



Sen. Jason Plummer

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10200SB1278sam001

LRB102 11048 RLC 25178 a

1 AMENDMENT TO SENATE BILL 1278

2 AMENDMENT NO. _____. Amend Senate Bill 1278 by replacing
3 everything after the enacting clause with the following:

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

6 (50 ILCS 705/7) (from Ch. 85, par. 507)

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

10 a. The curriculum for probationary police officers
11 which shall be offered by all certified schools shall
12 include, but not be limited to, courses of procedural
13 justice, arrest and use and control tactics, search and
14 seizure, including temporary questioning, civil rights,
15 human rights, human relations, cultural competency,
16 including implicit bias and racial and ethnic sensitivity,

1 criminal law, law of criminal procedure, constitutional
2 and proper use of law enforcement authority, vehicle and
3 traffic law including uniform and non-discriminatory
4 enforcement of the Illinois Vehicle Code, traffic control
5 and accident investigation, techniques of obtaining
6 physical evidence, court testimonies, statements, reports,
7 firearms training, training in the use of electronic
8 control devices, including the psychological and
9 physiological effects of the use of those devices on
10 humans, first-aid (including cardiopulmonary
11 resuscitation), training in the administration of opioid
12 antagonists as defined in paragraph (1) of subsection (e)
13 of Section 5-23 of the Substance Use Disorder Act,
14 handling of juvenile offenders, recognition of mental
15 conditions and crises, including, but not limited to, the
16 disease of addiction, which require immediate assistance
17 and response and methods to safeguard and provide
18 assistance to a person in need of mental treatment,
19 recognition of abuse, neglect, financial exploitation, and
20 self-neglect of adults with disabilities and older adults,
21 as defined in Section 2 of the Adult Protective Services
22 Act, crimes against the elderly, training in investigating
23 domestic minor sex trafficking, law of evidence, the
24 hazards of high-speed police vehicle chases with an
25 emphasis on alternatives to the high-speed chase, and
26 physical training. The curriculum shall include specific

1 training in techniques for immediate response to and
2 investigation of cases of domestic violence and of sexual
3 assault of adults and children, including cultural
4 perceptions and common myths of sexual assault and sexual
5 abuse as well as interview techniques that are age
6 sensitive and are trauma informed, victim centered, and
7 victim sensitive. The curriculum shall include training in
8 techniques designed to promote effective communication at
9 the initial contact with crime victims and ways to
10 comprehensively explain to victims and witnesses their
11 rights under the Rights of Crime Victims and Witnesses Act
12 and the Crime Victims Compensation Act. The curriculum
13 shall also include training in effective recognition of
14 and responses to stress, trauma, and post-traumatic stress
15 experienced by police officers that is consistent with
16 Section 25 of the Illinois Mental Health First Aid
17 Training Act in a peer setting, including recognizing
18 signs and symptoms of work-related cumulative stress,
19 issues that may lead to suicide, and solutions for
20 intervention with peer support resources. The curriculum
21 shall include a block of instruction addressing the
22 mandatory reporting requirements under the Abused and
23 Neglected Child Reporting Act. The curriculum shall also
24 include a block of instruction aimed at identifying and
25 interacting with persons with autism and other
26 developmental or physical disabilities, reducing barriers

1 to reporting crimes against persons with autism, and
2 addressing the unique challenges presented by cases
3 involving victims or witnesses with autism and other
4 developmental disabilities. The curriculum shall include
5 training in the detection and investigation of all forms
6 of human trafficking. The curriculum shall also include
7 instruction in trauma-informed responses designed to
8 ensure the physical safety and well-being of a child of an
9 arrested parent or immediate family member; this
10 instruction must include, but is not limited to: (1)
11 understanding the trauma experienced by the child while
12 maintaining the integrity of the arrest and safety of
13 officers, suspects, and other involved individuals; (2)
14 de-escalation tactics that would include the use of force
15 when reasonably necessary; and (3) inquiring whether a
16 child will require supervision and care. The curriculum
17 for permanent police officers shall include, but not be
18 limited to: (1) refresher and in-service training in any
19 of the courses listed above in this subparagraph, (2)
20 advanced courses in any of the subjects listed above in
21 this subparagraph, (3) training for supervisory personnel,
22 and (4) specialized training in subjects and fields to be
23 selected by the board. The training in the use of
24 electronic control devices shall be conducted for
25 probationary police officers, including University police
26 officers.

1 b. Minimum courses of study, attendance requirements
2 and equipment requirements.

3 c. Minimum requirements for instructors.

4 d. Minimum basic training requirements, which a
5 probationary police officer must satisfactorily complete
6 before being eligible for permanent employment as a local
7 law enforcement officer for a participating local
8 governmental agency. Those requirements shall include
9 training in first aid (including cardiopulmonary
10 resuscitation).

11 e. Minimum basic training requirements, which a
12 probationary county corrections officer must
13 satisfactorily complete before being eligible for
14 permanent employment as a county corrections officer for a
15 participating local governmental agency.

16 f. Minimum basic training requirements which a
17 probationary court security officer must satisfactorily
18 complete before being eligible for permanent employment as
19 a court security officer for a participating local
20 governmental agency. The Board shall establish those
21 training requirements which it considers appropriate for
22 court security officers and shall certify schools to
23 conduct that training.

24 A person hired to serve as a court security officer
25 must obtain from the Board a certificate (i) attesting to
26 his or her successful completion of the training course;

1 (ii) attesting to his or her satisfactory completion of a
2 training program of similar content and number of hours
3 that has been found acceptable by the Board under the
4 provisions of this Act; or (iii) attesting to the Board's
5 determination that the training course is unnecessary
6 because of the person's extensive prior law enforcement
7 experience.

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

15 All individuals hired as court security officers on or
16 after June 1, 1997 (the effective date of Public Act
17 89-685) shall be certified within 12 months of the date of
18 their hire, unless a waiver has been obtained by the
19 Board, or they shall forfeit their positions.

20 The Sheriff's Merit Commission, if one exists, or the
21 Sheriff's Office if there is no Sheriff's Merit
22 Commission, shall maintain a list of all individuals who
23 have filed applications to become court security officers
24 and who meet the eligibility requirements established
25 under this Act. Either the Sheriff's Merit Commission, or
26 the Sheriff's Office if no Sheriff's Merit Commission

1 exists, shall establish a schedule of reasonable intervals
2 for verification of the applicants' qualifications under
3 this Act and as established by the Board.

4 g. Minimum in-service training requirements, which a
5 police officer must satisfactorily complete every 3 years.
6 Those requirements shall include constitutional and proper
7 use of law enforcement authority, procedural justice,
8 civil rights, human rights, mental health awareness and
9 response, officer wellness, reporting child abuse and
10 neglect, and cultural competency.

11 h. Minimum in-service training requirements, which a
12 police officer must satisfactorily complete at least
13 annually. Those requirements shall include law updates and
14 use of force training which shall include scenario based
15 training, or similar training approved by the Board.

16 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
17 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
18 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
19 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
20 101-564, eff. 1-1-20; revised 9-10-19.)

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

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

24 Sec. 3. As used in this Act unless the context otherwise

1 requires:

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

8 "Agency" means a child care facility licensed under
9 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
10 includes a transitional living program that accepts children
11 and adult residents for placement who are in the guardianship
12 of the Department.

13 "Blatant disregard" means an incident where the real,
14 significant, and imminent risk of harm would be so obvious to a
15 reasonable parent or caretaker that it is unlikely that a
16 reasonable parent or caretaker would have exposed the child to
17 the danger without exercising precautionary measures to
18 protect the child from harm. With respect to a person working
19 at an agency in his or her professional capacity with a child
20 or adult resident, "blatant disregard" includes a failure by
21 the person to perform job responsibilities intended to protect
22 the child's or adult resident's health, physical well-being,
23 or welfare, and, when viewed in light of the surrounding
24 circumstances, evidence exists that would cause a reasonable
25 person to believe that the child was neglected. With respect
26 to an agency, "blatant disregard" includes a failure to

1 implement practices that ensure the health, physical
2 well-being, or welfare of the children and adult residents
3 residing in the facility.

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

7 "Department" means Department of Children and Family
8 Services.

9 "Local law enforcement agency" means the police of a city,
10 town, village or other incorporated area or the sheriff of an
11 unincorporated area or any sworn officer of the Illinois
12 Department of State Police.

13 "Abused child" means a child whose parent or immediate
14 family member, or any person responsible for the child's
15 welfare, or any individual residing in the same home as the
16 child, or a paramour of the child's parent:

17 (a) inflicts, causes to be inflicted, or allows to be
18 inflicted upon such child physical injury, by other than
19 accidental means, which causes death, disfigurement,
20 impairment of physical or emotional health, or loss or
21 impairment of any bodily function;

22 (b) creates a substantial risk of physical injury to
23 such child by other than accidental means which would be
24 likely to cause death, disfigurement, impairment of
25 physical or emotional health, or loss or impairment of any
26 bodily function;

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

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

8 (e) inflicts excessive corporal punishment or, in the
9 case of a person working for an agency who is prohibited
10 from using corporal punishment, inflicts corporal
11 punishment upon a child or adult resident with whom the
12 person is working in his or her professional capacity;

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

16 (g) causes to be sold, transferred, distributed, or
17 given to such child under 18 years of age, a controlled
18 substance as defined in Section 102 of the Illinois
19 Controlled Substances Act in violation of Article IV of
20 the Illinois Controlled Substances Act or in violation of
21 the Methamphetamine Control and Community Protection Act,
22 except for controlled substances that are prescribed in
23 accordance with Article III of the Illinois Controlled
24 Substances Act and are dispensed to such child in a manner
25 that substantially complies with the prescription; or

26 (h) commits or allows to be committed the offense of

1 involuntary servitude, involuntary sexual servitude of a
2 minor, or trafficking in persons as defined in Section
3 10-9 of the Criminal Code of 2012 against the child. A
4 child shall be considered abused regardless of the
5 perpetrator of the abuse if the child is a human
6 trafficking victim as defined in Section 10-9 of the
7 Criminal Code of 2012.

8 A child shall not be considered abused for the sole reason
9 that the child has been relinquished in accordance with the
10 Abandoned Newborn Infant Protection Act.

11 "Neglected child" means any child who is not receiving the
12 proper or necessary nourishment or medically indicated
13 treatment including food or care not provided solely on the
14 basis of the present or anticipated mental or physical
15 impairment as determined by a physician acting alone or in
16 consultation with other physicians or otherwise is not
17 receiving the proper or necessary support or medical or other
18 remedial care recognized under State law as necessary for a
19 child's well-being, or other care necessary for his or her
20 well-being, including adequate food, clothing and shelter; or
21 who is subjected to an environment which is injurious insofar
22 as (i) the child's environment creates a likelihood of harm to
23 the child's health, physical well-being, or welfare and (ii)
24 the likely harm to the child is the result of a blatant
25 disregard of parent, caretaker, or agency responsibilities; or
26 who is abandoned by his or her parents or other person

1 responsible for the child's welfare without a proper plan of
2 care; or who has been provided with interim crisis
3 intervention services under Section 3-5 of the Juvenile Court
4 Act of 1987 and whose parent, guardian, or custodian refuses
5 to permit the child to return home and no other living
6 arrangement agreeable to the parent, guardian, or custodian
7 can be made, and the parent, guardian, or custodian has not
8 made any other appropriate living arrangement for the child;
9 or who is a newborn infant whose blood, urine, or meconium
10 contains any amount of a controlled substance as defined in
11 subsection (f) of Section 102 of the Illinois Controlled
12 Substances Act or a metabolite thereof, with the exception of
13 a controlled substance or metabolite thereof whose presence in
14 the newborn infant is the result of medical treatment
15 administered to the mother or the newborn infant. A child
16 shall not be considered neglected for the sole reason that the
17 child's parent or other person responsible for his or her
18 welfare has left the child in the care of an adult relative for
19 any period of time. A child shall not be considered neglected
20 for the sole reason that the child has been relinquished in
21 accordance with the Abandoned Newborn Infant Protection Act. A
22 child shall not be considered neglected or abused for the sole
23 reason that such child's parent or other person responsible
24 for his or her welfare depends upon spiritual means through
25 prayer alone for the treatment or cure of disease or remedial
26 care as provided under Section 4 of this Act. A child shall not

1 be considered neglected or abused solely because the child is
2 not attending school in accordance with the requirements of
3 Article 26 of The School Code, as amended.

4 "Child Protective Service Unit" means certain specialized
5 State employees of the Department assigned by the Director to
6 perform the duties and responsibilities as provided under
7 Section 7.2 of this Act.

8 "Near fatality" means an act that, as certified by a
9 physician, places the child in serious or critical condition,
10 including acts of great bodily harm inflicted upon children
11 under 13 years of age, and as otherwise defined by Department
12 rule.

13 "Great bodily harm" includes bodily injury which creates a
14 high probability of death, or which causes serious permanent
15 disfigurement, or which causes a permanent or protracted loss
16 or impairment of the function of any bodily member or organ, or
17 other serious bodily harm.

18 "Person responsible for the child's welfare" means the
19 child's parent; guardian; foster parent; relative caregiver;
20 any person responsible for the child's welfare in a public or
21 private residential agency or institution; any person
22 responsible for the child's welfare within a public or private
23 profit or not for profit child care facility; or any other
24 person responsible for the child's welfare at the time of the
25 alleged abuse or neglect, including any person that is the
26 custodian of a child under 18 years of age who commits or

1 allows to be committed, against the child, the offense of
2 involuntary servitude, involuntary sexual servitude of a
3 minor, or trafficking in persons for forced labor or services,
4 as provided in Section 10-9 of the Criminal Code of 2012, or
5 any person who came to know the child through an official
6 capacity or position of trust, including but not limited to
7 health care professionals, educational personnel, recreational
8 supervisors, members of the clergy, and volunteers or support
9 personnel in any setting where children may be subject to
10 abuse or neglect.

11 "Temporary protective custody" means custody within a
12 hospital or other medical facility or a place previously
13 designated for such custody by the Department, subject to
14 review by the Court, including a licensed foster home, group
15 home, or other institution; but such place shall not be a jail
16 or other place for the detention of criminal or juvenile
17 offenders.

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

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

24 "An undetermined report" means any report made under this
25 Act in which it was not possible to initiate or complete an
26 investigation on the basis of information provided to the

1 Department.

2 "Subject of report" means any child reported to the
3 central register of child abuse and neglect established under
4 Section 7.7 of this Act as an alleged victim of child abuse or
5 neglect and the parent or guardian of the alleged victim or
6 other person responsible for the alleged victim's welfare who
7 is named in the report or added to the report as an alleged
8 perpetrator of child abuse or neglect.

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

12 "Member of the clergy" means a clergyman or practitioner
13 of any religious denomination accredited by the religious body
14 to which he or she belongs.

15 (Source: P.A. 99-350, eff. 6-1-16; 100-733, eff. 1-1-19.)

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

18 (705 ILCS 405/5-915)

19 Sec. 5-915. Expungement of juvenile law enforcement and
20 juvenile court records.

21 (0.05) (Blank).

22 (0.1) (a) The Department of State Police and all law
23 enforcement agencies within the State shall automatically
24 expunge, on or before January 1 of each year, all juvenile law

1 enforcement records relating to events occurring before an
2 individual's 18th birthday if:

3 (1) one year or more has elapsed since the date of the
4 arrest or law enforcement interaction documented in the
5 records;

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

10 (3) 6 months have elapsed since the date of the arrest
11 without an additional subsequent arrest or filing of a
12 petition for delinquency or criminal charges whether
13 related or not to the arrest or law enforcement
14 interaction documented in the records.

15 (b) If the law enforcement agency is unable to verify
16 satisfaction of conditions (2) and (3) of this subsection
17 (0.1), records that satisfy condition (1) of this subsection
18 (0.1) shall be automatically expunged if the records relate to
19 an offense that if committed by an adult would not be an
20 offense classified as Class 2 felony or higher, an offense
21 under Article 11 of the Criminal Code of 1961 or Criminal Code
22 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
23 12-15, or 12-16 of the Criminal Code of 1961.

24 (0.15) If a juvenile law enforcement record meets
25 paragraph (a) of subsection (0.1) of this Section, a juvenile
26 law enforcement record created:

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

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

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

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

13 (0.2) (a) Upon dismissal of a petition alleging
14 delinquency or upon a finding of not delinquent, the
15 successful termination of an order of supervision, or the
16 successful termination of an adjudication for an offense which
17 would be a Class B misdemeanor, Class C misdemeanor, or a petty
18 or business offense if committed by an adult, the court shall
19 automatically order the expungement of the juvenile court
20 records and juvenile law enforcement records. The clerk shall
21 deliver a certified copy of the expungement order to the
22 Department of State Police and the arresting agency. Upon
23 request, the State's Attorney shall furnish the name of the
24 arresting agency. The expungement shall be completed within 60
25 business days after the receipt of the expungement order.

26 (b) If the chief law enforcement officer of the agency, or

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

16 (0.3) (a) Upon an adjudication of delinquency based on any
17 offense except a disqualified offense, the juvenile court
18 shall automatically order the expungement of the juvenile
19 court and law enforcement records 2 years or, in the case of a
20 human trafficking victim as defined in Section 10-9 of the
21 Criminal Code of 2012 adjudicated delinquent for prostitution,
22 immediately after the juvenile's case was closed if no
23 delinquency or criminal proceeding is pending and the person
24 has had no subsequent delinquency adjudication or criminal
25 conviction. The clerk shall deliver a certified copy of the
26 expungement order to the Department of State Police and the

1 arresting agency. Upon request, the State's Attorney shall
2 furnish the name of the arresting agency. The expungement
3 shall be completed within 60 business days after the receipt
4 of the expungement order. In this subsection (0.3),
5 "disqualified offense" means any of the following offenses:
6 Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2,
7 10-3, 10-3.1, 10-4, 10-5, 10-9 if the minor was not a human
8 trafficking victim as defined in that Section, 11-1.20,
9 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2,
10 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1,
11 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2,
12 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5,
13 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9,
14 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal Code of
15 2012, or subsection (b) of Section 8-1, paragraph (4) of
16 subsection (a) of Section 11-14.4, subsection (a-5) of Section
17 12-3.1, paragraph (1), (2), or (3) of subsection (a) of
18 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
19 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
20 subparagraph (i) of paragraph (1) of subsection (a) of Section
21 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
22 Section 24-1.6, paragraph (1) of subsection (a) of Section
23 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
24 of 2012.

25 (b) If the chief law enforcement officer of the agency, or
26 his or her designee, certifies in writing that certain

1 information is needed for a pending investigation involving
2 the commission of a felony, that information, and information
3 identifying the juvenile, may be retained in an intelligence
4 file until the investigation is terminated or for one
5 additional year, whichever is sooner. Retention of a portion
6 of a juvenile's juvenile law enforcement record does not
7 disqualify the remainder of his or her record from immediate
8 automatic expungement.

9 (0.4) Automatic expungement for the purposes of this
10 Section shall not require law enforcement agencies to
11 obliterate or otherwise destroy juvenile law enforcement
12 records that would otherwise need to be automatically expunged
13 under this Act, except after 2 years following the subject
14 arrest for purposes of use in civil litigation against a
15 governmental entity or its law enforcement agency or personnel
16 which created, maintained, or used the records. However, these
17 juvenile law enforcement records shall be considered expunged
18 for all other purposes during this period and the offense,
19 which the records or files concern, shall be treated as if it
20 never occurred as required under Section 5-923.

21 (0.5) Subsection (0.1) or (0.2) of this Section does not
22 apply to violations of traffic, boating, fish and game laws,
23 or county or municipal ordinances.

24 (0.6) Juvenile law enforcement records of a plaintiff who
25 has filed civil litigation against the governmental entity or
26 its law enforcement agency or personnel that created,

1 maintained, or used the records, or juvenile law enforcement
2 records that contain information related to the allegations
3 set forth in the civil litigation may not be expunged until
4 after 2 years have elapsed after the conclusion of the
5 lawsuit, including any appeal.

6 (0.7) Officer-worn body camera recordings shall not be
7 automatically expunged except as otherwise authorized by the
8 Law Enforcement Officer-Worn Body Camera Act.

9 (1) Whenever a person has been arrested, charged, or
10 adjudicated delinquent for an incident occurring before his or
11 her 18th birthday that if committed by an adult would be an
12 offense, and that person's juvenile law enforcement and
13 juvenile court records are not eligible for automatic
14 expungement under subsection (0.1), (0.2), or (0.3), the
15 person may petition the court at any time for expungement of
16 juvenile law enforcement records and juvenile court records
17 relating to the incident and, upon termination of all juvenile
18 court proceedings relating to that incident, the court shall
19 order the expungement of all records in the possession of the
20 Department of State Police, the clerk of the circuit court,
21 and law enforcement agencies relating to the incident, but
22 only in any of the following circumstances:

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

25 (a-5) the minor was charged with an offense and the
26 petition or petitions were dismissed without a finding of

1 delinquency;

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

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

7 (d) the minor was adjudicated for an offense which
8 would be a Class B misdemeanor, Class C misdemeanor, or a
9 petty or business offense if committed by an adult; or

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

13 (1.5) The Department of State Police shall allow a person
14 to use the Access and Review process, established in the
15 Department of State Police, for verifying that his or her
16 juvenile law enforcement records relating to incidents
17 occurring before his or her 18th birthday eligible under this
18 Act have been expunged.

19 (1.6) (Blank).

20 (1.7) (Blank).

21 (1.8) (Blank).

22 (2) Any person whose delinquency adjudications are not
23 eligible for automatic expungement under subsection (0.3) of
24 this Section may petition the court to expunge all juvenile
25 law enforcement records relating to any incidents occurring
26 before his or her 18th birthday which did not result in

1 proceedings in criminal court and all juvenile court records
2 with respect to any adjudications except those based upon
3 first degree murder or an offense under Article 11 of the
4 Criminal Code of 2012 if the person is required to register
5 under the Sex Offender Registration Act at the time he or she
6 petitions the court for expungement; provided that: ~~(a)~~
7 ~~(blank); or (b)~~ 2 years have elapsed since all juvenile court
8 proceedings relating to him or her have been terminated and
9 his or her commitment to the Department of Juvenile Justice
10 under this Act has been terminated.

11 (2.5) If a minor is arrested and no petition for
12 delinquency is filed with the clerk of the circuit court at the
13 time the minor is released from custody, the youth officer, if
14 applicable, or other designated person from the arresting
15 agency, shall notify verbally and in writing to the minor or
16 the minor's parents or guardians that the minor shall have an
17 arrest record and shall provide the minor and the minor's
18 parents or guardians with an expungement information packet,
19 information regarding this State's expungement laws including
20 a petition to expunge juvenile law enforcement and juvenile
21 court records obtained from the clerk of the circuit court.

22 (2.6) If a minor is referred to court, then, at the time of
23 sentencing, ~~or~~ dismissal of the case, or successful completion
24 of supervision, the judge shall inform the delinquent minor of
25 his or her rights regarding expungement and the clerk of the
26 circuit court shall provide an expungement information packet

1 to the minor, written in plain language, including information
2 regarding this State's expungement laws and a petition for
3 expungement, a sample of a completed petition, expungement
4 instructions that shall include information informing the
5 minor that (i) once the case is expunged, it shall be treated
6 as if it never occurred, (ii) he or she may apply to have
7 petition fees waived, (iii) once he or she obtains an
8 expungement, he or she may not be required to disclose that he
9 or she had a juvenile law enforcement or juvenile court
10 record, and (iv) if petitioning he or she may file the petition
11 on his or her own or with the assistance of an attorney. The
12 failure of the judge to inform the delinquent minor of his or
13 her right to petition for expungement as provided by law does
14 not create a substantive right, nor is that failure grounds
15 for: (i) a reversal of an adjudication of delinquency; ~~(ii) a~~
16 new trial; or (iii) an appeal.

17 (2.7) (Blank).

18 (2.8) (Blank).

19 (3) (Blank).

20 (3.1) (Blank).

21 (3.2) (Blank).

22 (3.3) (Blank).

23 (4) (Blank).

24 (5) (Blank).

25 (5.5) Whether or not expunged, records eligible for
26 automatic expungement under subdivision (0.1) (a), (0.2) (a), or

1 (0.3) (a) may be treated as expunged by the individual subject
2 to the records.

3 (6) (Blank).

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

12 (7) (Blank).

13 (7.5) (Blank).

14 ~~(8) (a) (Blank). (b) (Blank). (c)~~ The expungement of
15 juvenile law enforcement or juvenile court records under
16 subsection (0.1), (0.2), or (0.3) of this Section shall be
17 funded by appropriation by the General Assembly for that
18 purpose.

19 (9) (Blank).

20 (10) (Blank).

21 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
22 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
23 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; 100-1162,
24 eff. 12-20-18; revised 7-16-19.)

25 Section 20. The Criminal Code of 2012 is amended by

1 changing Sections 10-9, 11-14.1, 11-18.1, 11-20.1, and 11-25
2 and by adding Section 11-27 as follows:

3 (720 ILCS 5/10-9)

4 Sec. 10-9. Trafficking in persons, involuntary servitude,
5 and related offenses.

6 (a) Definitions. In this Section:

7 (1) "Intimidation" has the meaning prescribed in Section
8 12-6.

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

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

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

23 (4) (Blank).

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

25 (6) "Maintain" means, in relation to labor or services, to

1 secure continued performance thereof, regardless of any
2 initial agreement on the part of the victim to perform that
3 type of service.

4 (7) "Obtain" means, in relation to labor or services, to
5 secure performance thereof.

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

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

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

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

26 (b) Involuntary servitude. A person commits involuntary

1 servitude when he or she knowingly subjects, attempts to
2 subject, or engages in a conspiracy to subject another person
3 to labor or services obtained or maintained through any of the
4 following means, or any combination of these means:

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

7 (2) physically restrains or threatens to physically
8 restrain another person;

9 (3) abuses or threatens to abuse the law or legal
10 process;

11 (4) knowingly destroys, conceals, removes,
12 confiscates, or possesses any actual or purported passport
13 or other immigration document, or any other actual or
14 purported government identification document, of another
15 person;

16 (5) uses intimidation, or exerts financial control
17 over any person; or

18 (6) uses any scheme, plan, or pattern intended to
19 cause the person to believe that, if the person did not
20 perform the labor or services, that person or another
21 person would suffer serious harm or physical restraint.

22 Sentence. Except as otherwise provided in subsection (e)
23 or (f), a violation of subsection (b) (1) is a Class X felony,
24 (b) (2) is a Class 1 felony, (b) (3) is a Class 2 felony, (b) (4)
25 is a Class 3 felony, (b) (5) and (b) (6) is a Class 4 felony.

26 (c) Involuntary sexual servitude of a minor. A person

1 commits involuntary sexual servitude of a minor when he or she
2 knowingly recruits, entices, harbors, transports, provides, or
3 obtains by any means, or attempts to recruit, entice, harbor,
4 provide, or obtain by any means, another person under 18 years
5 of age, knowing that the minor will engage in commercial
6 sexual activity, a sexually-explicit performance, or the
7 production of pornography, or causes or attempts to cause a
8 minor to engage in one or more of those activities and:

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

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

13 (3) there is overt force or threat.

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

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

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

1 participation in a venture that has engaged in an act of
2 involuntary servitude or involuntary sexual servitude of a
3 minor. A company commits trafficking in persons when the
4 company knowingly benefits, financially or by receiving
5 anything of value, from participation in a venture that has
6 engaged in an act of involuntary servitude or involuntary
7 sexual servitude of a minor.

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

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

18 (f) Sentencing considerations.

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

1 the victim was held for more than one year.

2 (2) Number of victims. In determining sentences within
3 statutory maximums, the sentencing court should take into
4 account the number of victims, and may provide for
5 substantially increased sentences in cases involving more
6 than 10 victims.

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

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

21 (g-5) Fine distribution. If the court imposes a fine under
22 subsection (b), (c), or (d) of this Section, it shall be
23 collected and distributed to the Specialized Services for
24 Survivors of Human Trafficking Fund in accordance with Section
25 5-9-1.21 of the Unified Code of Corrections.

26 (h) Trafficking victim services. Subject to the

1 availability of funds, the Department of Human Services may
2 provide or fund emergency services and assistance to
3 individuals who are victims of one or more offenses defined in
4 this Section. These services shall include child welfare
5 protection for victims of the offense of involuntary sexual
6 servitude of a minor under subsection (c) of Section 10-9 of
7 the Criminal Code of 2012, irrespective of the perpetrator of
8 the offense.

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

24 (j) A person who commits involuntary servitude,
25 involuntary sexual servitude of a minor, or trafficking in
26 persons under subsection (b), (c), or (d) of this Section is

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

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

4 (720 ILCS 5/11-14.1)

5 Sec. 11-14.1. Solicitation of a sexual act.

6 (a) Any person who offers a person not his or her spouse
7 any money, property, token, object, or article or anything of
8 value for that person or any other person not his or her spouse
9 to perform any act of sexual penetration as defined in Section
10 11-0.1 of this Code, or any touching or fondling of the sex
11 organs of one person by another person for the purpose of
12 sexual arousal or gratification, commits solicitation of a
13 sexual act.

14 (b) Sentence. Solicitation of a sexual act is a Class A
15 misdemeanor. Solicitation of a sexual act from a person who is
16 under the age of 18 or who is a person with a severe or
17 profound intellectual disability is a Class 4 felony. If the
18 court imposes a fine under this subsection (b), it shall be
19 collected and distributed to the Specialized Services for
20 Survivors of Human Trafficking Fund in accordance with Section
21 5-9-1.21 of the Unified Code of Corrections.

22 (b-5) (Blank). ~~It is an affirmative defense to a charge of~~
23 ~~solicitation of a sexual act with a person who is under the age~~
24 ~~of 18 or who is a person with a severe or profound intellectual~~
25 ~~disability that the accused reasonably believed the person was~~

1 ~~of the age of 18 years or over or was not a person with a~~
2 ~~severe or profound intellectual disability at the time of the~~
3 ~~act giving rise to the charge.~~

4 (c) This Section does not apply to a person engaged in
5 prostitution who is under 18 years of age.

6 (d) A person cannot be convicted under this Section if the
7 practice of prostitution underlying the offense consists
8 exclusively of the accused's own acts of prostitution under
9 Section 11-14 of this Code.

10 (Source: P.A. 98-1013, eff. 1-1-15; 99-143, eff. 7-27-15.)

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

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

13 (a) Any person who engages in an act of sexual penetration
14 as defined in Section 11-0.1 of this Code with a person engaged
15 in prostitution who is under 18 years of age or is a person
16 with a severe or profound intellectual disability commits
17 patronizing a minor engaged in prostitution.

18 (a-5) Any person who engages in any touching or fondling,
19 with a person engaged in prostitution who either is under 18
20 years of age or is a person with a severe or profound
21 intellectual disability, of the sex organs of one person by
22 the other person, with the intent to achieve sexual arousal or
23 gratification, commits patronizing a minor engaged in
24 prostitution.

25 (b) (Blank). ~~It is an affirmative defense to the charge of~~

1 ~~patronizing a minor engaged in prostitution that the accused~~
2 ~~reasonably believed that the person was of the age of 18 years~~
3 ~~or over or was not a person with a severe or profound~~
4 ~~intellectual disability at the time of the act giving rise to~~
5 ~~the charge.~~

6 (c) Sentence. A person who commits patronizing a juvenile
7 prostitute is guilty of a Class 3 felony, unless committed
8 within 1,000 feet of real property comprising a school, in
9 which case it is a Class 2 felony. A person convicted of a
10 second or subsequent violation of this Section, or of any
11 combination of such number of convictions under this Section
12 and Sections 11-14 (prostitution), 11-14.1 (solicitation of a
13 sexual act), 11-14.3 (promoting prostitution), 11-14.4
14 (promoting juvenile prostitution), 11-15 (soliciting for a
15 prostitute), 11-15.1 (soliciting for a juvenile prostitute),
16 11-16 (pandering), 11-17 (keeping a place of prostitution),
17 11-17.1 (keeping a place of juvenile prostitution), 11-18
18 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile
19 pimping or aggravated juvenile pimping), or 11-19.2
20 (exploitation of a child) of this Code, is guilty of a Class 2
21 felony. The fact of such conviction is not an element of the
22 offense and may not be disclosed to the jury during trial
23 unless otherwise permitted by issues properly raised during
24 such trial.

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

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

2 Sec. 11-20.1. Child pornography.

3 (a) A person commits child pornography who:

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

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

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

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

25 (iv) actually or by simulation portrayed as being
26 the object of, or otherwise engaged in, any act of lewd

1 fondling, touching, or caressing involving another
2 person or animal; or

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

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

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

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

26 (3) with knowledge of the subject matter or theme

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

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

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

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

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

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

25 (a-5) The possession of each individual film, videotape,
26 photograph, or other similar visual reproduction or depiction

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

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

18 (1.5) Telecommunications carriers, commercial mobile
19 service providers, and providers of information services,
20 including, but not limited to, Internet service providers and
21 hosting service providers, are not liable under this Section
22 by virtue of the transmission, storage, or caching of
23 electronic communications or messages of others or by virtue
24 of the provision of other related telecommunications,
25 commercial mobile services, or information services used by
26 others in violation of this Section.

1 (2) (Blank).

2 (3) The charge of child pornography shall not apply to the
3 performance of official duties by law enforcement or
4 prosecuting officers or persons employed by law enforcement or
5 prosecuting agencies, court personnel or attorneys, nor to
6 bonafide treatment or professional education programs
7 conducted by licensed physicians, psychologists or social
8 workers.

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

14 (5) The charge of child pornography does not apply to a
15 person who does not voluntarily possess a film, videotape, or
16 visual reproduction or depiction by computer in which child
17 pornography is depicted. Possession is voluntary if the
18 defendant knowingly procures or receives a film, videotape, or
19 visual reproduction or depiction for a sufficient time to be
20 able to terminate his or her possession.

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

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

1 ~~\$100,000. If the violation involves a film, videotape, or~~
2 ~~other moving depiction, a violation of paragraph (6) of~~
3 ~~subsection (a) is a Class 2 felony with a mandatory minimum~~
4 ~~fine of \$1000 and a maximum fine of \$100,000.~~

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

1 the age of 13, a person who commits a violation of paragraph
2 (6) of subsection (a) where the defendant has previously been
3 convicted under the laws of this State or any other state of
4 the offense of child pornography, aggravated child
5 pornography, aggravated criminal sexual abuse, aggravated
6 criminal sexual assault, predatory criminal sexual assault of
7 a child, or any of the offenses formerly known as rape, deviate
8 sexual assault, indecent liberties with a child, or aggravated
9 indecent liberties with a child where the victim was under the
10 age of 18 years or an offense that is substantially equivalent
11 to those offenses, is guilty of a Class X ~~±~~ felony with a
12 mandatory minimum fine of \$2,000 ~~\$1,000~~ and a maximum fine of
13 \$100,000. The issue of whether the child depicted is under the
14 age of 13 is an element of the offense to be resolved by the
15 trier of fact.

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

21 (e) Any film, videotape, photograph or other similar
22 visual reproduction or depiction by computer which includes a
23 child under the age of 18 or a person with a severe or profound
24 intellectual disability engaged in any activity described in
25 subparagraphs (i) through (vii) or paragraph 1 of subsection
26 (a), and any material or equipment used or intended for use in

1 photographing, filming, printing, producing, reproducing,
2 manufacturing, projecting, exhibiting, depiction by computer,
3 or disseminating such material shall be seized and forfeited
4 in the manner, method and procedure provided by Section 36-1
5 of this Code for the seizure and forfeiture of vessels,
6 vehicles and aircraft.

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

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

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

22 (1) "Disseminate" means (i) to sell, distribute,
23 exchange or transfer possession, whether with or without
24 consideration or (ii) to make a depiction by computer
25 available for distribution or downloading through the
26 facilities of any telecommunications network or through

1 any other means of transferring computer programs or data
2 to a computer.

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

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

6 (4) "Depict by computer" means to generate or create,
7 or cause to be created or generated, a computer program or
8 data that, after being processed by a computer either
9 alone or in conjunction with one or more computer
10 programs, results in a visual depiction on a computer
11 monitor, screen, or display.

12 (5) "Depiction by computer" means a computer program
13 or data that, after being processed by a computer either
14 alone or in conjunction with one or more computer
15 programs, results in a visual depiction on a computer
16 monitor, screen, or display.

17 (6) "Computer", "computer program", and "data" have
18 the meanings ascribed to them in Section 17.05 of this
19 Code.

20 (7) For the purposes of this Section, "child
21 pornography" includes a film, videotape, photograph, or
22 other similar visual medium or reproduction or depiction
23 by computer that is, or appears to be, that of a person,
24 either in part, or in total, under the age of 18 or a
25 person with a severe or profound intellectual disability,
26 regardless of the method by which the film, videotape,

1 photograph, or other similar visual medium or reproduction
2 or depiction by computer is created, adopted, or modified
3 to appear as such. "Child pornography" also includes a
4 film, videotape, photograph, or other similar visual
5 medium or reproduction or depiction by computer that is
6 advertised, promoted, presented, described, or distributed
7 in such a manner that conveys the impression that the
8 film, videotape, photograph, or other similar visual
9 medium or reproduction or depiction by computer is of a
10 person under the age of 18 or a person with a severe or
11 profound intellectual disability.

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

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

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

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

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

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

1 appeal.

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

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

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

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

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

3 (Source: P.A. 101-87, eff. 1-1-20.)

4 (720 ILCS 5/11-25)

5 Sec. 11-25. Grooming.

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

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

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

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

24 (720 ILCS 5/11-27 new)

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

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

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

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

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

19 (725 ILCS 5/116-2.1)

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

22 (a) A motion under this Section may be filed at any time
23 following the entry of a verdict or finding of guilty or an
24 adjudication of delinquency under the Juvenile Court Act of

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

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

22 (2) reasonable notice of the motion shall be served
23 upon the State.

24 (b) The court may grant the motion if, in the discretion of
25 the court, the violation was a result of the defendant having
26 been a victim of human trafficking. Evidence of such may

1 include, but is not limited to:

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

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

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

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

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

22 (Source: P.A. 97-267, eff. 1-1-12; 97-897, eff. 1-1-13;
23 97-1150, eff. 1-25-13.)

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

1 (730 ILCS 150/2) (from Ch. 38, par. 222)

2 Sec. 2. Definitions.

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

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

10 (a) is convicted of such offense or an attempt to
11 commit such offense; or

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

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

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

23 (e) is found not guilty by reason of insanity
24 following a hearing conducted pursuant to a federal,
25 Uniform Code of Military Justice, sister state, or

1 foreign country law substantially similar to Section
2 104-25(c) of the Code of Criminal Procedure of 1963 of
3 such offense or of the attempted commission of such
4 offense; or

5 (f) is the subject of a finding not resulting in an
6 acquittal at a hearing conducted pursuant to a
7 federal, Uniform Code of Military Justice, sister
8 state, or foreign country law substantially similar to
9 Section 104-25(a) of the Code of Criminal Procedure of
10 1963 for the alleged violation or attempted commission
11 of such offense; or

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

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

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

23 (5) adjudicated a juvenile delinquent as the result of
24 committing or attempting to commit an act which, if
25 committed by an adult, would constitute any of the
26 offenses specified in item (B), (C), or (C-5) of this

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

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

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

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

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

20 10-9 (trafficking in persons, involuntary
21 servitude, and related offenses),

22 11-20.1 (child pornography),

23 11-20.1B or 11-20.3 (aggravated child
24 pornography),

25 11-6 (indecent solicitation of a child),

26 11-9.1 (sexual exploitation of a child),

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

23 An attempt to commit any of these offenses.

24 (1.5) A violation of any of the following Sections of
25 the Criminal Code of 1961 or the Criminal Code of 2012,
26 when the victim is a person under 18 years of age, the

1 defendant is not a parent of the victim, the offense was
2 sexually motivated as defined in Section 10 of the Sex
3 Offender Evaluation and Treatment Act, and the offense was
4 committed on or after January 1, 1996:

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

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

14 (1.6) First degree murder under Section 9-1 of the
15 Criminal Code of 1961 or the Criminal Code of 2012,
16 provided the offense was sexually motivated as defined in
17 Section 10 of the Sex Offender Management Board Act.

18 (1.7) (Blank).

19 (1.8) A violation or attempted violation of Section
20 11-11 (sexual relations within families) of the Criminal
21 Code of 1961 or the Criminal Code of 2012, and the offense
22 was committed on or after June 1, 1997. If the offense was
23 committed before June 1, 1997, it is a sex offense
24 requiring registration only when the person is convicted
25 of any felony after July 1, 2011, and paragraph (2.1) of
26 subsection (c) of Section 3 of this Act applies.

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

15 (1.10) A violation or attempted violation of any of
16 the following Sections of the Criminal Code of 1961 or the
17 Criminal Code of 2012 when the offense was committed on or
18 after July 1, 1999:

19 10-4 (forcible detention, if the victim is under
20 18 years of age), provided the offense was sexually
21 motivated as defined in Section 10 of the Sex Offender
22 Management Board Act,

23 11-6.5 (indecent solicitation of an adult),

24 11-14.3 that involves soliciting for a prostitute,
25 or 11-15 (soliciting for a prostitute, if the victim
26 is under 18 years of age),

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

4 11-18 (patronizing a prostitute, if the victim is
5 under 18 years of age),

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

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

14 (1.11) A violation or attempted violation of any of
15 the following Sections of the Criminal Code of 1961 or the
16 Criminal Code of 2012 when the offense was committed on or
17 after August 22, 2002:

18 11-9 or 11-30 (public indecency for a third or
19 subsequent conviction).

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

25 (1.12) A violation or attempted violation of Section
26 5.1 of the Wrongs to Children Act or Section 11-9.1A of the

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

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

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

23 (C-5) A person at least 17 years of age at the time of the
24 commission of the offense who is convicted of first degree
25 murder under Section 9-1 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, against a person under 18 years of age,

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

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

25 (D) As used in this Article, "law enforcement agency
26 having jurisdiction" means the Chief of Police in each of the

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

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

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

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

24 10-5.1 (luring of a minor),

25 11-14.4 that involves keeping a place of juvenile
26 prostitution, or 11-17.1 (keeping a place of juvenile

1 prostitution),
2 subdivision (a) (2) or (a) (3) of Section 11-14.4,
3 or Section 11-19.1 (juvenile pimping),
4 subdivision (a) (4) of Section 11-14.4, or Section
5 11-19.2 (exploitation of a child),
6 11-20.1 (child pornography),
7 11-20.1B or 11-20.3 (aggravated child
8 pornography),
9 11-1.20 or 12-13 (criminal sexual assault),
10 11-1.30 or 12-14 (aggravated criminal sexual
11 assault),
12 11-1.40 or 12-14.1 (predatory criminal sexual
13 assault of a child),
14 11-1.60 or 12-16 (aggravated criminal sexual
15 abuse),
16 12-33 (ritualized abuse of a child);
17 (2) (blank);
18 (3) declared as a sexually dangerous person pursuant
19 to the Sexually Dangerous Persons Act or any substantially
20 similar federal, Uniform Code of Military Justice, sister
21 state, or foreign country law;
22 (4) found to be a sexually violent person pursuant to
23 the Sexually Violent Persons Commitment Act or any
24 substantially similar federal, Uniform Code of Military
25 Justice, sister state, or foreign country law;
26 (5) convicted of a second or subsequent offense which

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

6 (6) (blank); or

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

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

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

23 (2) Section 11-9.5 (sexual misconduct with a person
24 with a disability);

25 (3) when the victim is a person under 18 years of age,
26 the defendant is not a parent of the victim, the offense

1 was sexually motivated as defined in Section 10 of the Sex
2 Offender Management Board Act, and the offense was
3 committed on or after January 1, 1996: (A) Section 10-1
4 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
5 (C) Section 10-3 (unlawful restraint), and (D) Section
6 10-3.1 (aggravated unlawful restraint); and

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

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

21 (F) As used in this Article, "out-of-state student" means
22 any sex offender, as defined in this Section, or sexual
23 predator who is enrolled in Illinois, on a full-time or
24 part-time basis, in any public or private educational
25 institution, including, but not limited to, any secondary
26 school, trade or professional institution, or institution of

1 higher learning.

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

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

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

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

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

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

24 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

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

3 (a) Within 2 years of the occurrence of the crime, or
4 within one year after a criminal charge of a person for an
5 offense, upon which the claim is based, he files an
6 application, under oath, with the Court of Claims and on a
7 form prescribed in accordance with Section 7.1 furnished
8 by the Attorney General. If the person entitled to
9 compensation is under 18 years of age or under other legal
10 disability at the time of the occurrence or is determined
11 by a court to be under a legal disability as a result of
12 the occurrence, he may file the application required by
13 this subsection within 2 years after he attains the age of
14 18 years or the disability is removed, as the case may be.
15 Legal disability includes a diagnosis of posttraumatic
16 stress disorder.

17 (b) For all crimes of violence, except those listed in
18 subsection (b-1) of this Section, the appropriate law
19 enforcement officials were notified within 72 hours of the
20 perpetration of the crime allegedly causing the death or
21 injury to the victim or, in the event such notification
22 was made more than 72 hours after the perpetration of the
23 crime, the applicant establishes that such notice was
24 timely under the circumstances.

25 (b-1) For victims of offenses defined in Sections
26 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,

1 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of
2 1961 or the Criminal Code of 2012, the appropriate law
3 enforcement officials were notified within 7 days of the
4 perpetration of the crime allegedly causing death or
5 injury to the victim or, in the event that the
6 notification was made more than 7 days after the
7 perpetration of the crime, the applicant establishes that
8 the notice was timely under the circumstances. If the
9 applicant or victim has obtained an order of protection, a
10 civil no contact order, or a stalking no contact order,
11 has presented himself or herself to a hospital for sexual
12 assault evidence collection and medical care, or is
13 engaged in a legal proceeding involving a claim that the
14 applicant or victim is a victim of human trafficking, such
15 action shall constitute appropriate notification under
16 this subsection (b-1) or subsection (b) of this Section.

17 (c) The applicant has cooperated with law enforcement
18 officials in the apprehension and prosecution of the
19 assailant. If the applicant or victim has obtained an
20 order of protection, a civil no contact order, or a
21 stalking no contact order, has presented himself or
22 herself to a hospital for sexual assault evidence
23 collection and medical care, or is engaged in a legal
24 proceeding involving a claim that the applicant or victim
25 is a victim of human trafficking, such action shall
26 constitute cooperation under this subsection (c). If the

1 victim is under 18 years of age at the time of the
2 commission of the offense, the following shall constitute
3 cooperation under this subsection (c):

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

6 (2) a mandated reporter reports the crime to law
7 enforcement; or

8 (3) a person with firsthand knowledge of the crime
9 reports the crime to law enforcement.

10 (d) The applicant is not the offender or an accomplice
11 of the offender and the award would not unjustly benefit
12 the offender or his accomplice.

13 (e) The injury to or death of the victim was not
14 substantially attributable to his own wrongful act and was
15 not substantially provoked by the victim.

16 (f) For victims of offenses defined in Section 10-9 of
17 the Criminal Code of 2012, the victim submits a statement
18 under oath on a form prescribed by the Attorney General
19 attesting that the removed tattoo was applied in
20 connection with the commission of the offense.

21 (g) Notwithstanding any other provision of this Act to
22 the contrary, a trafficking victim as defined in Section
23 10-9 of the Criminal Code of 2012 who is under 18 years of
24 age is not subject to the filing requirements of this Act
25 and is not subject to the eligibility requirements of this
26 Act.

1 (Source: P.A. 99-143, eff. 7-27-15; 100-575, eff. 1-8-18;
2 100-1037, eff. 1-1-19.)".