an offense related to the
16 activities of an organized gang. For the purposes of this
17 factor, "organized gang" has the meaning ascribed to it in
18 Section 10 of the Streetgang Terrorism Omnibus Prevention
19 Act;

20 (16) the defendant committed an offense in violation
21 of one of the following Sections while in a school,
22 regardless of the time of day or time of year; on any
23 conveyance owned, leased, or contracted by a school to
24 transport students to or from school or a school related
25 activity; on the real property of a school; or on a public
26 way within 1,000 feet of the real property comprising any

1 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
2 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
3 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
4 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
5 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
6 for subdivision (a)(4) or (g)(1), of the Criminal Code of
7 1961 or the Criminal Code of 2012;

8 (16.5) the defendant committed an offense in violation
9 of one of the following Sections while in a day care
10 center, regardless of the time of day or time of year; on
11 the real property of a day care center, regardless of the
12 time of day or time of year; or on a public way within
13 1,000 feet of the real property comprising any day care
14 center, regardless of the time of day or time of year:
15 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
16 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
18 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
19 18-2, or 33A-2, or Section 12-3.05 except for subdivision
20 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
21 Criminal Code of 2012;

22 (17) the defendant committed the offense by reason of
23 any person's activity as a community policing volunteer or
24 to prevent any person from engaging in activity as a
25 community policing volunteer. For the purpose of this
26 Section, "community policing volunteer" has the meaning

1 ascribed to it in Section 2-3.5 of the Criminal Code of
2 2012;

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

11 (19) the defendant was a federally licensed firearm
12 dealer and was previously convicted of a violation of
13 subsection (a) of Section 3 of the Firearm Owners
14 Identification Card Act and has now committed either a
15 felony violation of the Firearm Owners Identification Card
16 Act or an act of armed violence while armed with a firearm;

17 (20) the defendant (i) committed the offense of
18 reckless homicide under Section 9-3 of the Criminal Code
19 of 1961 or the Criminal Code of 2012 or the offense of
20 driving under the influence of alcohol, other drug or
21 drugs, intoxicating compound or compounds or any
22 combination thereof under Section 11-501 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance
24 and (ii) was operating a motor vehicle in excess of 20
25 miles per hour over the posted speed limit as provided in
26 Article VI of Chapter 11 of the Illinois Vehicle Code;

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

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

15 (23) the defendant committed the offense against a
16 person who was elderly or infirm or who was a person with a
17 disability by taking advantage of a family or fiduciary
18 relationship with the elderly or infirm person or person
19 with a disability;

20 (24) the defendant committed any offense under Section
21 11-20.1 of the Criminal Code of 1961 or the Criminal Code
22 of 2012 and possessed 100 or more images;

23 (25) the defendant committed the offense while the
24 defendant or the victim was in a train, bus, or other
25 vehicle used for public transportation;

26 (26) the defendant committed the offense of child

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

16 (27) the defendant committed the offense of first
17 degree murder, assault, aggravated assault, battery,
18 aggravated battery, robbery, armed robbery, or aggravated
19 robbery against a person who was a veteran and the
20 defendant knew, or reasonably should have known, that the
21 person was a veteran performing duties as a representative
22 of a veterans' organization. For the purposes of this
23 paragraph (27), "veteran" means an Illinois resident who
24 has served as a member of the United States Armed Forces, a
25 member of the Illinois National Guard, or a member of the
26 United States Reserve Forces; and "veterans' organization"

1 means an organization comprised of members of which
2 substantially all are individuals who are veterans or
3 spouses, widows, or widowers of veterans, the primary
4 purpose of which is to promote the welfare of its members
5 and to provide assistance to the general public in such a
6 way as to confer a public benefit;

7 (28) the defendant committed the offense of assault,
8 aggravated assault, battery, aggravated battery, robbery,
9 armed robbery, or aggravated robbery against a person that
10 the defendant knew or reasonably should have known was a
11 letter carrier or postal worker while that person was
12 performing his or her duties delivering mail for the
13 United States Postal Service;

14 (29) the defendant committed the offense of criminal
15 sexual assault, aggravated criminal sexual assault,
16 criminal sexual abuse, or aggravated criminal sexual abuse
17 against a victim with an intellectual disability, and the
18 defendant holds a position of trust, authority, or
19 supervision in relation to the victim;

20 (30) the defendant committed the offense of promoting
21 juvenile prostitution, patronizing a prostitute, or
22 patronizing a minor engaged in prostitution and at the
23 time of the commission of the offense knew that the
24 prostitute or minor engaged in prostitution was in the
25 custody or guardianship of the Department of Children and
26 Family Services;

1 (31) the defendant (i) committed the offense of
2 driving while under the influence of alcohol, other drug
3 or drugs, intoxicating compound or compounds or any
4 combination thereof in violation of Section 11-501 of the
5 Illinois Vehicle Code or a similar provision of a local
6 ordinance and (ii) the defendant during the commission of
7 the offense was driving his or her vehicle upon a roadway
8 designated for one-way traffic in the opposite direction
9 of the direction indicated by official traffic control
10 devices;

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

14 (33) the defendant was found guilty of an
15 administrative infraction related to an act or acts of
16 public indecency or sexual misconduct in the penal
17 institution. In this paragraph (33), "penal institution"
18 has the same meaning as in Section 2-14 of the Criminal
19 Code of 2012; or

20 (34) the defendant committed the offense of leaving
21 the scene of an accident in violation of subsection (b) of
22 Section 11-401 of the Illinois Vehicle Code and the
23 accident resulted in the death of a person and at the time
24 of the offense, the defendant was: (i) driving under the
25 influence of alcohol, other drug or drugs, intoxicating
26 compound or compounds or any combination thereof as

1 defined by Section 11-501 of the Illinois Vehicle Code; or
2 (ii) operating the motor vehicle while using an electronic
3 communication device as defined in Section 12-610.2 of the
4 Illinois Vehicle Code.

5 For the purposes of this Section:

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

8 "Day care center" means a public or private State
9 certified and licensed day care center as defined in Section
10 2.09 of the Child Care Act of 1969 that displays a sign in
11 plain view stating that the property is a day care center.

12 "Intellectual disability" means significantly subaverage
13 intellectual functioning which exists concurrently with
14 impairment in adaptive behavior.

15 "Public transportation" means the transportation or
16 conveyance of persons by means available to the general
17 public, and includes paratransit services.

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

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

26 (1) When a defendant is convicted of any felony, after

1 having been previously convicted in Illinois or any other
2 jurisdiction of the same or similar class felony or
3 greater class felony, when such conviction has occurred
4 within 10 years after the previous conviction, excluding
5 time spent in custody, and such charges are separately
6 brought and tried and arise out of different series of
7 acts; or

8 (2) When a defendant is convicted of any felony and
9 the court finds that the offense was accompanied by
10 exceptionally brutal or heinous behavior indicative of
11 wanton cruelty; or

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

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

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

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

20 (4) When a defendant is convicted of any felony and
21 the offense involved any of the following types of
22 specific misconduct committed as part of a ceremony, rite,
23 initiation, observance, performance, practice or activity
24 of any actual or ostensible religious, fraternal, or
25 social group:

26 (i) the brutalizing or torturing of humans or

1 animals;

2 (ii) the theft of human corpses;

3 (iii) the kidnapping of humans;

4 (iv) the desecration of any cemetery, religious,
5 fraternal, business, governmental, educational, or
6 other building or property; or

7 (v) ritualized abuse of a child; or

8 (5) When a defendant is convicted of a felony other
9 than conspiracy and the court finds that the felony was
10 committed under an agreement with 2 or more other persons
11 to commit that offense and the defendant, with respect to
12 the other individuals, occupied a position of organizer,
13 supervisor, financier, or any other position of management
14 or leadership, and the court further finds that the felony
15 committed was related to or in furtherance of the criminal
16 activities of an organized gang or was motivated by the
17 defendant's leadership in an organized gang; or

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

23 (7) When a defendant who was at least 17 years of age
24 at the time of the commission of the offense is convicted
25 of a felony and has been previously adjudicated a
26 delinquent minor under the Juvenile Court Act of 1987 for

1 an act that if committed by an adult would be a Class X or
2 Class 1 felony when the conviction has occurred within 10
3 years after the previous adjudication, excluding time
4 spent in custody; or

5 (8) When a defendant commits any felony and the
6 defendant used, possessed, exercised control over, or
7 otherwise directed an animal to assault a law enforcement
8 officer engaged in the execution of his or her official
9 duties or in furtherance of the criminal activities of an
10 organized gang in which the defendant is engaged; or

11 (9) When a defendant commits any felony and the
12 defendant knowingly video or audio records the offense
13 with the intent to disseminate the recording.

14 (c) The following factors may be considered by the court
15 as reasons to impose an extended term sentence under Section
16 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
17 offenses:

18 (1) When a defendant is convicted of first degree
19 murder, after having been previously convicted in Illinois
20 of any offense listed under paragraph (c)(2) of Section
21 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
22 occurred within 10 years after the previous conviction,
23 excluding time spent in custody, and the charges are
24 separately brought and tried and arise out of different
25 series of acts.

26 (1.5) When a defendant is convicted of first degree

1 murder, after having been previously convicted of domestic
2 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
3 (720 ILCS 5/12-3.3) committed on the same victim or after
4 having been previously convicted of violation of an order
5 of protection (720 ILCS 5/12-30) in which the same victim
6 was the protected person.

7 (2) When a defendant is convicted of voluntary
8 manslaughter, second degree murder, involuntary
9 manslaughter, or reckless homicide in which the defendant
10 has been convicted of causing the death of more than one
11 individual.

12 (3) When a defendant is convicted of aggravated
13 criminal sexual assault or criminal sexual assault, when
14 there is a finding that aggravated criminal sexual assault
15 or criminal sexual assault was also committed on the same
16 victim by one or more other individuals, and the defendant
17 voluntarily participated in the crime with the knowledge
18 of the participation of the others in the crime, and the
19 commission of the crime was part of a single course of
20 conduct during which there was no substantial change in
21 the nature of the criminal objective.

22 (4) If the victim was under 18 years of age at the time
23 of the commission of the offense, when a defendant is
24 convicted of aggravated criminal sexual assault or
25 predatory criminal sexual assault of a child under
26 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)

1 of Section 12-14.1 of the Criminal Code of 1961 or the
2 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

3 (5) When a defendant is convicted of a felony
4 violation of Section 24-1 of the Criminal Code of 1961 or
5 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
6 finding that the defendant is a member of an organized
7 gang.

8 (6) When a defendant was convicted of unlawful use of
9 weapons under Section 24-1 of the Criminal Code of 1961 or
10 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
11 a weapon that is not readily distinguishable as one of the
12 weapons enumerated in Section 24-1 of the Criminal Code of
13 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

14 (7) When a defendant is convicted of an offense
15 involving the illegal manufacture of a controlled
16 substance under Section 401 of the Illinois Controlled
17 Substances Act (720 ILCS 570/401), the illegal manufacture
18 of methamphetamine under Section 25 of the Methamphetamine
19 Control and Community Protection Act (720 ILCS 646/25), or
20 the illegal possession of explosives and an emergency
21 response officer in the performance of his or her duties
22 is killed or injured at the scene of the offense while
23 responding to the emergency caused by the commission of
24 the offense. In this paragraph, "emergency" means a
25 situation in which a person's life, health, or safety is
26 in jeopardy; and "emergency response officer" means a

1 peace officer, community policing volunteer, fireman,
2 emergency medical technician-ambulance, emergency medical
3 technician-intermediate, emergency medical
4 technician-paramedic, ambulance driver, other medical
5 assistance or first aid personnel, or hospital emergency
6 room personnel.

7 (8) When the defendant is convicted of attempted mob
8 action, solicitation to commit mob action, or conspiracy
9 to commit mob action under Section 8-1, 8-2, or 8-4 of the
10 Criminal Code of 2012, where the criminal object is a
11 violation of Section 25-1 of the Criminal Code of 2012,
12 and an electronic communication is used in the commission
13 of the offense. For the purposes of this paragraph (8),
14 "electronic communication" shall have the meaning provided
15 in Section 26.5-0.1 of the Criminal Code of 2012.

16 (d) For the purposes of this Section, "organized gang" has
17 the meaning ascribed to it in Section 10 of the Illinois
18 Streetgang Terrorism Omnibus Prevention Act.

19 (e) The court may impose an extended term sentence under
20 Article 4.5 of Chapter V upon an offender who has been
21 convicted of a felony violation of Section 11-1.20, 11-1.30,
22 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
23 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
24 when the victim of the offense is under 18 years of age at the
25 time of the commission of the offense and, during the
26 commission of the offense, the victim was under the influence

1 of alcohol, regardless of whether or not the alcohol was
2 supplied by the offender; and the offender, at the time of the
3 commission of the offense, knew or should have known that the
4 victim had consumed alcohol.

5 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
6 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; 101-652, eff.
7 1-1-23; 102-558, eff. 8-20-21.)

8 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

9 Sec. 5-8-1. Natural life imprisonment; enhancements for
10 use of a firearm; mandatory supervised release terms.

11 (a) Except as otherwise provided in the statute defining
12 the offense or in Article 4.5 of Chapter V, a sentence of
13 imprisonment for a felony shall be a determinate sentence set
14 by the court under this Section, subject to Section 5-4.5-115
15 of this Code, according to the following limitations:

16 (1) for first degree murder,

17 (a) (blank),

18 (b) if a trier of fact finds beyond a reasonable
19 doubt that the murder was accompanied by exceptionally
20 brutal or heinous behavior indicative of wanton
21 cruelty or, except as set forth in subsection
22 (a) (1) (c) of this Section, that any of the aggravating
23 factors listed in subsection (b) or (b-5) of Section
24 9-1 of the Criminal Code of 1961 or the Criminal Code
25 of 2012 are present, the court may sentence the

1 defendant, subject to Section 5-4.5-105, to a term of
2 natural life imprisonment, or

3 (c) the court shall sentence the defendant to a
4 term of natural life imprisonment if the defendant, at
5 the time of the commission of the murder, had attained
6 the age of 18, and:

7 (i) has previously been convicted of first
8 degree murder under any state or federal law, or

9 (ii) is found guilty of murdering more than
10 one victim, or

11 (iii) is found guilty of murdering a peace
12 officer, fireman, or emergency management worker
13 when the peace officer, fireman, or emergency
14 management worker was killed in the course of
15 performing his official duties, or to prevent the
16 peace officer or fireman from performing his
17 official duties, or in retaliation for the peace
18 officer, fireman, or emergency management worker
19 from performing his official duties, and the
20 defendant knew or should have known that the
21 murdered individual was a peace officer, fireman,
22 or emergency management worker, or

23 (iv) is found guilty of murdering an employee
24 of an institution or facility of the Department of
25 Corrections, or any similar local correctional
26 agency, when the employee was killed in the course

1 of performing his official duties, or to prevent
2 the employee from performing his official duties,
3 or in retaliation for the employee performing his
4 official duties, or

5 (v) is found guilty of murdering an emergency
6 medical technician - ambulance, emergency medical
7 technician - intermediate, emergency medical
8 technician - paramedic, ambulance driver or other
9 medical assistance or first aid person while
10 employed by a municipality or other governmental
11 unit when the person was killed in the course of
12 performing official duties or to prevent the
13 person from performing official duties or in
14 retaliation for performing official duties and the
15 defendant knew or should have known that the
16 murdered individual was an emergency medical
17 technician - ambulance, emergency medical
18 technician - intermediate, emergency medical
19 technician - paramedic, ambulance driver, or other
20 medical assistant or first aid personnel, or

21 (vi) (blank), or

22 (vii) is found guilty of first degree murder
23 and the murder was committed by reason of any
24 person's activity as a community policing
25 volunteer or to prevent any person from engaging
26 in activity as a community policing volunteer. For

1 the purpose of this Section, "community policing
2 volunteer" has the meaning ascribed to it in
3 Section 2-3.5 of the Criminal Code of 2012.

4 For purposes of clause (v), "emergency medical
5 technician - ambulance", "emergency medical technician
6 - intermediate", "emergency medical technician -
7 paramedic", have the meanings ascribed to them in the
8 Emergency Medical Services (EMS) Systems Act.

9 (d) (i) if the person committed the offense while
10 armed with a firearm, 15 years shall be added to
11 the term of imprisonment imposed by the court;

12 (ii) if, during the commission of the offense, the
13 person personally discharged a firearm, 20 years shall
14 be added to the term of imprisonment imposed by the
15 court;

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

23 (2) (blank);

24 (2.5) for a person who has attained the age of 18 years
25 at the time of the commission of the offense and who is
26 convicted under the circumstances described in subdivision

1 (b) (1) (B) of Section 11-1.20 or paragraph (3) of
2 subsection (b) of Section 12-13, subdivision (d) (2) of
3 Section 11-1.30 or paragraph (2) of subsection (d) of
4 Section 12-14, subdivision (b) (1.2) of Section 11-1.40 or
5 paragraph (1.2) of subsection (b) of Section 12-14.1,
6 subdivision (b) (2) of Section 11-1.40 or paragraph (2) of
7 subsection (b) of Section 12-14.1 of the Criminal Code of
8 1961 or the Criminal Code of 2012, the sentence shall be a
9 term of natural life imprisonment.

10 (b) (Blank).

11 (c) (Blank).

12 (d) Subject to earlier termination under Section 3-3-8,
13 the parole or mandatory supervised release term shall be
14 written as part of the sentencing order and shall be as
15 follows:

16 (1) for first degree murder or for the offenses of
17 predatory criminal sexual assault of a child, aggravated
18 criminal sexual assault, and criminal sexual assault if
19 committed on or before December 12, 2005, 3 years;

20 (1.5) except as provided in paragraph (7) of this
21 subsection (d), for a Class X felony except for the
22 offenses of predatory criminal sexual assault of a child,
23 aggravated criminal sexual assault, and criminal sexual
24 assault if committed on or after December 13, 2005 (the
25 effective date of Public Act 94-715) and except for the
26 offense of aggravated child sexual abuse material

1 ~~pornography~~ under Section 11-20.1B, 11-20.3, or 11-20.1
2 with sentencing under subsection (c-5) of Section 11-20.1
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 if committed on or after January 1, 2009, 18 months;

5 (2) except as provided in paragraph (7) of this
6 subsection (d), for a Class 1 felony or a Class 2 felony
7 except for the offense of criminal sexual assault if
8 committed on or after December 13, 2005 (the effective
9 date of Public Act 94-715) and except for the offenses of
10 manufacture and dissemination of child sexual abuse
11 material ~~pornography~~ under clauses (a)(1) and (a)(2) of
12 Section 11-20.1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, if committed on or after January 1,
14 2009, 12 months;

15 (3) except as provided in paragraph (4), (6), or (7)
16 of this subsection (d), a mandatory supervised release
17 term shall not be imposed for a Class 3 felony or a Class 4
18 felony; unless:

19 (A) the Prisoner Review Board, based on a
20 validated risk and needs assessment, determines it is
21 necessary for an offender to serve a mandatory
22 supervised release term;

23 (B) if the Prisoner Review Board determines a
24 mandatory supervised release term is necessary
25 pursuant to subparagraph (A) of this paragraph (3),
26 the Prisoner Review Board shall specify the maximum

1 number of months of mandatory supervised release the
2 offender may serve, limited to a term of: (i) 12 months
3 for a Class 3 felony; and (ii) 12 months for a Class 4
4 felony;

5 (4) for defendants who commit the offense of predatory
6 criminal sexual assault of a child, aggravated criminal
7 sexual assault, or criminal sexual assault, on or after
8 December 13, 2005 (the effective date of Public Act
9 94-715), or who commit the offense of aggravated child
10 sexual abuse material pornography under Section 11-20.1B,
11 11-20.3, or 11-20.1 with sentencing under subsection (c-5)
12 of Section 11-20.1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, manufacture of child sexual abuse
14 material pornography, or dissemination of child sexual
15 abuse material pornography after January 1, 2009, the term
16 of mandatory supervised release shall range from a minimum
17 of 3 years to a maximum of the natural life of the
18 defendant;

19 (5) if the victim is under 18 years of age, for a
20 second or subsequent offense of aggravated criminal sexual
21 abuse or felony criminal sexual abuse, 4 years, at least
22 the first 2 years of which the defendant shall serve in an
23 electronic monitoring or home detention program under
24 Article 8A of Chapter V of this Code;

25 (6) for a felony domestic battery, aggravated domestic
26 battery, stalking, aggravated stalking, and a felony

1 violation of an order of protection, 4 years;

2 (7) for any felony described in paragraph (a)(2)(ii),
3 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
4 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
5 3-6-3 of the Unified Code of Corrections requiring an
6 inmate to serve a minimum of 85% of their court-imposed
7 sentence, except for the offenses of predatory criminal
8 sexual assault of a child, aggravated criminal sexual
9 assault, and criminal sexual assault if committed on or
10 after December 13, 2005 (the effective date of Public Act
11 94-715) and except for the offense of aggravated child
12 sexual abuse material ~~pornography~~ under Section 11-20.1B,
13 11-20.3, or 11-20.1 with sentencing under subsection (c-5)
14 of Section 11-20.1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, if committed on or after January 1,
16 2009 and except as provided in paragraph (4) or paragraph
17 (6) of this subsection (d), the term of mandatory
18 supervised release shall be as follows:

19 (A) Class X felony, 3 years;

20 (B) Class 1 or Class 2 felonies, 2 years;

21 (C) Class 3 or Class 4 felonies, 1 year.

22 (e) (Blank).

23 (f) (Blank).

24 (g) Notwithstanding any other provisions of this Act and
25 of Public Act 101-652: (i) the provisions of paragraph (3) of
26 subsection (d) are effective on July 1, 2022 and shall apply to

1 all individuals convicted on or after the effective date of
2 paragraph (3) of subsection (d); and (ii) the provisions of
3 paragraphs (1.5) and (2) of subsection (d) are effective on
4 July 1, 2021 and shall apply to all individuals convicted on or
5 after the effective date of paragraphs (1.5) and (2) of
6 subsection (d).

7 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
8 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.
9 1-7-22.)

10 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

11 Sec. 5-8-4. Concurrent and consecutive terms of
12 imprisonment.

13 (a) Concurrent terms; multiple or additional sentences.
14 When an Illinois court (i) imposes multiple sentences of
15 imprisonment on a defendant at the same time or (ii) imposes a
16 sentence of imprisonment on a defendant who is already subject
17 to a sentence of imprisonment imposed by an Illinois court, a
18 court of another state, or a federal court, then the sentences
19 shall run concurrently unless otherwise determined by the
20 Illinois court under this Section.

21 (b) Concurrent terms; misdemeanor and felony. A defendant
22 serving a sentence for a misdemeanor who is convicted of a
23 felony and sentenced to imprisonment shall be transferred to
24 the Department of Corrections, and the misdemeanor sentence
25 shall be merged in and run concurrently with the felony

1 sentence.

2 (c) Consecutive terms; permissive. The court may impose
3 consecutive sentences in any of the following circumstances:

4 (1) If, having regard to the nature and circumstances
5 of the offense and the history and character of the
6 defendant, it is the opinion of the court that consecutive
7 sentences are required to protect the public from further
8 criminal conduct by the defendant, the basis for which the
9 court shall set forth in the record.

10 (2) If one of the offenses for which a defendant was
11 convicted was a violation of Section 32-5.2 (aggravated
12 false personation of a peace officer) of the Criminal Code
13 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
14 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
15 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
16 offense was committed in attempting or committing a
17 forcible felony.

18 (d) Consecutive terms; mandatory. The court shall impose
19 consecutive sentences in each of the following circumstances:

20 (1) One of the offenses for which the defendant was
21 convicted was first degree murder or a Class X or Class 1
22 felony and the defendant inflicted severe bodily injury.

23 (2) The defendant was convicted of a violation of
24 Section 11-1.20 or 12-13 (criminal sexual assault),
25 11-1.30 or 12-14 (aggravated criminal sexual assault), or
26 11-1.40 or 12-14.1 (predatory criminal sexual assault of a

1 child) of the Criminal Code of 1961 or the Criminal Code of
2 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
3 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
4 5/12-14.1).

5 (2.5) The defendant was convicted of a violation of
6 paragraph (1), (2), (3), (4), (5), or (7) of subsection
7 (a) of Section 11-20.1 (child sexual abuse material
8 ~~pornography~~) or of paragraph (1), (2), (3), (4), (5), or
9 (7) of subsection (a) of Section 11-20.1B or 11-20.3
10 (aggravated child sexual abuse material ~~pornography~~) of
11 the Criminal Code of 1961 or the Criminal Code of 2012; or
12 the defendant was convicted of a violation of paragraph
13 (6) of subsection (a) of Section 11-20.1 (child sexual
14 abuse material ~~pornography~~) or of paragraph (6) of
15 subsection (a) of Section 11-20.1B or 11-20.3 (aggravated
16 child sexual abuse material ~~pornography~~) of the Criminal
17 Code of 1961 or the Criminal Code of 2012, when the child
18 depicted is under the age of 13.

19 (3) The defendant was convicted of armed violence
20 based upon the predicate offense of any of the following:
21 solicitation of murder, solicitation of murder for hire,
22 heinous battery as described in Section 12-4.1 or
23 subdivision (a)(2) of Section 12-3.05, aggravated battery
24 of a senior citizen as described in Section 12-4.6 or
25 subdivision (a)(4) of Section 12-3.05, criminal sexual
26 assault, a violation of subsection (g) of Section 5 of the

1 Cannabis Control Act (720 ILCS 550/5), cannabis
2 trafficking, a violation of subsection (a) of Section 401
3 of the Illinois Controlled Substances Act (720 ILCS
4 570/401), controlled substance trafficking involving a
5 Class X felony amount of controlled substance under
6 Section 401 of the Illinois Controlled Substances Act (720
7 ILCS 570/401), a violation of the Methamphetamine Control
8 and Community Protection Act (720 ILCS 646/), calculated
9 criminal drug conspiracy, or streetgang criminal drug
10 conspiracy.

11 (4) The defendant was convicted of the offense of
12 leaving the scene of a motor vehicle accident involving
13 death or personal injuries under Section 11-401 of the
14 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
15 aggravated driving under the influence of alcohol, other
16 drug or drugs, or intoxicating compound or compounds, or
17 any combination thereof under Section 11-501 of the
18 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
19 homicide under Section 9-3 of the Criminal Code of 1961 or
20 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
21 offense described in item (A) and an offense described in
22 item (B).

23 (5) The defendant was convicted of a violation of
24 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
25 death) or Section 12-20.5 (dismembering a human body) of
26 the Criminal Code of 1961 or the Criminal Code of 2012 (720

1 ILCS 5/9-3.1 or 5/12-20.5).

2 (5.5) The defendant was convicted of a violation of
3 Section 24-3.7 (use of a stolen firearm in the commission
4 of an offense) of the Criminal Code of 1961 or the Criminal
5 Code of 2012.

6 (6) If the defendant was in the custody of the
7 Department of Corrections at the time of the commission of
8 the offense, the sentence shall be served consecutive to
9 the sentence under which the defendant is held by the
10 Department of Corrections. If, however, the defendant is
11 sentenced to punishment by death, the sentence shall be
12 executed at such time as the court may fix without regard
13 to the sentence under which the defendant may be held by
14 the Department.

15 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
16 for escape or attempted escape shall be served consecutive
17 to the terms under which the offender is held by the
18 Department of Corrections.

19 (8) If a person charged with a felony commits a
20 separate felony while on pretrial release or in pretrial
21 detention in a county jail facility or county detention
22 facility, then the sentences imposed upon conviction of
23 these felonies shall be served consecutively regardless of
24 the order in which the judgments of conviction are
25 entered.

26 (8.5) If a person commits a battery against a county

1 correctional officer or sheriff's employee while serving a
2 sentence or in pretrial detention in a county jail
3 facility, then the sentence imposed upon conviction of the
4 battery shall be served consecutively with the sentence
5 imposed upon conviction of the earlier misdemeanor or
6 felony, regardless of the order in which the judgments of
7 conviction are entered.

8 (9) If a person admitted to bail following conviction
9 of a felony commits a separate felony while free on bond or
10 if a person detained in a county jail facility or county
11 detention facility following conviction of a felony
12 commits a separate felony while in detention, then any
13 sentence following conviction of the separate felony shall
14 be consecutive to that of the original sentence for which
15 the defendant was on bond or detained.

16 (10) If a person is found to be in possession of an
17 item of contraband, as defined in Section 31A-0.1 of the
18 Criminal Code of 2012, while serving a sentence in a
19 county jail or while in pre-trial detention in a county
20 jail, the sentence imposed upon conviction for the offense
21 of possessing contraband in a penal institution shall be
22 served consecutively to the sentence imposed for the
23 offense in which the person is serving sentence in the
24 county jail or serving pretrial detention, regardless of
25 the order in which the judgments of conviction are
26 entered.

1 (11) If a person is sentenced for a violation of bail
2 bond under Section 32-10 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, any sentence imposed for that
4 violation shall be served consecutive to the sentence
5 imposed for the charge for which bail had been granted and
6 with respect to which the defendant has been convicted.

7 (e) Consecutive terms; subsequent non-Illinois term. If an
8 Illinois court has imposed a sentence of imprisonment on a
9 defendant and the defendant is subsequently sentenced to a
10 term of imprisonment by a court of another state or a federal
11 court, then the Illinois sentence shall run consecutively to
12 the sentence imposed by the court of the other state or the
13 federal court. That same Illinois court, however, may order
14 that the Illinois sentence run concurrently with the sentence
15 imposed by the court of the other state or the federal court,
16 but only if the defendant applies to that same Illinois court
17 within 30 days after the sentence imposed by the court of the
18 other state or the federal court is finalized.

19 (f) Consecutive terms; aggregate maximums and minimums.
20 The aggregate maximum and aggregate minimum of consecutive
21 sentences shall be determined as follows:

22 (1) For sentences imposed under law in effect prior to
23 February 1, 1978, the aggregate maximum of consecutive
24 sentences shall not exceed the maximum term authorized
25 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
26 Chapter V for the 2 most serious felonies involved. The

1 aggregate minimum period of consecutive sentences shall
2 not exceed the highest minimum term authorized under
3 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
4 V for the 2 most serious felonies involved. When sentenced
5 only for misdemeanors, a defendant shall not be
6 consecutively sentenced to more than the maximum for one
7 Class A misdemeanor.

8 (2) For sentences imposed under the law in effect on
9 or after February 1, 1978, the aggregate of consecutive
10 sentences for offenses that were committed as part of a
11 single course of conduct during which there was no
12 substantial change in the nature of the criminal objective
13 shall not exceed the sum of the maximum terms authorized
14 under Article 4.5 of Chapter V for the 2 most serious
15 felonies involved, but no such limitation shall apply for
16 offenses that were not committed as part of a single
17 course of conduct during which there was no substantial
18 change in the nature of the criminal objective. When
19 sentenced only for misdemeanors, a defendant shall not be
20 consecutively sentenced to more than the maximum for one
21 Class A misdemeanor.

22 (g) Consecutive terms; manner served. In determining the
23 manner in which consecutive sentences of imprisonment, one or
24 more of which is for a felony, will be served, the Department
25 of Corrections shall treat the defendant as though he or she
26 had been committed for a single term subject to each of the

1 following:

2 (1) The maximum period of a term of imprisonment shall
3 consist of the aggregate of the maximums of the imposed
4 indeterminate terms, if any, plus the aggregate of the
5 imposed determinate sentences for felonies, plus the
6 aggregate of the imposed determinate sentences for
7 misdemeanors, subject to subsection (f) of this Section.

8 (2) The parole or mandatory supervised release term
9 shall be as provided in paragraph (e) of Section 5-4.5-50
10 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
11 involved.

12 (3) The minimum period of imprisonment shall be the
13 aggregate of the minimum and determinate periods of
14 imprisonment imposed by the court, subject to subsection
15 (f) of this Section.

16 (4) The defendant shall be awarded credit against the
17 aggregate maximum term and the aggregate minimum term of
18 imprisonment for all time served in an institution since
19 the commission of the offense or offenses and as a
20 consequence thereof at the rate specified in Section 3-6-3
21 (730 ILCS 5/3-6-3).

22 (h) Notwithstanding any other provisions of this Section,
23 all sentences imposed by an Illinois court under this Code
24 shall run concurrent to any and all sentences imposed under
25 the Juvenile Court Act of 1987.

26 (Source: P.A. 102-350, eff. 8-13-21.)

1 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

2 Sec. 5-9-1.7. Sexual assault fines.

3 (a) Definitions. The terms used in this Section shall have
4 the following meanings ascribed to them:

5 (1) "Sexual assault" means the commission or attempted
6 commission of the following: sexual exploitation of a
7 child, criminal sexual assault, predatory criminal sexual
8 assault of a child, aggravated criminal sexual assault,
9 criminal sexual abuse, aggravated criminal sexual abuse,
10 indecent solicitation of a child, public indecency, sexual
11 relations within families, promoting juvenile
12 prostitution, soliciting for a juvenile prostitute,
13 keeping a place of juvenile prostitution, patronizing a
14 juvenile prostitute, juvenile pimping, exploitation of a
15 child, obscenity, child sexual abuse material ~~pornography~~,
16 aggravated child sexual abuse material ~~pornography~~,
17 harmful material, or ritualized abuse of a child, as those
18 offenses are defined in the Criminal Code of 1961 or the
19 Criminal Code of 2012.

20 (2) (Blank).

21 (3) "Sexual assault organization" means any
22 not-for-profit organization providing comprehensive,
23 community-based services to victims of sexual assault.
24 "Community-based services" include, but are not limited
25 to, direct crisis intervention through a 24-hour response,

1 medical and legal advocacy, counseling, information and
2 referral services, training, and community education.

3 (b) (Blank).

4 (c) Sexual Assault Services Fund; administration. There is
5 created a Sexual Assault Services Fund. Moneys deposited into
6 the Fund under Section 15-20 and 15-40 of the Criminal and
7 Traffic Assessment Act shall be appropriated to the Department
8 of Public Health. Upon appropriation of moneys from the Sexual
9 Assault Services Fund, the Department of Public Health shall
10 make grants of these moneys from the Fund to sexual assault
11 organizations with whom the Department has contracts for the
12 purpose of providing community-based services to victims of
13 sexual assault. Grants made under this Section are in addition
14 to, and are not substitutes for, other grants authorized and
15 made by the Department.

16 (Source: P.A. 100-987, eff. 7-1-19.)

17 (730 ILCS 5/5-9-1.8)

18 Sec. 5-9-1.8. Child sexual abuse material ~~pornography~~
19 fines. Beginning July 1, 2006, 100% of the fines in excess of
20 \$10,000 collected for violations of Section 11-20.1 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 shall be
22 deposited into the Child Abuse Prevention Fund that is created
23 in the State Treasury. Moneys in the Fund resulting from the
24 fines shall be for the use of the Department of Children and
25 Family Services for grants to private entities giving

1 treatment and counseling to victims of child sexual abuse.

2 Notwithstanding any other provision of law, in addition to
3 any other transfers that may be provided by law, on July 1,
4 2006, or as soon thereafter as practical, the State
5 Comptroller shall direct and the State Treasurer shall
6 transfer the remaining balance from the Child Sexual Abuse
7 Fund into the Child Abuse Prevention Fund. Upon completion of
8 the transfer, the Child Sexual Abuse Fund is dissolved, and
9 any future deposits due to that Fund and any outstanding
10 obligations or liabilities of the Fund pass to the Child Abuse
11 Prevention Fund.

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

13 Section 70. The Sex Offender Registration Act is amended
14 by changing Section 2 as follows:

15 (730 ILCS 150/2) (from Ch. 38, par. 222)

16 Sec. 2. Definitions.

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

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

24 (a) is convicted of such offense or an attempt to

1 commit such offense; or

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

4 (c) is found not guilty by reason of insanity
5 pursuant to Section 104-25(c) of the Code of Criminal
6 Procedure of 1963 of such offense or an attempt to
7 commit such offense; or

8 (d) is the subject of a finding not resulting in an
9 acquittal at a hearing conducted pursuant to Section
10 104-25(a) of the Code of Criminal Procedure of 1963
11 for the alleged commission or attempted commission of
12 such offense; or

13 (e) is found not guilty by reason of insanity
14 following a hearing conducted pursuant to a federal,
15 Uniform Code of Military Justice, sister state, or
16 foreign country law substantially similar to Section
17 104-25(c) of the Code of Criminal Procedure of 1963 of
18 such offense or of the attempted commission of such
19 offense; or

20 (f) is the subject of a finding not resulting in an
21 acquittal at a hearing conducted pursuant to a
22 federal, Uniform Code of Military Justice, sister
23 state, or foreign country law substantially similar to
24 Section 104-25(a) of the Code of Criminal Procedure of
25 1963 for the alleged violation or attempted commission
26 of such offense; or

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

5 (3) subject to the provisions of Section 2 of the
6 Interstate Agreements on Sexually Dangerous Persons Act;
7 or

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

12 (5) adjudicated a juvenile delinquent as the result of
13 committing or attempting to commit an act which, if
14 committed by an adult, would constitute any of the
15 offenses specified in item (B), (C), or (C-5) of this
16 Section or a violation of any substantially similar
17 federal, Uniform Code of Military Justice, sister state,
18 or foreign country law, or found guilty under Article V of
19 the Juvenile Court Act of 1987 of committing or attempting
20 to commit an act which, if committed by an adult, would
21 constitute any of the offenses specified in item (B), (C),
22 or (C-5) of this Section or a violation of any
23 substantially similar federal, Uniform Code of Military
24 Justice, sister state, or foreign country law.

25 Convictions that result from or are connected with the
26 same act, or result from offenses committed at the same time,

1 shall be counted for the purpose of this Article as one
2 conviction. Any conviction set aside pursuant to law is not a
3 conviction for purposes of this Article.

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

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

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

9 11-20.1 (child sexual abuse material ~~pornography~~),

10 11-20.1B or 11-20.3 (aggravated child sexual abuse
11 material ~~pornography~~),

12 11-6 (indecent solicitation of a child),

13 11-9.1 (sexual exploitation of a child),

14 11-9.2 (custodial sexual misconduct),

15 11-9.5 (sexual misconduct with a person with a
16 disability),

17 11-14.4 (promoting juvenile prostitution),

18 11-15.1 (soliciting for a juvenile prostitute),

19 11-18.1 (patronizing a juvenile prostitute),

20 11-17.1 (keeping a place of juvenile
21 prostitution),

22 11-19.1 (juvenile pimping),

23 11-19.2 (exploitation of a child),

24 11-25 (grooming),

25 11-26 (traveling to meet a minor or traveling to
26 meet a child),

1 11-1.20 or 12-13 (criminal sexual assault),
2 11-1.30 or 12-14 (aggravated criminal sexual
3 assault),
4 11-1.40 or 12-14.1 (predatory criminal sexual
5 assault of a child),
6 11-1.50 or 12-15 (criminal sexual abuse),
7 11-1.60 or 12-16 (aggravated criminal sexual
8 abuse),
9 12-33 (ritualized abuse of a child).

10 An attempt to commit any of these offenses.

11 (1.5) A violation of any of the following Sections of
12 the Criminal Code of 1961 or the Criminal Code of 2012,
13 when the victim is a person under 18 years of age, the
14 defendant is not a parent of the victim, the offense was
15 sexually motivated as defined in Section 10 of the Sex
16 Offender Evaluation and Treatment Act, and the offense was
17 committed on or after January 1, 1996:

18 10-1 (kidnapping),
19 10-2 (aggravated kidnapping),
20 10-3 (unlawful restraint),
21 10-3.1 (aggravated unlawful restraint).

22 If the offense was committed before January 1, 1996,
23 it is a sex offense requiring registration only when the
24 person is convicted of any felony after July 1, 2011, and
25 paragraph (2.1) of subsection (c) of Section 3 of this Act
26 applies.

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

5 (1.7) (Blank).

6 (1.8) A violation or attempted violation of Section
7 11-11 (sexual relations within families) of the Criminal
8 Code of 1961 or the Criminal Code of 2012, and the offense
9 was committed on or after June 1, 1997. If the offense was
10 committed before June 1, 1997, it is a sex offense
11 requiring registration only when the person is convicted
12 of any felony after July 1, 2011, and paragraph (2.1) of
13 subsection (c) of Section 3 of this Act applies.

14 (1.9) Child abduction under paragraph (10) of
15 subsection (b) of Section 10-5 of the Criminal Code of
16 1961 or the Criminal Code of 2012 committed by luring or
17 attempting to lure a child under the age of 16 into a motor
18 vehicle, building, house trailer, or dwelling place
19 without the consent of the parent or lawful custodian of
20 the child for other than a lawful purpose and the offense
21 was committed on or after January 1, 1998, provided the
22 offense was sexually motivated as defined in Section 10 of
23 the Sex Offender Management Board Act. If the offense was
24 committed before January 1, 1998, it is a sex offense
25 requiring registration only when the person is convicted
26 of any felony after July 1, 2011, and paragraph (2.1) of

1 subsection (c) of Section 3 of this Act applies.

2 (1.10) A violation or attempted violation of any of
3 the following Sections of the Criminal Code of 1961 or the
4 Criminal Code of 2012 when the offense was committed on or
5 after July 1, 1999:

6 10-4 (forcible detention, if the victim is under
7 18 years of age), provided the offense was sexually
8 motivated as defined in Section 10 of the Sex Offender
9 Management Board Act,

10 11-6.5 (indecent solicitation of an adult),

11 11-14.3 that involves soliciting for a prostitute,
12 or 11-15 (soliciting for a prostitute, if the victim
13 is under 18 years of age),

14 subdivision (a)(2)(A) or (a)(2)(B) of Section
15 11-14.3, or Section 11-16 (pandering, if the victim is
16 under 18 years of age),

17 11-18 (patronizing a prostitute, if the victim is
18 under 18 years of age),

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

22 If the offense was committed before July 1, 1999, it
23 is a sex offense requiring registration only when the
24 person is convicted of any felony after July 1, 2011, and
25 paragraph (2.1) of subsection (c) of Section 3 of this Act
26 applies.

1 (1.11) A violation or attempted violation of any of
2 the following Sections of the Criminal Code of 1961 or the
3 Criminal Code of 2012 when the offense was committed on or
4 after August 22, 2002:

5 11-9 or 11-30 (public indecency for a third or
6 subsequent conviction).

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

12 (1.12) A violation or attempted violation of Section
13 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
14 Criminal Code of 1961 or the Criminal Code of 2012
15 (permitting sexual abuse) when the offense was committed
16 on or after August 22, 2002. If the offense was committed
17 before August 22, 2002, it is a sex offense requiring
18 registration only when the person is convicted of any
19 felony after July 1, 2011, and paragraph (2.1) of
20 subsection (c) of Section 3 of this Act applies.

21 (2) A violation of any former law of this State
22 substantially equivalent to any offense listed in
23 subsection (B) of this Section.

24 (C) A conviction for an offense of federal law, Uniform
25 Code of Military Justice, or the law of another state or a
26 foreign country that is substantially equivalent to any

1 offense listed in subsections (B), (C), (E), and (E-5) of this
2 Section shall constitute a conviction for the purpose of this
3 Article. A finding or adjudication as a sexually dangerous
4 person or a sexually violent person under any federal law,
5 Uniform Code of Military Justice, or the law of another state
6 or foreign country that is substantially equivalent to the
7 Sexually Dangerous Persons Act or the Sexually Violent Persons
8 Commitment Act shall constitute an adjudication for the
9 purposes of this Article.

10 (C-5) A person at least 17 years of age at the time of the
11 commission of the offense who is convicted of first degree
12 murder under Section 9-1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, against a person under 18 years of age,
14 shall be required to register for natural life. A conviction
15 for an offense of federal, Uniform Code of Military Justice,
16 sister state, or foreign country law that is substantially
17 equivalent to any offense listed in subsection (C-5) of this
18 Section shall constitute a conviction for the purpose of this
19 Article. This subsection (C-5) applies to a person who
20 committed the offense before June 1, 1996 if: (i) the person is
21 incarcerated in an Illinois Department of Corrections facility
22 on August 20, 2004 (the effective date of Public Act 93-977),
23 or (ii) subparagraph (i) does not apply and the person is
24 convicted of any felony after July 1, 2011, and paragraph
25 (2.1) of subsection (c) of Section 3 of this Act applies.

26 (C-6) A person who is convicted or adjudicated delinquent

1 of first degree murder as defined in Section 9-1 of the
2 Criminal Code of 1961 or the Criminal Code of 2012, against a
3 person 18 years of age or over, shall be required to register
4 for his or her natural life. A conviction for an offense of
5 federal, Uniform Code of Military Justice, sister state, or
6 foreign country law that is substantially equivalent to any
7 offense listed in subsection (C-6) of this Section shall
8 constitute a conviction for the purpose of this Article. This
9 subsection (C-6) does not apply to those individuals released
10 from incarceration more than 10 years prior to January 1, 2012
11 (the effective date of Public Act 97-154).

12 (D) As used in this Article, "law enforcement agency
13 having jurisdiction" means the Chief of Police in each of the
14 municipalities in which the sex offender expects to reside,
15 work, or attend school (1) upon his or her discharge, parole or
16 release or (2) during the service of his or her sentence of
17 probation or conditional discharge, or the Sheriff of the
18 county, in the event no Police Chief exists or if the offender
19 intends to reside, work, or attend school in an unincorporated
20 area. "Law enforcement agency having jurisdiction" includes
21 the location where out-of-state students attend school and
22 where out-of-state employees are employed or are otherwise
23 required to register.

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

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

3 (1) Convicted for an offense of federal, Uniform Code
4 of Military Justice, sister state, or foreign country law
5 that is substantially equivalent to any offense listed in
6 subsection (E) or (E-5) of this Section shall constitute a
7 conviction for the purpose of this Article. Convicted of a
8 violation or attempted violation of any of the following
9 Sections of the Criminal Code of 1961 or the Criminal Code
10 of 2012:

11 10-5.1 (luring of a minor),

12 11-14.4 that involves keeping a place of juvenile
13 prostitution, or 11-17.1 (keeping a place of juvenile
14 prostitution),

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

17 subdivision (a) (4) of Section 11-14.4, or Section
18 11-19.2 (exploitation of a child),

19 11-20.1 (child sexual abuse material ~~pornography~~),

20 11-20.1B or 11-20.3 (aggravated child sexual abuse
21 material ~~pornography~~),

22 11-1.20 or 12-13 (criminal sexual assault),

23 11-1.30 or 12-14 (aggravated criminal sexual
24 assault),

25 11-1.40 or 12-14.1 (predatory criminal sexual
26 assault of a child),

1 11-1.60 or 12-16 (aggravated criminal sexual
2 abuse),

3 12-33 (ritualized abuse of a child);

4 (2) (blank);

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

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

13 (5) convicted of a second or subsequent offense which
14 requires registration pursuant to this Act. For purposes
15 of this paragraph (5), "convicted" shall include a
16 conviction under any substantially similar Illinois,
17 federal, Uniform Code of Military Justice, sister state,
18 or foreign country law;

19 (6) (blank); or

20 (7) if the person was convicted of an offense set
21 forth in this subsection (E) on or before July 1, 1999, the
22 person is a sexual predator for whom registration is
23 required only when the person is convicted of a felony
24 offense after July 1, 2011, and paragraph (2.1) of
25 subsection (c) of Section 3 of this Act applies.

26 (E-5) As used in this Article, "sexual predator" also

1 means a person convicted of a violation or attempted violation
2 of any of the following Sections of the Criminal Code of 1961
3 or the Criminal Code of 2012:

4 (1) Section 9-1 (first degree murder, when the victim
5 was a person under 18 years of age and the defendant was at
6 least 17 years of age at the time of the commission of the
7 offense, provided the offense was sexually motivated as
8 defined in Section 10 of the Sex Offender Management Board
9 Act);

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

12 (3) when the victim is a person under 18 years of age,
13 the defendant is not a parent of the victim, the offense
14 was sexually motivated as defined in Section 10 of the Sex
15 Offender Management Board Act, and the offense was
16 committed on or after January 1, 1996: (A) Section 10-1
17 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
18 (C) Section 10-3 (unlawful restraint), and (D) Section
19 10-3.1 (aggravated unlawful restraint); and

20 (4) Section 10-5(b)(10) (child abduction committed by
21 luring or attempting to lure a child under the age of 16
22 into a motor vehicle, building, house trailer, or dwelling
23 place without the consent of the parent or lawful
24 custodian of the child for other than a lawful purpose and
25 the offense was committed on or after January 1, 1998,
26 provided the offense was sexually motivated as defined in

1 Section 10 of the Sex Offender Management Board Act).

2 (E-10) As used in this Article, "sexual predator" also
3 means a person required to register in another State due to a
4 conviction, adjudication or other action of any court
5 triggering an obligation to register as a sex offender, sexual
6 predator, or substantially similar status under the laws of
7 that State.

8 (F) As used in this Article, "out-of-state student" means
9 any sex offender, as defined in this Section, or sexual
10 predator who is enrolled in Illinois, on a full-time or
11 part-time basis, in any public or private educational
12 institution, including, but not limited to, any secondary
13 school, trade or professional institution, or institution of
14 higher learning.

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

23 (H) As used in this Article, "school" means any public or
24 private educational institution, including, but not limited
25 to, any elementary or secondary school, trade or professional
26 institution, or institution of higher education.

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

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

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

9 Section 75. The Trafficking Victims Protection Act is
10 amended by changing Section 10 as follows:

11 (740 ILCS 128/10)

12 Sec. 10. Definitions. As used in this Act:

13 "Human trafficking" means a violation or attempted
14 violation of subsection (d) of Section 10-9 of the Criminal
15 Code of 2012.

16 "Involuntary servitude" means a violation or attempted
17 violation of subsection (b) of Section 10-9 of the Criminal
18 Code of 2012.

19 "Sex trade" means a violation or attempted violation of
20 any of the following Sections of the Criminal Code of 1961 or
21 the Criminal Code of 2012: 11-14.3 (promoting prostitution);
22 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting
23 for a prostitute); 11-15.1 (soliciting for a juvenile
24 prostitute); 11-16 (pandering); 11-17 (keeping a place of

1 prostitution); 11-17.1 (keeping a place of juvenile
2 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and
3 aggravated juvenile pimping); 11-19.2 (exploitation of a
4 child); 11-20 (obscenity); 11-20.1 (child sexual abuse
5 material pornography); 11-20.1B or 11-20.3 (aggravated child
6 sexual abuse material pornography); or subsection (c) of
7 Section 10-9 (involuntary sexual servitude of a minor).

8 "Sex trade" activity may involve adults and youth of all
9 genders and sexual orientations.

10 "Victim of the sex trade" means, for the following sex
11 trade acts, the person or persons indicated:

12 (1) soliciting for a prostitute: the prostitute who is
13 the object of the solicitation;

14 (2) soliciting for a juvenile prostitute: the juvenile
15 prostitute, or person with a severe or profound
16 intellectual disability, who is the object of the
17 solicitation;

18 (3) promoting prostitution as described in subdivision
19 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal
20 Code of 1961 or the Criminal Code of 2012, or pandering:
21 the person intended or compelled to act as a prostitute;

22 (4) keeping a place of prostitution: any person
23 intended or compelled to act as a prostitute, while
24 present at the place, during the time period in question;

25 (5) keeping a place of juvenile prostitution: any
26 juvenile intended or compelled to act as a prostitute,

1 while present at the place, during the time period in
2 question;

3 (6) promoting prostitution as described in subdivision
4 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961
5 or the Criminal Code of 2012, or pimping: the prostitute
6 from whom anything of value is received;

7 (7) promoting juvenile prostitution as described in
8 subdivision (a)(2) or (a)(3) of Section 11-14.4 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, or
10 juvenile pimping and aggravated juvenile pimping: the
11 juvenile, or person with a severe or profound intellectual
12 disability, from whom anything of value is received for
13 that person's act of prostitution;

14 (8) promoting juvenile prostitution as described in
15 subdivision (a)(4) of Section 11-14.4 of the Criminal Code
16 of 1961 or the Criminal Code of 2012, or exploitation of a
17 child: the juvenile, or person with a severe or profound
18 intellectual disability, intended or compelled to act as a
19 prostitute or from whom anything of value is received for
20 that person's act of prostitution;

21 (9) obscenity: any person who appears in or is
22 described or depicted in the offending conduct or
23 material;

24 (10) child sexual abuse material ~~pornography~~ or
25 aggravated child sexual abuse material ~~pornography~~: any
26 child, or person with a severe or profound intellectual

1 disability, who appears in or is described or depicted in
2 the offending conduct or material; or

3 (11) involuntary sexual servitude of a minor as
4 defined in subsection (c) of Section 10-9 of the Criminal
5 Code of 1961 or the Criminal Code of 2012.

6 (Source: P.A. 99-143, eff. 7-27-15; 100-939, eff. 1-1-19.)

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.