



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3697

Introduced 1/21/2022, by Sen. Jason Plummer

SYNOPSIS AS INTRODUCED:

See Index

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

LRB102 21945 RLC 31068 b

1 AN ACT concerning human trafficking.

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

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

6 (50 ILCS 705/7)

7 (Text of Section before amendment by P.A. 102-345)

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

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

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

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

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

1 electronic control devices shall be conducted for
2 probationary law enforcement officers, including
3 University police officers.

4 b. Minimum courses of study, attendance requirements
5 and equipment requirements.

6 c. Minimum requirements for instructors.

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

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

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

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

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

18 All individuals hired as court security officers on or
19 after June 1, 1997 (the effective date of Public Act
20 89-685) shall be certified within 12 months of the date of
21 their hire, unless a waiver has been obtained by the
22 Board, or they shall forfeit their positions.

23 The Sheriff's Merit Commission, if one exists, or the
24 Sheriff's Office if there is no Sheriff's Merit
25 Commission, shall maintain a list of all individuals who
26 have filed applications to become court security officers

1 and who meet the eligibility requirements established
2 under this Act. Either the Sheriff's Merit Commission, or
3 the Sheriff's Office if no Sheriff's Merit Commission
4 exists, shall establish a schedule of reasonable intervals
5 for verification of the applicants' qualifications under
6 this Act and as established by the Board.

7 g. Minimum in-service training requirements, which a
8 law enforcement officer must satisfactorily complete every
9 3 years. Those requirements shall include constitutional
10 and proper use of law enforcement authority, procedural
11 justice, civil rights, human rights, reporting child abuse
12 and neglect, and cultural competency, including implicit
13 bias and racial and ethnic sensitivity. These trainings
14 shall consist of at least 30 hours of training every 3
15 years.

16 h. Minimum in-service training requirements, which a
17 law enforcement officer must satisfactorily complete at
18 least annually. Those requirements shall include law
19 updates, emergency medical response training and
20 certification, crisis intervention training, and officer
21 wellness and mental health.

22 i. Minimum in-service training requirements as set
23 forth in Section 10.6.

24 The amendatory changes to this Section made by Public Act
25 101-652 shall take effect January 1, 2022.

26 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;

1 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
2 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
3 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
4 1-1-22; 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; revised
5 10-5-21.)

6 (Text of Section after amendment by P.A. 102-345)

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19 authority, crisis intervention training, vehicle and
20 traffic law, including uniform and nondiscriminatory
21 ~~non-discriminatory~~ enforcement of the Illinois Vehicle
22 Code, traffic control and accident investigation,
23 techniques of obtaining physical evidence, court
24 testimonies, statements, reports, firearms training,
25 training in the use of electronic control devices,

1 including the psychological and physiological effects of
2 the use of those devices on humans, first-aid (including
3 cardiopulmonary resuscitation), training in the
4 administration of opioid antagonists as defined in
5 paragraph (1) of subsection (e) of Section 5-23 of the
6 Substance Use Disorder Act, handling of juvenile
7 offenders, recognition of mental conditions and crises,
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14 the Adult Protective Services Act, crimes against the
15 elderly, training in investigating domestic minor sex
16 trafficking, law of evidence, the hazards of high-speed
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1 effective communication at the initial contact with crime
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3 witnesses their rights under the Rights of Crime Victims
4 and Witnesses Act and the Crime Victims Compensation Act.
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10 setting, including recognizing signs and symptoms of
11 work-related cumulative stress, issues that may lead to
12 suicide, and solutions for intervention with peer support
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15 requirements under the Abused and Neglected Child
16 Reporting Act. The curriculum shall also include a block
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1 physical safety and well-being of a child of an arrested
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25 selected by the board. The training in the use of
26 electronic control devices shall be conducted for

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

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

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26 Board, or they shall forfeit their positions.

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7 the Sheriff's Office if no Sheriff's Merit Commission
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7 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
8 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
9 eff. 8-20-21; revised 10-5-21.)

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

12 (325 ILCS 5/3) (from Ch. 23, par. 2053)

13 (Text of Section before amendment by P.A. 102-567)

14 Sec. 3. As used in this Act unless the context otherwise
15 requires:

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

22 "Agency" means a child care facility licensed under
23 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
24 includes a transitional living program that accepts children

1 and adult residents for placement who are in the guardianship
2 of the Department.

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

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

23 "Department" means Department of Children and Family
24 Services.

25 "Local law enforcement agency" means the police of a city,
26 town, village or other incorporated area or the sheriff of an

1 unincorporated area or any sworn officer of the Illinois
2 Department of State Police.

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

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

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

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

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

24 (e) inflicts excessive corporal punishment or, in the
25 case of a person working for an agency who is prohibited
26 from using corporal punishment, inflicts corporal

1 punishment upon a child or adult resident with whom the
2 person is working in his or her professional capacity;

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

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

16 (h) commits or allows to be committed the offense of
17 involuntary servitude, involuntary sexual servitude of a
18 minor, or trafficking in persons as defined in Section
19 10-9 of the Criminal Code of 2012 against the child.

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

23 "Neglected child" means any child who is not receiving the
24 proper or necessary nourishment or medically indicated
25 treatment including food or care not provided solely on the
26 basis of the present or anticipated mental or physical

1 impairment as determined by a physician acting alone or in
2 consultation with other physicians or otherwise is not
3 receiving the proper or necessary support or medical or other
4 remedial care recognized under State law as necessary for a
5 child's well-being, or other care necessary for his or her
6 well-being, including adequate food, clothing and shelter; or
7 who is subjected to an environment which is injurious insofar
8 as (i) the child's environment creates a likelihood of harm to
9 the child's health, physical well-being, or welfare and (ii)
10 the likely harm to the child is the result of a blatant
11 disregard of parent, caretaker, or agency responsibilities; or
12 who is abandoned by his or her parents or other person
13 responsible for the child's welfare without a proper plan of
14 care; or who has been provided with interim crisis
15 intervention services under Section 3-5 of the Juvenile Court
16 Act of 1987 and whose parent, guardian, or custodian refuses
17 to permit the child to return home and no other living
18 arrangement agreeable to the parent, guardian, or custodian
19 can be made, and the parent, guardian, or custodian has not
20 made any other appropriate living arrangement for the child;
21 or who is a newborn infant whose blood, urine, or meconium
22 contains any amount of a controlled substance as defined in
23 subsection (f) of Section 102 of the Illinois Controlled
24 Substances Act or a metabolite thereof, with the exception of
25 a controlled substance or metabolite thereof whose presence in
26 the newborn infant is the result of medical treatment

1 administered to the mother or the newborn infant. A child
2 shall not be considered neglected for the sole reason that the
3 child's parent or other person responsible for his or her
4 welfare has left the child in the care of an adult relative for
5 any period of time. A child shall not be considered neglected
6 for the sole reason that the child has been relinquished in
7 accordance with the Abandoned Newborn Infant Protection Act. A
8 child shall not be considered neglected or abused for the sole
9 reason that such child's parent or other person responsible
10 for his or her welfare depends upon spiritual means through
11 prayer alone for the treatment or cure of disease or remedial
12 care as provided under Section 4 of this Act. A child shall not
13 be considered neglected or abused solely because the child is
14 not attending school in accordance with the requirements of
15 Article 26 of The School Code, as amended.

16 "Child Protective Service Unit" means certain specialized
17 State employees of the Department assigned by the Director to
18 perform the duties and responsibilities as provided under
19 Section 7.2 of this Act.

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

25 "Great bodily harm" includes bodily injury which creates a
26 high probability of death, or which causes serious permanent

1 disfigurement, or which causes a permanent or protracted loss
2 or impairment of the function of any bodily member or organ, or
3 other serious bodily harm.

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

23 "Temporary protective custody" means custody within a
24 hospital or other medical facility or a place previously
25 designated for such custody by the Department, subject to
26 review by the Court, including a licensed foster home, group

1 home, or other institution; but such place shall not be a jail
2 or other place for the detention of criminal or juvenile
3 offenders.

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

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

10 "An undetermined report" means any report made under this
11 Act in which it was not possible to initiate or complete an
12 investigation on the basis of information provided to the
13 Department.

14 "Subject of report" means any child reported to the
15 central register of child abuse and neglect established under
16 Section 7.7 of this Act as an alleged victim of child abuse or
17 neglect and the parent or guardian of the alleged victim or
18 other person responsible for the alleged victim's welfare who
19 is named in the report or added to the report as an alleged
20 perpetrator of child abuse or neglect.

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

24 "Member of the clergy" means a clergyman or practitioner
25 of any religious denomination accredited by the religious body
26 to which he or she belongs.

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

2 (Text of Section after amendment by P.A. 102-567)

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

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

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

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

1 or welfare, and, when viewed in light of the surrounding
2 circumstances, evidence exists that would cause a reasonable
3 person to believe that the child was neglected. With respect
4 to an agency, "blatant disregard" includes a failure to
5 implement practices that ensure the health, physical
6 well-being, or welfare of the children and adult residents
7 residing in the facility.

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

11 "Department" means Department of Children and Family
12 Services.

13 "Local law enforcement agency" means the police of a city,
14 town, village, or other incorporated area or the sheriff of an
15 unincorporated area or any sworn officer of the Illinois
16 ~~Department of State Police.~~

17 "Abused child" means a child whose parent or immediate
18 family member, or any person responsible for the child's
19 welfare, or any individual residing in the same home as the
20 child, or a paramour of the child's parent:

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

26 (b) creates a substantial risk of physical injury to

1 such child by other than accidental means which would be
2 likely to cause death, disfigurement, impairment of
3 physical or emotional health, or loss or impairment of any
4 bodily function;

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

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

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

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

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

1 accordance with Article III of the Illinois Controlled
2 Substances Act and are dispensed to such child in a manner
3 that substantially complies with the prescription; or

4 (h) commits or allows to be committed the offense of
5 involuntary servitude, involuntary sexual servitude of a
6 minor, or trafficking in persons as defined in Section
7 10-9 of the Criminal Code of 2012 against the child. A
8 child shall be considered abused regardless of the
9 perpetrator of the abuse if the child is a human
10 trafficking victim as defined in Section 10-9 of the
11 Criminal Code of 2012.

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

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

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

1 neglected or abused for the sole reason that such child's
2 parent or other person responsible for his or her welfare
3 depends upon spiritual means through prayer alone for the
4 treatment or cure of disease or remedial care as provided
5 under Section 4 of this Act. A child shall not be considered
6 neglected or abused solely because the child is not attending
7 school in accordance with the requirements of Article 26 of
8 The School Code, as amended.

9 "Child Protective Service Unit" means certain specialized
10 State employees of the Department assigned by the Director to
11 perform the duties and responsibilities as provided under
12 Section 7.2 of this Act.

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

18 "Great bodily harm" includes bodily injury which creates a
19 high probability of death, or which causes serious permanent
20 disfigurement, or which causes a permanent or protracted loss
21 or impairment of the function of any bodily member or organ, or
22 other serious bodily harm.

23 "Person responsible for the child's welfare" means the
24 child's parent; guardian; foster parent; relative caregiver;
25 any person responsible for the child's welfare in a public or
26 private residential agency or institution; any person

1 responsible for the child's welfare within a public or private
2 profit or not-for-profit ~~not for profit~~ child care facility;
3 or any other person responsible for the child's welfare at the
4 time of the alleged abuse or neglect, including any person who
5 commits or allows to be committed, against the child, the
6 offense of involuntary servitude, involuntary sexual servitude
7 of a minor, or trafficking in persons for forced labor or
8 services, as provided in Section 10-9 of the Criminal Code of
9 2012, including, but not limited to, the custodian of the
10 minor, or any person who came to know the child through an
11 official capacity or position of trust, including, but not
12 limited to, health care professionals, educational personnel,
13 recreational supervisors, members of the clergy, and
14 volunteers or support personnel in any setting where children
15 may be subject to abuse or neglect.

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

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

26 "An indicated report" means a report made under this Act

1 if an investigation determines that credible evidence of the
2 alleged abuse or neglect exists.

3 "An undetermined report" means any report made under this
4 Act in which it was not possible to initiate or complete an
5 investigation on the basis of information provided to the
6 Department.

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

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

17 "Member of the clergy" means a clergyman or practitioner
18 of any religious denomination accredited by the religious body
19 to which he or she belongs.

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

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

23 (705 ILCS 405/5-915)

24 Sec. 5-915. Expungement of juvenile law enforcement and

1 juvenile court records.

2 (0.05) (Blank).

3 (0.1) (a) The Illinois State Police and all law
4 enforcement agencies within the State shall automatically
5 expunge, on or before January 1 of each year, all juvenile law
6 enforcement records relating to events occurring before an
7 individual's 18th birthday if:

8 (1) one year or more has elapsed since the date of the
9 arrest or law enforcement interaction documented in the
10 records;

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

15 (3) 6 months have elapsed since the date of the arrest
16 without an additional subsequent arrest or filing of a
17 petition for delinquency or criminal charges whether
18 related or not to the arrest or law enforcement
19 interaction documented in the records.

20 (b) If the law enforcement agency is unable to verify
21 satisfaction of conditions (2) and (3) of this subsection
22 (0.1), records that satisfy condition (1) of this subsection
23 (0.1) shall be automatically expunged if the records relate to
24 an offense that if committed by an adult would not be an
25 offense classified as a Class 2 felony or higher, an offense
26 under Article 11 of the Criminal Code of 1961 or Criminal Code

1 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
2 12-15, or 12-16 of the Criminal Code of 1961.

3 (0.15) If a juvenile law enforcement record meets
4 paragraph (a) of subsection (0.1) of this Section, a juvenile
5 law enforcement record created:

6 (1) prior to January 1, 2018, but on or after January
7 1, 2013 shall be automatically expunged prior to January
8 1, 2020;

9 (2) prior to January 1, 2013, but on or after January
10 1, 2000, shall be automatically expunged prior to January
11 1, 2023; and

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

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

18 (0.2) (a) Upon dismissal of a petition alleging
19 delinquency or upon a finding of not delinquent, the
20 successful termination of an order of supervision, or the
21 successful termination of an adjudication for an offense which
22 would be a Class B misdemeanor, Class C misdemeanor, or a petty
23 or business offense if committed by an adult, the court shall
24 automatically order the expungement of the juvenile court
25 records and juvenile law enforcement records. The clerk shall
26 deliver a certified copy of the expungement order to the

1 Illinois State Police and the arresting agency. Upon request,
2 the State's Attorney shall furnish the name of the arresting
3 agency. The expungement shall be completed within 60 business
4 days after the receipt of the expungement order.

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

21 (0.3) (a) Upon an adjudication of delinquency based on any
22 offense except a disqualified offense, the juvenile court
23 shall automatically order the expungement of the juvenile
24 court and law enforcement records 2 years or, in the case of a
25 human trafficking victim as defined in Section 10-9 of the
26 Criminal Code of 2012 adjudicated delinquent for prostitution,

1 immediately after the juvenile's case was closed if no
2 delinquency or criminal proceeding is pending and the person
3 has had no subsequent delinquency adjudication or criminal
4 conviction. The clerk shall deliver a certified copy of the
5 expungement order to the Illinois State Police and the
6 arresting agency. Upon request, the State's Attorney shall
7 furnish the name of the arresting agency. The expungement
8 shall be completed within 60 business days after the receipt
9 of the expungement order. In this subsection (0.3),
10 "disqualified offense" means any of the following offenses:
11 Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2,
12 10-3, 10-3.1, 10-4, 10-5, 10-9 if the minor was not a human
13 trafficking victim as defined in that Section, 11-1.20,
14 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2,
15 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1,
16 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2,
17 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5,
18 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9,
19 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal Code of
20 2012, or subsection (b) of Section 8-1, paragraph (4) of
21 subsection (a) of Section 11-14.4, subsection (a-5) of Section
22 12-3.1, paragraph (1), (2), or (3) of subsection (a) of
23 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
24 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
25 subparagraph (i) of paragraph (1) of subsection (a) of Section
26 12-9, subparagraph (H) of paragraph (3) of subsection (a) of

1 Section 24-1.6, paragraph (1) of subsection (a) of Section
2 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
3 of 2012.

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

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

26 (0.5) Subsection (0.1) or (0.2) of this Section does not

1 apply to violations of traffic, boating, fish and game laws,
2 or county or municipal ordinances.

3 (0.6) Juvenile law enforcement records of a plaintiff who
4 has filed civil litigation against the governmental entity or
5 its law enforcement agency or personnel that created,
6 maintained, or used the records, or juvenile law enforcement
7 records that contain information related to the allegations
8 set forth in the civil litigation may not be expunged until
9 after 2 years have elapsed after the conclusion of the
10 lawsuit, including any appeal.

11 (0.7) Officer-worn body camera recordings shall not be
12 automatically expunged except as otherwise authorized by the
13 Law Enforcement Officer-Worn Body Camera Act.

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

1 of the following circumstances:

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

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

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

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

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

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

18 (1.5) The Illinois State Police shall allow a person to
19 use the Access and Review process, established by ~~in~~ the
20 Illinois State Police, for verifying that his or her juvenile
21 law enforcement records relating to incidents occurring before
22 his or her 18th birthday eligible under this Act have been
23 expunged.

24 (1.6) (Blank).

25 (1.7) (Blank).

26 (1.8) (Blank).

1 (2) Any person whose delinquency adjudications are not
2 eligible for automatic expungement under subsection (0.3) of
3 this Section may petition the court to expunge all juvenile
4 law enforcement records relating to any incidents occurring
5 before his or her 18th birthday which did not result in
6 proceedings in criminal court and all juvenile court records
7 with respect to any adjudications except those based upon
8 first degree murder or an offense under Article 11 of the
9 Criminal Code of 2012 if the person is required to register
10 under the Sex Offender Registration Act at the time he or she
11 petitions the court for expungement; provided that 2 years
12 have elapsed since all juvenile court proceedings relating to
13 him or her have been terminated and his or her commitment to
14 the Department of Juvenile Justice under this Act has been
15 terminated.

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

1 (2.6) If a minor is referred to court, then, at the time of
2 sentencing, dismissal of the case, or successful completion of
3 supervision, the judge shall inform the delinquent minor of
4 his or her rights regarding expungement and the clerk of the
5 circuit court shall provide an expungement information packet
6 to the minor, written in plain language, including information
7 regarding this State's expungement laws and a petition for
8 expungement, a sample of a completed petition, expungement
9 instructions that shall include information informing the
10 minor that (i) once the case is expunged, it shall be treated
11 as if it never occurred, (ii) he or she may apply to have
12 petition fees waived, (iii) once he or she obtains an
13 expungement, he or she may not be required to disclose that he
14 or she had a juvenile law enforcement or juvenile court
15 record, and (iv) if petitioning, he or she may file the
16 petition on his or her own or with the assistance of an
17 attorney. The failure of the judge to inform the delinquent
18 minor of his or her right to petition for expungement as
19 provided by law does not create a substantive right, nor is
20 that failure grounds for: (i) a reversal of an adjudication of
21 delinquency; (ii) a new trial; or (iii) an appeal.

22 (2.7) (Blank).

23 (2.8) (Blank).

24 (3) (Blank).

25 (3.1) (Blank).

26 (3.2) (Blank).

1 (3.3) (Blank).

2 (4) (Blank).

3 (5) (Blank).

4 (5.5) Whether or not expunged, records eligible for
5 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
6 (0.3) (a) may be treated as expunged by the individual subject
7 to the records.

8 (6) (Blank).

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

17 (7) (Blank).

18 (7.5) (Blank).

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

23 (9) (Blank).

24 (10) (Blank).

25 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

1 Section 20. The Criminal Code of 2012 is amended by
2 changing Sections 10-9, 11-14.1, 11-18.1, 11-20.1, and 11-25
3 and by adding Section 11-27 as follows:

4 (720 ILCS 5/10-9)

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

7 (a) Definitions. In this Section:

8 (1) "Intimidation" has the meaning prescribed in Section
9 12-6.

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

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

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

24 (4) (Blank).

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

1 (6) "Maintain" means, in relation to labor or services, to
2 secure continued performance thereof, regardless of any
3 initial agreement on the part of the victim to perform that
4 type of service.

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

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

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

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

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

1 (b) Involuntary servitude. A person commits involuntary
2 servitude when he or she knowingly subjects, attempts to
3 subject, or engages in a conspiracy to subject another person
4 to labor or services obtained or maintained through any of the
5 following means, or any combination of these means:

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

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

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

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

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

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

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

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

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

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

14 (3) there is overt force or threat.

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

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

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

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

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

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

19 (f) Sentencing considerations.

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

1 and one year, and increased penalties for cases in which
2 the victim was held for more than one year.

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

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

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

22 (g-5) Fine distribution. If the court imposes a fine under
23 subsection (b), (c), or (d) of this Section, it shall be
24 collected and distributed to the Specialized Services for
25 Survivors of Human Trafficking Fund in accordance with Section
26 5-9-1.21 of the Unified Code of Corrections.

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

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

25 (j) A person who commits involuntary servitude,
26 involuntary sexual servitude of a minor, or trafficking in

1 persons under subsection (b), (c), or (d) of this Section is
2 subject to the property forfeiture provisions set forth in
3 Article 124B of the Code of Criminal Procedure of 1963.

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

5 (720 ILCS 5/11-14.1)

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

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

15 (b) Sentence. Solicitation of a sexual act is a Class A
16 misdemeanor. Solicitation of a sexual act from a person who is
17 under the age of 18 or who is a person with a severe or
18 profound intellectual disability is a Class 4 felony. If the
19 court imposes a fine under this subsection (b), it shall be
20 collected and distributed to the Specialized Services for
21 Survivors of Human Trafficking Fund in accordance with Section
22 5-9-1.21 of the Unified Code of Corrections.

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

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

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

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

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

12 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

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

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

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

1 (b) (Blank). ~~It is an affirmative defense to the charge of~~
2 ~~patronizing a minor engaged in prostitution that the accused~~
3 ~~reasonably believed that the person was of the age of 18 years~~
4 ~~or over or was not a person with a severe or profound~~
5 ~~intellectual disability at the time of the act giving rise to~~
6 ~~the charge.~~

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

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

1 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)
2 (Text of Section before amendment by P.A. 102-567)
3 Sec. 11-20.1. Child pornography.

4 (a) A person commits child pornography who:

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

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

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

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

1 (iv) actually or by simulation portrayed as being
2 the object of, or otherwise engaged in, any act of lewd
3 fondling, touching, or caressing involving another
4 person or animal; or

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

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

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

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

1 subsection; or

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

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

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

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

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

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

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

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

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

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

3 (2) (Blank).

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

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

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

23 (6) Any violation of paragraph (1), (2), (3), (4), (5), or
24 (7) of subsection (a) that includes a child engaged in,
25 solicited for, depicted in, or posed in any act of sexual
26 penetration or bound, fettered, or subject to sadistic,

1 masochistic, or sadomasochistic abuse in a sexual context
2 shall be deemed a crime of violence.

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

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

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

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

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

23 (e) Any film, videotape, photograph or other similar
24 visual reproduction or depiction by computer which includes a
25 child under the age of 18 or a person with a severe or profound
26 intellectual disability engaged in any activity described in

1 subparagraphs (i) through (vii) or paragraph 1 of subsection
2 (a), and any material or equipment used or intended for use in
3 photographing, filming, printing, producing, reproducing,
4 manufacturing, projecting, exhibiting, depiction by computer,
5 or disseminating such material shall be seized and forfeited
6 in the manner, method and procedure provided by Section 36-1
7 of this Code for the seizure and forfeiture of vessels,
8 vehicles and aircraft.

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

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

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

24 (1) "Disseminate" means (i) to sell, distribute,
25 exchange or transfer possession, whether with or without
26 consideration or (ii) to make a depiction by computer

1 available for distribution or downloading through the
2 facilities of any telecommunications network or through
3 any other means of transferring computer programs or data
4 to a computer.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 entirety. As of the time this amendatory Act of 1999
2 was prepared, People v. Dainty was still subject to
3 appeal.

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

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

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

24 (4) The re-enactment by this amendatory Act of 1999 of
25 Section 11-20.1 of the Criminal Code of 1961 relating to
26 child pornography that was amended by Public Act 88-680 is

1 not intended, and shall not be construed, to imply that
2 Public Act 88-680 is invalid or to limit or impair any
3 legal argument concerning whether those provisions were
4 substantially re-enacted by other Public Acts.

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

6 (Text of Section after amendment by P.A. 102-567)

7 Sec. 11-20.1. Child pornography.

8 (a) A person commits child pornography who:

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

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

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

1 disability and the sex organs of another person or
2 animal; or

3 (iii) actually or by simulation engaged in any act
4 of masturbation; or

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

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

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

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

21 (2) with the knowledge of the nature or content
22 thereof, reproduces, disseminates, offers to disseminate,
23 exhibits, or possesses with intent to disseminate any
24 film, videotape, photograph, or other similar visual
25 reproduction or depiction by computer of any child or
26 person with a severe or profound intellectual disability

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

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

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

25 (5) is a parent, step-parent, legal guardian, or other
26 person having care or custody of a child whom the person

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

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

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

1 intellectual disability will be depicted, actually or by
2 simulation, in any act, pose, or setting described in
3 subparagraphs (i) through (vii) of paragraph (1) of this
4 subsection.

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

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

24 (1.5) Telecommunications carriers, commercial mobile
25 service providers, and providers of information services,
26 including, but not limited to, Internet service providers and

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

7 (2) (Blank).

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

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

24 (5) The charge of child pornography does not apply to a
25 person who does not voluntarily possess a film, videotape, or
26 visual reproduction or depiction by computer in which child

1 pornography is depicted. Possession is voluntary if the
2 defendant knowingly procures or receives a film, videotape, or
3 visual reproduction or depiction for a sufficient time to be
4 able to terminate his or her possession.

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

11 (c) If the violation does not involve a film, videotape,
12 or other moving depiction, a violation of paragraph (1), (4),
13 (5), (6), or (7) of subsection (a) is a Class 1 felony with a
14 mandatory minimum fine of \$2,000 and a maximum fine of
15 \$100,000. If the violation involves a film, videotape, or
16 other moving depiction, a violation of paragraph (1), (4),
17 (5), (6), or (7) of subsection (a) is a Class X felony with a
18 mandatory minimum fine of \$2,000 and a maximum fine of
19 \$100,000. If the violation does not involve a film, videotape,
20 or other moving depiction, a violation of paragraph (3) of
21 subsection (a) is a Class 1 felony with a mandatory minimum
22 fine of \$1,500 ~~\$1500~~ and a maximum fine of \$100,000. If the
23 violation involves a film, videotape, or other moving
24 depiction, a violation of paragraph (3) of subsection (a) is a
25 Class X felony with a mandatory minimum fine of \$1,500 ~~\$1500~~
26 and a maximum fine of \$100,000. If the violation does not

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

16 (c-5) Where the child depicted is under the age of 13, a
17 violation of paragraph (1), (2), (3), (4), (5), or (7) of
18 subsection (a) is a Class X felony with a mandatory minimum
19 fine of \$2,000 and a maximum fine of \$100,000. ~~Where the child~~
20 ~~depicted is under the age of 13, a violation of paragraph (6)~~
21 ~~of subsection (a) is a Class 2 felony with a mandatory minimum~~
22 ~~fine of \$1,000 and a maximum fine of \$100,000.~~ Where the child
23 depicted is under the age of 13, a person who commits a
24 violation of paragraph (1), (2), (3), (4), (5), or (7) of
25 subsection (a) where the defendant has previously been
26 convicted under the laws of this State or any other state of

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

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

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

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

21 (e-5) Upon the conclusion of a case brought under this
22 Section, the court shall seal all evidence depicting a victim
23 or witness that is sexually explicit. The evidence may be
24 unsealed and viewed, on a motion of the party seeking to unseal
25 and view the evidence, only for good cause shown and in the
26 discretion of the court. The motion must expressly set forth

1 the purpose for viewing the material. The State's attorney and
2 the victim, if possible, shall be provided reasonable notice
3 of the hearing on the motion to unseal the evidence. Any person
4 entitled to notice of a hearing under this subsection (e-5)
5 may object to the motion.

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

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

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

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

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

23 (5) "Depiction by computer" means a computer program
24 or data that, after being processed by a computer either
25 alone or in conjunction with one or more computer
26 programs, results in a visual depiction on a computer

1 monitor, screen, or display.

2 (6) "Computer", "computer program", and "data" have
3 the meanings ascribed to them in Section 17.05 of this
4 Code.

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

23 (g) Reenactment ~~Re-enactment~~; findings; purposes.

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

25 (i) Section 50-5 of Public Act 88-680, effective
26 January 1, 1995, contained provisions amending the

1 child pornography statute, Section 11-20.1 of the
2 Criminal Code of 1961. Section 50-5 also contained
3 other provisions.

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

1 Management Act, the Firearm Owners Identification Card
2 Act, the Juvenile Court Act of 1987, the Criminal Code
3 of 1961, the Wrongs to Children Act, and the Unified
4 Code of Corrections.

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

13 (iv) Child pornography is a vital concern to the
14 people of this State and the validity of future
15 prosecutions under the child pornography statute of
16 the Criminal Code of 1961 is in grave doubt.

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

23 (3) This amendatory Act of 1999 reenacts ~~re-enacts~~
24 Section 11-20.1 of the Criminal Code of 1961, as it has
25 been amended. This reenactment ~~re-enactment~~ is intended to
26 remove any question as to the validity or content of that

1 Section; it is not intended to supersede any other Public
2 Act that amends the text of the Section as set forth in
3 this amendatory Act of 1999. The material is shown as
4 existing text (i.e., without underscoring) because, as of
5 the time this amendatory Act of 1999 was prepared, People
6 v. Dainty was subject to appeal to the Illinois Supreme
7 Court.

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

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

17 (720 ILCS 5/11-25)

18 Sec. 11-25. Grooming.

19 (a) A person commits grooming when he or she knowingly
20 uses a computer online ~~on-line~~ service, Internet service,
21 local bulletin board service, or any other device capable of
22 electronic data storage or transmission to seduce, solicit,
23 lure, or entice, or attempt to seduce, solicit, lure, or
24 entice, a child, a child's guardian, or another person
25 believed by the person to be a child or a child's guardian, to

1 commit any sex offense as defined in Section 2 of the Sex
2 Offender Registration Act, to distribute photographs depicting
3 the sex organs of the child, or to otherwise engage in any
4 unlawful sexual conduct with a child or with another person
5 believed by the person to be a child. As used in this Section,
6 "child" means a person under 17 years of age.

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

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

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

12 (720 ILCS 5/11-27 new)

13 Sec. 11-27. Selling travel services to facilitate sexual
14 exploitation of a child.

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

17 (b) A person commits selling travel services to facilitate
18 sexual exploitation of a child when he or she knowingly sells
19 or offers to sell travel services for the purpose of seducing,
20 soliciting, luring, or enticing, or attempting to seduce,
21 solicit, lure, or entice a person to travel to a location
22 within this State to commit any sex offense as defined in
23 Section 2 of the Sex Offender Registration Act, to distribute
24 photographs depicting the sex organs of the child, or to
25 otherwise engage in any unlawful sexual conduct with a child

1 or with another person believed by the person to be a child.

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

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

6 (725 ILCS 5/116-2.1)

7 Sec. 116-2.1. Motion to vacate prostitution convictions
8 for sex trafficking victims.

9 (a) A motion under this Section may be filed at any time
10 following the entry of a verdict or finding of guilty or an
11 adjudication of delinquency under the Juvenile Court Act of
12 1987 where the conviction was under Section 11-14
13 (prostitution) or Section 11-14.2 (first offender; felony
14 prostitution) of the Criminal Code of 1961 or the Criminal
15 Code of 2012 or a similar local ordinance and the defendant's
16 participation in the offense was a result of having been a
17 trafficking victim under Section 10-9 (involuntary servitude,
18 involuntary sexual servitude of a minor, or trafficking in
19 persons) of the Criminal Code of 1961 or the Criminal Code of
20 2012; or a victim of a severe form of trafficking under the
21 federal Trafficking Victims Protection Act (22 U.S.C. Section
22 7102(13)); provided that:

23 (1) a motion under this Section shall state why the
24 facts giving rise to this motion were not presented to the

1 trial court, and shall be made with due diligence, after
2 the defendant has ceased to be a victim of such
3 trafficking or has sought services for victims of such
4 trafficking, subject to reasonable concerns for the safety
5 of the defendant, family members of the defendant, or
6 other victims of such trafficking that may be jeopardized
7 by the bringing of such motion, or for other reasons
8 consistent with the purpose of this Section; and

9 (2) reasonable notice of the motion shall be served
10 upon the State.

11 (b) The court may grant the motion if, in the discretion of
12 the court, the violation was a result of the defendant having
13 been a victim of human trafficking. Evidence of such may
14 include, but is not limited to:

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

20 (2) certified records of "approval notices" or "law
21 enforcement certifications" generated from federal
22 immigration proceedings available to such victims; or

23 (3) a sworn statement from a trained professional
24 staff of a victim services organization, an attorney, a
25 member of the clergy, or a medical or other professional
26 from whom the defendant has sought assistance in

1 addressing the trauma associated with being trafficked.

2 Alternatively, the court may consider such other evidence
3 as it deems of sufficient credibility and probative value in
4 determining whether the defendant is a trafficking victim or
5 victim of a severe form of trafficking.

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

9 (Source: P.A. 97-267, eff. 1-1-12; 97-897, eff. 1-1-13;
10 97-1150, eff. 1-25-13.)

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

13 (730 ILCS 150/2) (from Ch. 38, par. 222)

14 Sec. 2. Definitions.

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

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

22 (a) is convicted of such offense or an attempt to
23 commit such offense; or

24 (b) is found not guilty by reason of insanity of

1 such offense or an attempt to commit such offense; or

2 (c) is found not guilty by reason of insanity
3 pursuant to Section 104-25(c) of the Code of Criminal
4 Procedure of 1963 of such offense or an attempt to
5 commit such offense; or

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

11 (e) is found not guilty by reason of insanity
12 following a hearing conducted pursuant to a federal,
13 Uniform Code of Military Justice, sister state, or
14 foreign country law substantially similar to Section
15 104-25(c) of the Code of Criminal Procedure of 1963 of
16 such offense or of the attempted commission of such
17 offense; or

18 (f) is the subject of a finding not resulting in an
19 acquittal at a hearing conducted pursuant to a
20 federal, Uniform Code of Military Justice, sister
21 state, or foreign country law substantially similar to
22 Section 104-25(a) of the Code of Criminal Procedure of
23 1963 for the alleged violation or attempted commission
24 of such offense; or

25 (2) declared as a sexually dangerous person pursuant
26 to the Illinois Sexually Dangerous Persons Act, or any

1 substantially similar federal, Uniform Code of Military
2 Justice, sister state, or foreign country law; or

3 (3) subject to the provisions of Section 2 of the
4 Interstate Agreements on Sexually Dangerous Persons Act;
5 or

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

10 (5) adjudicated a juvenile delinquent as the result of
11 committing or attempting to commit an act which, if
12 committed by an adult, would constitute any of the
13 offenses specified in item (B), (C), or (C-5) of this
14 Section or a violation of any substantially similar
15 federal, Uniform Code of Military Justice, sister state,
16 or foreign country law, or found guilty under Article V of
17 the Juvenile Court Act of 1987 of committing or attempting
18 to commit an act which, if committed by an adult, would
19 constitute any of the offenses specified in item (B), (C),
20 or (C-5) of this Section or a violation of any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law.

23 Convictions that result from or are connected with the
24 same act, or result from offenses committed at the same time,
25 shall be counted for the purpose of this Article as one
26 conviction. Any conviction set aside pursuant to law is not a

1 conviction for purposes of this Article.

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

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

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

7 10-9 (trafficking in persons, involuntary
8 servitude, and related offenses),

9 11-20.1 (child pornography),

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

12 11-6 (indecent solicitation of a child),

13 11-9.1 (sexual exploitation of a child),

14 11-9.2 (custodial sexual misconduct),

15 11-9.5 (sexual misconduct with a person with a
16 disability),

17 11-14.4 (promoting juvenile prostitution),

18 11-15.1 (soliciting for a juvenile prostitute),

19 11-18.1 (patronizing a juvenile prostitute),

20 11-17.1 (keeping a place of juvenile
21 prostitution),

22 11-19.1 (juvenile pimping),

23 11-19.2 (exploitation of a child),

24 11-25 (grooming),

25 11-26 (traveling to meet a minor or traveling to
26 meet a child),

1 11-1.20 or 12-13 (criminal sexual assault),
2 11-1.30 or 12-14 (aggravated criminal sexual
3 assault),
4 11-1.40 or 12-14.1 (predatory criminal sexual
5 assault of a child),
6 11-1.50 or 12-15 (criminal sexual abuse),
7 11-1.60 or 12-16 (aggravated criminal sexual
8 abuse),
9 12-33 (ritualized abuse of a child).

10 An attempt to commit any of these offenses.

11 (1.5) A violation of any of the following Sections of
12 the Criminal Code of 1961 or the Criminal Code of 2012,
13 when the victim is a person under 18 years of age, the
14 defendant is not a parent of the victim, the offense was
15 sexually motivated as defined in Section 10 of the Sex
16 Offender Evaluation and Treatment Act, and the offense was
17 committed on or after January 1, 1996:

18 10-1 (kidnapping),
19 10-2 (aggravated kidnapping),
20 10-3 (unlawful restraint),
21 10-3.1 (aggravated unlawful restraint).

22 If the offense was committed before January 1, 1996,
23 it is a sex offense requiring registration only when the
24 person is convicted of any felony after July 1, 2011, and
25 paragraph (2.1) of subsection (c) of Section 3 of this Act
26 applies.

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

5 (1.7) (Blank).

6 (1.8) A violation or attempted violation of Section
7 11-11 (sexual relations within families) of the Criminal
8 Code of 1961 or the Criminal Code of 2012, and the offense
9 was committed on or after June 1, 1997. If the offense was
10 committed before June 1, 1997, it is a sex offense
11 requiring registration only when the person is convicted
12 of any felony after July 1, 2011, and paragraph (2.1) of
13 subsection (c) of Section 3 of this Act applies.

14 (1.9) Child abduction under paragraph (10) of
15 subsection (b) of Section 10-5 of the Criminal Code of
16 1961 or the Criminal Code of 2012 committed by luring or
17 attempting to lure a child under the age of 16 into a motor
18 vehicle, building, house trailer, or dwelling place
19 without the consent of the parent or lawful custodian of
20 the child for other than a lawful purpose and the offense
21 was committed on or after January 1, 1998, provided the
22 offense was sexually motivated as defined in Section 10 of
23 the Sex Offender Management Board Act. If the offense was
24 committed before January 1, 1998, it is a sex offense
25 requiring registration only when the person is convicted
26 of any felony after July 1, 2011, and paragraph (2.1) of

1 subsection (c) of Section 3 of this Act applies.

2 (1.10) A violation or attempted violation of any of
3 the following Sections of the Criminal Code of 1961 or the
4 Criminal Code of 2012 when the offense was committed on or
5 after July 1, 1999:

6 10-4 (forcible detention, if the victim is under
7 18 years of age), provided the offense was sexually
8 motivated as defined in Section 10 of the Sex Offender
9 Management Board Act,

10 11-6.5 (indecent solicitation of an adult),

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

14 subdivision (a)(2)(A) or (a)(2)(B) of Section
15 11-14.3, or Section 11-16 (pandering, if the victim is
16 under 18 years of age),

17 11-18 (patronizing a prostitute, if the victim is
18 under 18 years of age),

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

22 If the offense was committed before July 1, 1999, it
23 is a sex offense requiring registration only when the
24 person is convicted of any felony after July 1, 2011, and
25 paragraph (2.1) of subsection (c) of Section 3 of this Act
26 applies.

1 (1.11) A violation or attempted violation of any of
2 the following Sections of the Criminal Code of 1961 or the
3 Criminal Code of 2012 when the offense was committed on or
4 after August 22, 2002:

5 11-9 or 11-30 (public indecency for a third or
6 subsequent conviction).

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

12 (1.12) A violation or attempted violation of Section
13 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
14 Criminal Code of 1961 or the Criminal Code of 2012
15 (permitting sexual abuse) when the offense was committed
16 on or after August 22, 2002. If the offense was committed
17 before August 22, 2002, it is a sex offense requiring
18 registration only when the person is convicted of any
19 felony after July 1, 2011, and paragraph (2.1) of
20 subsection (c) of Section 3 of this Act applies.

21 (2) A violation of any former law of this State
22 substantially equivalent to any offense listed in
23 subsection (B) of this Section.

24 (C) A conviction for an offense of federal law, Uniform
25 Code of Military Justice, or the law of another state or a
26 foreign country that is substantially equivalent to any

1 offense listed in subsections (B), (C), (E), and (E-5) of this
2 Section shall constitute a conviction for the purpose of this
3 Article. A finding or adjudication as a sexually dangerous
4 person or a sexually violent person under any federal law,
5 Uniform Code of Military Justice, or the law of another state
6 or foreign country that is substantially equivalent to the
7 Sexually Dangerous Persons Act or the Sexually Violent Persons
8 Commitment Act shall constitute an adjudication for the
9 purposes of this Article.

10 (C-5) A person at least 17 years of age at the time of the
11 commission of the offense who is convicted of first degree
12 murder under Section 9-1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, against a person under 18 years of age,
14 shall be required to register for natural life. A conviction
15 for an offense of federal, Uniform Code of Military Justice,
16 sister state, or foreign country law that is substantially
17 equivalent to any offense listed in subsection (C-5) of this
18 Section shall constitute a conviction for the purpose of this
19 Article. This subsection (C-5) applies to a person who
20 committed the offense before June 1, 1996 if: (i) the person is
21 incarcerated in an Illinois Department of Corrections facility
22 on August 20, 2004 (the effective date of Public Act 93-977),
23 or (ii) subparagraph (i) does not apply and the person is
24 convicted of any felony after July 1, 2011, and paragraph
25 (2.1) of subsection (c) of Section 3 of this Act applies.

26 (C-6) A person who is convicted or adjudicated delinquent

1 of first degree murder as defined in Section 9-1 of the
2 Criminal Code of 1961 or the Criminal Code of 2012, against a
3 person 18 years of age or over, shall be required to register
4 for his or her natural life. A conviction for an offense of
5 federal, Uniform Code of Military Justice, sister state, or
6 foreign country law that is substantially equivalent to any
7 offense listed in subsection (C-6) of this Section shall
8 constitute a conviction for the purpose of this Article. This
9 subsection (C-6) does not apply to those individuals released
10 from incarceration more than 10 years prior to January 1, 2012
11 (the effective date of Public Act 97-154).

12 (D) As used in this Article, "law enforcement agency
13 having jurisdiction" means the Chief of Police in each of the
14 municipalities in which the sex offender expects to reside,
15 work, or attend school (1) upon his or her discharge, parole,
16 or release or (2) during the service of his or her sentence of
17 probation or conditional discharge, or the Sheriff of the
18 county, in the event no Police Chief exists or if the offender
19 intends to reside, work, or attend school in an unincorporated
20 area. "Law enforcement agency having jurisdiction" includes
21 the location where out-of-state students attend school and
22 where out-of-state employees are employed or are otherwise
23 required to register.

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

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

3 (1) Convicted for an offense of federal, Uniform Code
4 of Military Justice, sister state, or foreign country law
5 that is substantially equivalent to any offense listed in
6 subsection (E) or (E-5) of this Section shall constitute a
7 conviction for the purpose of this Article. Convicted of a
8 violation or attempted violation of any of the following
9 Sections of the Criminal Code of 1961 or the Criminal Code
10 of 2012:

11 10-5.1 (luring of a minor),

12 11-14.4 that involves keeping a place of juvenile
13 prostitution, or 11-17.1 (keeping a place of juvenile
14 prostitution),

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

17 subdivision (a) (4) of Section 11-14.4, or Section
18 11-19.2 (exploitation of a child),

19 11-20.1 (child pornography),

20 11-20.1B or 11-20.3 (aggravated child
21 pornography),

22 11-1.20 or 12-13 (criminal sexual assault),

23 11-1.30 or 12-14 (aggravated criminal sexual
24 assault),

25 11-1.40 or 12-14.1 (predatory criminal sexual
26 assault of a child),

1 11-1.60 or 12-16 (aggravated criminal sexual
2 abuse),

3 12-33 (ritualized abuse of a child);

4 (2) (blank);

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

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

13 (5) convicted of a second or subsequent offense which
14 requires registration pursuant to this Act. For purposes
15 of this paragraph (5), "convicted" shall include a
16 conviction under any substantially similar Illinois,
17 federal, Uniform Code of Military Justice, sister state,
18 or foreign country law;

19 (6) (blank); or

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

26 (E-5) As used in this Article, "sexual predator" also

1 means a person convicted of a violation or attempted violation
2 of any of the following Sections of the Criminal Code of 1961
3 or the Criminal Code of 2012:

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

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

12 (3) when the victim is a person under 18 years of age,
13 the defendant is not a parent of the victim, the offense
14 was sexually motivated as defined in Section 10 of the Sex
15 Offender Management Board Act, and the offense was
16 committed on or after January 1, 1996: (A) Section 10-1
17 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
18 (C) Section 10-3 (unlawful restraint), and (D) Section
19 10-3.1 (aggravated unlawful restraint); and

20 (4) Section 10-5(b)(10) (child abduction committed by
21 luring or attempting to lure a child under the age of 16
22 into a motor vehicle, building, house trailer, or dwelling
23 place without the consent of the parent or lawful
24 custodian of the child for other than a lawful purpose and
25 the offense was committed on or after January 1, 1998,
26 provided the offense was sexually motivated as defined in

1 Section 10 of the Sex Offender Management Board Act).

2 (E-10) As used in this Article, "sexual predator" also
3 means a person required to register in another State due to a
4 conviction, adjudication, or other action of any court
5 triggering an obligation to register as a sex offender, sexual
6 predator, or substantially similar status under the laws of
7 that State.

8 (F) As used in this Article, "out-of-state student" means
9 any sex offender, as defined in this Section, or sexual
10 predator who is enrolled in Illinois, on a full-time or
11 part-time basis, in any public or private educational
12 institution, including, but not limited to, any secondary
13 school, trade or professional institution, or institution of
14 higher learning.

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

23 (H) As used in this Article, "school" means any public or
24 private educational institution, including, but not limited
25 to, any elementary or secondary school, trade or professional
26 institution, or institution of higher education.

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

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

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

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

11 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

12 Sec. 6.1. Right to compensation. A person is entitled to
13 compensation under this Act if:

14 (a) Within 5 years of the occurrence of the crime, or
15 within one year after a criminal charge of a person for an
16 offense, upon which the claim is based, the applicant
17 presents an application, under oath, to the Attorney
18 General that is filed with the Court of Claims and on a
19 form prescribed in accordance with Section 7.1 furnished
20 by the Attorney General. If the person entitled to
21 compensation is under 18 years of age or under other legal
22 disability at the time of the occurrence or is determined
23 by a court to be under a legal disability as a result of
24 the occurrence, he or she may present the application

1 required by this subsection within 3 years after he or she
2 attains the age of 18 years or the disability is removed,
3 as the case may be. Legal disability includes a diagnosis
4 of posttraumatic stress disorder.

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

9 (b) For all crimes of violence, except those listed in
10 subsection (b-1) of this Section, the appropriate law
11 enforcement officials were notified within 72 hours of the
12 perpetration of the crime allegedly causing the death or
13 injury to the victim or, in the event such notification
14 was made more than 72 hours after the perpetration of the
15 crime, the applicant establishes that such notice was
16 timely under the circumstances.

17 (b-1) For victims of offenses defined in Sections
18 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
19 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of
20 1961 or the Criminal Code of 2012, the appropriate law
21 enforcement officials were notified within 7 days of the
22 perpetration of the crime allegedly causing death or
23 injury to the victim or, in the event that the
24 notification was made more than 7 days after the
25 perpetration of the crime, the applicant establishes that
26 the notice was timely under the circumstances. If the

1 applicant or victim has obtained an order of protection, a
2 civil no contact order, or a stalking no contact order,
3 has presented himself or herself to a hospital for medical
4 care or sexual assault evidence collection, or is engaged
5 in a legal proceeding involving a claim that the applicant
6 or victim is a victim of human trafficking, such action
7 shall constitute appropriate notification under this
8 subsection (b-1) or subsection (b) of this Section.

9 (c) The applicant has cooperated with law enforcement
10 officials in the apprehension and prosecution of the
11 assailant. If the applicant or victim has obtained an
12 order of protection, a civil no contact order, or a
13 stalking no contact order, has presented himself or
14 herself to a hospital for medical care or sexual assault
15 evidence collection, or is engaged in a legal proceeding
16 involving a claim that the applicant or victim is a victim
17 of human trafficking, such action shall constitute
18 cooperation under this subsection (c). If the victim is
19 under 18 years of age at the time of the commission of the
20 offense, the following shall constitute cooperation under
21 this subsection (c):

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

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

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

1 reports the crime to law enforcement.

2 (d) The applicant is not the offender or an accomplice
3 of the offender and the award would not unjustly benefit
4 the offender or his or her accomplice.

5 (e) (Blank).

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

11 (g) In determining whether cooperation has been
12 reasonable, the Attorney General and Court of Claims may
13 consider the victim's age, physical condition,
14 psychological state, cultural or linguistic barriers, and
15 compelling health and safety concerns, including, but not
16 limited to, a reasonable fear of retaliation or harm that
17 would jeopardize the well-being of the victim or the
18 victim's family, and giving due consideration to the
19 degree of cooperation that the victim or derivative victim
20 is capable of in light of the presence of any of these
21 factors, or any other factor the Attorney General
22 considers relevant.

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

1 and is not subject to the eligibility requirements of this
2 Act.

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

6 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.

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