



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3626

Introduced 2/18/2025, by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Statute on Statutes. Adds definitions of "prostitution", "prostitute", and "prostituted person" that apply throughout the statutes. Amends the Criminal Identification Act. Permits a person to seek to vacate and expunge Class A misdemeanor prostitution violations. Amends the Criminal Code of 2012. Repeals the criminal offense of prostitution. Provides a fine schedule based upon net income of a person convicted of solicitation of a sexual act, promoting prostitution, promoting juvenile prostitution, patronizing a prostitute, or patronizing a juvenile prostitute. Eliminates enhanced penalties for previous convictions of prostitution. Eliminates a prostitution conviction as a disqualifying offense for obtaining certain occupations. Amends various Acts to make conforming changes.

LRB104 07316 RLC 17355 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Statute on Statutes is amended by adding  
5 Section 1.46 as follows:

6 (5 ILCS 70/1.46 new)

7 Sec. 1.46. Prostitution; prostitute; and prostituted  
8 person. "Prostitute" or "prostituted person" means any person  
9 who engages in, or agrees or offers to engage in, any act of  
10 sexual penetration, as defined in Section 11-0.1 of the  
11 Criminal Code of 2012, for any money, property, token, object,  
12 or article or anything of value, or any touching or fondling of  
13 the sex organs of one person by another person, for any money,  
14 property, token, object, or article or anything of value, for  
15 the purpose of sexual arousal or gratification. "Prostitution"  
16 means knowingly performing, offering, or agreeing to perform  
17 any act of sexual penetration as defined in Section 11-0.1 of  
18 the Criminal Code of 2012 for anything of value, or any  
19 touching or fondling of the sex organs of one person by another  
20 person, for anything of value, for the purpose of sexual  
21 arousal or gratification.

22 Section 10. The Secretary of State Merit Employment Code

1 is amended by changing Section 10b.1 as follows:

2 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

3 Sec. 10b.1. Competitive examinations.

4 (a) For open competitive examinations to test the relative  
5 fitness of applicants for the respective positions. Tests  
6 shall be designed to eliminate those who are not qualified for  
7 entrance into the Office of the Secretary of State and to  
8 discover the relative fitness of those who are qualified. The  
9 Director may use any one of or any combination of the following  
10 examination methods which in his judgment best serves this  
11 end: investigation of education and experience; test of  
12 cultural knowledge; test of capacity; test of knowledge; test  
13 of manual skill; test of linguistic ability; test of  
14 character; test of physical skill; test of psychological  
15 fitness. No person with a record of misdemeanor convictions  
16 except those under Sections 11-1.50, 11-6, 11-7, 11-9, ~~11-14,~~  
17 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
18 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,  
19 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions  
20 (a) (1) and (a) (2) (C) of Section 11-14.3, and paragraphs (1),  
21 (6), and (8) of subsection (a) of Section 24-1 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012, or arrested for any  
23 cause but not convicted thereon shall be disqualified from  
24 taking such examinations or subsequent appointment unless the  
25 person is attempting to qualify for a position which would

1 give him the powers of a peace officer, in which case the  
2 person's conviction or arrest record may be considered as a  
3 factor in determining the person's fitness for the position.  
4 All examinations shall be announced publicly at least 2 weeks  
5 in advance of the date of examinations and may be advertised  
6 through the press, radio or other media.

7 The Director may, at his discretion, accept the results of  
8 competitive examinations conducted by any merit system  
9 established by Federal law or by the law of any state, and may  
10 compile eligible lists therefrom or may add the names of  
11 successful candidates in examinations conducted by those merit  
12 systems to existing eligible lists in accordance with their  
13 respective ratings. No person who is a non-resident of the  
14 State of Illinois may be appointed from those eligible lists,  
15 however, unless the requirement that applicants be residents  
16 of the State of Illinois is waived by the Director of Personnel  
17 and unless there are less than 3 Illinois residents available  
18 for appointment from the appropriate eligible list. The  
19 results of the examinations conducted by other merit systems  
20 may not be used unless they are comparable in difficulty and  
21 comprehensiveness to examinations conducted by the Department  
22 of Personnel for similar positions. Special linguistic options  
23 may also be established where deemed appropriate.

24 (b) The Director of Personnel may require that each person  
25 seeking employment with the Secretary of State, as part of the  
26 application process, authorize an investigation to determine

1 if the applicant has ever been convicted of a crime and if so,  
2 the disposition of those convictions; this authorization shall  
3 indicate the scope of the inquiry and the agencies which may be  
4 contacted. Upon this authorization, the Director of Personnel  
5 may request and receive information and assistance from any  
6 federal, state or local governmental agency as part of the  
7 authorized investigation. The investigation shall be  
8 undertaken after the fingerprinting of an applicant in the  
9 form and manner prescribed by the Illinois State Police. The  
10 investigation shall consist of a criminal history records  
11 check performed by the Illinois State Police and the Federal  
12 Bureau of Investigation, or some other entity that has the  
13 ability to check the applicant's fingerprints against the  
14 fingerprint records now and hereafter filed in the Illinois  
15 State Police and Federal Bureau of Investigation criminal  
16 history records databases. If the Illinois State Police and  
17 the Federal Bureau of Investigation conduct an investigation  
18 directly for the Secretary of State's Office, then the  
19 Illinois State Police shall charge a fee for conducting the  
20 criminal history records check, which shall be deposited in  
21 the State Police Services Fund and shall not exceed the actual  
22 cost of the records check. The Illinois State Police shall  
23 provide information concerning any criminal convictions, and  
24 their disposition, brought against the applicant or  
25 prospective employee of the Secretary of State upon request of  
26 the Department of Personnel when the request is made in the

1 form and manner required by the Illinois State Police. The  
2 information derived from this investigation, including the  
3 source of this information, and any conclusions or  
4 recommendations derived from this information by the Director  
5 of Personnel shall be provided to the applicant or prospective  
6 employee, or his designee, upon request to the Director of  
7 Personnel prior to any final action by the Director of  
8 Personnel on the application. No information obtained from  
9 such investigation may be placed in any automated information  
10 system. Any criminal convictions and their disposition  
11 information obtained by the Director of Personnel shall be  
12 confidential and may not be transmitted outside the Office of  
13 the Secretary of State, except as required herein, and may not  
14 be transmitted to anyone within the Office of the Secretary of  
15 State except as needed for the purpose of evaluating the  
16 application. The only physical identity materials which the  
17 applicant or prospective employee can be required to provide  
18 the Director of Personnel are photographs or fingerprints;  
19 these shall be returned to the applicant or prospective  
20 employee upon request to the Director of Personnel, after the  
21 investigation has been completed and no copy of these  
22 materials may be kept by the Director of Personnel or any  
23 agency to which such identity materials were transmitted. Only  
24 information and standards which bear a reasonable and rational  
25 relation to the performance of an employee shall be used by the  
26 Director of Personnel. The Secretary of State shall adopt

1 rules and regulations for the administration of this Section.  
2 Any employee of the Secretary of State who gives or causes to  
3 be given away any confidential information concerning any  
4 criminal convictions and their disposition of an applicant or  
5 prospective employee shall be guilty of a Class A misdemeanor  
6 unless release of such information is authorized by this  
7 Section.

8 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

9 Section 15. The Criminal Identification Act is amended by  
10 changing Section 5.2 as follows:

11 (20 ILCS 2630/5.2)

12 Sec. 5.2. Expungement, sealing, and immediate sealing.

13 (a) General Provisions.

14 (1) Definitions. In this Act, words and phrases have  
15 the meanings set forth in this subsection, except when a  
16 particular context clearly requires a different meaning.

17 (A) The following terms shall have the meanings  
18 ascribed to them in the following Sections of the  
19 Unified Code of Corrections:

20 Business Offense, Section 5-1-2.

21 Charge, Section 5-1-3.

22 Court, Section 5-1-6.

23 Defendant, Section 5-1-7.

24 Felony, Section 5-1-9.

1           Imprisonment, Section 5-1-10.

2           Judgment, Section 5-1-12.

3           Misdemeanor, Section 5-1-14.

4           Offense, Section 5-1-15.

5           Parole, Section 5-1-16.

6           Petty Offense, Section 5-1-17.

7           Probation, Section 5-1-18.

8           Sentence, Section 5-1-19.

9           Supervision, Section 5-1-21.

10          Victim, Section 5-1-22.

11                 (B) As used in this Section, "charge not initiated  
12 by arrest" means a charge (as defined by Section 5-1-3  
13 of the Unified Code of Corrections) brought against a  
14 defendant where the defendant is not arrested prior to  
15 or as a direct result of the charge.

16                 (C) "Conviction" means a judgment of conviction or  
17 sentence entered upon a plea of guilty or upon a  
18 verdict or finding of guilty of an offense, rendered  
19 by a legally constituted jury or by a court of  
20 competent jurisdiction authorized to try the case  
21 without a jury. An order of supervision successfully  
22 completed by the petitioner is not a conviction. An  
23 order of qualified probation (as defined in subsection  
24 (a) (1) (J)) successfully completed by the petitioner is  
25 not a conviction. An order of supervision or an order  
26 of qualified probation that is terminated



1           unsatisfactorily is a conviction, unless the  
2           unsatisfactory termination is reversed, vacated, or  
3           modified and the judgment of conviction, if any, is  
4           reversed or vacated.

5           (D) "Criminal offense" means a petty offense,  
6           business offense, misdemeanor, felony, or municipal  
7           ordinance violation (as defined in subsection  
8           (a)(1)(H)). As used in this Section, a minor traffic  
9           offense (as defined in subsection (a)(1)(G)) shall not  
10          be considered a criminal offense.

11          (E) "Expunge" means to physically destroy the  
12          records or return them to the petitioner and to  
13          obliterate the petitioner's name from any official  
14          index or public record, or both. Nothing in this Act  
15          shall require the physical destruction of the circuit  
16          court file, but such records relating to arrests or  
17          charges, or both, ordered expunged shall be impounded  
18          as required by subsections (d)(9)(A)(ii) and  
19          (d)(9)(B)(ii).

20          (F) As used in this Section, "last sentence" means  
21          the sentence, order of supervision, or order of  
22          qualified probation (as defined by subsection  
23          (a)(1)(J)), for a criminal offense (as defined by  
24          subsection (a)(1)(D)) that terminates last in time in  
25          any jurisdiction, regardless of whether the petitioner  
26          has included the criminal offense for which the

1 sentence or order of supervision or qualified  
2 probation was imposed in his or her petition. If  
3 multiple sentences, orders of supervision, or orders  
4 of qualified probation terminate on the same day and  
5 are last in time, they shall be collectively  
6 considered the "last sentence" regardless of whether  
7 they were ordered to run concurrently.

8 (G) "Minor traffic offense" means a petty offense,  
9 business offense, or Class C misdemeanor under the  
10 Illinois Vehicle Code or a similar provision of a  
11 municipal or local ordinance.

12 (G-5) "Minor Cannabis Offense" means a violation  
13 of Section 4 or 5 of the Cannabis Control Act  
14 concerning not more than 30 grams of any substance  
15 containing cannabis, provided the violation did not  
16 include a penalty enhancement under Section 7 of the  
17 Cannabis Control Act and is not associated with an  
18 arrest, conviction or other disposition for a violent  
19 crime as defined in subsection (c) of Section 3 of the  
20 Rights of Crime Victims and Witnesses Act.

21 (H) "Municipal ordinance violation" means an  
22 offense defined by a municipal or local ordinance that  
23 is criminal in nature and with which the petitioner  
24 was charged or for which the petitioner was arrested  
25 and released without charging.

26 (I) "Petitioner" means an adult or a minor

1 prosecuted as an adult who has applied for relief  
2 under this Section.

3 (J) "Qualified probation" means an order of  
4 probation under Section 10 of the Cannabis Control  
5 Act, Section 410 of the Illinois Controlled Substances  
6 Act, Section 70 of the Methamphetamine Control and  
7 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
8 of the Unified Code of Corrections, Section  
9 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as  
10 those provisions existed before their deletion by  
11 Public Act 89-313), Section 10-102 of the Illinois  
12 Alcoholism and Other Drug Dependency Act, Section  
13 40-10 of the Substance Use Disorder Act, or Section 10  
14 of the Steroid Control Act. For the purpose of this  
15 Section, "successful completion" of an order of  
16 qualified probation under Section 10-102 of the  
17 Illinois Alcoholism and Other Drug Dependency Act and  
18 Section 40-10 of the Substance Use Disorder Act means  
19 that the probation was terminated satisfactorily and  
20 the judgment of conviction was vacated.

21 (K) "Seal" means to physically and electronically  
22 maintain the records, unless the records would  
23 otherwise be destroyed due to age, but to make the  
24 records unavailable without a court order, subject to  
25 the exceptions in Sections 12 and 13 of this Act. The  
26 petitioner's name shall also be obliterated from the

1 official index required to be kept by the circuit  
2 court clerk under Section 16 of the Clerks of Courts  
3 Act, but any index issued by the circuit court clerk  
4 before the entry of the order to seal shall not be  
5 affected.

6 (L) "Sexual offense committed against a minor"  
7 includes, but is not limited to, the offenses of  
8 indecent solicitation of a child or criminal sexual  
9 abuse when the victim of such offense is under 18 years  
10 of age.

11 (M) "Terminate" as it relates to a sentence or  
12 order of supervision or qualified probation includes  
13 either satisfactory or unsatisfactory termination of  
14 the sentence, unless otherwise specified in this  
15 Section. A sentence is terminated notwithstanding any  
16 outstanding financial legal obligation.

17 (2) Minor Traffic Offenses. Orders of supervision or  
18 convictions for minor traffic offenses shall not affect a  
19 petitioner's eligibility to expunge or seal records  
20 pursuant to this Section.

21 (2.5) Commencing 180 days after July 29, 2016 (the  
22 effective date of Public Act 99-697), the law enforcement  
23 agency issuing the citation shall automatically expunge,  
24 on or before January 1 and July 1 of each year, the law  
25 enforcement records of a person found to have committed a  
26 civil law violation of subsection (a) of Section 4 of the

1 Cannabis Control Act or subsection (c) of Section 3.5 of  
2 the Drug Paraphernalia Control Act in the law enforcement  
3 agency's possession or control and which contains the  
4 final satisfactory disposition which pertain to the person  
5 issued a citation for that offense. The law enforcement  
6 agency shall provide by rule the process for access,  
7 review, and to confirm the automatic expungement by the  
8 law enforcement agency issuing the citation. Commencing  
9 180 days after July 29, 2016 (the effective date of Public  
10 Act 99-697), the clerk of the circuit court shall expunge,  
11 upon order of the court, or in the absence of a court order  
12 on or before January 1 and July 1 of each year, the court  
13 records of a person found in the circuit court to have  
14 committed a civil law violation of subsection (a) of  
15 Section 4 of the Cannabis Control Act or subsection (c) of  
16 Section 3.5 of the Drug Paraphernalia Control Act in the  
17 clerk's possession or control and which contains the final  
18 satisfactory disposition which pertain to the person  
19 issued a citation for any of those offenses.

20 (3) Exclusions. Except as otherwise provided in  
21 subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6)  
22 of this Section, the court shall not order:

23 (A) the sealing or expungement of the records of  
24 arrests or charges not initiated by arrest that result  
25 in an order of supervision for or conviction of: (i)  
26 any sexual offense committed against a minor; (ii)

1 Section 11-501 of the Illinois Vehicle Code or a  
2 similar provision of a local ordinance; or (iii)  
3 Section 11-503 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance, unless the  
5 arrest or charge is for a misdemeanor violation of  
6 subsection (a) of Section 11-503 or a similar  
7 provision of a local ordinance, that occurred prior to  
8 the offender reaching the age of 25 years and the  
9 offender has no other conviction for violating Section  
10 11-501 or 11-503 of the Illinois Vehicle Code or a  
11 similar provision of a local ordinance.

12 (B) the sealing or expungement of records of minor  
13 traffic offenses (as defined in subsection (a)(1)(G)),  
14 unless the petitioner was arrested and released  
15 without charging.

16 (C) the sealing of the records of arrests or  
17 charges not initiated by arrest which result in an  
18 order of supervision or a conviction for the following  
19 offenses:

20 (i) offenses included in Article 11 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012  
22 or a similar provision of a local ordinance,  
23 except Section 11-14 and a misdemeanor violation  
24 of Section 11-30 of the Criminal Code of 1961 or  
25 the Criminal Code of 2012, or a similar provision  
26 of a local ordinance;

1 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
2 26-5, or 48-1 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, or a similar provision of a  
4 local ordinance;

5 (iii) Section 12-3.1 or 12-3.2 of the Criminal  
6 Code of 1961 or the Criminal Code of 2012, or  
7 Section 125 of the Stalking No Contact Order Act,  
8 or Section 219 of the Civil No Contact Order Act,  
9 or a similar provision of a local ordinance;

10 (iv) Class A misdemeanors or felony offenses  
11 under the Humane Care for Animals Act; or

12 (v) any offense or attempted offense that  
13 would subject a person to registration under the  
14 Sex Offender Registration Act.

15 (D) (blank).

16 (b) Expungement.

17 (1) A petitioner may petition the circuit court to  
18 expunge the records of his or her arrests and charges not  
19 initiated by arrest when each arrest or charge not  
20 initiated by arrest sought to be expunged resulted in: (i)  
21 acquittal, dismissal, or the petitioner's release without  
22 charging, unless excluded by subsection (a) (3) (B); (ii) a  
23 conviction which was vacated or reversed, unless excluded  
24 by subsection (a) (3) (B); (iii) an order of supervision and  
25 such supervision was successfully completed by the  
26 petitioner, unless excluded by subsection (a) (3) (A) or

1 (a) (3) (B); or (iv) an order of qualified probation (as  
2 defined in subsection (a) (1) (J)) and such probation was  
3 successfully completed by the petitioner.

4 (1.5) When a petitioner seeks to have a record of  
5 arrest expunged under this Section, and the offender has  
6 been convicted of a criminal offense, the State's Attorney  
7 may object to the expungement on the grounds that the  
8 records contain specific relevant information aside from  
9 the mere fact of the arrest.

10 (2) Time frame for filing a petition to expunge.

11 (A) When the arrest or charge not initiated by  
12 arrest sought to be expunged resulted in an acquittal,  
13 dismissal, the petitioner's release without charging,  
14 or the reversal or vacation of a conviction, there is  
15 no waiting period to petition for the expungement of  
16 such records.

17 (A-5) In anticipation of the successful completion  
18 of a problem-solving court, pre-plea diversion, or  
19 post-plea diversion program, a petition for  
20 expungement may be filed 61 days before the  
21 anticipated dismissal of the case or any time  
22 thereafter. Upon successful completion of the program  
23 and dismissal of the case, the court shall review the  
24 petition of the person graduating from the program and  
25 shall grant expungement if the petitioner meets all  
26 requirements as specified in any applicable statute.



1 (B) When the arrest or charge not initiated by  
2 arrest sought to be expunged resulted in an order of  
3 supervision, successfully completed by the petitioner,  
4 the following time frames will apply:

5 (i) Those arrests or charges that resulted in  
6 orders of supervision under Section 3-707, 3-708,  
7 3-710, or 5-401.3 of the Illinois Vehicle Code or  
8 a similar provision of a local ordinance, or under  
9 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
10 Code of 1961 or the Criminal Code of 2012, or a  
11 similar provision of a local ordinance, shall not  
12 be eligible for expungement until 5 years have  
13 passed following the satisfactory termination of  
14 the supervision.

15 (i-5) Those arrests or charges that resulted  
16 in orders of supervision for a misdemeanor  
17 violation of subsection (a) of Section 11-503 of  
18 the Illinois Vehicle Code or a similar provision  
19 of a local ordinance, that occurred prior to the  
20 offender reaching the age of 25 years and the  
21 offender has no other conviction for violating  
22 Section 11-501 or 11-503 of the Illinois Vehicle  
23 Code or a similar provision of a local ordinance  
24 shall not be eligible for expungement until the  
25 petitioner has reached the age of 25 years.

26 (ii) Those arrests or charges that resulted in

1 orders of supervision for any other offenses shall  
2 not be eligible for expungement until 2 years have  
3 passed following the satisfactory termination of  
4 the supervision.

5 (C) When the arrest or charge not initiated by  
6 arrest sought to be expunged resulted in an order of  
7 qualified probation, successfully completed by the  
8 petitioner, such records shall not be eligible for  
9 expungement until 5 years have passed following the  
10 satisfactory termination of the probation.

11 (3) Those records maintained by the Illinois State  
12 Police for persons arrested prior to their 17th birthday  
13 shall be expunged as provided in Section 5-915 of the  
14 Juvenile Court Act of 1987.

15 (4) Whenever a person has been arrested for or  
16 convicted of any offense, in the name of a person whose  
17 identity he or she has stolen or otherwise come into  
18 possession of, the aggrieved person from whom the identity  
19 was stolen or otherwise obtained without authorization,  
20 upon learning of the person having been arrested using his  
21 or her identity, may, upon verified petition to the chief  
22 judge of the circuit wherein the arrest was made, have a  
23 court order entered nunc pro tunc by the Chief Judge to  
24 correct the arrest record, conviction record, if any, and  
25 all official records of the arresting authority, the  
26 Illinois State Police, other criminal justice agencies,

1 the prosecutor, and the trial court concerning such  
2 arrest, if any, by removing his or her name from all such  
3 records in connection with the arrest and conviction, if  
4 any, and by inserting in the records the name of the  
5 offender, if known or ascertainable, in lieu of the  
6 aggrieved's name. The records of the circuit court clerk  
7 shall be sealed until further order of the court upon good  
8 cause shown and the name of the aggrieved person  
9 obliterated on the official index required to be kept by  
10 the circuit court clerk under Section 16 of the Clerks of  
11 Courts Act, but the order shall not affect any index  
12 issued by the circuit court clerk before the entry of the  
13 order. Nothing in this Section shall limit the Illinois  
14 State Police or other criminal justice agencies or  
15 prosecutors from listing under an offender's name the  
16 false names he or she has used.

17 (5) Whenever a person has been convicted of criminal  
18 sexual assault, aggravated criminal sexual assault,  
19 predatory criminal sexual assault of a child, criminal  
20 sexual abuse, or aggravated criminal sexual abuse, the  
21 victim of that offense may request that the State's  
22 Attorney of the county in which the conviction occurred  
23 file a verified petition with the presiding trial judge at  
24 the petitioner's trial to have a court order entered to  
25 seal the records of the circuit court clerk in connection  
26 with the proceedings of the trial court concerning that

1 offense. However, the records of the arresting authority  
2 and the Illinois State Police concerning the offense shall  
3 not be sealed. The court, upon good cause shown, shall  
4 make the records of the circuit court clerk in connection  
5 with the proceedings of the trial court concerning the  
6 offense available for public inspection.

7 (6) If a conviction has been set aside on direct  
8 review or on collateral attack and the court determines by  
9 clear and convincing evidence that the petitioner was  
10 factually innocent of the charge, the court that finds the  
11 petitioner factually innocent of the charge shall enter an  
12 expungement order for the conviction for which the  
13 petitioner has been determined to be innocent as provided  
14 in subsection (b) of Section 5-5-4 of the Unified Code of  
15 Corrections.

16 (7) Nothing in this Section shall prevent the Illinois  
17 State Police from maintaining all records of any person  
18 who is admitted to probation upon terms and conditions and  
19 who fulfills those terms and conditions pursuant to  
20 Section 10 of the Cannabis Control Act, Section 410 of the  
21 Illinois Controlled Substances Act, Section 70 of the  
22 Methamphetamine Control and Community Protection Act,  
23 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
24 Corrections, Section 12-4.3 or subdivision (b)(1) of  
25 Section 12-3.05 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, Section 10-102 of the Illinois

1 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
2 the Substance Use Disorder Act, or Section 10 of the  
3 Steroid Control Act.

4 (8) If the petitioner has been granted a certificate  
5 of innocence under Section 2-702 of the Code of Civil  
6 Procedure, the court that grants the certificate of  
7 innocence shall also enter an order expunging the  
8 conviction for which the petitioner has been determined to  
9 be innocent as provided in subsection (h) of Section 2-702  
10 of the Code of Civil Procedure.

11 (c) Sealing.

12 (1) Applicability. Notwithstanding any other provision  
13 of this Act to the contrary, and cumulative with any  
14 rights to expungement of criminal records, this subsection  
15 authorizes the sealing of criminal records of adults and  
16 of minors prosecuted as adults. Subsection (g) of this  
17 Section provides for immediate sealing of certain records.

18 (2) Eligible Records. The following records may be  
19 sealed:

20 (A) All arrests resulting in release without  
21 charging;

22 (B) Arrests or charges not initiated by arrest  
23 resulting in acquittal, dismissal, or conviction when  
24 the conviction was reversed or vacated, except as  
25 excluded by subsection (a) (3) (B);

26 (C) Arrests or charges not initiated by arrest

1 resulting in orders of supervision, including orders  
2 of supervision for municipal ordinance violations,  
3 successfully completed by the petitioner, unless  
4 excluded by subsection (a) (3);

5 (D) Arrests or charges not initiated by arrest  
6 resulting in convictions, including convictions on  
7 municipal ordinance violations, unless excluded by  
8 subsection (a) (3);

9 (E) Arrests or charges not initiated by arrest  
10 resulting in orders of first offender probation under  
11 Section 10 of the Cannabis Control Act, Section 410 of  
12 the Illinois Controlled Substances Act, Section 70 of  
13 the Methamphetamine Control and Community Protection  
14 Act, or Section 5-6-3.3 of the Unified Code of  
15 Corrections; and

16 (F) Arrests or charges not initiated by arrest  
17 resulting in felony convictions unless otherwise  
18 excluded by subsection (a) paragraph (3) of this  
19 Section.

20 (3) When Records Are Eligible to Be Sealed. Records  
21 identified as eligible under subsection (c) (2) may be  
22 sealed as follows:

23 (A) Records identified as eligible under  
24 subsections (c) (2) (A) and (c) (2) (B) may be sealed at  
25 any time.

26 (B) Except as otherwise provided in subparagraph

1 (E) of this paragraph (3), records identified as  
2 eligible under subsection (c)(2)(C) may be sealed 2  
3 years after the termination of petitioner's last  
4 sentence (as defined in subsection (a)(1)(F)).

5 (C) Except as otherwise provided in subparagraph  
6 (E) of this paragraph (3), records identified as  
7 eligible under subsections (c)(2)(D), (c)(2)(E), and  
8 (c)(2)(F) may be sealed 3 years after the termination  
9 of the petitioner's last sentence (as defined in  
10 subsection (a)(1)(F)). Convictions requiring public  
11 registration under the Arsonist Registry Act, the Sex  
12 Offender Registration Act, or the Murderer and Violent  
13 Offender Against Youth Registration Act may not be  
14 sealed until the petitioner is no longer required to  
15 register under that relevant Act.

16 (D) Records identified in subsection  
17 (a)(3)(A)(iii) may be sealed after the petitioner has  
18 reached the age of 25 years.

19 (E) Records identified as eligible under  
20 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or  
21 (c)(2)(F) may be sealed upon termination of the  
22 petitioner's last sentence if the petitioner earned a  
23 high school diploma, associate's degree, career  
24 certificate, vocational technical certification, or  
25 bachelor's degree, or passed the high school level  
26 Test of General Educational Development, during the

1 period of his or her sentence or mandatory supervised  
2 release. This subparagraph shall apply only to a  
3 petitioner who has not completed the same educational  
4 goal prior to the period of his or her sentence or  
5 mandatory supervised release. If a petition for  
6 sealing eligible records filed under this subparagraph  
7 is denied by the court, the time periods under  
8 subparagraph (B) or (C) shall apply to any subsequent  
9 petition for sealing filed by the petitioner.

10 (4) Subsequent felony convictions. A person may not  
11 have subsequent felony conviction records sealed as  
12 provided in this subsection (c) if he or she is convicted  
13 of any felony offense after the date of the sealing of  
14 prior felony convictions as provided in this subsection  
15 (c). The court may, upon conviction for a subsequent  
16 felony offense, order the unsealing of prior felony  
17 conviction records previously ordered sealed by the court.

18 (5) Notice of eligibility for sealing. Upon entry of a  
19 disposition for an eligible record under this subsection  
20 (c), the petitioner shall be informed by the court of the  
21 right to have the records sealed and the procedures for  
22 the sealing of the records.

23 (d) Procedure. The following procedures apply to  
24 expungement under subsections (b), (e), and (e-6) and sealing  
25 under subsections (c) and (e-5):

26 (1) Filing the petition. Upon becoming eligible to



1 petition for the expungement or sealing of records under  
2 this Section, the petitioner shall file a petition  
3 requesting the expungement or sealing of records with the  
4 clerk of the court where the arrests occurred or the  
5 charges were brought, or both. If arrests occurred or  
6 charges were brought in multiple jurisdictions, a petition  
7 must be filed in each such jurisdiction. The petitioner  
8 shall pay the applicable fee, except no fee shall be  
9 required if the petitioner has obtained a court order  
10 waiving fees under Supreme Court Rule 298 or it is  
11 otherwise waived.

12 (1.5) County fee waiver pilot program. From August 9,  
13 2019 (the effective date of Public Act 101-306) through  
14 December 31, 2020, in a county of 3,000,000 or more  
15 inhabitants, no fee shall be required to be paid by a  
16 petitioner if the records sought to be expunged or sealed  
17 were arrests resulting in release without charging or  
18 arrests or charges not initiated by arrest resulting in  
19 acquittal, dismissal, or conviction when the conviction  
20 was reversed or vacated, unless excluded by subsection  
21 (a)(3)(B). The provisions of this paragraph (1.5), other  
22 than this sentence, are inoperative on and after January  
23 1, 2022.

24 (2) Contents of petition. The petition shall be  
25 verified and shall contain the petitioner's name, date of  
26 birth, current address and, for each arrest or charge not

1 initiated by arrest sought to be sealed or expunged, the  
2 case number, the date of arrest (if any), the identity of  
3 the arresting authority, and such other information as the  
4 court may require. During the pendency of the proceeding,  
5 the petitioner shall promptly notify the circuit court  
6 clerk of any change of his or her address. If the  
7 petitioner has received a certificate of eligibility for  
8 sealing from the Prisoner Review Board under paragraph  
9 (10) of subsection (a) of Section 3-3-2 of the Unified  
10 Code of Corrections, the certificate shall be attached to  
11 the petition.

12 (3) Drug test. The petitioner must attach to the  
13 petition proof that the petitioner has taken within 30  
14 days before the filing of the petition a test showing the  
15 absence within his or her body of all illegal substances  
16 as defined by the Illinois Controlled Substances Act and  
17 the Methamphetamine Control and Community Protection Act  
18 if he or she is petitioning to:

19 (A) seal felony records under clause (c) (2) (E);

20 (B) seal felony records for a violation of the  
21 Illinois Controlled Substances Act, the  
22 Methamphetamine Control and Community Protection Act,  
23 or the Cannabis Control Act under clause (c) (2) (F);

24 (C) seal felony records under subsection (e-5); or

25 (D) expunge felony records of a qualified  
26 probation under clause (b) (1) (iv).

1           (4) Service of petition. The circuit court clerk shall  
2 promptly serve a copy of the petition and documentation to  
3 support the petition under subsection (e-5) or (e-6) on  
4 the State's Attorney or prosecutor charged with the duty  
5 of prosecuting the offense, the Illinois State Police, the  
6 arresting agency and the chief legal officer of the unit  
7 of local government effecting the arrest.

8           (5) Objections.

9           (A) Any party entitled to notice of the petition  
10 may file an objection to the petition. All objections  
11 shall be in writing, shall be filed with the circuit  
12 court clerk, and shall state with specificity the  
13 basis of the objection. Whenever a person who has been  
14 convicted of an offense is granted a pardon by the  
15 Governor which specifically authorizes expungement, an  
16 objection to the petition may not be filed.

17           (B) Objections to a petition to expunge or seal  
18 must be filed within 60 days of the date of service of  
19 the petition.

20           (6) Entry of order.

21           (A) The Chief Judge of the circuit wherein the  
22 charge was brought, any judge of that circuit  
23 designated by the Chief Judge, or in counties of less  
24 than 3,000,000 inhabitants, the presiding trial judge  
25 at the petitioner's trial, if any, shall rule on the  
26 petition to expunge or seal as set forth in this

1 subsection (d) (6).

2 (B) Unless the State's Attorney or prosecutor, the  
3 Illinois State Police, the arresting agency, or the  
4 chief legal officer files an objection to the petition  
5 to expunge or seal within 60 days from the date of  
6 service of the petition, the court shall enter an  
7 order granting or denying the petition.

8 (C) Notwithstanding any other provision of law,  
9 the court shall not deny a petition for sealing under  
10 this Section because the petitioner has not satisfied  
11 an outstanding legal financial obligation established,  
12 imposed, or originated by a court, law enforcement  
13 agency, or a municipal, State, county, or other unit  
14 of local government, including, but not limited to,  
15 any cost, assessment, fine, or fee. An outstanding  
16 legal financial obligation does not include any court  
17 ordered restitution to a victim under Section 5-5-6 of  
18 the Unified Code of Corrections, unless the  
19 restitution has been converted to a civil judgment.  
20 Nothing in this subparagraph (C) waives, rescinds, or  
21 abrogates a legal financial obligation or otherwise  
22 eliminates or affects the right of the holder of any  
23 financial obligation to pursue collection under  
24 applicable federal, State, or local law.

25 (D) Notwithstanding any other provision of law,  
26 the court shall not deny a petition to expunge or seal

1 under this Section because the petitioner has  
2 submitted a drug test taken within 30 days before the  
3 filing of the petition to expunge or seal that  
4 indicates a positive test for the presence of cannabis  
5 within the petitioner's body. In this subparagraph  
6 (D), "cannabis" has the meaning ascribed to it in  
7 Section 3 of the Cannabis Control Act.

8 (7) Hearings. If an objection is filed, the court  
9 shall set a date for a hearing and notify the petitioner  
10 and all parties entitled to notice of the petition of the  
11 hearing date at least 30 days prior to the hearing. Prior  
12 to the hearing, the State's Attorney shall consult with  
13 the Illinois State Police as to the appropriateness of the  
14 relief sought in the petition to expunge or seal. At the  
15 hearing, the court shall hear evidence on whether the  
16 petition should or should not be granted, and shall grant  
17 or deny the petition to expunge or seal the records based  
18 on the evidence presented at the hearing. The court may  
19 consider the following:

20 (A) the strength of the evidence supporting the  
21 defendant's conviction;

22 (B) the reasons for retention of the conviction  
23 records by the State;

24 (C) the petitioner's age, criminal record history,  
25 and employment history;

26 (D) the period of time between the petitioner's

1           arrest on the charge resulting in the conviction and  
2           the filing of the petition under this Section; and

3                   (E) the specific adverse consequences the  
4           petitioner may be subject to if the petition is  
5           denied.

6           (8) Service of order. After entering an order to  
7           expunge or seal records, the court must provide copies of  
8           the order to the Illinois State Police, in a form and  
9           manner prescribed by the Illinois State Police, to the  
10          petitioner, to the State's Attorney or prosecutor charged  
11          with the duty of prosecuting the offense, to the arresting  
12          agency, to the chief legal officer of the unit of local  
13          government effecting the arrest, and to such other  
14          criminal justice agencies as may be ordered by the court.

15          (9) Implementation of order.

16                   (A) Upon entry of an order to expunge records  
17          pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or  
18          both:

19                           (i) the records shall be expunged (as defined  
20                           in subsection (a) (1) (E)) by the arresting agency,  
21                           the Illinois State Police, and any other agency as  
22                           ordered by the court, within 60 days of the date of  
23                           service of the order, unless a motion to vacate,  
24                           modify, or reconsider the order is filed pursuant  
25                           to paragraph (12) of subsection (d) of this  
26                           Section;

1           (ii) the records of the circuit court clerk  
2 shall be impounded until further order of the  
3 court upon good cause shown and the name of the  
4 petitioner obliterated on the official index  
5 required to be kept by the circuit court clerk  
6 under Section 16 of the Clerks of Courts Act, but  
7 the order shall not affect any index issued by the  
8 circuit court clerk before the entry of the order;  
9 and

10           (iii) in response to an inquiry for expunged  
11 records, the court, the Illinois State Police, or  
12 the agency receiving such inquiry, shall reply as  
13 it does in response to inquiries when no records  
14 ever existed.

15           (B) Upon entry of an order to expunge records  
16 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or  
17 both:

18           (i) the records shall be expunged (as defined  
19 in subsection (a) (1) (E)) by the arresting agency  
20 and any other agency as ordered by the court,  
21 within 60 days of the date of service of the order,  
22 unless a motion to vacate, modify, or reconsider  
23 the order is filed pursuant to paragraph (12) of  
24 subsection (d) of this Section;

25           (ii) the records of the circuit court clerk  
26 shall be impounded until further order of the

1 court upon good cause shown and the name of the  
2 petitioner obliterated on the official index  
3 required to be kept by the circuit court clerk  
4 under Section 16 of the Clerks of Courts Act, but  
5 the order shall not affect any index issued by the  
6 circuit court clerk before the entry of the order;

7 (iii) the records shall be impounded by the  
8 Illinois State Police within 60 days of the date  
9 of service of the order as ordered by the court,  
10 unless a motion to vacate, modify, or reconsider  
11 the order is filed pursuant to paragraph (12) of  
12 subsection (d) of this Section;

13 (iv) records impounded by the Illinois State  
14 Police may be disseminated by the Illinois State  
15 Police only as required by law or to the arresting  
16 authority, the State's Attorney, and the court  
17 upon a later arrest for the same or a similar  
18 offense or for the purpose of sentencing for any  
19 subsequent felony, and to the Department of  
20 Corrections upon conviction for any offense; and

21 (v) in response to an inquiry for such records  
22 from anyone not authorized by law to access such  
23 records, the court, the Illinois State Police, or  
24 the agency receiving such inquiry shall reply as  
25 it does in response to inquiries when no records  
26 ever existed.



1 (B-5) Upon entry of an order to expunge records  
2 under subsection (e-6):

3 (i) the records shall be expunged (as defined  
4 in subsection (a)(1)(E)) by the arresting agency  
5 and any other agency as ordered by the court,  
6 within 60 days of the date of service of the order,  
7 unless a motion to vacate, modify, or reconsider  
8 the order is filed under paragraph (12) of  
9 subsection (d) of this Section;

10 (ii) the records of the circuit court clerk  
11 shall be impounded until further order of the  
12 court upon good cause shown and the name of the  
13 petitioner obliterated on the official index  
14 required to be kept by the circuit court clerk  
15 under Section 16 of the Clerks of Courts Act, but  
16 the order shall not affect any index issued by the  
17 circuit court clerk before the entry of the order;

18 (iii) the records shall be impounded by the  
19 Illinois State Police within 60 days of the date  
20 of service of the order as ordered by the court,  
21 unless a motion to vacate, modify, or reconsider  
22 the order is filed under paragraph (12) of  
23 subsection (d) of this Section;

24 (iv) records impounded by the Illinois State  
25 Police may be disseminated by the Illinois State  
26 Police only as required by law or to the arresting

1 authority, the State's Attorney, and the court  
2 upon a later arrest for the same or a similar  
3 offense or for the purpose of sentencing for any  
4 subsequent felony, and to the Department of  
5 Corrections upon conviction for any offense; and

6 (v) in response to an inquiry for these  
7 records from anyone not authorized by law to  
8 access the records, the court, the Illinois State  
9 Police, or the agency receiving the inquiry shall  
10 reply as it does in response to inquiries when no  
11 records ever existed.

12 (C) Upon entry of an order to seal records under  
13 subsection (c), the arresting agency, any other agency  
14 as ordered by the court, the Illinois State Police,  
15 and the court shall seal the records (as defined in  
16 subsection (a)(1)(K)). In response to an inquiry for  
17 such records, from anyone not authorized by law to  
18 access such records, the court, the Illinois State  
19 Police, or the agency receiving such inquiry shall  
20 reply as it does in response to inquiries when no  
21 records ever existed.

22 (D) The Illinois State Police shall send written  
23 notice to the petitioner of its compliance with each  
24 order to expunge or seal records within 60 days of the  
25 date of service of that order or, if a motion to  
26 vacate, modify, or reconsider is filed, within 60 days

1 of service of the order resolving the motion, if that  
2 order requires the Illinois State Police to expunge or  
3 seal records. In the event of an appeal from the  
4 circuit court order, the Illinois State Police shall  
5 send written notice to the petitioner of its  
6 compliance with an Appellate Court or Supreme Court  
7 judgment to expunge or seal records within 60 days of  
8 the issuance of the court's mandate. The notice is not  
9 required while any motion to vacate, modify, or  
10 reconsider, or any appeal or petition for  
11 discretionary appellate review, is pending.

12 (E) Upon motion, the court may order that a sealed  
13 judgment or other court record necessary to  
14 demonstrate the amount of any legal financial  
15 obligation due and owing be made available for the  
16 limited purpose of collecting any legal financial  
17 obligations owed by the petitioner that were  
18 established, imposed, or originated in the criminal  
19 proceeding for which those records have been sealed.  
20 The records made available under this subparagraph (E)  
21 shall not be entered into the official index required  
22 to be kept by the circuit court clerk under Section 16  
23 of the Clerks of Courts Act and shall be immediately  
24 re-impounded upon the collection of the outstanding  
25 financial obligations.

26 (F) Notwithstanding any other provision of this

1           Section, a circuit court clerk may access a sealed  
2           record for the limited purpose of collecting payment  
3           for any legal financial obligations that were  
4           established, imposed, or originated in the criminal  
5           proceedings for which those records have been sealed.

6           (10) Fees. The Illinois State Police may charge the  
7           petitioner a fee equivalent to the cost of processing any  
8           order to expunge or seal records. Notwithstanding any  
9           provision of the Clerks of Courts Act to the contrary, the  
10          circuit court clerk may charge a fee equivalent to the  
11          cost associated with the sealing or expungement of records  
12          by the circuit court clerk. From the total filing fee  
13          collected for the petition to seal or expunge, the circuit  
14          court clerk shall deposit \$10 into the Circuit Court Clerk  
15          Operation and Administrative Fund, to be used to offset  
16          the costs incurred by the circuit court clerk in  
17          performing the additional duties required to serve the  
18          petition to seal or expunge on all parties. The circuit  
19          court clerk shall collect and remit the Illinois State  
20          Police portion of the fee to the State Treasurer and it  
21          shall be deposited in the State Police Services Fund. If  
22          the record brought under an expungement petition was  
23          previously sealed under this Section, the fee for the  
24          expungement petition for that same record shall be waived.

25          (11) Final Order. No court order issued under the  
26          expungement or sealing provisions of this Section shall

1           become final for purposes of appeal until 30 days after  
2           service of the order on the petitioner and all parties  
3           entitled to notice of the petition.

4           (12) Motion to Vacate, Modify, or Reconsider. Under  
5           Section 2-1203 of the Code of Civil Procedure, the  
6           petitioner or any party entitled to notice may file a  
7           motion to vacate, modify, or reconsider the order granting  
8           or denying the petition to expunge or seal within 60 days  
9           of service of the order. If filed more than 60 days after  
10          service of the order, a petition to vacate, modify, or  
11          reconsider shall comply with subsection (c) of Section  
12          2-1401 of the Code of Civil Procedure. Upon filing of a  
13          motion to vacate, modify, or reconsider, notice of the  
14          motion shall be served upon the petitioner and all parties  
15          entitled to notice of the petition.

16          (13) Effect of Order. An order granting a petition  
17          under the expungement or sealing provisions of this  
18          Section shall not be considered void because it fails to  
19          comply with the provisions of this Section or because of  
20          any error asserted in a motion to vacate, modify, or  
21          reconsider. The circuit court retains jurisdiction to  
22          determine whether the order is voidable and to vacate,  
23          modify, or reconsider its terms based on a motion filed  
24          under paragraph (12) of this subsection (d).

25          (14) Compliance with Order Granting Petition to Seal  
26          Records. Unless a court has entered a stay of an order

1 granting a petition to seal, all parties entitled to  
2 notice of the petition must fully comply with the terms of  
3 the order within 60 days of service of the order even if a  
4 party is seeking relief from the order through a motion  
5 filed under paragraph (12) of this subsection (d) or is  
6 appealing the order.

7 (15) Compliance with Order Granting Petition to  
8 Expunge Records. While a party is seeking relief from the  
9 order granting the petition to expunge through a motion  
10 filed under paragraph (12) of this subsection (d) or is  
11 appealing the order, and unless a court has entered a stay  
12 of that order, the parties entitled to notice of the  
13 petition must seal, but need not expunge, the records  
14 until there is a final order on the motion for relief or,  
15 in the case of an appeal, the issuance of that court's  
16 mandate.

17 (16) The changes to this subsection (d) made by Public  
18 Act 98-163 apply to all petitions pending on August 5,  
19 2013 (the effective date of Public Act 98-163) and to all  
20 orders ruling on a petition to expunge or seal on or after  
21 August 5, 2013 (the effective date of Public Act 98-163).

22 (e) Whenever a person who has been convicted of an offense  
23 is granted a pardon by the Governor which specifically  
24 authorizes expungement, he or she may, upon verified petition  
25 to the Chief Judge of the circuit where the person had been  
26 convicted, any judge of the circuit designated by the Chief

1 Judge, or in counties of less than 3,000,000 inhabitants, the  
2 presiding trial judge at the defendant's trial, have a court  
3 order entered expunging the record of arrest from the official  
4 records of the arresting authority and order that the records  
5 of the circuit court clerk and the Illinois State Police be  
6 sealed until further order of the court upon good cause shown  
7 or as otherwise provided herein, and the name of the defendant  
8 obliterated from the official index requested to be kept by  
9 the circuit court clerk under Section 16 of the Clerks of  
10 Courts Act in connection with the arrest and conviction for  
11 the offense for which he or she had been pardoned but the order  
12 shall not affect any index issued by the circuit court clerk  
13 before the entry of the order. All records sealed by the  
14 Illinois State Police may be disseminated by the Illinois  
15 State Police only to the arresting authority, the State's  
16 Attorney, and the court upon a later arrest for the same or  
17 similar offense or for the purpose of sentencing for any  
18 subsequent felony. Upon conviction for any subsequent offense,  
19 the Department of Corrections shall have access to all sealed  
20 records of the Illinois State Police pertaining to that  
21 individual. Upon entry of the order of expungement, the  
22 circuit court clerk shall promptly mail a copy of the order to  
23 the person who was pardoned.

24 (e-5) Whenever a person who has been convicted of an  
25 offense is granted a certificate of eligibility for sealing by  
26 the Prisoner Review Board which specifically authorizes

1 sealing, he or she may, upon verified petition to the Chief  
2 Judge of the circuit where the person had been convicted, any  
3 judge of the circuit designated by the Chief Judge, or in  
4 counties of less than 3,000,000 inhabitants, the presiding  
5 trial judge at the petitioner's trial, have a court order  
6 entered sealing the record of arrest from the official records  
7 of the arresting authority and order that the records of the  
8 circuit court clerk and the Illinois State Police be sealed  
9 until further order of the court upon good cause shown or as  
10 otherwise provided herein, and the name of the petitioner  
11 obliterated from the official index requested to be kept by  
12 the circuit court clerk under Section 16 of the Clerks of  
13 Courts Act in connection with the arrest and conviction for  
14 the offense for which he or she had been granted the  
15 certificate but the order shall not affect any index issued by  
16 the circuit court clerk before the entry of the order. All  
17 records sealed by the Illinois State Police may be  
18 disseminated by the Illinois State Police only as required by  
19 this Act or to the arresting authority, a law enforcement  
20 agency, the State's Attorney, and the court upon a later  
21 arrest for the same or similar offense or for the purpose of  
22 sentencing for any subsequent felony. Upon conviction for any  
23 subsequent offense, the Department of Corrections shall have  
24 access to all sealed records of the Illinois State Police  
25 pertaining to that individual. Upon entry of the order of  
26 sealing, the circuit court clerk shall promptly mail a copy of



1 the order to the person who was granted the certificate of  
2 eligibility for sealing.

3 (e-6) Whenever a person who has been convicted of an  
4 offense is granted a certificate of eligibility for  
5 expungement by the Prisoner Review Board which specifically  
6 authorizes expungement, he or she may, upon verified petition  
7 to the Chief Judge of the circuit where the person had been  
8 convicted, any judge of the circuit designated by the Chief  
9 Judge, or in counties of less than 3,000,000 inhabitants, the  
10 presiding trial judge at the petitioner's trial, have a court  
11 order entered expunging the record of arrest from the official  
12 records of the arresting authority and order that the records  
13 of the circuit court clerk and the Illinois State Police be  
14 sealed until further order of the court upon good cause shown  
15 or as otherwise provided herein, and the name of the  
16 petitioner obliterated from the official index requested to be  
17 kept by the circuit court clerk under Section 16 of the Clerks  
18 of Courts Act in connection with the arrest and conviction for  
19 the offense for which he or she had been granted the  
20 certificate but the order shall not affect any index issued by  
21 the circuit court clerk before the entry of the order. All  
22 records sealed by the Illinois State Police may be  
23 disseminated by the Illinois State Police only as required by  
24 this Act or to the arresting authority, a law enforcement  
25 agency, the State's Attorney, and the court upon a later  
26 arrest for the same or similar offense or for the purpose of

1 sentencing for any subsequent felony. Upon conviction for any  
2 subsequent offense, the Department of Corrections shall have  
3 access to all expunged records of the Illinois State Police  
4 pertaining to that individual. Upon entry of the order of  
5 expungement, the circuit court clerk shall promptly mail a  
6 copy of the order to the person who was granted the certificate  
7 of eligibility for expungement.

8 (f) Subject to available funding, the Illinois Department  
9 of Corrections shall conduct a study of the impact of sealing,  
10 especially on employment and recidivism rates, utilizing a  
11 random sample of those who apply for the sealing of their  
12 criminal records under Public Act 93-211. At the request of  
13 the Illinois Department of Corrections, records of the  
14 Illinois Department of Employment Security shall be utilized  
15 as appropriate to assist in the study. The study shall not  
16 disclose any data in a manner that would allow the  
17 identification of any particular individual or employing unit.  
18 The study shall be made available to the General Assembly no  
19 later than September 1, 2010.

20 (g) Immediate Sealing.

21 (1) Applicability. Notwithstanding any other provision  
22 of this Act to the contrary, and cumulative with any  
23 rights to expungement or sealing of criminal records, this  
24 subsection authorizes the immediate sealing of criminal  
25 records of adults and of minors prosecuted as adults.

26 (2) Eligible Records. Arrests or charges not initiated

1 by arrest resulting in acquittal or dismissal with  
2 prejudice, except as excluded by subsection (a)(3)(B),  
3 that occur on or after January 1, 2018 (the effective date  
4 of Public Act 100-282), may be sealed immediately if the  
5 petition is filed with the circuit court clerk on the same  
6 day and during the same hearing in which the case is  
7 disposed.

8 (3) When Records are Eligible to be Immediately  
9 Sealed. Eligible records under paragraph (2) of this  
10 subsection (g) may be sealed immediately after entry of  
11 the final disposition of a case, notwithstanding the  
12 disposition of other charges in the same case.

13 (4) Notice of Eligibility for Immediate Sealing. Upon  
14 entry of a disposition for an eligible record under this  
15 subsection (g), the defendant shall be informed by the  
16 court of his or her right to have eligible records  
17 immediately sealed and the procedure for the immediate  
18 sealing of these records.

19 (5) Procedure. The following procedures apply to  
20 immediate sealing under this subsection (g).

21 (A) Filing the Petition. Upon entry of the final  
22 disposition of the case, the defendant's attorney may  
23 immediately petition the court, on behalf of the  
24 defendant, for immediate sealing of eligible records  
25 under paragraph (2) of this subsection (g) that are  
26 entered on or after January 1, 2018 (the effective

1 date of Public Act 100-282). The immediate sealing  
2 petition may be filed with the circuit court clerk  
3 during the hearing in which the final disposition of  
4 the case is entered. If the defendant's attorney does  
5 not file the petition for immediate sealing during the  
6 hearing, the defendant may file a petition for sealing  
7 at any time as authorized under subsection (c) (3) (A).

8 (B) Contents of Petition. The immediate sealing  
9 petition shall be verified and shall contain the  
10 petitioner's name, date of birth, current address, and  
11 for each eligible record, the case number, the date of  
12 arrest if applicable, the identity of the arresting  
13 authority if applicable, and other information as the  
14 court may require.

15 (C) Drug Test. The petitioner shall not be  
16 required to attach proof that he or she has passed a  
17 drug test.

18 (D) Service of Petition. A copy of the petition  
19 shall be served on the State's Attorney in open court.  
20 The petitioner shall not be required to serve a copy of  
21 the petition on any other agency.

22 (E) Entry of Order. The presiding trial judge  
23 shall enter an order granting or denying the petition  
24 for immediate sealing during the hearing in which it  
25 is filed. Petitions for immediate sealing shall be  
26 ruled on in the same hearing in which the final

1 disposition of the case is entered.

2 (F) Hearings. The court shall hear the petition  
3 for immediate sealing on the same day and during the  
4 same hearing in which the disposition is rendered.

5 (G) Service of Order. An order to immediately seal  
6 eligible records shall be served in conformance with  
7 subsection (d) (8).

8 (H) Implementation of Order. An order to  
9 immediately seal records shall be implemented in  
10 conformance with subsections (d) (9) (C) and (d) (9) (D).

11 (I) Fees. The fee imposed by the circuit court  
12 clerk and the Illinois State Police shall comply with  
13 paragraph (1) of subsection (d) of this Section.

14 (J) Final Order. No court order issued under this  
15 subsection (g) shall become final for purposes of  
16 appeal until 30 days after service of the order on the  
17 petitioner and all parties entitled to service of the  
18 order in conformance with subsection (d) (8).

19 (K) Motion to Vacate, Modify, or Reconsider. Under  
20 Section 2-1203 of the Code of Civil Procedure, the  
21 petitioner, State's Attorney, or the Illinois State  
22 Police may file a motion to vacate, modify, or  
23 reconsider the order denying the petition to  
24 immediately seal within 60 days of service of the  
25 order. If filed more than 60 days after service of the  
26 order, a petition to vacate, modify, or reconsider

1 shall comply with subsection (c) of Section 2-1401 of  
2 the Code of Civil Procedure.

3 (L) Effect of Order. An order granting an  
4 immediate sealing petition shall not be considered  
5 void because it fails to comply with the provisions of  
6 this Section or because of an error asserted in a  
7 motion to vacate, modify, or reconsider. The circuit  
8 court retains jurisdiction to determine whether the  
9 order is voidable, and to vacate, modify, or  
10 reconsider its terms based on a motion filed under  
11 subparagraph (L) of this subsection (g).

12 (M) Compliance with Order Granting Petition to  
13 Seal Records. Unless a court has entered a stay of an  
14 order granting a petition to immediately seal, all  
15 parties entitled to service of the order must fully  
16 comply with the terms of the order within 60 days of  
17 service of the order.

18 (h) Sealing or vacation and expungement of trafficking  
19 victims' crimes.

20 (1) A trafficking victim, as defined by paragraph (10)  
21 of subsection (a) of Section 10-9 of the Criminal Code of  
22 2012, may petition for vacation and expungement or  
23 immediate sealing of his or her criminal record upon the  
24 completion of his or her last sentence if his or her  
25 participation in the underlying offense was a result of  
26 human trafficking under Section 10-9 of the Criminal Code

1 of 2012 or a severe form of trafficking under the federal  
2 Trafficking Victims Protection Act.

3 (1.5) A petition under paragraph (1) shall be  
4 prepared, signed, and filed in accordance with Supreme  
5 Court Rule 9. The court may allow the petitioner to attend  
6 any required hearing remotely in accordance with local  
7 rules. The court may allow a petition to be filed under  
8 seal if the public filing of the petition would constitute  
9 a risk of harm to the petitioner.

10 (2) A petitioner under this subsection (h), in  
11 addition to the requirements provided under paragraph (4)  
12 of subsection (d) of this Section, shall include in his or  
13 her petition a clear and concise statement that: (A) he or  
14 she was a victim of human trafficking at the time of the  
15 offense; and (B) that his or her participation in the  
16 offense was a result of human trafficking under Section  
17 10-9 of the Criminal Code of 2012 or a severe form of  
18 trafficking under the federal Trafficking Victims  
19 Protection Act.

20 (3) If an objection is filed alleging that the  
21 petitioner is not entitled to vacation and expungement or  
22 immediate sealing under this subsection (h), the court  
23 shall conduct a hearing under paragraph (7) of subsection  
24 (d) of this Section and the court shall determine whether  
25 the petitioner is entitled to vacation and expungement or  
26 immediate sealing under this subsection (h). A petitioner

1 is eligible for vacation and expungement or immediate  
2 relief under this subsection (h) if he or she shows, by a  
3 preponderance of the evidence, that: (A) he or she was a  
4 victim of human trafficking at the time of the offense;  
5 and (B) that his or her participation in the offense was a  
6 result of human trafficking under Section 10-9 of the  
7 Criminal Code of 2012 or a severe form of trafficking  
8 under the federal Trafficking Victims Protection Act.

9 (i) Minor Cannabis Offenses under the Cannabis Control  
10 Act.

11 (1) Expungement of Arrest Records of Minor Cannabis  
12 Offenses.

13 (A) The Illinois State Police and all law  
14 enforcement agencies within the State shall  
15 automatically expunge all criminal history records of  
16 an arrest, charge not initiated by arrest, order of  
17 supervision, or order of qualified probation for a  
18 Minor Cannabis Offense committed prior to June 25,  
19 2019 (the effective date of Public Act 101-27) if:

20 (i) One year or more has elapsed since the  
21 date of the arrest or law enforcement interaction  
22 documented in the records; and

23 (ii) No criminal charges were filed relating  
24 to the arrest or law enforcement interaction or  
25 criminal charges were filed and subsequently  
26 dismissed or vacated or the arrestee was



1 acquitted.

2 (B) If the law enforcement agency is unable to  
3 verify satisfaction of condition (ii) in paragraph  
4 (A), records that satisfy condition (i) in paragraph  
5 (A) shall be automatically expunged.

6 (C) Records shall be expunged by the law  
7 enforcement agency under the following timelines:

8 (i) Records created prior to June 25, 2019  
9 (the effective date of Public Act 101-27), but on  
10 or after January 1, 2013, shall be automatically  
11 expunged prior to January 1, 2021;

12 (ii) Records created prior to January 1, 2013,  
13 but on or after January 1, 2000, shall be  
14 automatically expunged prior to January 1, 2023;

15 (iii) Records created prior to January 1, 2000  
16 shall be automatically expunged prior to January  
17 1, 2025.

18 In response to an inquiry for expunged records,  
19 the law enforcement agency receiving such inquiry  
20 shall reply as it does in response to inquiries when no  
21 records ever existed; however, it shall provide a  
22 certificate of disposition or confirmation that the  
23 record was expunged to the individual whose record was  
24 expunged if such a record exists.

25 (D) Nothing in this Section shall be construed to  
26 restrict or modify an individual's right to have that

1 individual's records expunged except as otherwise may  
2 be provided in this Act, or diminish or abrogate any  
3 rights or remedies otherwise available to the  
4 individual.

5 (2) Pardons Authorizing Expungement of Minor Cannabis  
6 Offenses.

7 (A) Upon June 25, 2019 (the effective date of  
8 Public Act 101-27), the Department of State Police  
9 shall review all criminal history record information  
10 and identify all records that meet all of the  
11 following criteria:

12 (i) one or more convictions for a Minor  
13 Cannabis Offense;

14 (ii) the conviction identified in paragraph  
15 (2)(A)(i) did not include a penalty enhancement  
16 under Section 7 of the Cannabis Control Act; and

17 (iii) the conviction identified in paragraph  
18 (2)(A)(i) is not associated with a conviction for  
19 a violent crime as defined in subsection (c) of  
20 Section 3 of the Rights of Crime Victims and  
21 Witnesses Act.

22 (B) Within 180 days after June 25, 2019 (the  
23 effective date of Public Act 101-27), the Department  
24 of State Police shall notify the Prisoner Review Board  
25 of all such records that meet the criteria established  
26 in paragraph (2)(A).

1           (i) The Prisoner Review Board shall notify the  
2           State's Attorney of the county of conviction of  
3           each record identified by State Police in  
4           paragraph (2) (A) that is classified as a Class 4  
5           felony. The State's Attorney may provide a written  
6           objection to the Prisoner Review Board on the sole  
7           basis that the record identified does not meet the  
8           criteria established in paragraph (2) (A). Such an  
9           objection must be filed within 60 days or by such  
10          later date set by the Prisoner Review Board in the  
11          notice after the State's Attorney received notice  
12          from the Prisoner Review Board.

13          (ii) In response to a written objection from a  
14          State's Attorney, the Prisoner Review Board is  
15          authorized to conduct a non-public hearing to  
16          evaluate the information provided in the  
17          objection.

18          (iii) The Prisoner Review Board shall make a  
19          confidential and privileged recommendation to the  
20          Governor as to whether to grant a pardon  
21          authorizing expungement for each of the records  
22          identified by the Department of State Police as  
23          described in paragraph (2) (A).

24          (C) If an individual has been granted a pardon  
25          authorizing expungement as described in this Section,  
26          the Prisoner Review Board, through the Attorney

1 General, shall file a petition for expungement with  
2 the Chief Judge of the circuit or any judge of the  
3 circuit designated by the Chief Judge where the  
4 individual had been convicted. Such petition may  
5 include more than one individual. Whenever an  
6 individual who has been convicted of an offense is  
7 granted a pardon by the Governor that specifically  
8 authorizes expungement, an objection to the petition  
9 may not be filed. Petitions to expunge under this  
10 subsection (i) may include more than one individual.  
11 Within 90 days of the filing of such a petition, the  
12 court shall enter an order expunging the records of  
13 arrest from the official records of the arresting  
14 authority and order that the records of the circuit  
15 court clerk and the Illinois State Police be expunged  
16 and the name of the defendant obliterated from the  
17 official index requested to be kept by the circuit  
18 court clerk under Section 16 of the Clerks of Courts  
19 Act in connection with the arrest and conviction for  
20 the offense for which the individual had received a  
21 pardon but the order shall not affect any index issued  
22 by the circuit court clerk before the entry of the  
23 order. Upon entry of the order of expungement, the  
24 circuit court clerk shall promptly provide a copy of  
25 the order and a certificate of disposition to the  
26 individual who was pardoned to the individual's last

1 known address or by electronic means (if available) or  
2 otherwise make it available to the individual upon  
3 request.

4 (D) Nothing in this Section is intended to  
5 diminish or abrogate any rights or remedies otherwise  
6 available to the individual.

7 (3) Any individual may file a motion to vacate and  
8 expunge a conviction for a misdemeanor or Class 4 felony  
9 violation of Section 4 or Section 5 of the Cannabis  
10 Control Act. Motions to vacate and expunge under this  
11 subsection (i) may be filed with the circuit court, Chief  
12 Judge of a judicial circuit or any judge of the circuit  
13 designated by the Chief Judge. The circuit court clerk  
14 shall promptly serve a copy of the motion to vacate and  
15 expunge, and any supporting documentation, on the State's  
16 Attorney or prosecutor charged with the duty of  
17 prosecuting the offense. When considering such a motion to  
18 vacate and expunge, a court shall consider the following:  
19 the reasons to retain the records provided by law  
20 enforcement, the petitioner's age, the petitioner's age at  
21 the time of offense, the time since the conviction, and  
22 the specific adverse consequences if denied. An individual  
23 may file such a petition after the completion of any  
24 non-financial sentence or non-financial condition imposed  
25 by the conviction. Within 60 days of the filing of such  
26 motion, a State's Attorney may file an objection to such a

1 petition along with supporting evidence. If a motion to  
2 vacate and expunge is granted, the records shall be  
3 expunged in accordance with subparagraphs (d)(8) and  
4 (d)(9)(A) of this Section. An agency providing civil legal  
5 aid, as defined by Section 15 of the Public Interest  
6 Attorney Assistance Act, assisting individuals seeking to  
7 file a motion to vacate and expunge under this subsection  
8 may file motions to vacate and expunge with the Chief  
9 Judge of a judicial circuit or any judge of the circuit  
10 designated by the Chief Judge, and the motion may include  
11 more than one individual. Motions filed by an agency  
12 providing civil legal aid concerning more than one  
13 individual may be prepared, presented, and signed  
14 electronically.

15 (4) Any State's Attorney may file a motion to vacate  
16 and expunge a conviction for a misdemeanor or Class 4  
17 felony violation of Section 4 or Section 5 of the Cannabis  
18 Control Act. Motions to vacate and expunge under this  
19 subsection (i) may be filed with the circuit court, Chief  
20 Judge of a judicial circuit or any judge of the circuit  
21 designated by the Chief Judge, and may include more than  
22 one individual. Motions filed by a State's Attorney  
23 concerning more than one individual may be prepared,  
24 presented, and signed electronically. When considering  
25 such a motion to vacate and expunge, a court shall  
26 consider the following: the reasons to retain the records

1 provided by law enforcement, the individual's age, the  
2 individual's age at the time of offense, the time since  
3 the conviction, and the specific adverse consequences if  
4 denied. Upon entry of an order granting a motion to vacate  
5 and expunge records pursuant to this Section, the State's  
6 Attorney shall notify the Prisoner Review Board within 30  
7 days. Upon entry of the order of expungement, the circuit  
8 court clerk shall promptly provide a copy of the order and  
9 a certificate of disposition to the individual whose  
10 records will be expunged to the individual's last known  
11 address or by electronic means (if available) or otherwise  
12 make available to the individual upon request. If a motion  
13 to vacate and expunge is granted, the records shall be  
14 expunged in accordance with subparagraphs (d)(8) and  
15 (d)(9)(A) of this Section.

16 (5) In the public interest, the State's Attorney of a  
17 county has standing to file motions to vacate and expunge  
18 pursuant to this Section in the circuit court with  
19 jurisdiction over the underlying conviction.

20 (6) If a person is arrested for a Minor Cannabis  
21 Offense as defined in this Section before June 25, 2019  
22 (the effective date of Public Act 101-27) and the person's  
23 case is still pending but a sentence has not been imposed,  
24 the person may petition the court in which the charges are  
25 pending for an order to summarily dismiss those charges  
26 against him or her, and expunge all official records of

1 his or her arrest, plea, trial, conviction, incarceration,  
2 supervision, or expungement. If the court determines, upon  
3 review, that: (A) the person was arrested before June 25,  
4 2019 (the effective date of Public Act 101-27) for an  
5 offense that has been made eligible for expungement; (B)  
6 the case is pending at the time; and (C) the person has not  
7 been sentenced of the minor cannabis violation eligible  
8 for expungement under this subsection, the court shall  
9 consider the following: the reasons to retain the records  
10 provided by law enforcement, the petitioner's age, the  
11 petitioner's age at the time of offense, the time since  
12 the conviction, and the specific adverse consequences if  
13 denied. If a motion to dismiss and expunge is granted, the  
14 records shall be expunged in accordance with subparagraph  
15 (d) (9) (A) of this Section.

16 (7) A person imprisoned solely as a result of one or  
17 more convictions for Minor Cannabis Offenses under this  
18 subsection (i) shall be released from incarceration upon  
19 the issuance of an order under this subsection.

20 (8) The Illinois State Police shall allow a person to  
21 use the access and review process, established in the  
22 Illinois State Police, for verifying that his or her  
23 records relating to Minor Cannabis Offenses of the  
24 Cannabis Control Act eligible under this Section have been  
25 expunged.

26 (9) No conviction vacated pursuant to this Section



1 shall serve as the basis for damages for time unjustly  
2 served as provided in the Court of Claims Act.

3 (10) Effect of Expungement. A person's right to  
4 expunge an expungeable offense shall not be limited under  
5 this Section. The effect of an order of expungement shall  
6 be to restore the person to the status he or she occupied  
7 before the arrest, charge, or conviction.

8 (11) Information. The Illinois State Police shall post  
9 general information on its website about the expungement  
10 process described in this subsection (i).

11 (j) ~~Felony~~ Prostitution Convictions.

12 (1) Any individual may file, at any time, a motion to  
13 vacate and expunge a conviction for a prior Class 4 felony  
14 or Class A misdemeanor violation of prostitution. Motions  
15 to vacate and expunge under this subsection (j) may be  
16 filed with the circuit court, Chief Judge of a judicial  
17 circuit, or any judge of the circuit designated by the  
18 Chief Judge. When considering the motion to vacate and  
19 expunge, a court shall consider the following:

20 (A) the reasons to retain the records provided by  
21 law enforcement;

22 (B) the petitioner's age;

23 (C) the petitioner's age at the time of offense;

24 ~~and~~

25 (D) the time since the conviction; ~~and the~~  
26 ~~specific adverse consequences if denied. An individual~~

1 ~~may file the petition after the completion of any~~  
2 ~~sentence or condition imposed by the conviction.~~  
3 ~~Within 60 days of the filing of the motion, a State's~~  
4 ~~Attorney may file an objection to the petition along~~  
5 ~~with supporting evidence. If a motion to vacate and~~  
6 ~~expunge is granted, the records shall be expunged in~~  
7 ~~accordance with subparagraph (d) (9) (A) of this~~  
8 ~~Section. An agency providing civil legal aid, as~~  
9 ~~defined in Section 15 of the Public Interest Attorney~~  
10 ~~Assistance Act, assisting individuals seeking to file~~  
11 ~~a motion to vacate and expunge under this subsection~~  
12 ~~may file motions to vacate and expunge with the Chief~~  
13 ~~Judge of a judicial circuit or any judge of the circuit~~  
14 ~~designated by the Chief Judge, and the motion may~~  
15 ~~include more than one individual.~~

16 (E) the repeal of Section 11-14 of the Criminal  
17 Code of 2012; and

18 (F) the specific adverse consequences if denied.

19 Within 60 days of the filing of the motion, a State's  
20 Attorney may file an objection to the petition along with  
21 supporting evidence. If the motion is granted, the records  
22 shall be expunged in accordance with subparagraph  
23 (d) (9) (A) of this Section. An agency providing civil legal  
24 aid, as defined in Section 15 of the Public Interest  
25 Attorney Assistance Act, assisting individuals seeking to  
26 file a motion to vacate and expunge under this subsection

1 may file motions to vacate and expunge with the Chief  
2 Judge of a judicial circuit or any judge of the circuit  
3 designated by the Chief Judge, and the motion may include  
4 more than one individual.

5 (2) Any State's Attorney may file a motion to vacate  
6 and expunge a conviction for a Class 4 felony or Class A  
7 misdemeanor violation of prostitution. Motions to vacate  
8 and expunge under this subsection (j) may be filed with  
9 the circuit court, Chief Judge of a judicial circuit, or  
10 any judge of the circuit court designated by the Chief  
11 Judge, and may include more than one individual. When  
12 considering the motion to vacate and expunge, a court  
13 shall consider the following reasons:

14 (A) the reasons to retain the records provided by  
15 law enforcement;

16 (B) the petitioner's age;

17 (C) the petitioner's age at the time of offense;

18 (D) the time since the conviction; and

19 (E) the specific adverse consequences if denied.

20 If the State's Attorney files a motion to vacate and  
21 expunge records for felony prostitution convictions  
22 pursuant to this Section, the State's Attorney shall  
23 notify the Prisoner Review Board within 30 days of the  
24 filing. If a motion to vacate and expunge is granted, the  
25 records shall be expunged in accordance with subparagraph  
26 (d) (9) (A) of this Section.

1           (3) In the public interest, the State's Attorney of a  
2 county has standing to file motions to vacate and expunge  
3 pursuant to this Section in the circuit court with  
4 jurisdiction over the underlying conviction.

5           (4) The Illinois State Police shall allow a person to  
6 a use the access and review process, established in the  
7 Illinois State Police, for verifying that his or her  
8 records relating to felony prostitution eligible under  
9 this Section have been expunged.

10          (5) No conviction vacated pursuant to this Section  
11 shall serve as the basis for damages for time unjustly  
12 served as provided in the Court of Claims Act.

13          (6) Effect of Expungement. A person's right to expunge  
14 an expungeable offense shall not be limited under this  
15 Section. The effect of an order of expungement shall be to  
16 restore the person to the status he or she occupied before  
17 the arrest, charge, or conviction.

18          (7) Information. The Illinois State Police shall post  
19 general information on its website about the expungement  
20 process described in this subsection (j).

21 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;  
22 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.  
23 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23; 103-609,  
24 eff. 7-1-24; 103-755, eff. 8-2-24; revised 8-9-24.)

25          Section 20. The Illinois Police Training Act is amended by

1 changing Sections 6 and 6.1 as follows:

2 (50 ILCS 705/6) (from Ch. 85, par. 506)

3 Sec. 6. Powers and duties of the Board; selection and  
4 certification of schools. The Board shall select and certify  
5 schools within the State of Illinois for the purpose of  
6 providing basic training for probationary law enforcement  
7 officers, probationary county corrections officers, and court  
8 security officers and of providing advanced or in-service  
9 training for permanent law enforcement officers or permanent  
10 county corrections officers, which schools may be either  
11 publicly or privately owned and operated. In addition, the  
12 Board has the following power and duties:

13 a. To require law enforcement agencies to furnish such  
14 reports and information as the Board deems necessary to  
15 fully implement this Act.

16 b. To establish appropriate mandatory minimum  
17 standards relating to the training of probationary local  
18 law enforcement officers or probationary county  
19 corrections officers, and in-service training of permanent  
20 law enforcement officers.

21 c. To provide appropriate certification to those  
22 probationary officers who successfully complete the  
23 prescribed minimum standard basic training course.

24 d. To review and approve annual training curriculum  
25 for county sheriffs.

1 e. To review and approve applicants to ensure that no  
2 applicant is admitted to a certified academy unless the  
3 applicant is a person of good character and has not been  
4 convicted of, found guilty of, entered a plea of guilty  
5 to, or entered a plea of nolo contendere to a felony  
6 offense, any of the misdemeanors in Sections 11-1.50,  
7 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, ~~11-14~~, 11-14.1,  
8 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2,  
9 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in  
10 violation of any Section of Part E of Title III of the  
11 Criminal Code of 1961 or the Criminal Code of 2012, or  
12 subsection (a) of Section 17-32 of the Criminal Code of  
13 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of  
14 the Cannabis Control Act, or a crime involving moral  
15 turpitude under the laws of this State or any other state  
16 which if committed in this State would be punishable as a  
17 felony or a crime of moral turpitude, or any felony or  
18 misdemeanor in violation of federal law or the law of any  
19 state that is the equivalent of any of the offenses  
20 specified therein. The Board may appoint investigators who  
21 shall enforce the duties conferred upon the Board by this  
22 Act.

23 For purposes of this paragraph e, a person is  
24 considered to have been convicted of, found guilty of, or  
25 entered a plea of guilty to, plea of nolo contendere to  
26 regardless of whether the adjudication of guilt or

1 sentence is withheld or not entered thereon. This includes  
2 sentences of supervision, conditional discharge, or first  
3 offender probation, or any similar disposition provided  
4 for by law.

5 f. To establish statewide standards for minimum  
6 standards regarding regular mental health screenings for  
7 probationary and permanent police officers, ensuring that  
8 counseling sessions and screenings remain confidential.

9 g. To review and ensure all law enforcement officers  
10 remain in compliance with this Act, and any administrative  
11 rules adopted under this Act.

12 h. To suspend any certificate for a definite period,  
13 limit or restrict any certificate, or revoke any  
14 certificate.

15 i. The Board and the Panel shall have power to secure  
16 by its subpoena and bring before it any person or entity in  
17 this State and to take testimony either orally or by  
18 deposition or both with the same fees and mileage and in  
19 the same manner as prescribed by law in judicial  
20 proceedings in civil cases in circuit courts of this  
21 State. The Board and the Panel shall also have the power to  
22 subpoena the production of documents, papers, files,  
23 books, documents, and records, whether in physical or  
24 electronic form, in support of the charges and for  
25 defense, and in connection with a hearing or  
26 investigation.

1           j. The Executive Director, the administrative law  
2           judge designated by the Executive Director, and each  
3           member of the Board and the Panel shall have the power to  
4           administer oaths to witnesses at any hearing that the  
5           Board is authorized to conduct under this Act and any  
6           other oaths required or authorized to be administered by  
7           the Board under this Act.

8           k. In case of the neglect or refusal of any person to  
9           obey a subpoena issued by the Board and the Panel, any  
10          circuit court, upon application of the Board and the  
11          Panel, through the Illinois Attorney General, may order  
12          such person to appear before the Board and the Panel give  
13          testimony or produce evidence, and any failure to obey  
14          such order is punishable by the court as a contempt  
15          thereof. This order may be served by personal delivery, by  
16          email, or by mail to the address of record or email address  
17          of record.

18          l. The Board shall have the power to administer state  
19          certification examinations. Any and all records related to  
20          these examinations, including, but not limited to, test  
21          questions, test formats, digital files, answer responses,  
22          answer keys, and scoring information shall be exempt from  
23          disclosure.

24          m. To make grants, subject to appropriation, to units  
25          of local government and public institutions of higher  
26          education for the purposes of hiring and retaining law



1 enforcement officers.

2 n. To make grants, subject to appropriation, to local  
3 law enforcement agencies for costs associated with the  
4 expansion and support of National Integrated Ballistic  
5 Information Network (NIBIN) and other ballistic technology  
6 equipment for ballistic testing.

7 (Source: P.A. 102-687, eff. 12-17-21; 102-694, eff. 1-7-22;  
8 102-1115, eff. 1-9-23; 103-8, eff. 6-7-23.)

9 (50 ILCS 705/6.1)

10 Sec. 6.1. Automatic decertification of full-time and  
11 part-time law enforcement officers.

12 (a) The Board must review law enforcement officer conduct  
13 and records to ensure that no law enforcement officer is  
14 certified or provided a valid waiver if that law enforcement  
15 officer has been convicted of, found guilty of, entered a plea  
16 of guilty to, or entered a plea of nolo contendere to, a felony  
17 offense under the laws of this State or any other state which  
18 if committed in this State would be punishable as a felony. The  
19 Board must also ensure that no law enforcement officer is  
20 certified or provided a valid waiver if that law enforcement  
21 officer has been convicted of, found guilty of, or entered a  
22 plea of guilty to, on or after January 1, 2022 (the effective  
23 date of Public Act 101-652) of any misdemeanor specified in  
24 this Section or if committed in any other state would be an  
25 offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,

1 11-9.1, 11-9.1B, ~~11-14~~, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4,  
2 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1,  
3 any misdemeanor in violation of any Section of Part E of Title  
4 III of the Criminal Code of 1961 or the Criminal Code of 2012,  
5 or subsection (a) of Section 17-32 of the Criminal Code of 1961  
6 or the Criminal Code of 2012, or to Section 5 or 5.2 of the  
7 Cannabis Control Act, or any felony or misdemeanor in  
8 violation of federal law or the law of any state that is the  
9 equivalent of any of the offenses specified therein. The Board  
10 must appoint investigators to enforce the duties conferred  
11 upon the Board by this Act.

12 (a-1) For purposes of this Section, a person is "convicted  
13 of, or entered a plea of guilty to, plea of nolo contendere to,  
14 found guilty of" regardless of whether the adjudication of  
15 guilt or sentence is withheld or not entered thereon. This  
16 includes sentences of supervision, conditional discharge, or  
17 first offender probation, or any similar disposition provided  
18 for by law.

19 (b) It is the responsibility of the sheriff or the chief  
20 executive officer of every law enforcement agency or  
21 department within this State to report to the Board any  
22 arrest, conviction, finding of guilt, plea of guilty, or plea  
23 of nolo contendere to, of any officer for an offense  
24 identified in this Section, regardless of whether the  
25 adjudication of guilt or sentence is withheld or not entered  
26 thereon, this includes sentences of supervision, conditional

1 discharge, or first offender probation.

2 (c) It is the duty and responsibility of every full-time  
3 and part-time law enforcement officer in this State to report  
4 to the Board within 14 days, and the officer's sheriff or chief  
5 executive officer, of the officer's arrest, conviction, found  
6 guilty of, or plea of guilty for an offense identified in this  
7 Section. Any full-time or part-time law enforcement officer  
8 who knowingly makes, submits, causes to be submitted, or files  
9 a false or untruthful report to the Board must have the  
10 officer's certificate or waiver immediately decertified or  
11 revoked.

12 (d) Any person, or a local or State agency, or the Board is  
13 immune from liability for submitting, disclosing, or releasing  
14 information of arrests, convictions, or pleas of guilty in  
15 this Section as long as the information is submitted,  
16 disclosed, or released in good faith and without malice. The  
17 Board has qualified immunity for the release of the  
18 information.

19 (e) Any full-time or part-time law enforcement officer  
20 with a certificate or waiver issued by the Board who is  
21 convicted of, found guilty of, or entered a plea of guilty to,  
22 or entered a plea of nolo contendere to any offense described  
23 in this Section immediately becomes decertified or no longer  
24 has a valid waiver. The decertification and invalidity of  
25 waivers occurs as a matter of law. Failure of a convicted  
26 person to report to the Board the officer's conviction as

1 described in this Section or any continued law enforcement  
2 practice after receiving a conviction is a Class 4 felony.

3 For purposes of this Section, a person is considered to  
4 have been "convicted of, found guilty of, or entered a plea of  
5 guilty to, plea of nolo contendere to" regardless of whether  
6 the adjudication of guilt or sentence is withheld or not  
7 entered thereon, including sentences of supervision,  
8 conditional discharge, first offender probation, or any  
9 similar disposition as provided for by law.

10 (f) The Board's investigators shall be law enforcement  
11 officers as defined in Section 2 of this Act. The Board shall  
12 not waive the training requirement unless the investigator has  
13 had a minimum of 5 years experience as a sworn officer of a  
14 local, State, or federal law enforcement agency. An  
15 investigator shall not have been terminated for good cause,  
16 decertified, had his or her law enforcement license or  
17 certificate revoked in this or any other jurisdiction, or been  
18 convicted of any of the conduct listed in subsection (a). Any  
19 complaint filed against the Board's investigators shall be  
20 investigated by the Illinois State Police.

21 (g) The Board must request and receive information and  
22 assistance from any federal, state, local, or private  
23 enforcement agency as part of the authorized criminal  
24 background investigation. The Illinois State Police must  
25 process, retain, and additionally provide and disseminate  
26 information to the Board concerning criminal charges, arrests,

1 convictions, and their disposition, that have been filed  
2 against a basic academy applicant, law enforcement applicant,  
3 or law enforcement officer whose fingerprint identification  
4 cards are on file or maintained by the Illinois State Police.  
5 The Federal Bureau of Investigation must provide the Board any  
6 criminal history record information contained in its files  
7 pertaining to law enforcement officers or any applicant to a  
8 Board certified basic law enforcement academy as described in  
9 this Act based on fingerprint identification. The Board must  
10 make payment of fees to the Illinois State Police for each  
11 fingerprint card submission in conformance with the  
12 requirements of paragraph 22 of Section 55a of the Civil  
13 Administrative Code of Illinois.

14 (g-5) Notwithstanding any provision of law to the  
15 contrary, the changes to this Section made by this amendatory  
16 Act of the 102nd General Assembly and Public Act 101-652 shall  
17 apply prospectively only from July 1, 2022.

18 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;  
19 102-538, eff. 8-20-21; 102-694, eff. 1-7-22.)

20 Section 25. The Counties Code is amended by changing  
21 Section 5-10008 as follows:

22 (55 ILCS 5/5-10008) (from Ch. 34, par. 5-10008)

23 Sec. 5-10008. Prohibited persons. It shall be unlawful for  
24 any known solicitor, patronizer, or promoter of prostitution

1 ~~prostitute, male or female procurer,~~ vagrant, or intoxicated  
2 person to be present at any dance hall or road house licensed  
3 under this Division.

4 (Source: P.A. 86-962.)

5 Section 30. The Coroner Training Board Act is amended by  
6 changing Section 20 as follows:

7 (55 ILCS 135/20)

8 Sec. 20. Powers of the Board. The Board has the following  
9 powers and duties:

10 (a) To require units of local government to furnish such  
11 reports and information as the Board deems necessary to fully  
12 implement this Act.

13 (b) To establish by rule appropriate mandatory minimum  
14 standards relating to the training of coroners, including, but  
15 not limited to, Part 1760 of Chapter V of Title 20 of the  
16 Illinois Administrative Code. The Board shall consult with the  
17 Illinois Coroners and Medical Examiners Association when  
18 adopting mandatory minimum standards.

19 (c) To provide appropriate certification to those coroners  
20 who successfully complete the prescribed minimum standard  
21 basic training course.

22 (d) To review and approve annual training curriculum for  
23 coroners.

24 (e) To review and approve applicants to ensure no

1 applicant is admitted to a coroner training school unless the  
2 applicant is a person of good character and has not been  
3 convicted of a felony offense, any of the misdemeanors in  
4 Sections 11-1.50, 11-6, 11-9.1, ~~11-14~~, 11-17, 11-19, 12-2,  
5 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a,  
6 or 32-7 of the Criminal Code of 1961 or the Criminal Code of  
7 2012, subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of  
8 the Criminal Code of 1961 or the Criminal Code of 2012, or  
9 subsection (a) of Section 17-32 of the Criminal Code of 1961 or  
10 the Criminal Code of 2012, or Section 5 or 5.2 of the Cannabis  
11 Control Act, or a crime involving moral turpitude under the  
12 laws of this State or any other state which if committed in  
13 this State would be punishable as a felony or a crime of moral  
14 turpitude. The Board may appoint investigators who shall  
15 enforce the duties conferred upon the Board by this Act.

16 (Source: P.A. 99-408, eff. 1-1-16.)

17 Section 35. The Illinois Municipal Code is amended by  
18 changing Sections 10-1-7.1, 10-2.1-6, 10-2.1-6.3, and 11-5-4  
19 as follows:

20 (65 ILCS 5/10-1-7.1)

21 Sec. 10-1-7.1. Original appointments; full-time fire  
22 department.

23 (a) Applicability. Unless a commission elects to follow  
24 the provisions of Section 10-1-7.2, this Section shall apply

1 to all original appointments to an affected full-time fire  
2 department. Existing registers of eligibles shall continue to  
3 be valid until their expiration dates, or up to a maximum of 2  
4 years after August 4, 2011 (the effective date of Public Act  
5 97-251).

6 Notwithstanding any statute, ordinance, rule, or other law  
7 to the contrary, all original appointments to an affected  
8 department to which this Section applies shall be administered  
9 in the manner provided for in this Section. Provisions of the  
10 Illinois Municipal Code, municipal ordinances, and rules  
11 adopted pursuant to such authority and other laws relating to  
12 initial hiring of firefighters in affected departments shall  
13 continue to apply to the extent they are compatible with this  
14 Section, but in the event of a conflict between this Section  
15 and any other law, this Section shall control.

16 A home rule or non-home rule municipality may not  
17 administer its fire department process for original  
18 appointments in a manner that is less stringent than this  
19 Section. This Section is a limitation under subsection (i) of  
20 Section 6 of Article VII of the Illinois Constitution on the  
21 concurrent exercise by home rule units of the powers and  
22 functions exercised by the State.

23 A municipality that is operating under a court order or  
24 consent decree regarding original appointments to a full-time  
25 fire department before August 4, 2011 (the effective date of  
26 Public Act 97-251) is exempt from the requirements of this



1 Section for the duration of the court order or consent decree.

2 Notwithstanding any other provision of this subsection  
3 (a), this Section does not apply to a municipality with more  
4 than 1,000,000 inhabitants.

5 (b) Original appointments. All original appointments made  
6 to an affected fire department shall be made from a register of  
7 eligibles established in accordance with the processes  
8 established by this Section. Only persons who meet or exceed  
9 the performance standards required by this Section shall be  
10 placed on a register of eligibles for original appointment to  
11 an affected fire department.

12 Whenever an appointing authority authorizes action to hire  
13 a person to perform the duties of a firefighter or to hire a  
14 firefighter-paramedic to fill a position that is a new  
15 position or vacancy due to resignation, discharge, promotion,  
16 death, the granting of a disability or retirement pension, or  
17 any other cause, the appointing authority shall appoint to  
18 that position the person with the highest ranking on the final  
19 eligibility list. If the appointing authority has reason to  
20 conclude that the highest ranked person fails to meet the  
21 minimum standards for the position or if the appointing  
22 authority believes an alternate candidate would better serve  
23 the needs of the department, then the appointing authority has  
24 the right to pass over the highest ranked person and appoint  
25 either: (i) any person who has a ranking in the top 5% of the  
26 register of eligibles or (ii) any person who is among the top 5

1 highest ranked persons on the list of eligibles if the number  
2 of people who have a ranking in the top 5% of the register of  
3 eligibles is less than 5 people.

4 Any candidate may pass on an appointment once without  
5 losing his or her position on the register of eligibles. Any  
6 candidate who passes a second time may be removed from the list  
7 by the appointing authority provided that such action shall  
8 not prejudice a person's opportunities to participate in  
9 future examinations, including an examination held during the  
10 time a candidate is already on the municipality's register of  
11 eligibles.

12 The sole authority to issue certificates of appointment  
13 shall be vested in the Civil Service Commission. All  
14 certificates of appointment issued to any officer or member of  
15 an affected department shall be signed by the chairperson and  
16 secretary, respectively, of the commission upon appointment of  
17 such officer or member to the affected department by the  
18 commission. After being selected from the register of  
19 eligibles to fill a vacancy in the affected department, each  
20 appointee shall be presented with his or her certificate of  
21 appointment on the day on which he or she is sworn in as a  
22 classified member of the affected department. Firefighters who  
23 were not issued a certificate of appointment when originally  
24 appointed shall be provided with a certificate within 10 days  
25 after making a written request to the chairperson of the Civil  
26 Service Commission. Each person who accepts a certificate of

1 appointment and successfully completes his or her probationary  
2 period shall be enrolled as a firefighter and as a regular  
3 member of the fire department.

4 For the purposes of this Section, "firefighter" means any  
5 person who has been prior to, on, or after August 4, 2011 (the  
6 effective date of Public Act 97-251) appointed to a fire  
7 department or fire protection district or employed by a State  
8 university and sworn or commissioned to perform firefighter  
9 duties or paramedic duties, or both, except that the following  
10 persons are not included: part-time firefighters; auxiliary,  
11 reserve, or voluntary firefighters, including paid-on-call  
12 firefighters; clerks and dispatchers or other civilian  
13 employees of a fire department or fire protection district who  
14 are not routinely expected to perform firefighter duties; and  
15 elected officials.

16 (c) Qualification for placement on register of eligibles.  
17 The purpose of establishing a register of eligibles is to  
18 identify applicants who possess and demonstrate the mental  
19 aptitude and physical ability to perform the duties required  
20 of members of the fire department in order to provide the  
21 highest quality of service to the public. To this end, all  
22 applicants for original appointment to an affected fire  
23 department shall be subject to examination and testing which  
24 shall be public, competitive, and open to all applicants  
25 unless the municipality shall by ordinance limit applicants to  
26 residents of the municipality, county or counties in which the

1 municipality is located, State, or nation. Any examination and  
2 testing procedure utilized under subsection (e) of this  
3 Section shall be supported by appropriate validation evidence  
4 and shall comply with all applicable State and federal laws.  
5 Municipalities may establish educational, emergency medical  
6 service licensure, and other prerequisites for participation  
7 in an examination or for hire as a firefighter. Any  
8 municipality may charge a fee to cover the costs of the  
9 application process.

10 Residency requirements in effect at the time an individual  
11 enters the fire service of a municipality cannot be made more  
12 restrictive for that individual during his or her period of  
13 service for that municipality, or be made a condition of  
14 promotion, except for the rank or position of fire chief and  
15 for no more than 2 positions that rank immediately below that  
16 of the chief rank which are appointed positions pursuant to  
17 the Fire Department Promotion Act.

18 No person who is 35 years of age or older shall be eligible  
19 to take an examination for a position as a firefighter unless  
20 the person has had previous employment status as a firefighter  
21 in the regularly constituted fire department of the  
22 municipality, except as provided in this Section. The age  
23 limitation does not apply to:

- 24 (1) any person previously employed as a full-time  
25 firefighter in a regularly constituted fire department of  
26 (i) any municipality or fire protection district located

1 in Illinois, (ii) a fire protection district whose  
2 obligations were assumed by a municipality under Section  
3 21 of the Fire Protection District Act, or (iii) a  
4 municipality whose obligations were taken over by a fire  
5 protection district,

6 (2) any person who has served a municipality as a  
7 regularly enrolled volunteer, paid-on-call, or part-time  
8 firefighter, or

9 (3) any person who turned 35 while serving as a member  
10 of the active or reserve components of any of the branches  
11 of the Armed Forces of the United States or the National  
12 Guard of any state, whose service was characterized as  
13 honorable or under honorable, if separated from the  
14 military, and is currently under the age of 40.

15 No person who is under 21 years of age shall be eligible  
16 for employment as a firefighter.

17 No applicant shall be examined concerning his or her  
18 political or religious opinions or affiliations. The  
19 examinations shall be conducted by the commissioners of the  
20 municipality or their designees and agents.

21 No municipality shall require that any firefighter  
22 appointed to the lowest rank serve a probationary employment  
23 period of longer than one year of actual active employment,  
24 which may exclude periods of training, or injury or illness  
25 leaves, including duty related leave, in excess of 30 calendar  
26 days. Notwithstanding anything to the contrary in this

1 Section, the probationary employment period limitation may be  
2 extended for a firefighter who is required, as a condition of  
3 employment, to be a licensed paramedic, during which time the  
4 sole reason that a firefighter may be discharged without a  
5 hearing is for failing to meet the requirements for paramedic  
6 licensure.

7 In the event that any applicant who has been found  
8 eligible for appointment and whose name has been placed upon  
9 the final eligibility register provided for in this Division 1  
10 has not been appointed to a firefighter position within one  
11 year after the date of his or her physical ability  
12 examination, the commission may cause a second examination to  
13 be made of that applicant's physical ability prior to his or  
14 her appointment. If, after the second examination, the  
15 physical ability of the applicant shall be found to be less  
16 than the minimum standard fixed by the rules of the  
17 commission, the applicant shall not be appointed. The  
18 applicant's name may be retained upon the register of  
19 candidates eligible for appointment and when next reached for  
20 certification and appointment that applicant may be again  
21 examined as provided in this Section, and if the physical  
22 ability of that applicant is found to be less than the minimum  
23 standard fixed by the rules of the commission, the applicant  
24 shall not be appointed, and the name of the applicant shall be  
25 removed from the register.

26 (d) Notice, examination, and testing components. Notice of

1 the time, place, general scope, merit criteria for any  
2 subjective component, and fee of every examination shall be  
3 given by the commission, by a publication at least 2 weeks  
4 preceding the examination: (i) in one or more newspapers  
5 published in the municipality, or if no newspaper is published  
6 therein, then in one or more newspapers with a general  
7 circulation within the municipality, or (ii) on the  
8 municipality's Internet website. Additional notice of the  
9 examination may be given as the commission shall prescribe.

10 The examination and qualifying standards for employment of  
11 firefighters shall be based on: mental aptitude, physical  
12 ability, preferences, moral character, and health. The mental  
13 aptitude, physical ability, and preference components shall  
14 determine an applicant's qualification for and placement on  
15 the final register of eligibles. The examination may also  
16 include a subjective component based on merit criteria as  
17 determined by the commission. Scores from the examination must  
18 be made available to the public.

19 (e) Mental aptitude. No person who does not possess at  
20 least a high school diploma or an equivalent high school  
21 education shall be placed on a register of eligibles.  
22 Examination of an applicant's mental aptitude shall be based  
23 upon a written examination. The examination shall be practical  
24 in character and relate to those matters that fairly test the  
25 capacity of the persons examined to discharge the duties  
26 performed by members of a fire department. Written

1 examinations shall be administered in a manner that ensures  
2 the security and accuracy of the scores achieved.

3 (f) Physical ability. All candidates shall be required to  
4 undergo an examination of their physical ability to perform  
5 the essential functions included in the duties they may be  
6 called upon to perform as a member of a fire department. For  
7 the purposes of this Section, essential functions of the job  
8 are functions associated with duties that a firefighter may be  
9 called upon to perform in response to emergency calls. The  
10 frequency of the occurrence of those duties as part of the fire  
11 department's regular routine shall not be a controlling factor  
12 in the design of examination criteria or evolutions selected  
13 for testing. These physical examinations shall be open,  
14 competitive, and based on industry standards designed to test  
15 each applicant's physical abilities in the following  
16 dimensions:

17 (1) Muscular strength to perform tasks and evolutions  
18 that may be required in the performance of duties  
19 including grip strength, leg strength, and arm strength.  
20 Tests shall be conducted under anaerobic as well as  
21 aerobic conditions to test both the candidate's speed and  
22 endurance in performing tasks and evolutions. Tasks tested  
23 may be based on standards developed, or approved, by the  
24 local appointing authority.

25 (2) The ability to climb ladders, operate from  
26 heights, walk or crawl in the dark along narrow and uneven



1 surfaces, and operate in proximity to hazardous  
2 environments.

3 (3) The ability to carry out critical, time-sensitive,  
4 and complex problem solving during physical exertion in  
5 stressful and hazardous environments. The testing  
6 environment may be hot and dark with tightly enclosed  
7 spaces, flashing lights, sirens, and other distractions.

8 The tests utilized to measure each applicant's  
9 capabilities in each of these dimensions may be tests based on  
10 industry standards currently in use or equivalent tests  
11 approved by the Joint Labor-Management Committee of the Office  
12 of the State Fire Marshal.

13 Physical ability examinations administered under this  
14 Section shall be conducted with a reasonable number of  
15 proctors and monitors, open to the public, and subject to  
16 reasonable regulations of the commission.

17 (g) Scoring of examination components. Appointing  
18 authorities may create a preliminary eligibility register. A  
19 person shall be placed on the list based upon his or her  
20 passage of the written examination or the passage of the  
21 written examination and the physical ability component.  
22 Passage of the written examination means attaining the minimum  
23 score set by the commission. Minimum scores should be set by  
24 the commission so as to demonstrate a candidate's ability to  
25 perform the essential functions of the job. The minimum score  
26 set by the commission shall be supported by appropriate

1 validation evidence and shall comply with all applicable State  
2 and federal laws. The appointing authority may conduct the  
3 physical ability component and any subjective components  
4 subsequent to the posting of the preliminary eligibility  
5 register.

6 The examination components for an initial eligibility  
7 register shall be graded on a 100-point scale. A person's  
8 position on the list shall be determined by the following: (i)  
9 the person's score on the written examination, (ii) the person  
10 successfully passing the physical ability component, and (iii)  
11 the person's results on any subjective component as described  
12 in subsection (d).

13 In order to qualify for placement on the final eligibility  
14 register, an applicant's score on the written examination,  
15 before any applicable preference points or subjective points  
16 are applied, shall be at or above the minimum score set by the  
17 commission. The local appointing authority may prescribe the  
18 score to qualify for placement on the final eligibility  
19 register, but the score shall not be less than the minimum  
20 score set by the commission.

21 The commission shall prepare and keep a register of  
22 persons whose total score is not less than the minimum score  
23 for passage and who have passed the physical ability  
24 examination. These persons shall take rank upon the register  
25 as candidates in the order of their relative excellence based  
26 on the highest to the lowest total points scored on the mental

1 aptitude, subjective component, and preference components of  
2 the test administered in accordance with this Section. No more  
3 than 60 days after each examination, an initial eligibility  
4 list shall be posted by the commission. The list shall include  
5 the final grades of the candidates without reference to  
6 priority of the time of examination and subject to claim for  
7 preference credit.

8 Commissions may conduct additional examinations, including  
9 without limitation a polygraph test, after a final eligibility  
10 register is established and before it expires with the  
11 candidates ranked by total score without regard to date of  
12 examination. No more than 60 days after each examination, an  
13 initial eligibility list shall be posted by the commission  
14 showing the final grades of the candidates without reference  
15 to priority of time of examination and subject to claim for  
16 preference credit.

17 (h) Preferences. The following are preferences:

18 (1) Veteran preference. Persons who were engaged in  
19 the military service of the United States for a period of  
20 at least one year of active duty and who were honorably  
21 discharged therefrom, or who are now or have been members  
22 on inactive or reserve duty in such military or naval  
23 service, shall be preferred for appointment to and  
24 employment with the fire department of an affected  
25 department.

26 (2) Fire cadet preference. Persons who have

1           successfully completed 2 years of study in fire techniques  
2           or cadet training within a cadet program established under  
3           the rules of the Joint Labor and Management Committee  
4           (JLMC), as defined in Section 50 of the Fire Department  
5           Promotion Act, may be preferred for appointment to and  
6           employment with the fire department.

7           (3) Educational preference. Persons who have  
8           successfully obtained an associate's degree in the field  
9           of fire service or emergency medical services, or a  
10          bachelor's degree from an accredited college or university  
11          may be preferred for appointment to and employment with  
12          the fire department.

13          (4) Paramedic preference. Persons who have obtained a  
14          license as a paramedic may be preferred for appointment to  
15          and employment with the fire department of an affected  
16          department providing emergency medical services.

17          (5) Experience preference. All persons employed by a  
18          municipality who have been paid-on-call or part-time  
19          certified Firefighter II, certified Firefighter III, State  
20          of Illinois or nationally licensed EMT, EMT-I, A-EMT, or  
21          paramedic, or any combination of those capacities may be  
22          awarded up to a maximum of 5 points. However, the  
23          applicant may not be awarded more than 0.5 points for each  
24          complete year of paid-on-call or part-time service.  
25          Applicants from outside the municipality who were employed  
26          as full-time firefighters or firefighter-paramedics by a

1 fire protection district or another municipality may be  
2 awarded up to 5 experience preference points. However, the  
3 applicant may not be awarded more than one point for each  
4 complete year of full-time service.

5 Upon request by the commission, the governing body of  
6 the municipality or in the case of applicants from outside  
7 the municipality the governing body of any fire protection  
8 district or any other municipality shall certify to the  
9 commission, within 10 days after the request, the number  
10 of years of successful paid-on-call, part-time, or  
11 full-time service of any person. A candidate may not  
12 receive the full amount of preference points under this  
13 subsection if the amount of points awarded would place the  
14 candidate before a veteran on the eligibility list. If  
15 more than one candidate receiving experience preference  
16 points is prevented from receiving all of their points due  
17 to not being allowed to pass a veteran, the candidates  
18 shall be placed on the list below the veteran in rank order  
19 based on the totals received if all points under this  
20 subsection were to be awarded. Any remaining ties on the  
21 list shall be determined by lot.

22 (6) Residency preference. Applicants whose principal  
23 residence is located within the fire department's  
24 jurisdiction may be preferred for appointment to and  
25 employment with the fire department.

26 (7) Additional preferences. Up to 5 additional

1 preference points may be awarded for unique categories  
2 based on an applicant's experience or background as  
3 identified by the commission.

4 (7.5) Apprentice preferences. A person who has  
5 performed fire suppression service for a department as a  
6 firefighter apprentice and otherwise meets the  
7 qualifications for original appointment as a firefighter  
8 specified in this Section may be awarded up to 20  
9 preference points. To qualify for preference points, an  
10 applicant shall have completed a minimum of 600 hours of  
11 fire suppression work on a regular shift for the affected  
12 fire department over a 12-month period. The fire  
13 suppression work must be in accordance with Section  
14 10-1-14 of this Division and the terms established by a  
15 Joint Apprenticeship Committee included in a collective  
16 bargaining agreement agreed between the employer and its  
17 certified bargaining agent. An eligible applicant must  
18 apply to the Joint Apprenticeship Committee for preference  
19 points under this item. The Joint Apprenticeship Committee  
20 shall evaluate the merit of the applicant's performance,  
21 determine the preference points to be awarded, and certify  
22 the amount of points awarded to the commissioners. The  
23 commissioners may add the certified preference points to  
24 the final grades achieved by the applicant on the other  
25 components of the examination.

26 (8) Scoring of preferences. The commission shall give

1 preference for original appointment to persons designated  
2 in item (1) by adding to the final grade that they receive  
3 5 points for the recognized preference achieved. The  
4 commission may give preference for original appointment to  
5 persons designated in item (7.5) by adding to the final  
6 grade the amount of points designated by the Joint  
7 Apprenticeship Committee as defined in item (7.5). The  
8 commission shall determine the number of preference points  
9 for each category, except items (1) and (7.5). The number  
10 of preference points for each category shall range from 0  
11 to 5, except item (7.5). In determining the number of  
12 preference points, the commission shall prescribe that if  
13 a candidate earns the maximum number of preference points  
14 in all categories except item (7.5), that number may not  
15 be less than 10 nor more than 30. The commission shall give  
16 preference for original appointment to persons designated  
17 in items (2) through (7) by adding the requisite number of  
18 points to the final grade for each recognized preference  
19 achieved. The numerical result thus attained shall be  
20 applied by the commission in determining the final  
21 eligibility list and appointment from the eligibility  
22 list. The local appointing authority may prescribe the  
23 total number of preference points awarded under this  
24 Section, but the total number of preference points, except  
25 item (7.5), shall not be less than 10 points or more than  
26 30 points. Apprentice preference points may be added in

1 addition to other preference points awarded by the  
2 commission.

3 No person entitled to any preference shall be required to  
4 claim the credit before any examination held under the  
5 provisions of this Section, but the preference shall be given  
6 after the posting or publication of the initial eligibility  
7 list or register at the request of a person entitled to a  
8 credit before any certification or appointments are made from  
9 the eligibility register, upon the furnishing of verifiable  
10 evidence and proof of qualifying preference credit. Candidates  
11 who are eligible for preference credit shall make a claim in  
12 writing within 10 days after the posting of the initial  
13 eligibility list, or the claim shall be deemed waived. Final  
14 eligibility registers shall be established after the awarding  
15 of verified preference points. However, apprentice preference  
16 credit earned subsequent to the establishment of the final  
17 eligibility register may be applied to the applicant's score  
18 upon certification by the Joint Apprenticeship Committee to  
19 the commission and the rank order of candidates on the final  
20 eligibility register shall be adjusted accordingly. All  
21 employment shall be subject to the commission's initial hire  
22 background review, including, but not limited to, criminal  
23 history, employment history, moral character, oral  
24 examination, and medical and psychological examinations, all  
25 on a pass-fail basis. The medical and psychological  
26 examinations must be conducted last, and may only be performed



1 after a conditional offer of employment has been extended.

2 Any person placed on an eligibility list who exceeds the  
3 age requirement before being appointed to a fire department  
4 shall remain eligible for appointment until the list is  
5 abolished, or his or her name has been on the list for a period  
6 of 2 years. No person who has attained the age of 35 years  
7 shall be inducted into a fire department, except as otherwise  
8 provided in this Section.

9 The commission shall strike off the names of candidates  
10 for original appointment after the names have been on the list  
11 for more than 2 years.

12 (i) Moral character. No person shall be appointed to a  
13 fire department unless he or she is a person of good character;  
14 not a habitual drunkard, a gambler, or a person who has been  
15 convicted of a felony or a crime involving moral turpitude.  
16 However, no person shall be disqualified from appointment to  
17 the fire department because of the person's record of  
18 misdemeanor convictions except those under Sections 11-6,  
19 11-7, 11-9, ~~11-14~~, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
20 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
21 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and paragraphs  
22 (1), (6), and (8) of subsection (a) of Section 24-1 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012, or arrest  
24 for any cause without conviction thereon. Any such person who  
25 is in the department may be removed on charges brought for  
26 violating this subsection and after a trial as hereinafter

1 provided.

2 A classifiable set of the fingerprints of every person who  
3 is offered employment as a certificated member of an affected  
4 fire department whether with or without compensation, shall be  
5 furnished to the Illinois State Police and to the Federal  
6 Bureau of Investigation by the commission.

7 Whenever a commission is authorized or required by law to  
8 consider some aspect of criminal history record information  
9 for the purpose of carrying out its statutory powers and  
10 responsibilities, then, upon request and payment of fees in  
11 conformance with the requirements of Section 2605-400 of the  
12 Illinois State Police Law of the Civil Administrative Code of  
13 Illinois, the Illinois State Police is authorized to furnish,  
14 pursuant to positive identification, the information contained  
15 in State files as is necessary to fulfill the request.

16 (j) Temporary appointments. In order to prevent a stoppage  
17 of public business, to meet extraordinary exigencies, or to  
18 prevent material impairment of the fire department, the  
19 commission may make temporary appointments, to remain in force  
20 only until regular appointments are made under the provisions  
21 of this Division, but never to exceed 60 days. No temporary  
22 appointment of any one person shall be made more than twice in  
23 any calendar year.

24 (k) A person who knowingly divulges or receives test  
25 questions or answers before a written examination, or  
26 otherwise knowingly violates or subverts any requirement of

1 this Section, commits a violation of this Section and may be  
2 subject to charges for official misconduct.

3 A person who is the knowing recipient of test information  
4 in advance of the examination shall be disqualified from the  
5 examination or discharged from the position to which he or she  
6 was appointed, as applicable, and otherwise subjected to  
7 disciplinary actions.

8 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;  
9 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.  
10 5-13-22.)

11 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

12 Sec. 10-2.1-6. Examination of applicants;  
13 disqualifications. (a) All applicants for a position in  
14 either the fire or police department of the municipality shall  
15 be under 35 years of age, shall be subject to an examination  
16 that shall be public, competitive, and open to all applicants  
17 (unless the council or board of trustees by ordinance limit  
18 applicants to electors of the municipality, county, state, or  
19 nation) and shall be subject to reasonable limitations as to  
20 residence, health, habits, and moral character. An individual  
21 who is not a citizen but is legally authorized to work in the  
22 United States under federal law or is an individual against  
23 whom immigration action has been deferred by the U.S.  
24 Citizenship and Immigration Services under the federal  
25 Deferred Action for Childhood Arrivals (DACA) process is

1 authorized to apply for the position of police officer,  
2 subject to (i) all requirements and limitations, other than  
3 citizenship, to which other applicants are subject and (ii)  
4 the individual being authorized under federal law to obtain,  
5 carry, or purchase or otherwise possess a firearm. The  
6 municipality may not charge or collect any fee from an  
7 applicant who has met all prequalification standards  
8 established by the municipality for any such position. With  
9 respect to a police department, a veteran shall be allowed to  
10 exceed the maximum age provision of this Section by the number  
11 of years served on active military duty, but by no more than 10  
12 years of active military duty.

13 (b) Residency requirements in effect at the time an  
14 individual enters the fire or police service of a municipality  
15 (other than a municipality that has more than 1,000,000  
16 inhabitants) cannot be made more restrictive for that  
17 individual during his period of service for that municipality,  
18 or be made a condition of promotion, except for the rank or  
19 position of Fire or Police Chief.

20 (c) No person with a record of misdemeanor convictions  
21 except those under Sections 11-1.50, 11-6, 11-7, 11-9, ~~11-14,~~  
22 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
23 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,  
24 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions  
25 (a) (1) and (a) (2) (C) of Section 11-14.3, and paragraphs (1),  
26 (6), and (8) of subsection (a) of Section 24-1 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, or arrested for any  
2 cause but not convicted on that cause shall be disqualified  
3 from taking the examination to qualify for a position in the  
4 fire department on grounds of habits or moral character.

5 (d) The age limitation in subsection (a) does not apply  
6 (i) to any person previously employed as a policeman or  
7 fireman in a regularly constituted police or fire department  
8 of (I) any municipality, regardless of whether the  
9 municipality is located in Illinois or in another state, or  
10 (II) a fire protection district whose obligations were assumed  
11 by a municipality under Section 21 of the Fire Protection  
12 District Act, (ii) to any person who has served a municipality  
13 as a regularly enrolled volunteer fireman for 5 years  
14 immediately preceding the time that municipality begins to use  
15 full time firemen to provide all or part of its fire protection  
16 service, or (iii) to any person who has served as an auxiliary  
17 police officer under Section 3.1-30-20 for at least 5 years  
18 and is under 40 years of age, (iv) to any person who has served  
19 as a deputy under Section 3-6008 of the Counties Code and  
20 otherwise meets necessary training requirements, or (v) to any  
21 person who has served as a sworn officer as a member of the  
22 Illinois State Police.

23 (e) Applicants who are 20 years of age and who have  
24 successfully completed 2 years of law enforcement studies at  
25 an accredited college or university may be considered for  
26 appointment to active duty with the police department. An

1 applicant described in this subsection (e) who is appointed to  
2 active duty shall not have power of arrest, nor shall the  
3 applicant be permitted to carry firearms, until he or she  
4 reaches 21 years of age.

5 (f) Applicants who are 18 years of age and who have  
6 successfully completed 2 years of study in fire techniques,  
7 amounting to a total of 4 high school credits, within the cadet  
8 program of a municipality may be considered for appointment to  
9 active duty with the fire department of any municipality.

10 (g) The council or board of trustees may by ordinance  
11 provide that persons residing outside the municipality are  
12 eligible to take the examination.

13 (h) The examinations shall be practical in character and  
14 relate to those matters that will fairly test the capacity of  
15 the persons examined to discharge the duties of the positions  
16 to which they seek appointment. No person shall be appointed  
17 to the police or fire department if he or she does not possess  
18 a high school diploma or an equivalent high school education.  
19 A board of fire and police commissioners may, by its rules,  
20 require police applicants to have obtained an associate's  
21 degree or a bachelor's degree as a prerequisite for  
22 employment. The examinations shall include tests of physical  
23 qualifications and health. A board of fire and police  
24 commissioners may, by its rules, waive portions of the  
25 required examination for police applicants who have previously  
26 been full-time sworn officers of a regular police department

1 in any municipal, county, university, or State law enforcement  
2 agency, provided they are certified by the Illinois Law  
3 Enforcement Training Standards Board and have been with their  
4 respective law enforcement agency within the State for at  
5 least 2 years. No person shall be appointed to the police or  
6 fire department if he or she has suffered the amputation of any  
7 limb unless the applicant's duties will be only clerical or as  
8 a radio operator. No applicant shall be examined concerning  
9 his or her political or religious opinions or affiliations.  
10 The examinations shall be conducted by the board of fire and  
11 police commissioners of the municipality as provided in this  
12 Division 2.1.

13 The requirement that a police applicant possess an  
14 associate's degree under this subsection may be waived if one  
15 or more of the following applies: (1) the applicant has served  
16 for 24 months of honorable active duty in the United States  
17 Armed Forces and has not been discharged dishonorably or under  
18 circumstances other than honorable; (2) the applicant has  
19 served for 180 days of active duty in the United States Armed  
20 Forces in combat duty recognized by the Department of Defense  
21 and has not been discharged dishonorably or under  
22 circumstances other than honorable; or (3) the applicant has  
23 successfully received credit for a minimum of 60 credit hours  
24 toward a bachelor's degree from an accredited college or  
25 university.

26 The requirement that a police applicant possess a

1 bachelor's degree under this subsection may be waived if one  
2 or more of the following applies: (1) the applicant has served  
3 for 36 months of honorable active duty in the United States  
4 Armed Forces and has not been discharged dishonorably or under  
5 circumstances other than honorable or (2) the applicant has  
6 served for 180 days of active duty in the United States Armed  
7 Forces in combat duty recognized by the Department of Defense  
8 and has not been discharged dishonorably or under  
9 circumstances other than honorable.

10 (i) No person who is classified by his local selective  
11 service draft board as a conscientious objector, or who has  
12 ever been so classified, may be appointed to the police  
13 department.

14 (j) No person shall be appointed to the police or fire  
15 department unless he or she is a person of good character and  
16 not an habitual drunkard, gambler, or a person who has been  
17 convicted of a felony or a crime involving moral turpitude. No  
18 person, however, shall be disqualified from appointment to the  
19 fire department because of his or her record of misdemeanor  
20 convictions except those under Sections 11-1.50, 11-6, 11-7,  
21 11-9, ~~11-14~~, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
22 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
23 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
24 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
25 paragraphs (1), (6), and (8) of subsection (a) of Section 24-1  
26 of the Criminal Code of 1961 or the Criminal Code of 2012, or



1 arrest for any cause without conviction on that cause. Any  
2 such person who is in the department may be removed on charges  
3 brought and after a trial as provided in this Division 2.1.

4 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;  
5 103-357, eff. 1-1-24.)

6 (65 ILCS 5/10-2.1-6.3)

7 Sec. 10-2.1-6.3. Original appointments; full-time fire  
8 department.

9 (a) Applicability. Unless a commission elects to follow  
10 the provisions of Section 10-2.1-6.4, this Section shall apply  
11 to all original appointments to an affected full-time fire  
12 department. Existing registers of eligibles shall continue to  
13 be valid until their expiration dates, or up to a maximum of 2  
14 years after August 4, 2011 (the effective date of Public Act  
15 97-251).

16 Notwithstanding any statute, ordinance, rule, or other law  
17 to the contrary, all original appointments to an affected  
18 department to which this Section applies shall be administered  
19 in the manner provided for in this Section. Provisions of the  
20 Illinois Municipal Code, municipal ordinances, and rules  
21 adopted pursuant to such authority and other laws relating to  
22 initial hiring of firefighters in affected departments shall  
23 continue to apply to the extent they are compatible with this  
24 Section, but in the event of a conflict between this Section  
25 and any other law, this Section shall control.

1           A home rule or non-home rule municipality may not  
2 administer its fire department process for original  
3 appointments in a manner that is less stringent than this  
4 Section. This Section is a limitation under subsection (i) of  
5 Section 6 of Article VII of the Illinois Constitution on the  
6 concurrent exercise by home rule units of the powers and  
7 functions exercised by the State.

8           A municipality that is operating under a court order or  
9 consent decree regarding original appointments to a full-time  
10 fire department before August 4, 2011 (the effective date of  
11 Public Act 97-251) is exempt from the requirements of this  
12 Section for the duration of the court order or consent decree.

13           Notwithstanding any other provision of this subsection  
14 (a), this Section does not apply to a municipality with more  
15 than 1,000,000 inhabitants.

16           (b) Original appointments. All original appointments made  
17 to an affected fire department shall be made from a register of  
18 eligibles established in accordance with the processes  
19 established by this Section. Only persons who meet or exceed  
20 the performance standards required by this Section shall be  
21 placed on a register of eligibles for original appointment to  
22 an affected fire department.

23           Whenever an appointing authority authorizes action to hire  
24 a person to perform the duties of a firefighter or to hire a  
25 firefighter-paramedic to fill a position that is a new  
26 position or vacancy due to resignation, discharge, promotion,

1 death, the granting of a disability or retirement pension, or  
2 any other cause, the appointing authority shall appoint to  
3 that position the person with the highest ranking on the final  
4 eligibility list. If the appointing authority has reason to  
5 conclude that the highest ranked person fails to meet the  
6 minimum standards for the position or if the appointing  
7 authority believes an alternate candidate would better serve  
8 the needs of the department, then the appointing authority has  
9 the right to pass over the highest ranked person and appoint  
10 either: (i) any person who has a ranking in the top 5% of the  
11 register of eligibles or (ii) any person who is among the top 5  
12 highest ranked persons on the list of eligibles if the number  
13 of people who have a ranking in the top 5% of the register of  
14 eligibles is less than 5 people.

15 Any candidate may pass on an appointment once without  
16 losing his or her position on the register of eligibles. Any  
17 candidate who passes a second time may be removed from the list  
18 by the appointing authority provided that such action shall  
19 not prejudice a person's opportunities to participate in  
20 future examinations, including an examination held during the  
21 time a candidate is already on the municipality's register of  
22 eligibles.

23 The sole authority to issue certificates of appointment  
24 shall be vested in the board of fire and police commissioners.  
25 All certificates of appointment issued to any officer or  
26 member of an affected department shall be signed by the

1 chairperson and secretary, respectively, of the board upon  
2 appointment of such officer or member to the affected  
3 department by action of the board. After being selected from  
4 the register of eligibles to fill a vacancy in the affected  
5 department, each appointee shall be presented with his or her  
6 certificate of appointment on the day on which he or she is  
7 sworn in as a classified member of the affected department.  
8 Firefighters who were not issued a certificate of appointment  
9 when originally appointed shall be provided with a certificate  
10 within 10 days after making a written request to the  
11 chairperson of the board of fire and police commissioners.  
12 Each person who accepts a certificate of appointment and  
13 successfully completes his or her probationary period shall be  
14 enrolled as a firefighter and as a regular member of the fire  
15 department.

16 For the purposes of this Section, "firefighter" means any  
17 person who has been prior to, on, or after August 4, 2011 (the  
18 effective date of Public Act 97-251) appointed to a fire  
19 department or fire protection district or employed by a State  
20 university and sworn or commissioned to perform firefighter  
21 duties or paramedic duties, or both, except that the following  
22 persons are not included: part-time firefighters; auxiliary,  
23 reserve, or voluntary firefighters, including paid-on-call  
24 firefighters; clerks and dispatchers or other civilian  
25 employees of a fire department or fire protection district who  
26 are not routinely expected to perform firefighter duties; and

1 elected officials.

2 (c) Qualification for placement on register of eligibles.

3 The purpose of establishing a register of eligibles is to  
4 identify applicants who possess and demonstrate the mental  
5 aptitude and physical ability to perform the duties required  
6 of members of the fire department in order to provide the  
7 highest quality of service to the public. To this end, all  
8 applicants for original appointment to an affected fire  
9 department shall be subject to examination and testing which  
10 shall be public, competitive, and open to all applicants  
11 unless the municipality shall by ordinance limit applicants to  
12 residents of the municipality, county or counties in which the  
13 municipality is located, State, or nation. Any examination and  
14 testing procedure utilized under subsection (e) of this  
15 Section shall be supported by appropriate validation evidence  
16 and shall comply with all applicable State and federal laws.  
17 Municipalities may establish educational, emergency medical  
18 service licensure, and other prerequisites for participation  
19 in an examination or for hire as a firefighter. Any  
20 municipality may charge a fee to cover the costs of the  
21 application process.

22 Residency requirements in effect at the time an individual  
23 enters the fire service of a municipality cannot be made more  
24 restrictive for that individual during his or her period of  
25 service for that municipality, or be made a condition of  
26 promotion, except for the rank or position of fire chief and

1 for no more than 2 positions that rank immediately below that  
2 of the chief rank which are appointed positions pursuant to  
3 the Fire Department Promotion Act.

4 No person who is 35 years of age or older shall be eligible  
5 to take an examination for a position as a firefighter unless  
6 the person has had previous employment status as a firefighter  
7 in the regularly constituted fire department of the  
8 municipality, except as provided in this Section. The age  
9 limitation does not apply to:

10 (1) any person previously employed as a full-time  
11 firefighter in a regularly constituted fire department of  
12 (i) any municipality or fire protection district located  
13 in Illinois, (ii) a fire protection district whose  
14 obligations were assumed by a municipality under Section  
15 21 of the Fire Protection District Act, or (iii) a  
16 municipality whose obligations were taken over by a fire  
17 protection district,

18 (2) any person who has served a municipality as a  
19 regularly enrolled volunteer, paid-on-call, or part-time  
20 firefighter, or

21 (3) any person who turned 35 while serving as a member  
22 of the active or reserve components of any of the branches  
23 of the Armed Forces of the United States or the National  
24 Guard of any state, whose service was characterized as  
25 honorable or under honorable, if separated from the  
26 military, and is currently under the age of 40.

1           No person who is under 21 years of age shall be eligible  
2 for employment as a firefighter.

3           No applicant shall be examined concerning his or her  
4 political or religious opinions or affiliations. The  
5 examinations shall be conducted by the commissioners of the  
6 municipality or their designees and agents.

7           No municipality shall require that any firefighter  
8 appointed to the lowest rank serve a probationary employment  
9 period of longer than one year of actual active employment,  
10 which may exclude periods of training, or injury or illness  
11 leaves, including duty related leave, in excess of 30 calendar  
12 days. Notwithstanding anything to the contrary in this  
13 Section, the probationary employment period limitation may be  
14 extended for a firefighter who is required, as a condition of  
15 employment, to be a licensed paramedic, during which time the  
16 sole reason that a firefighter may be discharged without a  
17 hearing is for failing to meet the requirements for paramedic  
18 licensure.

19           In the event that any applicant who has been found  
20 eligible for appointment and whose name has been placed upon  
21 the final eligibility register provided for in this Section  
22 has not been appointed to a firefighter position within one  
23 year after the date of his or her physical ability  
24 examination, the commission may cause a second examination to  
25 be made of that applicant's physical ability prior to his or  
26 her appointment. If, after the second examination, the

1 physical ability of the applicant shall be found to be less  
2 than the minimum standard fixed by the rules of the  
3 commission, the applicant shall not be appointed. The  
4 applicant's name may be retained upon the register of  
5 candidates eligible for appointment and when next reached for  
6 certification and appointment that applicant may be again  
7 examined as provided in this Section, and if the physical  
8 ability of that applicant is found to be less than the minimum  
9 standard fixed by the rules of the commission, the applicant  
10 shall not be appointed, and the name of the applicant shall be  
11 removed from the register.

12 (d) Notice, examination, and testing components. Notice of  
13 the time, place, general scope, merit criteria for any  
14 subjective component, and fee of every examination shall be  
15 given by the commission, by a publication at least 2 weeks  
16 preceding the examination: (i) in one or more newspapers  
17 published in the municipality, or if no newspaper is published  
18 therein, then in one or more newspapers with a general  
19 circulation within the municipality, or (ii) on the  
20 municipality's Internet website. Additional notice of the  
21 examination may be given as the commission shall prescribe.

22 The examination and qualifying standards for employment of  
23 firefighters shall be based on: mental aptitude, physical  
24 ability, preferences, moral character, and health. The mental  
25 aptitude, physical ability, and preference components shall  
26 determine an applicant's qualification for and placement on



1 the final register of eligibles. The examination may also  
2 include a subjective component based on merit criteria as  
3 determined by the commission. Scores from the examination must  
4 be made available to the public.

5 (e) Mental aptitude. No person who does not possess at  
6 least a high school diploma or an equivalent high school  
7 education shall be placed on a register of eligibles.  
8 Examination of an applicant's mental aptitude shall be based  
9 upon a written examination. The examination shall be practical  
10 in character and relate to those matters that fairly test the  
11 capacity of the persons examined to discharge the duties  
12 performed by members of a fire department. Written  
13 examinations shall be administered in a manner that ensures  
14 the security and accuracy of the scores achieved.

15 (f) Physical ability. All candidates shall be required to  
16 undergo an examination of their physical ability to perform  
17 the essential functions included in the duties they may be  
18 called upon to perform as a member of a fire department. For  
19 the purposes of this Section, essential functions of the job  
20 are functions associated with duties that a firefighter may be  
21 called upon to perform in response to emergency calls. The  
22 frequency of the occurrence of those duties as part of the fire  
23 department's regular routine shall not be a controlling factor  
24 in the design of examination criteria or evolutions selected  
25 for testing. These physical examinations shall be open,  
26 competitive, and based on industry standards designed to test

1 each applicant's physical abilities in the following  
2 dimensions:

3 (1) Muscular strength to perform tasks and evolutions  
4 that may be required in the performance of duties  
5 including grip strength, leg strength, and arm strength.  
6 Tests shall be conducted under anaerobic as well as  
7 aerobic conditions to test both the candidate's speed and  
8 endurance in performing tasks and evolutions. Tasks tested  
9 may be based on standards developed, or approved, by the  
10 local appointing authority.

11 (2) The ability to climb ladders, operate from  
12 heights, walk or crawl in the dark along narrow and uneven  
13 surfaces, and operate in proximity to hazardous  
14 environments.

15 (3) The ability to carry out critical, time-sensitive,  
16 and complex problem solving during physical exertion in  
17 stressful and hazardous environments. The testing  
18 environment may be hot and dark with tightly enclosed  
19 spaces, flashing lights, sirens, and other distractions.

20 The tests utilized to measure each applicant's  
21 capabilities in each of these dimensions may be tests based on  
22 industry standards currently in use or equivalent tests  
23 approved by the Joint Labor-Management Committee of the Office  
24 of the State Fire Marshal.

25 Physical ability examinations administered under this  
26 Section shall be conducted with a reasonable number of

1 proctors and monitors, open to the public, and subject to  
2 reasonable regulations of the commission.

3 (g) Scoring of examination components. Appointing  
4 authorities may create a preliminary eligibility register. A  
5 person shall be placed on the list based upon his or her  
6 passage of the written examination or the passage of the  
7 written examination and the physical ability component.  
8 Passage of the written examination means attaining the minimum  
9 score set by the commission. Minimum scores should be set by  
10 the commission so as to demonstrate a candidate's ability to  
11 perform the essential functions of the job. The minimum score  
12 set by the commission shall be supported by appropriate  
13 validation evidence and shall comply with all applicable State  
14 and federal laws. The appointing authority may conduct the  
15 physical ability component and any subjective components  
16 subsequent to the posting of the preliminary eligibility  
17 register.

18 The examination components for an initial eligibility  
19 register shall be graded on a 100-point scale. A person's  
20 position on the list shall be determined by the following: (i)  
21 the person's score on the written examination, (ii) the person  
22 successfully passing the physical ability component, and (iii)  
23 the person's results on any subjective component as described  
24 in subsection (d).

25 In order to qualify for placement on the final eligibility  
26 register, an applicant's score on the written examination,

1 before any applicable preference points or subjective points  
2 are applied, shall be at or above the minimum score as set by  
3 the commission. The local appointing authority may prescribe  
4 the score to qualify for placement on the final eligibility  
5 register, but the score shall not be less than the minimum  
6 score set by the commission.

7 The commission shall prepare and keep a register of  
8 persons whose total score is not less than the minimum score  
9 for passage and who have passed the physical ability  
10 examination. These persons shall take rank upon the register  
11 as candidates in the order of their relative excellence based  
12 on the highest to the lowest total points scored on the mental  
13 aptitude, subjective component, and preference components of  
14 the test administered in accordance with this Section. No more  
15 than 60 days after each examination, an initial eligibility  
16 list shall be posted by the commission. The list shall include  
17 the final grades of the candidates without reference to  
18 priority of the time of examination and subject to claim for  
19 preference credit.

20 Commissions may conduct additional examinations, including  
21 without limitation a polygraph test, after a final eligibility  
22 register is established and before it expires with the  
23 candidates ranked by total score without regard to date of  
24 examination. No more than 60 days after each examination, an  
25 initial eligibility list shall be posted by the commission  
26 showing the final grades of the candidates without reference

1 to priority of time of examination and subject to claim for  
2 preference credit.

3 (h) Preferences. The following are preferences:

4 (1) Veteran preference. Persons who were engaged in  
5 the military service of the United States for a period of  
6 at least one year of active duty and who were honorably  
7 discharged therefrom, or who are now or have been members  
8 on inactive or reserve duty in such military or naval  
9 service, shall be preferred for appointment to and  
10 employment with the fire department of an affected  
11 department.

12 (2) Fire cadet preference. Persons who have  
13 successfully completed 2 years of study in fire techniques  
14 or cadet training within a cadet program established under  
15 the rules of the Joint Labor and Management Committee  
16 (JLMC), as defined in Section 50 of the Fire Department  
17 Promotion Act, may be preferred for appointment to and  
18 employment with the fire department.

19 (3) Educational preference. Persons who have  
20 successfully obtained an associate's degree in the field  
21 of fire service or emergency medical services, or a  
22 bachelor's degree from an accredited college or university  
23 may be preferred for appointment to and employment with  
24 the fire department.

25 (4) Paramedic preference. Persons who have obtained a  
26 license as a paramedic shall be preferred for appointment

1 to and employment with the fire department of an affected  
2 department providing emergency medical services.

3 (5) Experience preference. All persons employed by a  
4 municipality who have been paid-on-call or part-time  
5 certified Firefighter II, State of Illinois or nationally  
6 licensed EMT, EMT-I, A-EMT, or any combination of those  
7 capacities shall be awarded 0.5 point for each year of  
8 successful service in one or more of those capacities, up  
9 to a maximum of 5 points. Certified Firefighter III and  
10 State of Illinois or nationally licensed paramedics shall  
11 be awarded one point per year up to a maximum of 5 points.  
12 Applicants from outside the municipality who were employed  
13 as full-time firefighters or firefighter-paramedics by a  
14 fire protection district or another municipality for at  
15 least 2 years shall be awarded 5 experience preference  
16 points. These additional points presuppose a rating scale  
17 totaling 100 points available for the eligibility list. If  
18 more or fewer points are used in the rating scale for the  
19 eligibility list, the points awarded under this subsection  
20 shall be increased or decreased by a factor equal to the  
21 total possible points available for the examination  
22 divided by 100.

23 Upon request by the commission, the governing body of  
24 the municipality or in the case of applicants from outside  
25 the municipality the governing body of any fire protection  
26 district or any other municipality shall certify to the

1 commission, within 10 days after the request, the number  
2 of years of successful paid-on-call, part-time, or  
3 full-time service of any person. A candidate may not  
4 receive the full amount of preference points under this  
5 subsection if the amount of points awarded would place the  
6 candidate before a veteran on the eligibility list. If  
7 more than one candidate receiving experience preference  
8 points is prevented from receiving all of their points due  
9 to not being allowed to pass a veteran, the candidates  
10 shall be placed on the list below the veteran in rank order  
11 based on the totals received if all points under this  
12 subsection were to be awarded. Any remaining ties on the  
13 list shall be determined by lot.

14 (6) Residency preference. Applicants whose principal  
15 residence is located within the fire department's  
16 jurisdiction shall be preferred for appointment to and  
17 employment with the fire department.

18 (7) Additional preferences. Up to 5 additional  
19 preference points may be awarded for unique categories  
20 based on an applicant's experience or background as  
21 identified by the commission.

22 (7.5) Apprentice preferences. A person who has  
23 performed fire suppression service for a department as a  
24 firefighter apprentice and otherwise meets the  
25 qualifications for original appointment as a firefighter  
26 specified in this Section is eligible to be awarded up to

1 20 preference points. To qualify for preference points, an  
2 applicant shall have completed a minimum of 600 hours of  
3 fire suppression work on a regular shift for the affected  
4 fire department over a 12-month period. The fire  
5 suppression work must be in accordance with Section  
6 10-2.1-4 of this Division and the terms established by a  
7 Joint Apprenticeship Committee included in a collective  
8 bargaining agreement agreed between the employer and its  
9 certified bargaining agent. An eligible applicant must  
10 apply to the Joint Apprenticeship Committee for preference  
11 points under this item. The Joint Apprenticeship Committee  
12 shall evaluate the merit of the applicant's performance,  
13 determine the preference points to be awarded, and certify  
14 the amount of points awarded to the commissioners. The  
15 commissioners may add the certified preference points to  
16 the final grades achieved by the applicant on the other  
17 components of the examination.

18 (8) Scoring of preferences. The commission may give  
19 preference for original appointment to persons designated  
20 in item (1) by adding to the final grade that they receive  
21 5 points for the recognized preference achieved. The  
22 commission may give preference for original appointment to  
23 persons designated in item (7.5) by adding to the final  
24 grade the amount of points designated by the Joint  
25 Apprenticeship Committee as defined in item (7.5). The  
26 commission shall determine the number of preference points



1 for each category, except items (1) and (7.5). The number  
2 of preference points for each category shall range from 0  
3 to 5, except item (7.5). In determining the number of  
4 preference points, the commission shall prescribe that if  
5 a candidate earns the maximum number of preference points  
6 in all categories except item (7.5), that number may not  
7 be less than 10 nor more than 30. The commission shall give  
8 preference for original appointment to persons designated  
9 in items (2) through (7) by adding the requisite number of  
10 points to the final grade for each recognized preference  
11 achieved. The numerical result thus attained shall be  
12 applied by the commission in determining the final  
13 eligibility list and appointment from the eligibility  
14 list. The local appointing authority may prescribe the  
15 total number of preference points awarded under this  
16 Section, but the total number of preference points, except  
17 item (7.5), shall not be less than 10 points or more than  
18 30 points. Apprentice preference points may be added in  
19 addition to other preference points awarded by the  
20 commission.

21 No person entitled to any preference shall be required to  
22 claim the credit before any examination held under the  
23 provisions of this Section, but the preference may be given  
24 after the posting or publication of the initial eligibility  
25 list or register at the request of a person entitled to a  
26 credit before any certification or appointments are made from

1 the eligibility register, upon the furnishing of verifiable  
2 evidence and proof of qualifying preference credit. Candidates  
3 who are eligible for preference credit may make a claim in  
4 writing within 10 days after the posting of the initial  
5 eligibility list, or the claim may be deemed waived. Final  
6 eligibility registers may be established after the awarding of  
7 verified preference points. However, apprentice preference  
8 credit earned subsequent to the establishment of the final  
9 eligibility register may be applied to the applicant's score  
10 upon certification by the Joint Apprenticeship Committee to  
11 the commission and the rank order of candidates on the final  
12 eligibility register shall be adjusted accordingly. All  
13 employment shall be subject to the commission's initial hire  
14 background review, including, but not limited to, criminal  
15 history, employment history, moral character, oral  
16 examination, and medical and psychological examinations, all  
17 on a pass-fail basis. The medical and psychological  
18 examinations must be conducted last, and may only be performed  
19 after a conditional offer of employment has been extended.

20 Any person placed on an eligibility list who exceeds the  
21 age requirement before being appointed to a fire department  
22 shall remain eligible for appointment until the list is  
23 abolished, or his or her name has been on the list for a period  
24 of 2 years. No person who has attained the age of 35 years  
25 shall be inducted into a fire department, except as otherwise  
26 provided in this Section.

1           The commission shall strike off the names of candidates  
2 for original appointment after the names have been on the list  
3 for more than 2 years.

4           (i) Moral character. No person shall be appointed to a  
5 fire department unless he or she is a person of good character;  
6 not a habitual drunkard, a gambler, or a person who has been  
7 convicted of a felony or a crime involving moral turpitude.  
8 However, no person shall be disqualified from appointment to  
9 the fire department because of the person's record of  
10 misdemeanor convictions except those under Sections 11-6,  
11 11-7, 11-9, ~~11-14~~, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
12 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
13 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and paragraphs  
14 (1), (6), and (8) of subsection (a) of Section 24-1 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012, or arrest  
16 for any cause without conviction thereon. Any such person who  
17 is in the department may be removed on charges brought for  
18 violating this subsection and after a trial as hereinafter  
19 provided.

20           A classifiable set of the fingerprints of every person who  
21 is offered employment as a certificated member of an affected  
22 fire department whether with or without compensation, shall be  
23 furnished to the Illinois State Police and to the Federal  
24 Bureau of Investigation by the commission.

25           Whenever a commission is authorized or required by law to  
26 consider some aspect of criminal history record information

1 for the purpose of carrying out its statutory powers and  
2 responsibilities, then, upon request and payment of fees in  
3 conformance with the requirements of Section 2605-400 of the  
4 Illinois State Police Law of the Civil Administrative Code of  
5 Illinois, the Illinois State Police is authorized to furnish,  
6 pursuant to positive identification, the information contained  
7 in State files as is necessary to fulfill the request.

8 (j) Temporary appointments. In order to prevent a stoppage  
9 of public business, to meet extraordinary exigencies, or to  
10 prevent material impairment of the fire department, the  
11 commission may make temporary appointments, to remain in force  
12 only until regular appointments are made under the provisions  
13 of this Division, but never to exceed 60 days. No temporary  
14 appointment of any one person shall be made more than twice in  
15 any calendar year.

16 (k) A person who knowingly divulges or receives test  
17 questions or answers before a written examination, or  
18 otherwise knowingly violates or subverts any requirement of  
19 this Section, commits a violation of this Section and may be  
20 subject to charges for official misconduct.

21 A person who is the knowing recipient of test information  
22 in advance of the examination shall be disqualified from the  
23 examination or discharged from the position to which he or she  
24 was appointed, as applicable, and otherwise subjected to  
25 disciplinary actions.

26 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;

1 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.  
2 5-13-22.)

3 (65 ILCS 5/11-5-4) (from Ch. 24, par. 11-5-4)

4 Sec. 11-5-4. The corporate authorities of each  
5 municipality may prevent vagrancy, begging, and soliciting or  
6 patronizing a prostitute ~~prostitution~~.

7 (Source: Laws 1961, p. 576.)

8 Section 40. The Fire Protection District Act is amended by  
9 changing Sections 16.06 and 16.06b as follows:

10 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

11 Sec. 16.06. Eligibility for positions in fire department;  
12 disqualifications.

13 (a) All applicants for a position in the fire department  
14 of the fire protection district shall be under 35 years of age  
15 and shall be subjected to examination, which shall be public,  
16 competitive, and free to all applicants, subject to reasonable  
17 limitations as to health, habits, and moral character;  
18 provided that the foregoing age limitation shall not apply in  
19 the case of any person having previous employment status as a  
20 fireman in a regularly constituted fire department of any fire  
21 protection district, and further provided that each fireman or  
22 fire chief who is a member in good standing in a regularly  
23 constituted fire department of any municipality which shall be

1 or shall have subsequently been included within the boundaries  
2 of any fire protection district now or hereafter organized  
3 shall be given a preference for original appointment in the  
4 same class, grade or employment over all other applicants. The  
5 examinations shall be practical in their character and shall  
6 relate to those matters which will fairly test the persons  
7 examined as to their relative capacity to discharge the duties  
8 of the positions to which they seek appointment. The  
9 examinations shall include tests of physical qualifications  
10 and health. No applicant, however, shall be examined  
11 concerning his political or religious opinions or  
12 affiliations. The examinations shall be conducted by the board  
13 of fire commissioners.

14 In any fire protection district that employs full-time  
15 firefighters and is subject to a collective bargaining  
16 agreement, a person who has not qualified for regular  
17 appointment under the provisions of this Section shall not be  
18 used as a temporary or permanent substitute for certificated  
19 members of a fire district's fire department or for regular  
20 appointment as a certificated member of a fire district's fire  
21 department unless mutually agreed to by the employee's  
22 certified bargaining agent. Such agreement shall be considered  
23 a permissive subject of bargaining. Fire protection districts  
24 covered by the changes made by Public Act 95-490 that are using  
25 non-certificated employees as substitutes immediately prior to  
26 June 1, 2008 (the effective date of Public Act 95-490) may, by

1 mutual agreement with the certified bargaining agent, continue  
2 the existing practice or a modified practice and that  
3 agreement shall be considered a permissive subject of  
4 bargaining.

5 (b) No person shall be appointed to the fire department  
6 unless he or she is a person of good character and not a person  
7 who has been convicted of a felony in Illinois or convicted in  
8 another jurisdiction for conduct that would be a felony under  
9 Illinois law, or convicted of a crime involving moral  
10 turpitude. No person, however, shall be disqualified from  
11 appointment to the fire department because of his or her  
12 record of misdemeanor convictions, except those under Sections  
13 11-1.50, 11-6, 11-7, 11-9, ~~11-14~~, 11-15, 11-17, 11-18, 11-19,  
14 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,  
15 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,  
16 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section  
17 11-14.3, and paragraphs (1), (6), and (8) of subsection (a) of  
18 Section 24-1 of the Criminal Code of 1961 or the Criminal Code  
19 of 2012.

20 (Source: P.A. 102-813, eff. 5-13-22.)

21 (70 ILCS 705/16.06b)

22 Sec. 16.06b. Original appointments; full-time fire  
23 department.

24 (a) Applicability. Unless a commission elects to follow  
25 the provisions of Section 16.06c, this Section shall apply to

1 all original appointments to an affected full-time fire  
2 department. Existing registers of eligibles shall continue to  
3 be valid until their expiration dates, or up to a maximum of 2  
4 years after August 4, 2011 (the effective date of Public Act  
5 97-251).

6 Notwithstanding any statute, ordinance, rule, or other law  
7 to the contrary, all original appointments to an affected  
8 department to which this Section applies shall be administered  
9 in a no less stringent manner than the manner provided for in  
10 this Section. Provisions of the Illinois Municipal Code, Fire  
11 Protection District Act, fire district ordinances, and rules  
12 adopted pursuant to such authority and other laws relating to  
13 initial hiring of firefighters in affected departments shall  
14 continue to apply to the extent they are compatible with this  
15 Section, but in the event of a conflict between this Section  
16 and any other law, this Section shall control.

17 A fire protection district that is operating under a court  
18 order or consent decree regarding original appointments to a  
19 full-time fire department before August 4, 2011 (the effective  
20 date of Public Act 97-251) is exempt from the requirements of  
21 this Section for the duration of the court order or consent  
22 decree.

23 (b) Original appointments. All original appointments made  
24 to an affected fire department shall be made from a register of  
25 eligibles established in accordance with the processes  
26 required by this Section. Only persons who meet or exceed the



1 performance standards required by the Section shall be placed  
2 on a register of eligibles for original appointment to an  
3 affected fire department.

4 Whenever an appointing authority authorizes action to hire  
5 a person to perform the duties of a firefighter or to hire a  
6 firefighter-paramedic to fill a position that is a new  
7 position or vacancy due to resignation, discharge, promotion,  
8 death, the granting of a disability or retirement pension, or  
9 any other cause, the appointing authority shall appoint to  
10 that position the person with the highest ranking on the final  
11 eligibility list. If the appointing authority has reason to  
12 conclude that the highest ranked person fails to meet the  
13 minimum standards for the position or if the appointing  
14 authority believes an alternate candidate would better serve  
15 the needs of the department, then the appointing authority has  
16 the right to pass over the highest ranked person and appoint  
17 either: (i) any person who has a ranking in the top 5% of the  
18 register of eligibles or (ii) any person who is among the top 5  
19 highest ranked persons on the list of eligibles if the number  
20 of people who have a ranking in the top 5% of the register of  
21 eligibles is less than 5 people.

22 Any candidate may pass on an appointment once without  
23 losing his or her position on the register of eligibles. Any  
24 candidate who passes a second time may be removed from the list  
25 by the appointing authority provided that such action shall  
26 not prejudice a person's opportunities to participate in

1 future examinations, including an examination held during the  
2 time a candidate is already on the fire district's register of  
3 eligibles.

4 The sole authority to issue certificates of appointment  
5 shall be vested in the board of fire commissioners, or board of  
6 trustees serving in the capacity of a board of fire  
7 commissioners. All certificates of appointment issued to any  
8 officer or member of an affected department shall be signed by  
9 the chairperson and secretary, respectively, of the commission  
10 upon appointment of such officer or member to the affected  
11 department by action of the commission. After being selected  
12 from the register of eligibles to fill a vacancy in the  
13 affected department, each appointee shall be presented with  
14 his or her certificate of appointment on the day on which he or  
15 she is sworn in as a classified member of the affected  
16 department. Firefighters who were not issued a certificate of  
17 appointment when originally appointed shall be provided with a  
18 certificate within 10 days after making a written request to  
19 the chairperson of the board of fire commissioners, or board  
20 of trustees serving in the capacity of a board of fire  
21 commissioners. Each person who accepts a certificate of  
22 appointment and successfully completes his or her probationary  
23 period shall be enrolled as a firefighter and as a regular  
24 member of the fire department.

25 For the purposes of this Section, "firefighter" means any  
26 person who has been prior to, on, or after August 4, 2011 (the

1 effective date of Public Act 97-251) appointed to a fire  
2 department or fire protection district or employed by a State  
3 university and sworn or commissioned to perform firefighter  
4 duties or paramedic duties, or both, except that the following  
5 persons are not included: part-time firefighters; auxiliary,  
6 reserve, or voluntary firefighters, including paid-on-call  
7 firefighters; clerks and dispatchers or other civilian  
8 employees of a fire department or fire protection district who  
9 are not routinely expected to perform firefighter duties; and  
10 elected officials.

11 (c) Qualification for placement on register of eligibles.  
12 The purpose of establishing a register of eligibles is to  
13 identify applicants who possess and demonstrate the mental  
14 aptitude and physical ability to perform the duties required  
15 of members of the fire department in order to provide the  
16 highest quality of service to the public. To this end, all  
17 applicants for original appointment to an affected fire  
18 department shall be subject to examination and testing which  
19 shall be public, competitive, and open to all applicants  
20 unless the district shall by ordinance limit applicants to  
21 residents of the district, county or counties in which the  
22 district is located, State, or nation. Any examination and  
23 testing procedure utilized under subsection (e) of this  
24 Section shall be supported by appropriate validation evidence  
25 and shall comply with all applicable State and federal laws.  
26 Districts may establish educational, emergency medical service

1 licensure, and other prerequisites for participation in an  
2 examination or for hire as a firefighter. Any fire protection  
3 district may charge a fee to cover the costs of the application  
4 process.

5 Residency requirements in effect at the time an individual  
6 enters the fire service of a district cannot be made more  
7 restrictive for that individual during his or her period of  
8 service for that district, or be made a condition of  
9 promotion, except for the rank or position of fire chief and  
10 for no more than 2 positions that rank immediately below that  
11 of the chief rank which are appointed positions pursuant to  
12 the Fire Department Promotion Act.

13 No person who is 35 years of age or older shall be eligible  
14 to take an examination for a position as a firefighter unless  
15 the person has had previous employment status as a firefighter  
16 in the regularly constituted fire department of the district,  
17 except as provided in this Section. The age limitation does  
18 not apply to:

19 (1) any person previously employed as a full-time  
20 firefighter in a regularly constituted fire department of  
21 (i) any municipality or fire protection district located  
22 in Illinois, (ii) a fire protection district whose  
23 obligations were assumed by a municipality under Section  
24 21 of the Fire Protection District Act, or (iii) a  
25 municipality whose obligations were taken over by a fire  
26 protection district;

1           (2) any person who has served a fire district as a  
2 regularly enrolled volunteer, paid-on-call, or part-time  
3 firefighter; or

4           (3) any person who turned 35 while serving as a member  
5 of the active or reserve components of any of the branches  
6 of the Armed Forces of the United States or the National  
7 Guard of any state, whose service was characterized as  
8 honorable or under honorable, if separated from the  
9 military, and is currently under the age of 40.

10          No person who is under 21 years of age shall be eligible  
11 for employment as a firefighter.

12          No applicant shall be examined concerning his or her  
13 political or religious opinions or affiliations. The  
14 examinations shall be conducted by the commissioners of the  
15 district or their designees and agents.

16          No district shall require that any firefighter appointed  
17 to the lowest rank serve a probationary employment period of  
18 longer than one year of actual active employment, which may  
19 exclude periods of training, or injury or illness leaves,  
20 including duty related leave, in excess of 30 calendar days.  
21 Notwithstanding anything to the contrary in this Section, the  
22 probationary employment period limitation may be extended for  
23 a firefighter who is required, as a condition of employment,  
24 to be a licensed paramedic, during which time the sole reason  
25 that a firefighter may be discharged without a hearing is for  
26 failing to meet the requirements for paramedic licensure.

1           In the event that any applicant who has been found  
2 eligible for appointment and whose name has been placed upon  
3 the final eligibility register provided for in this Section  
4 has not been appointed to a firefighter position within one  
5 year after the date of his or her physical ability  
6 examination, the commission may cause a second examination to  
7 be made of that applicant's physical ability prior to his or  
8 her appointment. If, after the second examination, the  
9 physical ability of the applicant shall be found to be less  
10 than the minimum standard fixed by the rules of the  
11 commission, the applicant shall not be appointed. The  
12 applicant's name may be retained upon the register of  
13 candidates eligible for appointment and when next reached for  
14 certification and appointment that applicant may be again  
15 examined as provided in this Section, and if the physical  
16 ability of that applicant is found to be less than the minimum  
17 standard fixed by the rules of the commission, the applicant  
18 shall not be appointed, and the name of the applicant shall be  
19 removed from the register.

20           (d) Notice, examination, and testing components. Notice of  
21 the time, place, general scope, merit criteria for any  
22 subjective component, and fee of every examination shall be  
23 given by the commission, by a publication at least 2 weeks  
24 preceding the examination: (i) in one or more newspapers  
25 published in the district, or if no newspaper is published  
26 therein, then in one or more newspapers with a general

1 circulation within the district, or (ii) on the fire  
2 protection district's Internet website. Additional notice of  
3 the examination may be given as the commission shall  
4 prescribe.

5 The examination and qualifying standards for employment of  
6 firefighters shall be based on: mental aptitude, physical  
7 ability, preferences, moral character, and health. The mental  
8 aptitude, physical ability, and preference components shall  
9 determine an applicant's qualification for and placement on  
10 the final register of eligibles. The examination may also  
11 include a subjective component based on merit criteria as  
12 determined by the commission. Scores from the examination must  
13 be made available to the public.

14 (e) Mental aptitude. No person who does not possess at  
15 least a high school diploma or an equivalent high school  
16 education shall be placed on a register of eligibles.  
17 Examination of an applicant's mental aptitude shall be based  
18 upon a written examination. The examination shall be practical  
19 in character and relate to those matters that fairly test the  
20 capacity of the persons examined to discharge the duties  
21 performed by members of a fire department. Written  
22 examinations shall be administered in a manner that ensures  
23 the security and accuracy of the scores achieved.

24 (f) Physical ability. All candidates shall be required to  
25 undergo an examination of their physical ability to perform  
26 the essential functions included in the duties they may be

1 called upon to perform as a member of a fire department. For  
2 the purposes of this Section, essential functions of the job  
3 are functions associated with duties that a firefighter may be  
4 called upon to perform in response to emergency calls. The  
5 frequency of the occurrence of those duties as part of the fire  
6 department's regular routine shall not be a controlling factor  
7 in the design of examination criteria or evolutions selected  
8 for testing. These physical examinations shall be open,  
9 competitive, and based on industry standards designed to test  
10 each applicant's physical abilities in the following  
11 dimensions:

12 (1) Muscular strength to perform tasks and evolutions  
13 that may be required in the performance of duties  
14 including grip strength, leg strength, and arm strength.  
15 Tests shall be conducted under anaerobic as well as  
16 aerobic conditions to test both the candidate's speed and  
17 endurance in performing tasks and evolutions. Tasks tested  
18 may be based on standards developed, or approved, by the  
19 local appointing authority.

20 (2) The ability to climb ladders, operate from  
21 heights, walk or crawl in the dark along narrow and uneven  
22 surfaces, and operate in proximity to hazardous  
23 environments.

24 (3) The ability to carry out critical, time-sensitive,  
25 and complex problem solving during physical exertion in  
26 stressful and hazardous environments. The testing



1 environment may be hot and dark with tightly enclosed  
2 spaces, flashing lights, sirens, and other distractions.

3 The tests utilized to measure each applicant's  
4 capabilities in each of these dimensions may be tests based on  
5 industry standards currently in use or equivalent tests  
6 approved by the Joint Labor-Management Committee of the Office  
7 of the State Fire Marshal.

8 Physical ability examinations administered under this  
9 Section shall be conducted with a reasonable number of  
10 proctors and monitors, open to the public, and subject to  
11 reasonable regulations of the commission.

12 (g) Scoring of examination components. Appointing  
13 authorities may create a preliminary eligibility register. A  
14 person shall be placed on the list based upon his or her  
15 passage of the written examination or the passage of the  
16 written examination and the physical ability component.  
17 Passage of the written examination means attaining the minimum  
18 score set by the commission. Minimum scores should be set by  
19 the appointing authorities so as to demonstrate a candidate's  
20 ability to perform the essential functions of the job. The  
21 minimum score set by the commission shall be supported by  
22 appropriate validation evidence and shall comply with all  
23 applicable State and federal laws. The appointing authority  
24 may conduct the physical ability component and any subjective  
25 components subsequent to the posting of the preliminary  
26 eligibility register.

1           The examination components for an initial eligibility  
2 register shall be graded on a 100-point scale. A person's  
3 position on the list shall be determined by the following: (i)  
4 the person's score on the written examination, (ii) the person  
5 successfully passing the physical ability component, and (iii)  
6 the person's results on any subjective component as described  
7 in subsection (d).

8           In order to qualify for placement on the final eligibility  
9 register, an applicant's score on the written examination,  
10 before any applicable preference points or subjective points  
11 are applied, shall be at or above the minimum score set by the  
12 commission. The local appointing authority may prescribe the  
13 score to qualify for placement on the final eligibility  
14 register, but the score shall not be less than the minimum  
15 score set by the commission.

16           The commission shall prepare and keep a register of  
17 persons whose total score is not less than the minimum score  
18 for passage and who have passed the physical ability  
19 examination. These persons shall take rank upon the register  
20 as candidates in the order of their relative excellence based  
21 on the highest to the lowest total points scored on the mental  
22 aptitude, subjective component, and preference components of  
23 the test administered in accordance with this Section. No more  
24 than 60 days after each examination, an initial eligibility  
25 list shall be posted by the commission. The list shall include  
26 the final grades of the candidates without reference to

1 priority of the time of examination and subject to claim for  
2 preference credit.

3 Commissions may conduct additional examinations, including  
4 without limitation a polygraph test, after a final eligibility  
5 register is established and before it expires with the  
6 candidates ranked by total score without regard to date of  
7 examination. No more than 60 days after each examination, an  
8 initial eligibility list shall be posted by the commission  
9 showing the final grades of the candidates without reference  
10 to priority of time of examination and subject to claim for  
11 preference credit.

12 (h) Preferences. The following are preferences:

13 (1) Veteran preference. Persons who were engaged in  
14 the military service of the United States for a period of  
15 at least one year of active duty and who were honorably  
16 discharged therefrom, or who are now or have been members  
17 on inactive or reserve duty in such military or naval  
18 service, shall be preferred for appointment to and  
19 employment with the fire department of an affected  
20 department.

21 (2) Fire cadet preference. Persons who have  
22 successfully completed 2 years of study in fire techniques  
23 or cadet training within a cadet program established under  
24 the rules of the Joint Labor and Management Committee  
25 (JLMC), as defined in Section 50 of the Fire Department  
26 Promotion Act, may be preferred for appointment to and

1 employment with the fire department.

2 (3) Educational preference. Persons who have  
3 successfully obtained an associate's degree in the field  
4 of fire service or emergency medical services, or a  
5 bachelor's degree from an accredited college or university  
6 may be preferred for appointment to and employment with  
7 the fire department.

8 (4) Paramedic preference. Persons who have obtained a  
9 license as a paramedic may be preferred for appointment to  
10 and employment with the fire department of an affected  
11 department providing emergency medical services.

12 (5) Experience preference. All persons employed by a  
13 district who have been paid-on-call or part-time certified  
14 Firefighter II, certified Firefighter III, State of  
15 Illinois or nationally licensed EMT, EMT-I, A-EMT, or  
16 paramedic, or any combination of those capacities may be  
17 awarded up to a maximum of 5 points. However, the  
18 applicant may not be awarded more than 0.5 points for each  
19 complete year of paid-on-call or part-time service.  
20 Applicants from outside the district who were employed as  
21 full-time firefighters or firefighter-paramedics by a fire  
22 protection district or municipality for at least 2 years  
23 may be awarded up to 5 experience preference points.  
24 However, the applicant may not be awarded more than one  
25 point for each complete year of full-time service.

26 Upon request by the commission, the governing body of

1 the district or in the case of applicants from outside the  
2 district the governing body of any other fire protection  
3 district or any municipality shall certify to the  
4 commission, within 10 days after the request, the number  
5 of years of successful paid-on-call, part-time, or  
6 full-time service of any person. A candidate may not  
7 receive the full amount of preference points under this  
8 subsection if the amount of points awarded would place the  
9 candidate before a veteran on the eligibility list. If  
10 more than one candidate receiving experience preference  
11 points is prevented from receiving all of their points due  
12 to not being allowed to pass a veteran, the candidates  
13 shall be placed on the list below the veteran in rank order  
14 based on the totals received if all points under this  
15 subsection were to be awarded. Any remaining ties on the  
16 list shall be determined by lot.

17 (6) Residency preference. Applicants whose principal  
18 residence is located within the fire department's  
19 jurisdiction may be preferred for appointment to and  
20 employment with the fire department.

21 (7) Additional preferences. Up to 5 additional  
22 preference points may be awarded for unique categories  
23 based on an applicant's experience or background as  
24 identified by the commission.

25 (7.5) Apprentice preferences. A person who has  
26 performed fire suppression service for a department as a

1 firefighter apprentice and otherwise meets the  
2 qualifications for original appointment as a firefighter  
3 specified in this Section is eligible to be awarded up to  
4 20 preference points. To qualify for preference points, an  
5 applicant shall have completed a minimum of 600 hours of  
6 fire suppression work on a regular shift for the affected  
7 fire department over a 12-month period. The fire  
8 suppression work must be in accordance with Section 16.06  
9 of this Act and the terms established by a Joint  
10 Apprenticeship Committee included in a collective  
11 bargaining agreement agreed between the employer and its  
12 certified bargaining agent. An eligible applicant must  
13 apply to the Joint Apprenticeship Committee for preference  
14 points under this item. The Joint Apprenticeship Committee  
15 shall evaluate the merit of the applicant's performance,  
16 determine the preference points to be awarded, and certify  
17 the amount of points awarded to the commissioners. The  
18 commissioners may add the certified preference points to  
19 the final grades achieved by the applicant on the other  
20 components of the examination.

21 (8) Scoring of preferences. The commission shall give  
22 preference for original appointment to persons designated  
23 in item (1) by adding to the final grade that they receive  
24 5 points for the recognized preference achieved. The  
25 commission may give preference for original appointment to  
26 persons designated in item (7.5) by adding to the final

1 grade the amount of points designated by the Joint  
2 Apprenticeship Committee as defined in item (7.5). The  
3 commission shall determine the number of preference points  
4 for each category, except (1) and (7.5). The number of  
5 preference points for each category shall range from 0 to  
6 5, except item (7.5). In determining the number of  
7 preference points, the commission shall prescribe that if  
8 a candidate earns the maximum number of preference points  
9 in all categories except item (7.5), that number may not  
10 be less than 10 nor more than 30. The commission shall give  
11 preference for original appointment to persons designated  
12 in items (2) through (7) by adding the requisite number of  
13 points to the final grade for each recognized preference  
14 achieved. The numerical result thus attained shall be  
15 applied by the commission in determining the final  
16 eligibility list and appointment from the eligibility  
17 list. The local appointing authority may prescribe the  
18 total number of preference points awarded under this  
19 Section, but the total number of preference points, except  
20 item (7.5), shall not be less than 10 points or more than  
21 30 points. Apprentice preference points may be added in  
22 addition to other preference points awarded by the  
23 commission.

24 No person entitled to any preference shall be required to  
25 claim the credit before any examination held under the  
26 provisions of this Section, but the preference shall be given

1 after the posting or publication of the initial eligibility  
2 list or register at the request of a person entitled to a  
3 credit before any certification or appointments are made from  
4 the eligibility register, upon the furnishing of verifiable  
5 evidence and proof of qualifying preference credit. Candidates  
6 who are eligible for preference credit shall make a claim in  
7 writing within 10 days after the posting of the initial  
8 eligibility list, or the claim shall be deemed waived. Final  
9 eligibility registers shall be established after the awarding  
10 of verified preference points. However, apprentice preference  
11 credit earned subsequent to the establishment of the final  
12 eligibility register may be applied to the applicant's score  
13 upon certification by the Joint Apprenticeship Committee to  
14 the commission and the rank order of candidates on the final  
15 eligibility register shall be adjusted accordingly. All  
16 employment shall be subject to the commission's initial hire  
17 background review, including, but not limited to, criminal  
18 history, employment history, moral character, oral  
19 examination, and medical and psychological examinations, all  
20 on a pass-fail basis. The medical and psychological  
21 examinations must be conducted last, and may only be performed  
22 after a conditional offer of employment has been extended.

23 Any person placed on an eligibility list who exceeds the  
24 age requirement before being appointed to a fire department  
25 shall remain eligible for appointment until the list is  
26 abolished, or his or her name has been on the list for a period



1 of 2 years. No person who has attained the age of 35 years  
2 shall be inducted into a fire department, except as otherwise  
3 provided in this Section.

4 The commission shall strike off the names of candidates  
5 for original appointment after the names have been on the list  
6 for more than 2 years.

7 (i) Moral character. No person shall be appointed to a  
8 fire department unless he or she is a person of good character;  
9 not a habitual drunkard, a gambler, or a person who has been  
10 convicted of a felony or a crime involving moral turpitude.  
11 However, no person shall be disqualified from appointment to  
12 the fire department because of the person's record of  
13 misdemeanor convictions except those under Sections 11-6,  
14 11-7, 11-9, ~~11-14~~, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
15 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
16 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and paragraphs  
17 (1), (6), and (8) of subsection (a) of Section 24-1 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012, or arrest  
19 for any cause without conviction thereon. Any such person who  
20 is in the department may be removed on charges brought for  
21 violating this subsection and after a trial as hereinafter  
22 provided.

23 A classifiable set of the fingerprints of every person who  
24 is offered employment as a certificated member of an affected  
25 fire department whether with or without compensation, shall be  
26 furnished to the Illinois State Police and to the Federal

1 Bureau of Investigation by the commission.

2 Whenever a commission is authorized or required by law to  
3 consider some aspect of criminal history record information  
4 for the purpose of carrying out its statutory powers and  
5 responsibilities, then, upon request and payment of fees in  
6 conformance with the requirements of Section 2605-400 of the  
7 Illinois State Police Law of the Civil Administrative Code of  
8 Illinois, the Illinois State Police is authorized to furnish,  
9 pursuant to positive identification, the information contained  
10 in State files as is necessary to fulfill the request.

11 (j) Temporary appointments. In order to prevent a stoppage  
12 of public business, to meet extraordinary exigencies, or to  
13 prevent material impairment of the fire department, the  
14 commission may make temporary appointments, to remain in force  
15 only until regular appointments are made under the provisions  
16 of this Section, but never to exceed 60 days. No temporary  
17 appointment of any one person shall be made more than twice in  
18 any calendar year.

19 (k) A person who knowingly divulges or receives test  
20 questions or answers before a written examination, or  
21 otherwise knowingly violates or subverts any requirement of  
22 this Section, commits a violation of this Section and may be  
23 subject to charges for official misconduct.

24 A person who is the knowing recipient of test information  
25 in advance of the examination shall be disqualified from the  
26 examination or discharged from the position to which he or she

1 was appointed, as applicable, and otherwise subjected to  
2 disciplinary actions.

3 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;  
4 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.  
5 5-13-22.)

6 Section 45. The Metropolitan Transit Authority Act is  
7 amended by changing Section 28b as follows:

8 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

9 Sec. 28b. Any person applying for a position as a driver of  
10 a vehicle owned by a private carrier company which provides  
11 public transportation pursuant to an agreement with the  
12 Authority shall be required to authorize an investigation by  
13 the private carrier company to determine if the applicant has  
14 been convicted of any of the following offenses: (i) those  
15 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,  
16 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
17 11-1.60, 11-6, 11-9, ~~11-14~~, 11-14.3, 11-14.4, 11-15, 11-15.1,  
18 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
19 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,  
20 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,  
21 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1,  
22 31A-1.1, and 33A-2, in subsection (a) and subsection (b),  
23 clause (1), of Section 12-4, in subdivisions (a)(1), (b)(1),  
24 and (f)(1) of Section 12-3.05, and in subsection (a-5) of

1 Section 12-3.1 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012; (ii) those offenses defined in the Cannabis  
3 Control Act except those offenses defined in subsections (a)  
4 and (b) of Section 4, and subsection (a) of Section 5 of the  
5 Cannabis Control Act (iii) those offenses defined in the  
6 Illinois Controlled Substances Act; (iv) those offenses  
7 defined in the Methamphetamine Control and Community  
8 Protection Act; and (v) any offense committed or attempted in  
9 any other state or against the laws of the United States, which  
10 if committed or attempted in this State would be punishable as  
11 one or more of the foregoing offenses. Upon receipt of this  
12 authorization, the private carrier company shall submit the  
13 applicant's name, sex, race, date of birth, fingerprints and  
14 social security number to the Illinois State Police on forms  
15 prescribed by the Department. The Illinois State Police shall  
16 conduct an investigation to ascertain if the applicant has  
17 been convicted of any of the above enumerated offenses. The  
18 Department shall charge the private carrier company a fee for  
19 conducting the investigation, which fee shall be deposited in  
20 the State Police Services Fund and shall not exceed the cost of  
21 the inquiry; and the applicant shall not be charged a fee for  
22 such investigation by the private carrier company. The  
23 Illinois State Police shall furnish, pursuant to positive  
24 identification, records of convictions, until expunged, to the  
25 private carrier company which requested the investigation. A  
26 copy of the record of convictions obtained from the Department

1 shall be provided to the applicant. Any record of conviction  
2 received by the private carrier company shall be confidential.  
3 Any person who releases any confidential information  
4 concerning any criminal convictions of an applicant shall be  
5 guilty of a Class A misdemeanor, unless authorized by this  
6 Section.

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

8 Section 50. The Massage Therapy Practice Act is amended by  
9 changing Sections 15 and 45 as follows:

10 (225 ILCS 57/15)

11 (Section scheduled to be repealed on January 1, 2027)

12 Sec. 15. Licensure requirements.

13 (a) Persons engaged in massage for compensation must be  
14 licensed by the Department. The Department shall issue a  
15 license to an individual who meets all of the following  
16 requirements:

17 (1) The applicant has applied in writing on the  
18 prescribed forms and has paid the required fees.

19 (2) The applicant is at least 18 years of age and of  
20 good moral character. In determining good moral character,  
21 the Department may take into consideration conviction of  
22 any crime under the laws of the United States or any state  
23 or territory thereof that is a felony or a misdemeanor or  
24 any crime that is directly related to the practice of the

1 profession. Such a conviction shall not operate  
2 automatically as a complete bar to a license, except in  
3 the case of any conviction for promoting prostitution,  
4 solicitation of a sexual act, patronizing a prostitute,  
5 rape, or sexual misconduct, or where the applicant is a  
6 registered sex offender.

7 (3) The applicant has successfully completed a massage  
8 therapy program approved by the Department that requires a  
9 minimum of 500 hours, except applicants applying on or  
10 after January 1, 2014 shall meet a minimum requirement of  
11 600 hours, and has passed a competency examination  
12 approved by the Department.

13 (b) Each applicant for licensure as a massage therapist  
14 shall have his or her fingerprints submitted to the Illinois  
15 State Police in an electronic format that complies with the  
16 form and manner for requesting and furnishing criminal history  
17 record information as prescribed by the Illinois State Police.  
18 These fingerprints shall be checked against the Illinois State  
19 Police and Federal Bureau of Investigation criminal history  
20 record databases now and hereafter filed. The Illinois State  
21 Police shall charge applicants a fee for conducting the  
22 criminal history records check, which shall be deposited into  
23 the State Police Services Fund and shall not exceed the actual  
24 cost of the records check. The Illinois State Police shall  
25 furnish, pursuant to positive identification, records of  
26 Illinois convictions to the Department. The Department may

1 require applicants to pay a separate fingerprinting fee,  
2 either to the Department or to a vendor. The Department, in its  
3 discretion, may allow an applicant who does not have  
4 reasonable access to a designated vendor to provide his or her  
5 fingerprints in an alternative manner. The Department may  
6 adopt any rules necessary to implement this Section.

7 (Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21;  
8 102-813, eff. 5-13-22.)

9 (225 ILCS 57/45)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 45. Grounds for discipline.

12 (a) The Department may refuse to issue or renew, or may  
13 revoke, suspend, place on probation, reprimand, or take other  
14 disciplinary or non-disciplinary action, as the Department  
15 considers appropriate, including the imposition of fines not  
16 to exceed \$10,000 for each violation, with regard to any  
17 license or licensee for any one or more of the following:

18 (1) violations of this Act or of the rules adopted  
19 under this Act;

20 (2) conviction by plea of guilty or nolo contendere,  
21 finding of guilt, jury verdict, or entry of judgment or by  
22 sentencing of any crime, including, but not limited to,  
23 convictions, preceding sentences of supervision,  
24 conditional discharge, or first offender probation, under  
25 the laws of any jurisdiction of the United States: (i)

1 that is a felony; or (ii) that is a misdemeanor, an  
2 essential element of which is dishonesty, or that is  
3 directly related to the practice of the profession;

4 (3) professional incompetence;

5 (4) advertising in a false, deceptive, or misleading  
6 manner, including failing to use the massage therapist's  
7 own license number in an advertisement;

8 (5) aiding, abetting, assisting, procuring, advising,  
9 employing, or contracting with any unlicensed person to  
10 practice massage contrary to any rules or provisions of  
11 this Act;

12 (6) engaging in immoral conduct in the commission of  
13 any act, such as sexual abuse, sexual misconduct, or  
14 sexual exploitation, related to the licensee's practice;

15 (7) engaging in dishonorable, unethical, or  
16 unprofessional conduct of a character likely to deceive,  
17 defraud, or harm the public;

18 (8) practicing or offering to practice beyond the  
19 scope permitted by law or accepting and performing  
20 professional responsibilities which the licensee knows or  
21 has reason to know that he or she is not competent to  
22 perform;

23 (9) knowingly delegating professional  
24 responsibilities to a person unqualified by training,  
25 experience, or licensure to perform;

26 (10) failing to provide information in response to a



1 written request made by the Department within 60 days;

2 (11) having a habitual or excessive use of or  
3 addiction to alcohol, narcotics, stimulants, or any other  
4 chemical agent or drug which results in the inability to  
5 practice with reasonable judgment, skill, or safety;

6 (12) having a pattern of practice or other behavior  
7 that demonstrates incapacity or incompetence to practice  
8 under this Act;

9 (13) discipline by another state, District of  
10 Columbia, territory, or foreign nation, if at least one of  
11 the grounds for the discipline is the same or  
12 substantially equivalent to those set forth in this  
13 Section;

14 (14) a finding by the Department that the licensee,  
15 after having his or her license placed on probationary  
16 status, has violated the terms of probation;

17 (15) willfully making or filing false records or  
18 reports in his or her practice, including, but not limited  
19 to, false records filed with State agencies or  
20 departments;

21 (16) making a material misstatement in furnishing  
22 information to the Department or otherwise making  
23 misleading, deceptive, untrue, or fraudulent  
24 representations in violation of this Act or otherwise in  
25 the practice of the profession;

26 (17) fraud or misrepresentation in applying for or

1           procuring a license under this Act or in connection with  
2           applying for renewal of a license under this Act;

3           (18) inability to practice the profession with  
4           reasonable judgment, skill, or safety as a result of  
5           physical illness, including, but not limited to,  
6           deterioration through the aging process, loss of motor  
7           skill, or a mental illness or disability;

8           (19) charging for professional services not rendered,  
9           including filing false statements for the collection of  
10          fees for which services are not rendered;

11          (20) practicing under a false or, except as provided  
12          by law, an assumed name; or

13          (21) cheating on or attempting to subvert the  
14          licensing examination administered under this Act.

15          All fines shall be paid within 60 days of the effective  
16          date of the order imposing the fine.

17          (b) A person not licensed under this Act and engaged in the  
18          business of offering massage therapy services through others,  
19          shall not aid, abet, assist, procure, advise, employ, or  
20          contract with any unlicensed person to practice massage  
21          therapy contrary to any rules or provisions of this Act. A  
22          person violating this subsection (b) shall be treated as a  
23          licensee for the purposes of disciplinary action under this  
24          Section and shall be subject to cease and desist orders as  
25          provided in Section 90 of this Act.

26          (c) The Department shall revoke any license issued under

1 this Act of any person who is convicted of promoting  
2 prostitution, solicitation of a sexual act, patronizing a  
3 prostitute, rape, sexual misconduct, or any crime that  
4 subjects the licensee to compliance with the requirements of  
5 the Sex Offender Registration Act and any such conviction  
6 shall operate as a permanent bar in the State of Illinois to  
7 practice as a massage therapist.

8 (c-5) A prosecuting attorney shall provide notice to the  
9 Department of the licensed massage therapist's name, address,  
10 practice address, and license number and a copy of the  
11 criminal charges filed immediately after a licensed massage  
12 therapist has been charged with any of the following offenses:

13 (1) an offense for which the sentence includes  
14 registration as a sex offender;

15 (2) involuntary sexual servitude of a minor;

16 (3) the crime of battery against a patient, including  
17 any offense based on sexual conduct or sexual penetration,  
18 in the course of patient care or treatment; or

19 (4) a forcible felony.

20 If the victim of the crime the licensee has been charged  
21 with is a patient of the licensee, the prosecuting attorney  
22 shall also provide notice to the Department of the patient's  
23 name.

24 Within 5 business days after receiving notice from the  
25 prosecuting attorney of the filing of criminal charges against  
26 the licensed massage therapist, the Secretary shall issue an

1 administrative order that the licensed massage therapist shall  
2 practice only with a chaperone during all patient encounters  
3 pending the outcome of the criminal proceedings. The chaperone  
4 shall be a licensed massage therapist or other health care  
5 worker licensed by the Department. The administrative order  
6 shall specify any other terms or conditions deemed appropriate  
7 by the Secretary. The chaperone shall provide written notice  
8 to all of the licensed massage therapist's patients explaining  
9 the Department's order to use a chaperone. Each patient shall  
10 sign an acknowledgment that the patient ~~they~~ received the  
11 notice. The notice to the patient of criminal charges shall  
12 include, in 14-point font, the following statement: "The  
13 massage therapist is presumed innocent until proven guilty of  
14 the charges."

15 The licensed massage therapist shall provide a written  
16 plan of compliance with the administrative order that is  
17 acceptable to the Department within 5 business days after  
18 receipt of the administrative order. Failure to comply with  
19 the administrative order, failure to file a compliance plan,  
20 or failure to follow the compliance plan shall subject the  
21 licensed massage therapist to temporary suspension of his or  
22 her license until the completion of the criminal proceedings.

23 If the licensee is not convicted of the charge or if any  
24 conviction is later overturned by a reviewing court, the  
25 administrative order shall be vacated and removed from the  
26 licensee's record.

1           The Department may adopt rules to implement this  
2 subsection.

3           (d) The Department may refuse to issue or may suspend the  
4 license of any person who fails to file a tax return, to pay  
5 the tax, penalty, or interest shown in a filed tax return, or  
6 to pay any final assessment of tax, penalty, or interest, as  
7 required by any tax Act administered by the Illinois  
8 Department of Revenue, until such time as the requirements of  
9 the tax Act are satisfied in accordance with subsection (g) of  
10 Section 2105-15 of the Civil Administrative Code of Illinois.

11           (e) (Blank).

12           (f) In cases where the Department of Healthcare and Family  
13 Services has previously determined that a licensee or a  
14 potential licensee is more than 30 days delinquent in the  
15 payment of child support and has subsequently certified the  
16 delinquency to the Department, the Department may refuse to  
17 issue or renew or may revoke or suspend that person's license  
18 or may take other disciplinary action against that person  
19 based solely upon the certification of delinquency made by the  
20 Department of Healthcare and Family Services in accordance  
21 with item (5) of subsection (a) of Section 2105-15 of the Civil  
22 Administrative Code of Illinois.

23           (g) The determination by a circuit court that a licensee  
24 is subject to involuntary admission or judicial admission, as  
25 provided in the Mental Health and Developmental Disabilities  
26 Code, operates as an automatic suspension. The suspension will

1 end only upon a finding by a court that the patient is no  
2 longer subject to involuntary admission or judicial admission  
3 and the issuance of a court order so finding and discharging  
4 the patient.

5 (h) In enforcing this Act, the Department or Board, upon a  
6 showing of a possible violation, may compel an individual  
7 licensed to practice under this Act, or who has applied for  
8 licensure under this Act, to submit to a mental or physical  
9 examination, or both, as required by and at the expense of the  
10 Department. The Department or Board may order the examining  
11 physician to present testimony concerning the mental or  
12 physical examination of the licensee or applicant. No  
13 information shall be excluded by reason of any common law or  
14 statutory privilege relating to communications between the  
15 licensee or applicant and the examining physician. The  
16 examining physicians shall be specifically designated by the  
17 Board or Department. The individual to be examined may have,  
18 at his or her own expense, another physician of his or her  
19 choice present during all aspects of this examination. The  
20 examination shall be performed by a physician licensed to  
21 practice medicine in all its branches. Failure of an  
22 individual to submit to a mental or physical examination, when  
23 directed, shall result in an automatic suspension without  
24 hearing.

25 A person holding a license under this Act or who has  
26 applied for a license under this Act who, because of a physical

1 or mental illness or disability, including, but not limited  
2 to, deterioration through the aging process or loss of motor  
3 skill, is unable to practice the profession with reasonable  
4 judgment, skill, or safety, may be required by the Department  
5 to submit to care, counseling, or treatment by physicians  
6 approved or designated by the Department as a condition, term,  
7 or restriction for continued, reinstated, or renewed licensure  
8 to practice. Submission to care, counseling, or treatment as  
9 required by the Department shall not be considered discipline  
10 of a license. If the licensee refuses to enter into a care,  
11 counseling, or treatment agreement or fails to abide by the  
12 terms of the agreement, the Department may file a complaint to  
13 revoke, suspend, or otherwise discipline the license of the  
14 individual. The Secretary may order the license suspended  
15 immediately, pending a hearing by the Department. Fines shall  
16 not be assessed in disciplinary actions involving physical or  
17 mental illness or impairment.

18 In instances in which the Secretary immediately suspends a  
19 person's license under this Section, a hearing on that  
20 person's license must be convened by the Department within 15  
21 days after the suspension and completed without appreciable  
22 delay. The Department and Board shall have the authority to  
23 review the subject individual's record of treatment and  
24 counseling regarding the impairment to the extent permitted by  
25 applicable federal statutes and regulations safeguarding the  
26 confidentiality of medical records.

1           An individual licensed under this Act and affected under  
2 this Section shall be afforded an opportunity to demonstrate  
3 to the Department or Board that he or she can resume practice  
4 in compliance with acceptable and prevailing standards under  
5 the provisions of his or her license.

6           (Source: P.A. 102-20, eff. 1-1-22; 103-757, eff. 8-2-24;  
7 revised 10-21-24.)

8           Section 55. The Private Employment Agency Act is amended  
9 by changing Section 10 as follows:

10           (225 ILCS 515/10) (from Ch. 111, par. 910)

11           Sec. 10. Licensee prohibitions. No licensee shall send or  
12 cause to be sent any female help or servants, inmate, or  
13 performer to enter any questionable place, or place of bad  
14 repute, house of ill-fame, or assignation house, or to any  
15 house or place of amusement kept for immoral purposes, or  
16 place resorted to for the purpose of prostitution or gambling  
17 house, the character of which licensee knows either actually  
18 or by reputation.

19           No licensee shall permit questionable characters,  
20 ~~prostitutes,~~ gamblers, intoxicated persons, or procurers to  
21 frequent the agency.

22           No licensee shall accept any application for employment  
23 made by or on behalf of any child, or shall place or assist in  
24 placing any such child in any employment whatever, in



1 violation of the Child Labor Law of 2024. A violation of any  
2 provision of this Section shall be a Class A misdemeanor.

3 No licensee shall publish or cause to be published any  
4 fraudulent or misleading notice or advertisement of its  
5 employment agencies by means of cards, circulars, or signs, or  
6 in newspapers or other publications; and all letterheads,  
7 receipts, and blanks shall contain the full name and address  
8 of the employment agency and licensee shall state in all  
9 notices and advertisements the fact that licensee is, or  
10 conducts, a private employment agency.

11 No licensee shall print, publish, or paint on any sign or  
12 window, or insert in any newspaper or publication, a name  
13 similar to that of the Illinois Public Employment Office.

14 No licensee shall print or stamp on any receipt or on any  
15 contract used by that agency any part of this Act, unless the  
16 entire Section from which that part is taken is printed or  
17 stamped thereon.

18 All written communications sent out by any licensee,  
19 directly or indirectly, to any person or firm with regard to  
20 employees or employment shall contain therein definite  
21 information that such person is a private employment agency.

22 No licensee or his or her employees shall knowingly give  
23 any false or misleading information, or make any false or  
24 misleading promise to any applicant who shall apply for  
25 employment or employees.

26 (Source: P.A. 103-721, eff. 1-1-25.)

1           Section 60. The Illinois Vehicle Code is amended by  
2 changing Sections 6-106.1 and 6-508 as follows:

3           (625 ILCS 5/6-106.1)

4           Sec. 6-106.1. School bus driver permit.

5           (a) The Secretary of State shall issue a school bus driver  
6 permit for the operation of first or second division vehicles  
7 being operated as school buses or a permit valid only for the  
8 operation of first division vehicles being operated as school  
9 buses to those applicants who have met all the requirements of  
10 the application and screening process under this Section to  
11 insure the welfare and safety of children who are transported  
12 on school buses throughout the State of Illinois. Applicants  
13 shall obtain the proper application required by the Secretary  
14 of State from their prospective or current employer and submit  
15 the completed application to the prospective or current  
16 employer along with the necessary fingerprint submission as  
17 required by the Illinois State Police to conduct  
18 fingerprint-based criminal background checks on current and  
19 future information available in the State system and current  
20 information available through the Federal Bureau of  
21 Investigation's system. Applicants who have completed the  
22 fingerprinting requirements shall not be subjected to the  
23 fingerprinting process when applying for subsequent permits or  
24 submitting proof of successful completion of the annual

1 refresher course. Individuals who on July 1, 1995 (the  
2 effective date of Public Act 88-612) possess a valid school  
3 bus driver permit that has been previously issued by the  
4 appropriate Regional School Superintendent are not subject to  
5 the fingerprinting provisions of this Section as long as the  
6 permit remains valid and does not lapse. The applicant shall  
7 be required to pay all related application and fingerprinting  
8 fees as established by rule, including, but not limited to,  
9 the amounts established by the Illinois State Police and the  
10 Federal Bureau of Investigation to process fingerprint-based  
11 criminal background investigations. All fees paid for  
12 fingerprint processing services under this Section shall be  
13 deposited into the State Police Services Fund for the cost  
14 incurred in processing the fingerprint-based criminal  
15 background investigations. All other fees paid under this  
16 Section shall be deposited into the Road Fund for the purpose  
17 of defraying the costs of the Secretary of State in  
18 administering this Section. All applicants must:

- 19 1. be 21 years of age or older;
- 20 2. possess a valid and properly classified driver's  
21 license issued by the Secretary of State;
- 22 3. possess a valid driver's license, which has not  
23 been revoked, suspended, or canceled for 3 years  
24 immediately prior to the date of application, or have not  
25 had his or her commercial motor vehicle driving privileges  
26 disqualified within the 3 years immediately prior to the

1 date of application;

2 4. successfully pass a first division or second  
3 division written test, administered by the Secretary of  
4 State, on school bus operation, school bus safety, and  
5 special traffic laws relating to school buses and submit  
6 to a review of the applicant's driving habits by the  
7 Secretary of State at the time the written test is given;

8 5. demonstrate ability to exercise reasonable care in  
9 the operation of school buses in accordance with rules  
10 promulgated by the Secretary of State;

11 6. demonstrate physical fitness to operate school  
12 buses by submitting the results of a medical examination,  
13 including tests for drug use for each applicant not  
14 subject to such testing pursuant to federal law, conducted  
15 by a licensed physician, a licensed advanced practice  
16 registered nurse, or a licensed physician assistant within  
17 90 days of the date of application according to standards  
18 promulgated by the Secretary of State;

19 7. affirm under penalties of perjury that he or she  
20 has not made a false statement or knowingly concealed a  
21 material fact in any application for permit;

22 8. have completed an initial classroom course,  
23 including first aid procedures, in school bus driver  
24 safety as promulgated by the Secretary of State and, after  
25 satisfactory completion of said initial course, an annual  
26 refresher course; such courses and the agency or

1 organization conducting such courses shall be approved by  
2 the Secretary of State; failure to complete the annual  
3 refresher course shall result in cancellation of the  
4 permit until such course is completed;

5 9. not have been under an order of court supervision  
6 for or convicted of 2 or more serious traffic offenses, as  
7 defined by rule, within one year prior to the date of  
8 application that may endanger the life or safety of any of  
9 the driver's passengers within the duration of the permit  
10 period;

11 10. not have been under an order of court supervision  
12 for or convicted of reckless driving, aggravated reckless  
13 driving, driving while under the influence of alcohol,  
14 other drug or drugs, intoxicating compound or compounds or  
15 any combination thereof, or reckless homicide resulting  
16 from the operation of a motor vehicle within 3 years of the  
17 date of application;

18 11. not have been convicted of committing or  
19 attempting to commit any one or more of the following  
20 offenses: (i) those offenses defined in Sections 8-1,  
21 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,  
22 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,  
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,  
24 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,  
25 ~~11-14~~, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,  
26 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,

1 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-22,  
2 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05,  
3 12-3.1, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,  
4 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6,  
5 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13,  
6 12-14, 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33,  
7 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,  
8 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
9 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
10 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,  
11 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),  
12 of Section 24-3, and those offenses contained in Article  
13 29D of the Criminal Code of 1961 or the Criminal Code of  
14 2012; (ii) those offenses defined in the Cannabis Control  
15 Act except those offenses defined in subsections (a) and  
16 (b) of Section 4, and subsection (a) of Section 5 of the  
17 Cannabis Control Act; (iii) those offenses defined in the  
18 Illinois Controlled Substances Act; (iv) those offenses  
19 defined in the Methamphetamine Control and Community  
20 Protection Act; (v) any offense committed or attempted in  
21 any other state or against the laws of the United States,  
22 which if committed or attempted in this State would be  
23 punishable as one or more of the foregoing offenses; (vi)  
24 the offenses defined in Section 4.1 and 5.1 of the Wrongs  
25 to Children Act or Section 11-9.1A of the Criminal Code of  
26 1961 or the Criminal Code of 2012; (vii) those offenses

1 defined in Section 6-16 of the Liquor Control Act of 1934;  
2 and (viii) those offenses defined in the Methamphetamine  
3 Precursor Control Act;

4 12. not have been repeatedly involved as a driver in  
5 motor vehicle collisions or been repeatedly convicted of  
6 offenses against laws and ordinances regulating the  
7 movement of traffic, to a degree which indicates lack of  
8 ability to exercise ordinary and reasonable care in the  
9 safe operation of a motor vehicle or disrespect for the  
10 traffic laws and the safety of other persons upon the  
11 highway;

12 13. not have, through the unlawful operation of a  
13 motor vehicle, caused a crash resulting in the death of  
14 any person;

15 14. not have, within the last 5 years, been adjudged  
16 to be afflicted with or suffering from any mental  
17 disability or disease;

18 15. consent, in writing, to the release of results of  
19 reasonable suspicion drug and alcohol testing under  
20 Section 6-106.1c of this Code by the employer of the  
21 applicant to the Secretary of State; and

22 16. not have been convicted of committing or  
23 attempting to commit within the last 20 years: (i) an  
24 offense defined in subsection (c) of Section 4, subsection  
25 (b) of Section 5, and subsection (a) of Section 8 of the  
26 Cannabis Control Act; or (ii) any offenses in any other

1 state or against the laws of the United States that, if  
2 committed or attempted in this State, would be punishable  
3 as one or more of the foregoing offenses.

4 (a-5) If an applicant's driver's license has been  
5 suspended within the 3 years immediately prior to the date of  
6 application for the sole reason of failure to pay child  
7 support, that suspension shall not bar the applicant from  
8 receiving a school bus driver permit.

9 (a-10) By January 1, 2024, the Secretary of State, in  
10 conjunction with the Illinois State Board of Education, shall  
11 develop a separate classroom course and refresher course for  
12 operation of vehicles of the first division being operated as  
13 school buses. Regional superintendents of schools, working  
14 with the Illinois State Board of Education, shall offer the  
15 course.

16 (b) A school bus driver permit shall be valid for a period  
17 specified by the Secretary of State as set forth by rule. It  
18 shall be renewable upon compliance with subsection (a) of this  
19 Section.

20 (c) A school bus driver permit shall contain the holder's  
21 driver's license number, legal name, residence address, zip  
22 code, and date of birth, a brief description of the holder, and  
23 a space for signature. The Secretary of State may require a  
24 suitable photograph of the holder.

25 (d) The employer shall be responsible for conducting a  
26 pre-employment interview with prospective school bus driver



1 candidates, distributing school bus driver applications and  
2 medical forms to be completed by the applicant, and submitting  
3 the applicant's fingerprint cards to the Illinois State Police  
4 that are required for the criminal background investigations.  
5 The employer shall certify in writing to the Secretary of  
6 State that all pre-employment conditions have been  
7 successfully completed including the successful completion of  
8 an Illinois specific criminal background investigation through  
9 the Illinois State Police and the submission of necessary  
10 fingerprints to the Federal Bureau of Investigation for  
11 criminal history information available through the Federal  
12 Bureau of Investigation system. The applicant shall present  
13 the certification to the Secretary of State at the time of  
14 submitting the school bus driver permit application.

15 (e) Permits shall initially be provisional upon receiving  
16 certification from the employer that all pre-employment  
17 conditions have been successfully completed, and upon  
18 successful completion of all training and examination  
19 requirements for the classification of the vehicle to be  
20 operated, the Secretary of State shall provisionally issue a  
21 School Bus Driver Permit. The permit shall remain in a  
22 provisional status pending the completion of the Federal  
23 Bureau of Investigation's criminal background investigation  
24 based upon fingerprinting specimens submitted to the Federal  
25 Bureau of Investigation by the Illinois State Police. The  
26 Federal Bureau of Investigation shall report the findings

1 directly to the Secretary of State. The Secretary of State  
2 shall remove the bus driver permit from provisional status  
3 upon the applicant's successful completion of the Federal  
4 Bureau of Investigation's criminal background investigation.

5 (f) A school bus driver permit holder shall notify the  
6 employer and the Secretary of State if he or she is issued an  
7 order of court supervision for or convicted in another state  
8 of an offense that would make him or her ineligible for a  
9 permit under subsection (a) of this Section. The written  
10 notification shall be made within 5 days of the entry of the  
11 order of court supervision or conviction. Failure of the  
12 permit holder to provide the notification is punishable as a  
13 petty offense for a first violation and a Class B misdemeanor  
14 for a second or subsequent violation.

15 (g) Cancellation; suspension; notice and procedure.

16 (1) The Secretary of State shall cancel a school bus  
17 driver permit of an applicant whose criminal background  
18 investigation discloses that he or she is not in  
19 compliance with the provisions of subsection (a) of this  
20 Section.

21 (2) The Secretary of State shall cancel a school bus  
22 driver permit when he or she receives notice that the  
23 permit holder fails to comply with any provision of this  
24 Section or any rule promulgated for the administration of  
25 this Section.

26 (3) The Secretary of State shall cancel a school bus

1 driver permit if the permit holder's restricted commercial  
2 or commercial driving privileges are withdrawn or  
3 otherwise invalidated.

4 (4) The Secretary of State may not issue a school bus  
5 driver permit for a period of 3 years to an applicant who  
6 fails to obtain a negative result on a drug test as  
7 required in item 6 of subsection (a) of this Section or  
8 under federal law.

9 (5) The Secretary of State shall forthwith suspend a  
10 school bus driver permit for a period of 3 years upon  
11 receiving notice that the holder has failed to obtain a  
12 negative result on a drug test as required in item 6 of  
13 subsection (a) of this Section or under federal law.

14 (6) The Secretary of State shall suspend a school bus  
15 driver permit for a period of 3 years upon receiving  
16 notice from the employer that the holder failed to perform  
17 the inspection procedure set forth in subsection (a) or  
18 (b) of Section 12-816 of this Code.

19 (7) The Secretary of State shall suspend a school bus  
20 driver permit for a period of 3 years upon receiving  
21 notice from the employer that the holder refused to submit  
22 to an alcohol or drug test as required by Section 6-106.1c  
23 or has submitted to a test required by that Section which  
24 disclosed an alcohol concentration of more than 0.00 or  
25 disclosed a positive result on a National Institute on  
26 Drug Abuse five-drug panel, utilizing federal standards

1 set forth in 49 CFR 40.87.

2 The Secretary of State shall notify the State  
3 Superintendent of Education and the permit holder's  
4 prospective or current employer that the applicant (1) has  
5 failed a criminal background investigation or (2) is no longer  
6 eligible for a school bus driver permit; and of the related  
7 cancellation of the applicant's provisional school bus driver  
8 permit. The cancellation shall remain in effect pending the  
9 outcome of a hearing pursuant to Section 2-118 of this Code.  
10 The scope of the hearing shall be limited to the issuance  
11 criteria contained in subsection (a) of this Section. A  
12 petition requesting a hearing shall be submitted to the  
13 Secretary of State and shall contain the reason the individual  
14 feels he or she is entitled to a school bus driver permit. The  
15 permit holder's employer shall notify in writing to the  
16 Secretary of State that the employer has certified the removal  
17 of the offending school bus driver from service prior to the  
18 start of that school bus driver's next work shift. An  
19 employing school board that fails to remove the offending  
20 school bus driver from service is subject to the penalties  
21 defined in Section 3-14.23 of the School Code. A school bus  
22 contractor who violates a provision of this Section is subject  
23 to the penalties defined in Section 6-106.11.

24 All valid school bus driver permits issued under this  
25 Section prior to January 1, 1995, shall remain effective until  
26 their expiration date unless otherwise invalidated.

1 (h) When a school bus driver permit holder who is a service  
2 member is called to active duty, the employer of the permit  
3 holder shall notify the Secretary of State, within 30 days of  
4 notification from the permit holder, that the permit holder  
5 has been called to active duty. Upon notification pursuant to  
6 this subsection, (i) the Secretary of State shall characterize  
7 the permit as inactive until a permit holder renews the permit  
8 as provided in subsection (i) of this Section, and (ii) if a  
9 permit holder fails to comply with the requirements of this  
10 Section while called to active duty, the Secretary of State  
11 shall not characterize the permit as invalid.

12 (i) A school bus driver permit holder who is a service  
13 member returning from active duty must, within 90 days, renew  
14 a permit characterized as inactive pursuant to subsection (h)  
15 of this Section by complying with the renewal requirements of  
16 subsection (b) of this Section.

17 (j) For purposes of subsections (h) and (i) of this  
18 Section:

19 "Active duty" means active duty pursuant to an executive  
20 order of the President of the United States, an act of the  
21 Congress of the United States, or an order of the Governor.

22 "Service member" means a member of the Armed Services or  
23 reserve forces of the United States or a member of the Illinois  
24 National Guard.

25 (k) A private carrier employer of a school bus driver  
26 permit holder, having satisfied the employer requirements of

1 this Section, shall be held to a standard of ordinary care for  
2 intentional acts committed in the course of employment by the  
3 bus driver permit holder. This subsection (k) shall in no way  
4 limit the liability of the private carrier employer for  
5 violation of any provision of this Section or for the  
6 negligent hiring or retention of a school bus driver permit  
7 holder.

8 (Source: P.A. 102-168, eff. 7-27-21; 102-299, eff. 8-6-21;  
9 102-538, eff. 8-20-21; 102-726, eff. 1-1-23; 102-813, eff.  
10 5-13-22; 102-982, eff. 7-1-23; 102-1130, eff. 7-1-23; 103-605,  
11 eff. 7-1-24; 103-825, eff. 1-1-25.)

12 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

13 Sec. 6-508. Commercial Driver's License (CDL);  
14 qualification standards.

15 (a) Testing.

16 (1) General. No person shall be issued an original or  
17 renewal CDL unless that person is domiciled in this State  
18 or is applying for a non-domiciled CDL under Sections  
19 6-509 and 6-510 of this Code. The Secretary shall cause to  
20 be administered such tests as the Secretary deems  
21 necessary to meet the requirements of 49 CFR Part 383,  
22 subparts F, G, H, and J.

23 (1.5) Effective July 1, 2014, no person shall be  
24 issued an original CDL or an upgraded CDL that requires a  
25 skills test unless that person has held a CLP, for a

1 minimum of 14 calendar days, for the classification of  
2 vehicle and endorsement, if any, for which the person is  
3 seeking a CDL.

4 (2) Third party testing. The Secretary of State may  
5 authorize a "third party tester", pursuant to 49 CFR  
6 383.75 and 49 CFR 384.228 and 384.229, to administer the  
7 skills test or tests specified by the Federal Motor  
8 Carrier Safety Administration pursuant to the Commercial  
9 Motor Vehicle Safety Act of 1986 and any appropriate  
10 federal rule.

11 (3) (i) Effective February 7, 2020, unless the person  
12 is exempted by 49 CFR 380.603, no person shall be issued an  
13 original (first time issuance) CDL, an upgraded CDL or a  
14 school bus (S), passenger (P), or hazardous Materials (H)  
15 endorsement unless the person has successfully completed  
16 entry-level driver training (ELDT) taught by a training  
17 provider listed on the federal Training Provider Registry.

18 (ii) Persons who obtain a CLP before February 7, 2020  
19 are not required to complete ELDT if the person obtains a  
20 CDL before the CLP or renewed CLP expires.

21 (iii) Except for persons seeking the H endorsement,  
22 persons must complete the theory and behind-the-wheel  
23 (range and public road) portions of ELDT within one year  
24 of completing the first portion.

25 (iv) The Secretary shall adopt rules to implement this  
26 subsection.

1           (b) Waiver of Skills Test. The Secretary of State may  
2 waive the skills test specified in this Section for a driver  
3 applicant for a commercial driver license who meets the  
4 requirements of 49 CFR 383.77. The Secretary of State shall  
5 waive the skills tests specified in this Section for a driver  
6 applicant who has military commercial motor vehicle  
7 experience, subject to the requirements of 49 CFR 383.77.

8           (b-1) No person shall be issued a CDL unless the person  
9 certifies to the Secretary one of the following types of  
10 driving operations in which he or she will be engaged:

11                 (1) non-excepted interstate;

12                 (2) non-excepted intrastate;

13                 (3) excepted interstate; or

14                 (4) excepted intrastate.

15           (b-2) (Blank).

16           (c) Limitations on issuance of a CDL. A CDL shall not be  
17 issued to a person while the person is subject to a  
18 disqualification from driving a commercial motor vehicle, or  
19 unless otherwise permitted by this Code, while the person's  
20 driver's license is suspended, revoked, or cancelled in any  
21 state, or any territory or province of Canada; nor may a CLP or  
22 CDL be issued to a person who has a CLP or CDL issued by any  
23 other state, or foreign jurisdiction, nor may a CDL be issued  
24 to a person who has an Illinois CLP unless the person first  
25 surrenders all of these licenses or permits. However, a person  
26 may hold an Illinois CLP and an Illinois CDL providing the CLP



1 is necessary to train or practice for an endorsement or  
2 vehicle classification not present on the current CDL. No CDL  
3 shall be issued to or renewed for a person who does not meet  
4 the requirement of 49 CFR 391.41(b)(11). The requirement may  
5 be met with the aid of a hearing aid.

6 (c-1) The Secretary may issue a CDL with a school bus  
7 driver endorsement to allow a person to drive the type of bus  
8 described in subsection (d-5) of Section 6-104 of this Code.  
9 The CDL with a school bus driver endorsement may be issued only  
10 to a person meeting the following requirements:

11 (1) the person has submitted his or her fingerprints  
12 to the Illinois State Police in the form and manner  
13 prescribed by the Illinois State Police. These  
14 fingerprints shall be checked against the fingerprint  
15 records now and hereafter filed in the Illinois State  
16 Police and Federal Bureau of Investigation criminal  
17 history records databases;

18 (2) the person has passed a written test, administered  
19 by the Secretary of State, on charter bus operation,  
20 charter bus safety, and certain special traffic laws  
21 relating to school buses determined by the Secretary of  
22 State to be relevant to charter buses, and submitted to a  
23 review of the driver applicant's driving habits by the  
24 Secretary of State at the time the written test is given;

25 (3) the person has demonstrated physical fitness to  
26 operate school buses by submitting the results of a

1 medical examination, including tests for drug use; and

2 (4) the person has not been convicted of committing or

3 attempting to commit any one or more of the following

4 offenses: (i) those offenses defined in Sections 8-1.2,

5 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,

6 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,

7 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,

8 11-9, 11-9.1, 11-9.3, 11-9.4, ~~11-14~~, 11-14.1, 11-14.3,

9 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,

10 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,

11 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-22, 11-23, 11-24,

12 11-25, 11-26, 11-30, 12-2.6, 12-3.1, 12-3.3, 12-4, 12-4.1,

13 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,

14 12-4.9, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,

15 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-21.5,

16 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45,

17 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1,

18 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,

19 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,

20 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in

21 subsection (b) of Section 8-1, and in subdivisions (a)(1),

22 (a)(2), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1)

23 of Section 12-3.05, and in subsection (a) and subsection

24 (b), clause (1), of Section 12-4, and in subsection (A),

25 clauses (a) and (b), of Section 24-3, and those offenses

26 contained in Article 29D of the Criminal Code of 1961 or

1 the Criminal Code of 2012; (ii) those offenses defined in  
2 the Cannabis Control Act except those offenses defined in  
3 subsections (a) and (b) of Section 4, and subsection (a)  
4 of Section 5 of the Cannabis Control Act; (iii) those  
5 offenses defined in the Illinois Controlled Substances  
6 Act; (iv) those offenses defined in the Methamphetamine  
7 Control and Community Protection Act; (v) any offense  
8 committed or attempted in any other state or against the  
9 laws of the United States, which if committed or attempted  
10 in this State would be punishable as one or more of the  
11 foregoing offenses; (vi) the offenses defined in Sections  
12 4.1 and 5.1 of the Wrongs to Children Act or Section  
13 11-9.1A of the Criminal Code of 1961 or the Criminal Code  
14 of 2012; (vii) those offenses defined in Section 6-16 of  
15 the Liquor Control Act of 1934; and (viii) those offenses  
16 defined in the Methamphetamine Precursor Control Act.

17 The Illinois State Police shall charge a fee for  
18 conducting the criminal history records check, which shall be  
19 deposited into the State Police Services Fund and may not  
20 exceed the actual cost of the records check.

21 (c-2) The Secretary shall issue a CDL with a school bus  
22 endorsement to allow a person to drive a school bus as defined  
23 in this Section. The CDL shall be issued according to the  
24 requirements outlined in 49 CFR 383. A person may not operate a  
25 school bus as defined in this Section without a school bus  
26 endorsement. The Secretary of State may adopt rules consistent

1 with Federal guidelines to implement this subsection (c-2).

2 (d) (Blank).

3 (Source: P.A. 102-168, eff. 7-27-21; 102-299, eff. 8-6-21;  
4 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-825, eff.  
5 1-1-25.)

6 Section 65. The Criminal Code of 2012 is amended by  
7 changing Sections 10-9, 11-0.1, 11-9.1A, 11-14.1, 11-14.3,  
8 11-14.4, 11-18, 11-18.1, 14-3, 36.5-5, and 37-1 and by adding  
9 Section 11-19.4 as follows:

10 (720 ILCS 5/10-9)

11 Sec. 10-9. Trafficking in persons, involuntary servitude,  
12 and related offenses.

13 (a) Definitions. In this Section:

14 (1) "Intimidation" has the meaning prescribed in Section  
15 12-6.

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

19 (2.5) "Company" means any sole proprietorship,  
20 organization, association, corporation, partnership, joint  
21 venture, limited partnership, limited liability partnership,  
22 limited liability limited partnership, limited liability  
23 company, or other entity or business association, including  
24 all wholly owned subsidiaries, majority-owned subsidiaries,

1 parent companies, or affiliates of those entities or business  
2 associations, that exist for the purpose of making profit.

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

6 (4) (Blank).

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

8 (6) "Maintain" means, in relation to labor or services, to  
9 secure continued performance thereof, regardless of any  
10 initial agreement on the part of the victim to perform that  
11 type of service.

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

14 (7.5) "Serious harm" means any harm, whether physical or  
15 nonphysical, including psychological, financial, or  
16 reputational harm, that is sufficiently serious, under all the  
17 surrounding circumstances, to compel a reasonable person of  
18 the same background and in the same circumstances to perform  
19 or to continue performing labor or services in order to avoid  
20 incurring that harm.

21 (8) "Services" means activities resulting from a  
22 relationship between a person and the actor in which the  
23 person performs activities under the supervision of or for the  
24 benefit of the actor. Commercial sexual activity and  
25 sexually-explicit performances are forms of activities that  
26 are "services" under this Section. Nothing in this definition

1 may be construed to legitimize or legalize soliciting,  
2 promoting, or patronizing prostitution.

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

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

9 (b) Involuntary servitude. A person commits involuntary  
10 servitude when he or she knowingly subjects, attempts to  
11 subject, or engages in a conspiracy to subject another person  
12 to labor or services obtained or maintained through any of the  
13 following means, or any combination of these means:

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

16 (2) physically restrains or threatens to physically  
17 restrain another person;

18 (3) abuses or threatens to abuse the law or legal  
19 process;

20 (4) knowingly destroys, conceals, removes,  
21 confiscates, or possesses any actual or purported passport  
22 or other immigration document, or any other actual or  
23 purported government identification document, of another  
24 person;

25 (5) uses intimidation, or exerts financial control  
26 over any person; or

1           (6) uses any scheme, plan, or pattern intended to  
2           cause the person to believe that, if the person did not  
3           perform the labor or services, that person or another  
4           person would suffer serious harm or physical restraint.

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

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

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

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

22               (3) there is overt force or threat.

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

26          (d) Trafficking in persons. A person commits trafficking

1 in persons when he or she knowingly: (1) recruits, entices,  
2 harbors, transports, provides, or obtains by any means, or  
3 attempts to recruit, entice, harbor, transport, provide, or  
4 obtain by any means, another person, intending or knowing that  
5 the person will be subjected to involuntary servitude; or (2)  
6 benefits, financially or by receiving anything of value, from  
7 participation in a venture that has engaged in an act of  
8 involuntary servitude or involuntary sexual servitude of a  
9 minor. A company commits trafficking in persons when the  
10 company knowingly benefits, financially or by receiving  
11 anything of value, from participation in a venture that has  
12 engaged in an act of involuntary servitude or involuntary  
13 sexual servitude of a minor.

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

19 (e) Aggravating factors. A violation of this Section  
20 involving kidnapping or an attempt to kidnap, aggravated  
21 criminal sexual assault or an attempt to commit aggravated  
22 criminal sexual assault, or an attempt to commit first degree  
23 murder is a Class X felony.

24 (f) Sentencing considerations.

25 (1) Bodily injury. If, pursuant to a violation of this  
26 Section, a victim suffered bodily injury, the defendant



1           may be sentenced to an extended-term sentence under  
2           Section 5-8-2 of the Unified Code of Corrections. The  
3           sentencing court must take into account the time in which  
4           the victim was held in servitude, with increased penalties  
5           for cases in which the victim was held for between 180 days  
6           and one year, and increased penalties for cases in which  
7           the victim was held for more than one year.

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

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

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

26          (h) Trafficking victim services. Subject to the

1 availability of funds, the Department of Human Services may  
2 provide or fund emergency services and assistance to  
3 individuals who are victims of one or more offenses defined in  
4 this Section.

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

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

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

1 (720 ILCS 5/11-0.1)

2 Sec. 11-0.1. Definitions. In this Article, unless the  
3 context clearly requires otherwise, the following terms are  
4 defined as indicated:

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

9 "Adult obscenity or child pornography Internet site". See  
10 Section 11-23.

11 "Advance prostitution" means:

12 (1) Soliciting for a prostitute by performing any of  
13 the following acts when acting other than as a prostitute  
14 or a patron of a prostitute:

15 (A) Soliciting another for the purpose of  
16 prostitution.

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

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

21 (2) Keeping a place of prostitution by controlling or  
22 exercising control over the use of any place that could  
23 offer seclusion or shelter for the practice of  
24 prostitution and performing any of the following acts when  
25 acting other than as a prostitute or a patron of a  
26 prostitute:

1 (A) Knowingly granting or permitting the use of  
2 the place for the purpose of prostitution.

3 (B) Granting or permitting the use of the place  
4 under circumstances from which he or she could  
5 reasonably know that the place is used or is to be used  
6 for purposes of prostitution.

7 (C) Permitting the continued use of the place  
8 after becoming aware of facts or circumstances from  
9 which he or she should reasonably know that the place  
10 is being used for purposes of prostitution.

11 "Agency". See Section 11-9.5.

12 "Arranges". See Section 11-6.5.

13 "Bodily harm" means physical harm, and includes, but is  
14 not limited to, sexually transmitted disease, pregnancy, and  
15 impotence.

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

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

18 "Child pornography". See Section 11-20.1.

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

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

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

22 "Consent" means a freely given agreement to the act of  
23 sexual penetration or sexual conduct in question. Lack of  
24 verbal or physical resistance or submission by the victim  
25 resulting from the use of force or threat of force by the  
26 accused shall not constitute consent. The manner of dress of

1 the victim at the time of the offense shall not constitute  
2 consent.

3 "Custody". See Section 11-9.2.

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

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

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

7 "Disseminate". See Section 11-20.1.

8 "Distribute". See Section 11-21.

9 "Family member" means a parent, grandparent, child, aunt,  
10 uncle, great-aunt, or great-uncle, whether by whole blood,  
11 half-blood, or adoption, and includes a step-grandparent,  
12 step-parent, or step-child. "Family member" also means, if the  
13 victim is a child under 18 years of age, an accused who has  
14 resided in the household with the child continuously for at  
15 least 6 months.

16 "Force or threat of force" means the use of force or  
17 violence or the threat of force or violence, including, but  
18 not limited to, the following situations:

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

23 (2) when the accused overcomes the victim by use of  
24 superior strength or size, physical restraint, or physical  
25 confinement.

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

- 1 "Loiter". See Section 9.3.
- 2 "Material". See Section 11-21.
- 3 "Minor". See Section 11-21.
- 4 "Nudity". See Section 11-21.
- 5 "Obscene". See Section 11-20.
- 6 "Part day child care facility". See Section 11-9.3.
- 7 "Penal system". See Section 11-9.2.
- 8 "Person responsible for the child's welfare". See Section  
9 11-9.1A.
- 10 "Person with a disability". See Section 11-9.5.
- 11 "Playground". See Section 11-9.3.
- 12 "Probation officer". See Section 11-9.2.
- 13 "Produce". See Section 11-20.1.
- 14 "Profit from prostitution" means, when acting other than  
15 as a prostitute, to receive anything of value for personally  
16 rendered prostitution services or to receive anything of value  
17 from a prostitute, if the thing received is not for lawful  
18 consideration and the person knows it was earned in whole or in  
19 part from the practice of prostitution.
- 20 "Prostitute" and "prostituted person" have the meaning  
21 given in Section 1.46 of the Statute on Statutes.
- 22 "Prostitution" has the meaning given in Section 1.46 of  
23 the Statute on Statutes.
- 24 "Public park". See Section 11-9.3.
- 25 "Public place". See Section 11-30.
- 26 "Reproduce". See Section 11-20.1.

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

2 "School". See Section 11-9.3.

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

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

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

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

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

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

23 "Solicit". See Section 11-6.

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

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

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

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

2 "Unable to give knowing consent" includes when the accused  
3 administers any intoxicating or anesthetic substance, or any  
4 controlled substance causing the victim to become unconscious  
5 of the nature of the act and this condition was known, or  
6 reasonably should have been known by the accused. "Unable to  
7 give knowing consent" also includes when the victim has taken  
8 an intoxicating substance or any controlled substance causing  
9 the victim to become unconscious of the nature of the act, and  
10 this condition was known or reasonably should have been known  
11 by the accused, but the accused did not provide or administer  
12 the intoxicating substance. As used in this paragraph,  
13 "unconscious of the nature of the act" means incapable of  
14 resisting because the victim meets any one of the following  
15 conditions:

16 (1) was unconscious or asleep;

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

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

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



1           A victim is presumed "unable to give knowing consent" when  
2 the victim:

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

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

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

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

1 employee, consultant, contractor or volunteer of the  
2 residential facility, who knows or reasonably should know  
3 that the person is a resident of such facility; or

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

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

15 (Source: P.A. 102-567, eff. 1-1-22; 102-1096, eff. 1-1-23.)

16 (720 ILCS 5/11-9.1A)

17 Sec. 11-9.1A. Permitting sexual abuse of a child.

18 (a) A person responsible for a child's welfare commits  
19 permitting sexual abuse of a child if the person has actual  
20 knowledge of and permits an act of sexual abuse upon the child,  
21 or permits the child to engage in prostitution as defined in  
22 Section 1.46 of the Statute on Statutes ~~11-14 of this Code~~.

23 (b) In this Section:

24 "Actual knowledge" includes credible allegations made by  
25 the child.

1 "Child" means a minor under the age of 17 years.

2 "Person responsible for the child's welfare" means the  
3 child's parent, step-parent, legal guardian, or other person  
4 having custody of a child, who is responsible for the child's  
5 care at the time of the alleged sexual abuse.

6 ~~"Prostitution" means prostitution as defined in Section~~  
7 ~~11-14 of this Code.~~

8 "Sexual abuse" includes criminal sexual abuse or criminal  
9 sexual assault as defined in Section 11-1.20, 11-1.30,  
10 11-1.40, 11-1.50, or 11-1.60 of this Code.

11 (c) This Section does not apply to a person responsible  
12 for the child's welfare who, having reason to believe that  
13 sexual abuse has occurred, makes timely and reasonable efforts  
14 to stop the sexual abuse by reporting the sexual abuse in  
15 conformance with the Abused and Neglected Child Reporting Act  
16 or by reporting the sexual abuse, or causing a report to be  
17 made, to medical or law enforcement authorities or anyone who  
18 is a mandated reporter under Section 4 of the Abused and  
19 Neglected Child Reporting Act.

20 (d) Whenever a law enforcement officer has reason to  
21 believe that the child or the person responsible for the  
22 child's welfare has been abused by a family or household  
23 member as defined by the Illinois Domestic Violence Act of  
24 1986, the officer shall immediately use all reasonable means  
25 to prevent further abuse under Section 112A-30 of the Code of  
26 Criminal Procedure of 1963.

1 (e) An order of protection under Section 111-8 of the Code  
2 of Criminal Procedure of 1963 shall be sought in all cases  
3 where there is reason to believe that a child has been sexually  
4 abused by a family or household member. In considering  
5 appropriate available remedies, it shall be presumed that  
6 awarding physical care or custody to the abuser is not in the  
7 child's best interest.

8 (f) A person may not be charged with the offense of  
9 permitting sexual abuse of a child under this Section until  
10 the person who committed the offense is charged with criminal  
11 sexual assault, aggravated criminal sexual assault, predatory  
12 criminal sexual assault of a child, criminal sexual abuse,  
13 aggravated criminal sexual abuse, or prostitution.

14 (g) A person convicted of permitting the sexual abuse of a  
15 child is guilty of a Class 1 felony. As a condition of any  
16 sentence of supervision, probation, conditional discharge, or  
17 mandatory supervised release, any person convicted under this  
18 Section shall be ordered to undergo child sexual abuse,  
19 domestic violence, or other appropriate counseling for a  
20 specified duration with a qualified social or mental health  
21 worker.

22 (h) It is an affirmative defense to a charge of permitting  
23 sexual abuse of a child under this Section that the person  
24 responsible for the child's welfare had a reasonable  
25 apprehension that timely action to: (i) stop the abuse or (ii)  
26 preventing the child from being a prostituted person

1 ~~prostitution~~ would result in the imminent infliction of death,  
2 great bodily harm, permanent disfigurement, or permanent  
3 disability to that person or another in retaliation for  
4 reporting.

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

6 (720 ILCS 5/11-14.1)

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

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

16 (b) Sentence. Solicitation of a sexual act is a Class A  
17 misdemeanor. Solicitation of a sexual act from a person who is  
18 under the age of 18 or who is a person with a severe or  
19 profound intellectual disability is a Class 4 felony. If the  
20 court imposes a fine under this subsection (b), it shall be  
21 collected and distributed to the Specialized Services for  
22 Survivors of Human Trafficking Fund in accordance with Section  
23 5-9-1.21 of the Unified Code of Corrections.

24 (b-5) (Blank).

25 (c) This Section does not apply to a person engaged in

1 prostitution who is under 18 years of age.

2 (d) (Blank). ~~A person cannot be convicted under this~~  
3 ~~Section if the practice of prostitution underlying the offense~~  
4 ~~consists exclusively of the accused's own acts of prostitution~~  
5 ~~under Section 11-14 of this Code.~~

6 (Source: P.A. 102-939, eff. 1-1-23.)

7 (720 ILCS 5/11-14.3)

8 Sec. 11-14.3. Promoting prostitution.

9 (a) Any person who knowingly performs any of the following  
10 acts commits promoting prostitution:

11 (1) advances prostitution as defined in Section  
12 11-0.1;

13 (2) profits from prostitution by:

14 (A) compelling a person to become a prostitute;

15 (B) arranging or offering to arrange a situation  
16 in which a person may practice prostitution; or

17 (C) any means other than those described in  
18 subparagraph (A) or (B), including from a person who  
19 patronizes a prostitute. ~~This paragraph (C) does not~~  
20 ~~apply to a person engaged in prostitution who is under~~  
21 ~~18 years of age.~~ A person cannot be convicted of  
22 promoting prostitution under this paragraph (C) if the  
23 practice of prostitution underlying the offense  
24 consists ~~exclusively~~ of the accused's own acts of  
25 prostitution ~~under Section 11-14 of this Code.~~

1 (b) Sentence.

2 (1) A violation of subdivision (a)(1) is a Class 4  
3 felony, unless committed within 1,000 feet of real  
4 property comprising a school, in which case it is a Class 3  
5 felony. A second or subsequent violation of subdivision  
6 (a)(1), or any combination of convictions under  
7 subdivision (a)(1), (a)(2)(A), or (a)(2)(B) and Section  
8 ~~11-14 (prostitution)~~, 11-14.1 (solicitation of a sexual  
9 act), 11-14.4 (promoting juvenile prostitution), 11-15  
10 (soliciting for a prostitute), 11-15.1 (soliciting for a  
11 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a  
12 place of prostitution), 11-17.1 (keeping a place of  
13 juvenile prostitution), 11-18 (patronizing a prostitute),  
14 11-18.1 (patronizing a juvenile prostitute), 11-19  
15 (pimping), 11-19.1 (juvenile pimping or aggravated  
16 juvenile pimping), or 11-19.2 (exploitation of a child),  
17 is a Class 3 felony.

18 (2) A violation of subdivision (a)(2)(A) or (a)(2)(B)  
19 is a Class 4 felony, unless committed within 1,000 feet of  
20 real property comprising a school, in which case it is a  
21 Class 3 felony.

22 (3) A violation of subdivision (a)(2)(C) is a Class 4  
23 felony, unless committed within 1,000 feet of real  
24 property comprising a school, in which case it is a Class 3  
25 felony. A second or subsequent violation of subdivision  
26 (a)(2)(C), or any combination of convictions under

1 subdivision (a)(2)(C) and subdivision (a)(1), (a)(2)(A),  
2 or (a)(2)(B) of this Section (promoting prostitution),  
3 ~~11-14 (prostitution)~~, 11-14.1 (solicitation of a sexual  
4 act), 11-14.4 (promoting juvenile prostitution), 11-15  
5 (soliciting for a prostitute), 11-15.1 (soliciting for a  
6 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a  
7 place of prostitution), 11-17.1 (keeping a place of  
8 juvenile prostitution), 11-18 (patronizing a prostitute),  
9 11-18.1 (patronizing a juvenile prostitute), 11-19  
10 (pimping), 11-19.1 (juvenile pimping or aggravated  
11 juvenile pimping), or 11-19.2 (exploitation of a child),  
12 is a Class 3 felony.

13 If the court imposes a fine under this subsection (b), it  
14 shall be collected and distributed to the Specialized Services  
15 for Survivors of Human Trafficking Fund in accordance with  
16 Section 5-9-1.21 of the Unified Code of Corrections.

17 (Source: P.A. 98-1013, eff. 1-1-15.)

18 (720 ILCS 5/11-14.4)

19 Sec. 11-14.4. Promoting juvenile prostitution.

20 (a) Any person who knowingly performs any of the following  
21 acts commits promoting juvenile prostitution:

22 (1) advances prostitution as defined in Section  
23 11-0.1, where the minor engaged in prostitution, or any  
24 person engaged in prostitution in the place, is under 18  
25 years of age or is a person with a severe or profound



1 intellectual disability at the time of the offense;

2 (2) profits from prostitution by any means where the  
3 prostituted person is under 18 years of age or is a person  
4 with a severe or profound intellectual disability at the  
5 time of the offense;

6 (3) profits from prostitution by any means where the  
7 prostituted person is under 13 years of age at the time of  
8 the offense;

9 (4) confines a child under the age of 18 or a person  
10 with a severe or profound intellectual disability against  
11 his or her will by the infliction or threat of imminent  
12 infliction of great bodily harm or permanent disability or  
13 disfigurement or by administering to the child or the  
14 person with a severe or profound intellectual disability,  
15 without his or her consent or by threat or deception and  
16 for other than medical purposes, any alcoholic intoxicant  
17 or a drug as defined in the Illinois Controlled Substances  
18 Act or the Cannabis Control Act or methamphetamine as  
19 defined in the Methamphetamine Control and Community  
20 Protection Act and:

21 (A) compels the child or the person with a severe  
22 or profound intellectual disability to engage in  
23 prostitution;

24 (B) arranges a situation in which the child or the  
25 person with a severe or profound intellectual  
26 disability may practice prostitution; or

1           (C) profits from prostitution by the child or the  
2           person with a severe or profound intellectual  
3           disability.

4           (b) For purposes of this Section, administering drugs, as  
5           defined in subdivision (a)(4), or an alcoholic intoxicant to a  
6           child under the age of 18 ~~13~~ or a person with a severe or  
7           profound intellectual disability shall be deemed to be without  
8           consent if the administering is done without the consent of  
9           the parents or legal guardian or if the administering is  
10          performed by the parents or legal guardian for other than  
11          medical purposes.

12          (c) If the accused did not have a reasonable opportunity  
13          to observe the prostituted person, it is an affirmative  
14          defense to a charge of promoting juvenile prostitution, except  
15          for a charge under subdivision (a)(4), that the accused  
16          reasonably believed the person was of the age of 18 years or  
17          over or was not a person with a severe or profound intellectual  
18          disability at the time of the act giving rise to the charge.

19          (d) Sentence. A violation of subdivision (a)(1) is a Class  
20          1 felony, unless committed within 1,000 feet of real property  
21          comprising a school, in which case it is a Class X felony. A  
22          violation of subdivision (a)(2) is a Class 1 felony. A  
23          violation of subdivision (a)(3) is a Class X felony. A  
24          violation of subdivision (a)(4) is a Class X felony, for which  
25          the person shall be sentenced to a term of imprisonment of not  
26          less than 6 years and not more than 60 years. A second or

1 subsequent violation of subdivision (a) (1), (a) (2), or (a) (3),  
2 or any combination of convictions under subdivision (a) (1),  
3 (a) (2), or (a) (3) and Sections ~~11-14 (prostitution)~~, 11-14.1  
4 (solicitation of a sexual act), 11-14.3 (promoting  
5 prostitution), 11-15 (soliciting for a prostitute), 11-15.1  
6 (soliciting for a juvenile prostitute), 11-16 (pandering),  
7 11-17 (keeping a place of prostitution), 11-17.1 (keeping a  
8 place of juvenile prostitution), 11-18 (patronizing a  
9 prostitute), 11-18.1 (patronizing a juvenile prostitute),  
10 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated  
11 juvenile pimping), or 11-19.2 (exploitation of a child) of  
12 this Code, is a Class X felony.

13 (e) Forfeiture. Any person convicted of a violation of  
14 this Section that involves promoting juvenile prostitution by  
15 keeping a place of juvenile prostitution or convicted of a  
16 violation of subdivision (a) (4) is subject to the property  
17 forfeiture provisions set forth in Article 124B of the Code of  
18 Criminal Procedure of 1963.

19 (f) (Blank). ~~For the purposes of this Section,~~  
20 ~~"prostituted person" means any person who engages in, or~~  
21 ~~agrees or offers to engage in, any act of sexual penetration as~~  
22 ~~defined in Section 11-0.1 of this Code for any money,~~  
23 ~~property, token, object, or article or anything of value, or~~  
24 ~~any touching or fondling of the sex organs of one person by~~  
25 ~~another person, for any money, property, token, object, or~~  
26 ~~article or anything of value, for the purpose of sexual~~

1 ~~arousal or gratification.~~

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

3 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

4 Sec. 11-18. Patronizing a prostitute.

5 (a) Any person who knowingly performs any of the following  
6 acts with a person not his or her spouse commits patronizing a  
7 prostitute:

8 (1) Engages in an act of sexual penetration as defined  
9 in Section 11-0.1 of this Code with a prostitute; or

10 (2) Enters or remains in a place of prostitution with  
11 intent to engage in an act of sexual penetration as  
12 defined in Section 11-0.1 of this Code; or

13 (3) Engages in any touching or fondling with a  
14 prostitute of the sex organs of one person by the other  
15 person, with the intent to achieve sexual arousal or  
16 gratification.

17 (b) Sentence.

18 Patronizing a prostitute is a Class 4 felony, unless  
19 committed within 1,000 feet of real property comprising a  
20 school, in which case it is a Class 3 felony. A person  
21 convicted of a second or subsequent violation of this Section,  
22 or of any combination of such number of convictions under this  
23 Section and Sections ~~11-14 (prostitution)~~, 11-14.1  
24 (solicitation of a sexual act), 11-14.3 (promoting  
25 prostitution), 11-14.4 (promoting juvenile prostitution),

1 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a  
2 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a  
3 place of prostitution), 11-17.1 (keeping a place of juvenile  
4 prostitution), 11-18.1 (patronizing a juvenile prostitute),  
5 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated  
6 juvenile pimping), or 11-19.2 (exploitation of a child) of  
7 this Code, is guilty of a Class 3 felony. If the court imposes  
8 a fine under this subsection (b), it shall be collected and  
9 distributed to the Specialized Services for Survivors of Human  
10 Trafficking Fund in accordance with Section 5-9-1.21 of the  
11 Unified Code of Corrections.

12 (c) (Blank).

13 (Source: P.A. 98-1013, eff. 1-1-15.)

14 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

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

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

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

1 gratification, commits patronizing a minor engaged in  
2 prostitution.

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

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

1 such trial.

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

3 (720 ILCS 5/11-19.4 new)

4 Sec. 11-19.4. Income-based fine schedule. A court may  
 5 impose a fine, in addition to but not in lieu of other criminal  
 6 penalties, for a violation of Section 11-14.1, 11-14.3,  
 7 11-14.4, 11-18, or 11-18.1 by using the following schedule and  
 8 ordering the convicted person to submit a financial disclosure  
 9 statement to the court indicating the convicted person's net  
 10 annual taxable income.

| <u>Amount of net taxable income:</u>  | <u>Schedule of Fines:</u> |
|---------------------------------------|---------------------------|
| <u>Less than \$30,000</u>             | <u>\$100</u>              |
| <u>\$30,000 or more but less than</u> |                           |
| <u>\$50,000</u>                       | <u>\$200</u>              |
| <u>\$50,000 or more but less than</u> |                           |
| <u>\$75,000</u>                       | <u>\$500</u>              |
| <u>\$75,000 or more but less than</u> |                           |
| <u>\$100,000</u>                      | <u>\$750</u>              |

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\$100,000 or more but less than

\$150,000

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\$150,000 or more but less than

\$200,000

\$3,000

\$200,000 or more

\$5,000

(720 ILCS 5/14-3)

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

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

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

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



1 being made;

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

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

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

24 (g) With prior notification to the State's Attorney of  
25 the county in which it is to occur, recording or listening  
26 with the aid of any device to any conversation where a law

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

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

5 (g-5) (Blank);

6 (g-6) With approval of the State's Attorney of the  
7 county in which it is to occur, recording or listening  
8 with the aid of any device to any conversation where a law  
9 enforcement officer, or any person acting at the direction  
10 of law enforcement, is a party to the conversation and has  
11 consented to it being intercepted or recorded in the  
12 course of an investigation of child pornography,  
13 aggravated child pornography, indecent solicitation of a  
14 child, luring of a minor, sexual exploitation of a child,  
15 aggravated criminal sexual abuse in which the victim of  
16 the offense was at the time of the commission of the  
17 offense under 18 years of age, or criminal sexual abuse by  
18 force or threat of force in which the victim of the offense  
19 was at the time of the commission of the offense under 18  
20 years of age. In all such cases, an application for an  
21 order approving the previous or continuing use of an  
22 eavesdropping device must be made within 48 hours of the  
23 commencement of such use. In the absence of such an order,  
24 or upon its denial, any continuing use shall immediately  
25 terminate. The Director of the Illinois State Police shall  
26 issue rules as are necessary concerning the use of

1 devices, retention of recordings, and reports regarding  
2 their use. Any recording or evidence obtained or derived  
3 in the course of an investigation of child pornography,  
4 aggravated child pornography, indecent solicitation of a  
5 child, luring of a minor, sexual exploitation of a child,  
6 aggravated criminal sexual abuse in which the victim of  
7 the offense was at the time of the commission of the  
8 offense under 18 years of age, or criminal sexual abuse by  
9 force or threat of force in which the victim of the offense  
10 was at the time of the commission of the offense under 18  
11 years of age shall, upon motion of the State's Attorney or  
12 Attorney General prosecuting any case involving child  
13 pornography, aggravated child pornography, indecent  
14 solicitation of a child, luring of a minor, sexual  
15 exploitation of a child, aggravated criminal sexual abuse  
16 in which the victim of the offense was at the time of the  
17 commission of the offense under 18 years of age, or  
18 criminal sexual abuse by force or threat of force in which  
19 the victim of the offense was at the time of the commission  
20 of the offense under 18 years of age be reviewed in camera  
21 with notice to all parties present by the court presiding  
22 over the criminal case, and, if ruled by the court to be  
23 relevant and otherwise admissible, it shall be admissible  
24 at the trial of the criminal case. Absent such a ruling,  
25 any such recording or evidence shall not be admissible at  
26 the trial of the criminal case;

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

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

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

26           (h-10) Recordings made simultaneously with a video

1 camera recording during the use of a taser or similar  
2 weapon or device by a peace officer if the weapon or device  
3 is equipped with such camera;

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

17 (i) Recording of a conversation made by or at the  
18 request of a person, not a law enforcement officer or  
19 agent of a law enforcement officer, who is a party to the  
20 conversation, under reasonable suspicion that another  
21 party to the conversation is committing, is about to  
22 commit, or has committed a criminal offense against the  
23 person or a member of his or her immediate household, and  
24 there is reason to believe that evidence of the criminal  
25 offense may be obtained by the recording;

26 (j) The use of a telephone monitoring device by either

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

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

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

20 No communication or conversation or any part, portion,  
21 or aspect of the communication or conversation made,  
22 acquired, or obtained, directly or indirectly, under this  
23 exemption (j), may be, directly or indirectly, furnished  
24 to any law enforcement officer, agency, or official for  
25 any purpose or used in any inquiry or investigation, or  
26 used, directly or indirectly, in any administrative,

1       judicial, or other proceeding, or divulged to any third  
2       party.

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

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

20              Business entities that use a telephone monitoring or  
21      telephone recording system pursuant to this exemption (j)  
22      shall provide their employees or agents with access to  
23      personal-only telephone lines which may be pay telephones,  
24      that are not subject to telephone monitoring or telephone  
25      recording.

26              For the purposes of this subsection (j), "telephone



1           solicitation" means a communication through the use of a  
2           telephone by live operators:

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

4                   (ii) receiving orders for the sale of goods or  
5           services;

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

7           or

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

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

18                   (k) Electronic recordings, including but not limited  
19           to, a motion picture, videotape, digital, or other visual  
20           or audio recording, made of a custodial interrogation of  
21           an individual at a police station or other place of  
22           detention by a law enforcement officer under Section  
23           5-401.5 of the Juvenile Court Act of 1987 or Section  
24           103-2.1 of the Code of Criminal Procedure of 1963;

25                   (l) Recording the interview or statement of any person  
26           when the person knows that the interview is being

1 conducted by a law enforcement officer or prosecutor and  
2 the interview takes place at a police station that is  
3 currently participating in the Custodial Interview Pilot  
4 Program established under the Illinois Criminal Justice  
5 Information Act;

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

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

25 (n) Recording or listening to an audio transmission  
26 from a microphone placed by a person under the authority

1 of a law enforcement agency inside a bait car surveillance  
2 vehicle while simultaneously capturing a photographic or  
3 video image;

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

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

20 (q) (1) With prior request to and written or verbal  
21 approval of the State's Attorney of the county in which  
22 the conversation is anticipated to occur, recording or  
23 listening with the aid of an eavesdropping device to a  
24 conversation in which a law enforcement officer, or any  
25 person acting at the direction of a law enforcement  
26 officer, is a party to the conversation and has consented

1 to the conversation being intercepted or recorded in the  
2 course of an investigation of a qualified offense. The  
3 State's Attorney may grant this approval only after  
4 determining that reasonable cause exists to believe that  
5 inculpatory conversations concerning a qualified offense  
6 will occur with a specified individual or individuals  
7 within a designated period of time.

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

19 (A) his or her full or partial name, nickname or  
20 alias;

21 (B) a physical description; or

22 (C) failing either (A) or (B) of this paragraph  
23 (2), any other supporting information known to the law  
24 enforcement officer at the time of the request that  
25 gives rise to reasonable cause to believe that the  
26 specified individual will participate in an

1 inculpatory conversation concerning a qualified  
2 offense.

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

6 (A) a recording or interception conducted by a  
7 specified law enforcement officer or person acting at  
8 the direction of a law enforcement officer;

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

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

20 (D) the written request for approval, if  
21 applicable, or the written memorialization must be  
22 filed, along with the written approval, with the  
23 circuit clerk of the jurisdiction on the next business  
24 day following the expiration of the authorized period  
25 of time, and shall be subject to review by the Chief  
26 Judge or his or her designee as deemed appropriate by

1           the court.

2           (3.5) The written memorialization of the request for  
3 approval and the written approval by the State's Attorney  
4 may be in any format, including via facsimile, email, or  
5 otherwise, so long as it is capable of being filed with the  
6 circuit clerk.

7           (3.10) Beginning March 1, 2015, each State's Attorney  
8 shall annually submit a report to the General Assembly  
9 disclosing:

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

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

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

23           (A) the qualified offense for which approval was  
24 given to record or intercept a conversation under this  
25 subsection (q);

26           (B) a forcible felony committed directly in the

1 course of the investigation of the qualified offense  
2 for which approval was given to record or intercept a  
3 conversation under this subsection (q); or

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

13 (5) Compliance with the provisions of this subsection  
14 is a prerequisite to the admissibility in evidence of any  
15 part of the contents of any wire, electronic or oral  
16 communication that has been intercepted as a result of  
17 this exception, but nothing in this subsection shall be  
18 deemed to prevent a court from otherwise excluding the  
19 evidence on any other ground recognized by State or  
20 federal law, nor shall anything in this subsection be  
21 deemed to prevent a court from independently reviewing the  
22 admissibility of the evidence for compliance with the  
23 Fourth Amendment to the U.S. Constitution or with Article  
24 I, Section 6 of the Illinois Constitution.

25 (6) Use of recordings or intercepts unrelated to  
26 qualified offenses. Whenever any private conversation or

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

12 (6.5) The Illinois State Police shall adopt rules as  
13 are necessary concerning the use of devices, retention of  
14 recordings, and reports regarding their use under this  
15 subsection (q).

16 (7) Definitions. For the purposes of this subsection  
17 (q) only:

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

24 "Qualified offense" means and is limited to:

25 (A) a felony violation of the Cannabis Control  
26 Act, the Illinois Controlled Substances Act, or



1 the Methamphetamine Control and Community  
2 Protection Act, except for violations of:

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

4 (ii) Section 402 of the Illinois  
5 Controlled Substances Act; and

6 (iii) Section 60 of the Methamphetamine  
7 Control and Community Protection Act; and

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

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

21 (8) Sunset. This subsection (q) is inoperative on and  
22 after January 1, 2027. No conversations intercepted  
23 pursuant to this subsection (q), while operative, shall be  
24 inadmissible in a court of law by virtue of the  
25 inoperability of this subsection (q) on January 1, 2027.

26 (9) Recordings, records, and custody. Any private

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

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

16 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
17 102-918, eff. 5-27-22.)

18 (720 ILCS 5/36.5-5)

19 Sec. 36.5-5. Vehicle impoundment.

20 (a) In addition to any other penalty, fee or forfeiture  
21 provided by law, a peace officer who arrests a person for a  
22 violation of Section 10-9, ~~11-14~~, 11-14.1, 11-14.3, 11-14.4,  
23 11-18, or 11-18.1 of this Code or related municipal ordinance,  
24 may tow and impound any vehicle used by the person in the  
25 commission of the violation. The person arrested for one or

1 more such violations shall be charged a \$1,000 fee, to be paid  
2 to the law enforcement agency that made the arrest or its  
3 designated representative. The person may recover the vehicle  
4 from the impound after a minimum of 2 hours after arrest upon  
5 payment of the fee.

6 (b) \$500 of the fee shall be distributed to the law  
7 enforcement agency whose peace officers made the arrest, for  
8 the costs incurred by the law enforcement agency to  
9 investigate and to tow and impound the vehicle. Upon the  
10 defendant's conviction of one or more of the violations in  
11 connection with which the vehicle was impounded and the fee  
12 imposed under this Section, the remaining \$500 of the fee  
13 shall be deposited into the Specialized Services for Survivors  
14 of Human Trafficking Fund and disbursed in accordance with  
15 subsections (d), (e), and (f) of Section 5-9-1.21 of the  
16 Unified Code of Corrections.

17 (c) Upon the presentation by the defendant of a signed  
18 court order showing that the defendant has been acquitted of  
19 all of the violations in connection with which a vehicle was  
20 impounded and a fee imposed under this Section, or that the  
21 charges against the defendant for those violations have been  
22 dismissed, the law enforcement agency shall refund the \$1,000  
23 fee to the defendant.

24 (Source: P.A. 97-333, eff. 8-12-11; 97-897, eff. 1-1-13;  
25 97-1109, eff. 1-1-13; 98-463, eff. 8-16-13; 98-1013, eff.  
26 1-1-15.)

1 (720 ILCS 5/37-1) (from Ch. 38, par. 37-1)

2 Sec. 37-1. Maintaining Public Nuisance. Any building used  
3 in the commission of offenses prohibited by Sections 9-1,  
4 10-1, 10-2, 11-14.3, 11-14.4, ~~11-14,~~ 11-15, 11-16, 11-17,  
5 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 12-5.1, 16-1,  
6 20-2, 23-1, 23-1(a)(1), 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or  
7 39A-1, or subdivision (a)(1), (a)(2)(A), or (a)(2)(B) of  
8 Section 11-14.3, of this Code, or prohibited by the Illinois  
9 Controlled Substances Act, the Methamphetamine Control and  
10 Community Protection Act, or the Cannabis Control Act, or used  
11 in the commission of an inchoate offense relative to any of the  
12 aforesaid principal offenses, or any real property erected,  
13 established, maintained, owned, leased, or used by a  
14 streetgang for the purpose of conducting streetgang related  
15 activity as defined in Section 10 of the Illinois Streetgang  
16 Terrorism Omnibus Prevention Act is a public nuisance.

17 (b) Sentence. A person convicted of knowingly maintaining  
18 such a public nuisance commits a Class A misdemeanor. Each  
19 subsequent offense under this Section is a Class 4 felony.

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

21 (720 ILCS 5/11-14 rep.)

22 Section 70. The Criminal Code of 2012 is amended by  
23 repealing Section 11-14.

1 (725 ILCS 5/115-6.1 rep.)

2 Section 75. The Code of Criminal Procedure of 1963 is  
3 amended by repealing Section 115-6.1.

4 Section 80. The Unified Code of Corrections is amended by  
5 changing Sections 5-4-1 and 5-5-3 as follows:

6 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

7 Sec. 5-4-1. Sentencing hearing.

8 (a) After a determination of guilt, a hearing shall be  
9 held to impose the sentence. However, prior to the imposition  
10 of sentence on an individual being sentenced for an offense  
11 based upon a charge for a violation of Section 11-501 of the  
12 Illinois Vehicle Code or a similar provision of a local  
13 ordinance, the individual must undergo a professional  
14 evaluation to determine if an alcohol or other drug abuse  
15 problem exists and the extent of such a problem. Programs  
16 conducting these evaluations shall be licensed by the  
17 Department of Human Services. However, if the individual is  
18 not a resident of Illinois, the court may, in its discretion,  
19 accept an evaluation from a program in the state of such  
20 individual's residence. The court shall make a specific  
21 finding about whether the defendant is eligible for  
22 participation in a Department impact incarceration program as  
23 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an  
24 explanation as to why a sentence to impact incarceration is

1 not an appropriate sentence. The court may in its sentencing  
2 order recommend a defendant for placement in a Department of  
3 Corrections substance abuse treatment program as provided in  
4 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
5 upon the defendant being accepted in a program by the  
6 Department of Corrections. At the hearing the court shall:

7 (1) consider the evidence, if any, received upon the  
8 trial;

9 (2) consider any presentence reports;

10 (3) consider the financial impact of incarceration  
11 based on the financial impact statement filed with the  
12 clerk of the court by the Department of Corrections;

13 (4) consider evidence and information offered by the  
14 parties in aggravation and mitigation;

15 (4.5) consider substance abuse treatment, eligibility  
16 screening, and an assessment, if any, of the defendant by  
17 an agent designated by the State of Illinois to provide  
18 assessment services for the Illinois courts;

19 (5) hear arguments as to sentencing alternatives;

20 (6) afford the defendant the opportunity to make a  
21 statement in his own behalf;

22 (7) afford the victim of a violent crime or a  
23 violation of Section 11-501 of the Illinois Vehicle Code,  
24 or a similar provision of a local ordinance, the  
25 opportunity to present an oral or written statement, as  
26 guaranteed by Article I, Section 8.1 of the Illinois

1 Constitution and provided in Section 6 of the Rights of  
2 Crime Victims and Witnesses Act. The court shall allow a  
3 victim to make an oral statement if the victim is present  
4 in the courtroom and requests to make an oral or written  
5 statement. An oral or written statement includes the  
6 victim or a representative of the victim reading the  
7 written statement. The court may allow persons impacted by  
8 the crime who are not victims under subsection (a) of  
9 Section 3 of the Rights of Crime Victims and Witnesses Act  
10 to present an oral or written statement. A victim and any  
11 person making an oral statement shall not be put under  
12 oath or subject to cross-examination. All statements  
13 offered under this paragraph (7) shall become part of the  
14 record of the court. In this paragraph (7), "victim of a  
15 violent crime" means a person who is a victim of a violent  
16 crime for which the defendant has been convicted after a  
17 bench or jury trial or a person who is the victim of a  
18 violent crime with which the defendant was charged and the  
19 defendant has been convicted under a plea agreement of a  
20 crime that is not a violent crime as defined in subsection  
21 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

22 (7.5) afford a qualified person affected by: (i) a  
23 violation of Section 405, 405.1, 405.2, or 407 of the  
24 Illinois Controlled Substances Act or a violation of  
25 Section 55 or Section 65 of the Methamphetamine Control  
26 and Community Protection Act; or (ii) a Class 4 felony

1 violation of Section ~~11-14~~, 11-14.3 except as described in  
2 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,  
3 11-18.1, or 11-19 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, committed by the defendant the  
5 opportunity to make a statement concerning the impact on  
6 the qualified person and to offer evidence in aggravation  
7 or mitigation; provided that the statement and evidence  
8 offered in aggravation or mitigation shall first be  
9 prepared in writing in conjunction with the State's  
10 Attorney before it may be presented orally at the hearing.  
11 Sworn testimony offered by the qualified person is subject  
12 to the defendant's right to cross-examine. All statements  
13 and evidence offered under this paragraph (7.5) shall  
14 become part of the record of the court. In this paragraph  
15 (7.5), "qualified person" means any person who: (i) lived  
16 or worked within the territorial jurisdiction where the  
17 offense took place when the offense took place; or (ii) is  
18 familiar with various public places within the territorial  
19 jurisdiction where the offense took place when the offense  
20 took place. "Qualified person" includes any peace officer  
21 or any member of any duly organized State, county, or  
22 municipal peace officer unit assigned to the territorial  
23 jurisdiction where the offense took place when the offense  
24 took place;

25 (8) in cases of reckless homicide afford the victim's  
26 spouse, guardians, parents or other immediate family



1 members an opportunity to make oral statements;

2 (9) in cases involving a felony sex offense as defined  
3 under the Sex Offender Management Board Act, consider the  
4 results of the sex offender evaluation conducted pursuant  
5 to Section 5-3-2 of this Act; and

6 (10) make a finding of whether a motor vehicle was  
7 used in the commission of the offense for which the  
8 defendant is being sentenced.

9 (b) All sentences shall be imposed by the judge based upon  
10 his independent assessment of the elements specified above and  
11 any agreement as to sentence reached by the parties. The judge  
12 who presided at the trial or the judge who accepted the plea of  
13 guilty shall impose the sentence unless he is no longer  
14 sitting as a judge in that court. Where the judge does not  
15 impose sentence at the same time on all defendants who are  
16 convicted as a result of being involved in the same offense,  
17 the defendant or the State's Attorney may advise the  
18 sentencing court of the disposition of any other defendants  
19 who have been sentenced.

20 (b-1) In imposing a sentence of imprisonment or periodic  
21 imprisonment for a Class 3 or Class 4 felony for which a  
22 sentence of probation or conditional discharge is an available  
23 sentence, if the defendant has no prior sentence of probation  
24 or conditional discharge and no prior conviction for a violent  
25 crime, the defendant shall not be sentenced to imprisonment  
26 before review and consideration of a presentence report and

1 determination and explanation of why the particular evidence,  
2 information, factor in aggravation, factual finding, or other  
3 reasons support a sentencing determination that one or more of  
4 the factors under subsection (a) of Section 5-6-1 of this Code  
5 apply and that probation or conditional discharge is not an  
6 appropriate sentence.

7 (c) In imposing a sentence for a violent crime or for an  
8 offense of operating or being in physical control of a vehicle  
9 while under the influence of alcohol, any other drug or any  
10 combination thereof, or a similar provision of a local  
11 ordinance, when such offense resulted in the personal injury  
12 to someone other than the defendant, the trial judge shall  
13 specify on the record the particular evidence, information,  
14 factors in mitigation and aggravation or other reasons that  
15 led to his sentencing determination. The full verbatim record  
16 of the sentencing hearing shall be filed with the clerk of the  
17 court and shall be a public record.

18 (c-1) In imposing a sentence for the offense of aggravated  
19 kidnapping for ransom, home invasion, armed robbery,  
20 aggravated vehicular hijacking, aggravated discharge of a  
21 firearm, or armed violence with a category I weapon or  
22 category II weapon, the trial judge shall make a finding as to  
23 whether the conduct leading to conviction for the offense  
24 resulted in great bodily harm to a victim, and shall enter that  
25 finding and the basis for that finding in the record.

26 (c-1.5) Notwithstanding any other provision of law to the

1 contrary, in imposing a sentence for an offense that requires  
2 a mandatory minimum sentence of imprisonment, the court may  
3 instead sentence the offender to probation, conditional  
4 discharge, or a lesser term of imprisonment it deems  
5 appropriate if: (1) the offense involves the use or possession  
6 of drugs, retail theft, or driving on a revoked license due to  
7 unpaid financial obligations; (2) the court finds that the  
8 defendant does not pose a risk to public safety; and (3) the  
9 interest of justice requires imposing a term of probation,  
10 conditional discharge, or a lesser term of imprisonment. The  
11 court must state on the record its reasons for imposing  
12 probation, conditional discharge, or a lesser term of  
13 imprisonment.

14 (c-2) If the defendant is sentenced to prison, other than  
15 when a sentence of natural life imprisonment is imposed, at  
16 the time the sentence is imposed the judge shall state on the  
17 record in open court the approximate period of time the  
18 defendant will serve in custody according to the then current  
19 statutory rules and regulations for sentence credit found in  
20 Section 3-6-3 and other related provisions of this Code. This  
21 statement is intended solely to inform the public, has no  
22 legal effect on the defendant's actual release, and may not be  
23 relied on by the defendant on appeal.

24 The judge's statement, to be given after pronouncing the  
25 sentence, other than when the sentence is imposed for one of  
26 the offenses enumerated in paragraph (a) (4) of Section 3-6-3,

1 shall include the following:

2 "The purpose of this statement is to inform the public of  
3 the actual period of time this defendant is likely to spend in  
4 prison as a result of this sentence. The actual period of  
5 prison time served is determined by the statutes of Illinois  
6 as applied to this sentence by the Illinois Department of  
7 Corrections and the Illinois Prisoner Review Board. In this  
8 case, assuming the defendant receives all of his or her  
9 sentence credit, the period of estimated actual custody is ...  
10 years and ... months, less up to 180 days additional earned  
11 sentence credit. If the defendant, because of his or her own  
12 misconduct or failure to comply with the institutional  
13 regulations, does not receive those credits, the actual time  
14 served in prison will be longer. The defendant may also  
15 receive an additional one-half day sentence credit for each  
16 day of participation in vocational, industry, substance abuse,  
17 and educational programs as provided for by Illinois statute."

18 When the sentence is imposed for one of the offenses  
19 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
20 first degree murder, and the offense was committed on or after  
21 June 19, 1998, and when the sentence is imposed for reckless  
22 homicide as defined in subsection (e) of Section 9-3 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012 if the  
24 offense was committed on or after January 1, 1999, and when the  
25 sentence is imposed for aggravated driving under the influence  
26 of alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof as defined in  
2 subparagraph (F) of paragraph (1) of subsection (d) of Section  
3 11-501 of the Illinois Vehicle Code, and when the sentence is  
4 imposed for aggravated arson if the offense was committed on  
5 or after July 27, 2001 (the effective date of Public Act  
6 92-176), and when the sentence is imposed for aggravated  
7 driving under the influence of alcohol, other drug or drugs,  
8 or intoxicating compound or compounds, or any combination  
9 thereof as defined in subparagraph (C) of paragraph (1) of  
10 subsection (d) of Section 11-501 of the Illinois Vehicle Code  
11 committed on or after January 1, 2011 (the effective date of  
12 Public Act 96-1230), the judge's statement, to be given after  
13 pronouncing the sentence, shall include the following:

14 "The purpose of this statement is to inform the public of  
15 the actual period of time this defendant is likely to spend in  
16 prison as a result of this sentence. The actual period of  
17 prison time served is determined by the statutes of Illinois  
18 as applied to this sentence by the Illinois Department of  
19 Corrections and the Illinois Prisoner Review Board. In this  
20 case, the defendant is entitled to no more than 4 1/2 days of  
21 sentence credit for each month of his or her sentence of  
22 imprisonment. Therefore, this defendant will serve at least  
23 85% of his or her sentence. Assuming the defendant receives 4  
24 1/2 days credit for each month of his or her sentence, the  
25 period of estimated actual custody is ... years and ...  
26 months. If the defendant, because of his or her own misconduct

1 or failure to comply with the institutional regulations  
2 receives lesser credit, the actual time served in prison will  
3 be longer."

4 When a sentence of imprisonment is imposed for first  
5 degree murder and the offense was committed on or after June  
6 19, 1998, the judge's statement, to be given after pronouncing  
7 the sentence, shall include the following:

8 "The purpose of this statement is to inform the public of  
9 the actual period of time this defendant is likely to spend in  
10 prison as a result of this sentence. The actual period of  
11 prison time served is determined by the statutes of Illinois  
12 as applied to this sentence by the Illinois Department of  
13 Corrections and the Illinois Prisoner Review Board. In this  
14 case, the defendant is not entitled to sentence credit.  
15 Therefore, this defendant will serve 100% of his or her  
16 sentence."

17 When the sentencing order recommends placement in a  
18 substance abuse program for any offense that results in  
19 incarceration in a Department of Corrections facility and the  
20 crime was committed on or after September 1, 2003 (the  
21 effective date of Public Act 93-354), the judge's statement,  
22 in addition to any other judge's statement required under this  
23 Section, to be given after pronouncing the sentence, shall  
24 include the following:

25 "The purpose of this statement is to inform the public of  
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of  
2 prison time served is determined by the statutes of Illinois  
3 as applied to this sentence by the Illinois Department of  
4 Corrections and the Illinois Prisoner Review Board. In this  
5 case, the defendant shall receive no earned sentence credit  
6 under clause (3) of subsection (a) of Section 3-6-3 until he or  
7 she participates in and completes a substance abuse treatment  
8 program or receives a waiver from the Director of Corrections  
9 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

10 (c-4) Before the sentencing hearing and as part of the  
11 presentence investigation under Section 5-3-1, the court shall  
12 inquire of the defendant whether the defendant is currently  
13 serving in or is a veteran of the Armed Forces of the United  
14 States. If the defendant is currently serving in the Armed  
15 Forces of the United States or is a veteran of the Armed Forces  
16 of the United States and has been diagnosed as having a mental  
17 illness by a qualified psychiatrist or clinical psychologist  
18 or physician, the court may:

19 (1) order that the officer preparing the presentence  
20 report consult with the United States Department of  
21 Veterans Affairs, Illinois Department of Veterans'  
22 Affairs, or another agency or person with suitable  
23 knowledge or experience for the purpose of providing the  
24 court with information regarding treatment options  
25 available to the defendant, including federal, State, and  
26 local programming; and

1           (2) consider the treatment recommendations of any  
2           diagnosing or treating mental health professionals  
3           together with the treatment options available to the  
4           defendant in imposing sentence.

5           For the purposes of this subsection (c-4), "qualified  
6           psychiatrist" means a reputable physician licensed in Illinois  
7           to practice medicine in all its branches, who has specialized  
8           in the diagnosis and treatment of mental and nervous disorders  
9           for a period of not less than 5 years.

10          (c-6) In imposing a sentence, the trial judge shall  
11          specify, on the record, the particular evidence and other  
12          reasons which led to his or her determination that a motor  
13          vehicle was used in the commission of the offense.

14          (c-7) In imposing a sentence for a Class 3 or 4 felony,  
15          other than a violent crime as defined in Section 3 of the  
16          Rights of Crime Victims and Witnesses Act, the court shall  
17          determine and indicate in the sentencing order whether the  
18          defendant has 4 or more or fewer than 4 months remaining on his  
19          or her sentence accounting for time served.

20          (d) When the defendant is committed to the Department of  
21          Corrections, the State's Attorney shall and counsel for the  
22          defendant may file a statement with the clerk of the court to  
23          be transmitted to the department, agency or institution to  
24          which the defendant is committed to furnish such department,  
25          agency or institution with the facts and circumstances of the  
26          offense for which the person was committed together with all



1 other factual information accessible to them in regard to the  
2 person prior to his commitment relative to his habits,  
3 associates, disposition and reputation and any other facts and  
4 circumstances which may aid such department, agency or  
5 institution during its custody of such person. The clerk shall  
6 within 10 days after receiving any such statements transmit a  
7 copy to such department, agency or institution and a copy to  
8 the other party, provided, however, that this shall not be  
9 cause for delay in conveying the person to the department,  
10 agency or institution to which he has been committed.

11 (e) The clerk of the court shall transmit to the  
12 department, agency or institution, if any, to which the  
13 defendant is committed, the following:

14 (1) the sentence imposed;

15 (2) any statement by the court of the basis for  
16 imposing the sentence;

17 (3) any presentence reports;

18 (3.3) the person's last known complete street address  
19 prior to incarceration or legal residence, the person's  
20 race, whether the person is of Hispanic or Latino origin,  
21 and whether the person is 18 years of age or older;

22 (3.5) any sex offender evaluations;

23 (3.6) any substance abuse treatment eligibility  
24 screening and assessment of the defendant by an agent  
25 designated by the State of Illinois to provide assessment  
26 services for the Illinois courts;

1           (4) the number of days, if any, which the defendant  
2           has been in custody and for which he is entitled to credit  
3           against the sentence, which information shall be provided  
4           to the clerk by the sheriff;

5           (4.1) any finding of great bodily harm made by the  
6           court with respect to an offense enumerated in subsection  
7           (c-1);

8           (5) all statements filed under subsection (d) of this  
9           Section;

10          (6) any medical or mental health records or summaries  
11          of the defendant;

12          (7) the municipality where the arrest of the offender  
13          or the commission of the offense has occurred, where such  
14          municipality has a population of more than 25,000 persons;

15          (8) all statements made and evidence offered under  
16          paragraph (7) of subsection (a) of this Section; and

17          (9) all additional matters which the court directs the  
18          clerk to transmit.

19          (f) In cases in which the court finds that a motor vehicle  
20          was used in the commission of the offense for which the  
21          defendant is being sentenced, the clerk of the court shall,  
22          within 5 days thereafter, forward a report of such conviction  
23          to the Secretary of State.

24          (Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24;  
25          103-51, eff. 1-1-24; 103-605, eff. 7-1-24.)

1 (730 ILCS 5/5-5-3)

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

6 (2) A period of probation, a term of periodic imprisonment  
7 or conditional discharge shall not be imposed for the  
8 following offenses. The court shall sentence the offender to  
9 not less than the minimum term of imprisonment set forth in  
10 this Code for the following offenses, and may order a fine or  
11 restitution or both in conjunction with such term of  
12 imprisonment:

13 (A) First degree murder.

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

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

21 (D-5) A violation of subdivision (c)(1) of Section 401  
22 of the Illinois Controlled Substances Act which relates to  
23 3 or more grams of a substance containing heroin or an  
24 analog thereof.

25 (E) (Blank).

26 (F) A Class 1 or greater felony if the offender had

1           been convicted of a Class 1 or greater felony, including  
2           any state or federal conviction for an offense that  
3           contained, at the time it was committed, the same elements  
4           as an offense now (the date of the offense committed after  
5           the prior Class 1 or greater felony) classified as a Class  
6           1 or greater felony, within 10 years of the date on which  
7           the offender committed the offense for which he or she is  
8           being sentenced, except as otherwise provided in Section  
9           40-10 of the Substance Use Disorder Act.

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

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

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

26           (H) Criminal sexual assault.

1           (I) Aggravated battery of a senior citizen as  
2 described in Section 12-4.6 or subdivision (a)(4) of  
3 Section 12-3.05 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012.

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

7           Before July 1, 1994, for the purposes of this  
8 paragraph, "organized gang" means an association of 5 or  
9 more persons, with an established hierarchy, that  
10 encourages members of the association to perpetrate crimes  
11 or provides support to the members of the association who  
12 do commit crimes.

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

17           (K) Vehicular hijacking.

18           (L) A second or subsequent conviction for the offense  
19 of hate crime when the underlying offense upon which the  
20 hate crime is based is felony aggravated assault or felony  
21 mob action.

22           (M) A second or subsequent conviction for the offense  
23 of institutional vandalism if the damage to the property  
24 exceeds \$300.

25           (N) A Class 3 felony violation of paragraph (1) of  
26 subsection (a) of Section 2 of the Firearm Owners

1 Identification Card Act.

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

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

7 (P-5) A violation of paragraph (6) of subsection (a)  
8 of Section 11-20.1 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012 if the victim is a household or  
10 family member of the defendant.

11 (P-6) A violation of paragraph (2) of subsection (b)  
12 of Section 11-20.4 of the Criminal Code of 2012.

13 (Q) A violation of subsection (b) or (b-5) of Section  
14 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
15 Code of 1961 or the Criminal Code of 2012.

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

18 (S) (Blank).

19 (T) (Blank).

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

1 (V) A violation of paragraph (4) of subsection (c) of  
2 Section 11-20.1B or paragraph (4) of subsection (c) of  
3 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
4 (6) of subsection (a) of Section 11-20.1 of the Criminal  
5 Code of 2012 when the victim is under 13 years of age and  
6 the defendant has previously been convicted under the laws  
7 of this State or any other state of the offense of child  
8 pornography, aggravated child pornography, aggravated  
9 criminal sexual abuse, aggravated criminal sexual assault,  
10 predatory criminal sexual assault of a child, or any of  
11 the offenses formerly known as rape, deviate sexual  
12 assault, indecent liberties with a child, or aggravated  
13 indecent liberties with a child where the victim was under  
14 the age of 18 years or an offense that is substantially  
15 equivalent to those offenses.

16 (V-5) A violation of paragraph (1) of subsection (b)  
17 of Section 11-20.4 of the Criminal Code of 2012 when the  
18 victim is under 13 years of age and the defendant has  
19 previously been convicted under the laws of this State or  
20 any other state of the offense of child pornography,  
21 aggravated child pornography, aggravated criminal sexual  
22 abuse, aggravated criminal sexual assault, predatory  
23 criminal sexual assault of a child, or any of the offenses  
24 formerly known as rape, deviate sexual assault, indecent  
25 liberties with a child, or aggravated indecent liberties  
26 with a child if the victim was under the age of 18 years or

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

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

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

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

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

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

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

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

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

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



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

3 (3) (Blank).

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

8 (4.1) (Blank).

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

13 (4.3) A minimum term of imprisonment of 30 days or 300  
14 hours of community service, as determined by the court, shall  
15 be imposed for a second violation of subsection (c) of Section  
16 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
18 (4.9) of this subsection (c), a minimum term of imprisonment  
19 of 30 days or 300 hours of community service, as determined by  
20 the court, shall be imposed for a third or subsequent  
21 violation of Section 6-303 of the Illinois Vehicle Code. The  
22 court may give credit toward the fulfillment of community  
23 service hours for participation in activities and treatment as  
24 determined by court services.

25 (4.5) A minimum term of imprisonment of 30 days shall be  
26 imposed for a third violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this  
3 subsection (c), a minimum term of imprisonment of 180 days  
4 shall be imposed for a fourth or subsequent violation of  
5 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

6 (4.7) A minimum term of imprisonment of not less than 30  
7 consecutive days, or 300 hours of community service, shall be  
8 imposed for a violation of subsection (a-5) of Section 6-303  
9 of the Illinois Vehicle Code, as provided in subsection (b-5)  
10 of that Section.

11 (4.8) A mandatory prison sentence shall be imposed for a  
12 second violation of subsection (a-5) of Section 6-303 of the  
13 Illinois Vehicle Code, as provided in subsection (c-5) of that  
14 Section. The person's driving privileges shall be revoked for  
15 a period of not less than 5 years from the date of his or her  
16 release from prison.

17 (4.9) A mandatory prison sentence of not less than 4 and  
18 not more than 15 years shall be imposed for a third violation  
19 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
20 Code, as provided in subsection (d-2.5) of that Section. The  
21 person's driving privileges shall be revoked for the remainder  
22 of his or her life.

23 (4.10) A mandatory prison sentence for a Class 1 felony  
24 shall be imposed, and the person shall be eligible for an  
25 extended term sentence, for a fourth or subsequent violation  
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-3.5) of that Section. The  
2 person's driving privileges shall be revoked for the remainder  
3 of his or her life.

4 (5) The court may sentence a corporation or unincorporated  
5 association convicted of any offense to:

6 (A) a period of conditional discharge;

7 (B) a fine;

8 (C) make restitution to the victim under Section 5-5-6  
9 of this Code.

10 (5.1) In addition to any other penalties imposed, and  
11 except as provided in paragraph (5.2) or (5.3), a person  
12 convicted of violating subsection (c) of Section 11-907 of the  
13 Illinois Vehicle Code shall have his or her driver's license,  
14 permit, or privileges suspended for at least 90 days but not  
15 more than one year, if the violation resulted in damage to the  
16 property of another person.

17 (5.2) In addition to any other penalties imposed, and  
18 except as provided in paragraph (5.3), a person convicted of  
19 violating subsection (c) of Section 11-907 of the Illinois  
20 Vehicle Code shall have his or her driver's license, permit,  
21 or privileges suspended for at least 180 days but not more than  
22 2 years, if the violation resulted in injury to another  
23 person.

24 (5.3) In addition to any other penalties imposed, a person  
25 convicted of violating subsection (c) of Section 11-907 of the  
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 2 years, if the violation  
2 resulted in the death of another person.

3 (5.4) In addition to any other penalties imposed, a person  
4 convicted of violating Section 3-707 of the Illinois Vehicle  
5 Code shall have his or her driver's license, permit, or  
6 privileges suspended for 3 months and until he or she has paid  
7 a reinstatement fee of \$100.

8 (5.5) In addition to any other penalties imposed, a person  
9 convicted of violating Section 3-707 of the Illinois Vehicle  
10 Code during a period in which his or her driver's license,  
11 permit, or privileges were suspended for a previous violation  
12 of that Section shall have his or her driver's license,  
13 permit, or privileges suspended for an additional 6 months  
14 after the expiration of the original 3-month suspension and  
15 until he or she has paid a reinstatement fee of \$100.

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

19 (9) A defendant convicted of a second or subsequent  
20 offense of ritualized abuse of a child may be sentenced to a  
21 term of natural life imprisonment.

22 (10) (Blank).

23 (11) The court shall impose a minimum fine of \$1,000 for a  
24 first offense and \$2,000 for a second or subsequent offense  
25 upon a person convicted of or placed on supervision for  
26 battery when the individual harmed was a sports official or

1 coach at any level of competition and the act causing harm to  
2 the sports official or coach occurred within an athletic  
3 facility or within the immediate vicinity of the athletic  
4 facility at which the sports official or coach was an active  
5 participant of the athletic contest held at the athletic  
6 facility. For the purposes of this paragraph (11), "sports  
7 official" means a person at an athletic contest who enforces  
8 the rules of the contest, such as an umpire or referee;  
9 "athletic facility" means an indoor or outdoor playing field  
10 or recreational area where sports activities are conducted;  
11 and "coach" means a person recognized as a coach by the  
12 sanctioning authority that conducted the sporting event.

13 (12) A person may not receive a disposition of court  
14 supervision for a violation of Section 5-16 of the Boat  
15 Registration and Safety Act if that person has previously  
16 received a disposition of court supervision for a violation of  
17 that Section.

18 (13) A person convicted of or placed on court supervision  
19 for an assault or aggravated assault when the victim and the  
20 offender are family or household members as defined in Section  
21 103 of the Illinois Domestic Violence Act of 1986 or convicted  
22 of domestic battery or aggravated domestic battery may be  
23 required to attend a Partner Abuse Intervention Program under  
24 protocols set forth by the Illinois Department of Human  
25 Services under such terms and conditions imposed by the court.  
26 The costs of such classes shall be paid by the offender.

1 (d) In any case in which a sentence originally imposed is  
2 vacated, the case shall be remanded to the trial court. The  
3 trial court shall hold a hearing under Section 5-4-1 of this  
4 Code which may include evidence of the defendant's life, moral  
5 character and occupation during the time since the original  
6 sentence was passed. The trial court shall then impose  
7 sentence upon the defendant. The trial court may impose any  
8 sentence which could have been imposed at the original trial  
9 subject to Section 5-5-4 of this Code. If a sentence is vacated  
10 on appeal or on collateral attack due to the failure of the  
11 trier of fact at trial to determine beyond a reasonable doubt  
12 the existence of a fact (other than a prior conviction)  
13 necessary to increase the punishment for the offense beyond  
14 the statutory maximum otherwise applicable, either the  
15 defendant may be re-sentenced to a term within the range  
16 otherwise provided or, if the State files notice of its  
17 intention to again seek the extended sentence, the defendant  
18 shall be afforded a new trial.

19 (e) In cases where prosecution for aggravated criminal  
20 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
21 Code of 1961 or the Criminal Code of 2012 results in conviction  
22 of a defendant who was a family member of the victim at the  
23 time of the commission of the offense, the court shall  
24 consider the safety and welfare of the victim and may impose a  
25 sentence of probation only where:

26 (1) the court finds (A) or (B) or both are

1 appropriate:

2 (A) the defendant is willing to undergo a court  
3 approved counseling program for a minimum duration of  
4 2 years; or

5 (B) the defendant is willing to participate in a  
6 court approved plan, including, but not limited to,  
7 the defendant's:

8 (i) removal from the household;

9 (ii) restricted contact with the victim;

10 (iii) continued financial support of the  
11 family;

12 (iv) restitution for harm done to the victim;

13 and

14 (v) compliance with any other measures that  
15 the court may deem appropriate; and

16 (2) the court orders the defendant to pay for the  
17 victim's counseling services, to the extent that the court  
18 finds, after considering the defendant's income and  
19 assets, that the defendant is financially capable of  
20 paying for such services, if the victim was under 18 years  
21 of age at the time the offense was committed and requires  
22 counseling as a result of the offense.

23 Probation may be revoked or modified pursuant to Section  
24 5-6-4; except where the court determines at the hearing that  
25 the defendant violated a condition of his or her probation  
26 restricting contact with the victim or other family members or

1 commits another offense with the victim or other family  
2 members, the court shall revoke the defendant's probation and  
3 impose a term of imprisonment.

4 For the purposes of this Section, "family member" and  
5 "victim" shall have the meanings ascribed to them in Section  
6 11-0.1 of the Criminal Code of 2012.

7 (f) (Blank).

8 (g) Whenever a defendant is convicted of an offense under  
9 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, ~~11-14,~~  
10 11-14.3, 11-14.4 except for an offense that involves keeping a  
11 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
12 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
13 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, the defendant shall undergo medical  
15 testing to determine whether the defendant has any sexually  
16 transmissible disease, including a test for infection with  
17 human immunodeficiency virus (HIV) or any other identified  
18 causative agent of acquired immunodeficiency syndrome (AIDS).  
19 Any such medical test shall be performed only by appropriately  
20 licensed medical practitioners and may include an analysis of  
21 any bodily fluids as well as an examination of the defendant's  
22 person. Except as otherwise provided by law, the results of  
23 such test shall be kept strictly confidential by all medical  
24 personnel involved in the testing and must be personally  
25 delivered in a sealed envelope to the judge of the court in  
26 which the conviction was entered for the judge's inspection in



1 camera. Acting in accordance with the best interests of the  
2 victim and the public, the judge shall have the discretion to  
3 determine to whom, if anyone, the results of the testing may be  
4 revealed. The court shall notify the defendant of the test  
5 results. The court shall also notify the victim if requested  
6 by the victim, and if the victim is under the age of 15 and if  
7 requested by the victim's parents or legal guardian, the court  
8 shall notify the victim's parents or legal guardian of the  
9 test results. The court shall provide information on the  
10 availability of HIV testing and counseling at Department of  
11 Public Health facilities to all parties to whom the results of  
12 the testing are revealed and shall direct the State's Attorney  
13 to provide the information to the victim when possible. The  
14 court shall order that the cost of any such test shall be paid  
15 by the county and may be taxed as costs against the convicted  
16 defendant.

17 (g-5) When an inmate is tested for an airborne  
18 communicable disease, as determined by the Illinois Department  
19 of Public Health, including, but not limited to, tuberculosis,  
20 the results of the test shall be personally delivered by the  
21 warden or his or her designee in a sealed envelope to the judge  
22 of the court in which the inmate must appear for the judge's  
23 inspection in camera if requested by the judge. Acting in  
24 accordance with the best interests of those in the courtroom,  
25 the judge shall have the discretion to determine what if any  
26 precautions need to be taken to prevent transmission of the

1 disease in the courtroom.

2 (h) Whenever a defendant is convicted of an offense under  
3 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
4 defendant shall undergo medical testing to determine whether  
5 the defendant has been exposed to human immunodeficiency virus  
6 (HIV) or any other identified causative agent of acquired  
7 immunodeficiency syndrome (AIDS). Except as otherwise provided  
8 by law, the results of such test shall be kept strictly  
9 confidential by all medical personnel involved in the testing  
10 and must be personally delivered in a sealed envelope to the  
11 judge of the court in which the conviction was entered for the  
12 judge's inspection in camera. Acting in accordance with the  
13 best interests of the public, the judge shall have the  
14 discretion to determine to whom, if anyone, the results of the  
15 testing may be revealed. The court shall notify the defendant  
16 of a positive test showing an infection with the human  
17 immunodeficiency virus (HIV). The court shall provide  
18 information on the availability of HIV testing and counseling  
19 at Department of Public Health facilities to all parties to  
20 whom the results of the testing are revealed and shall direct  
21 the State's Attorney to provide the information to the victim  
22 when possible. The court shall order that the cost of any such  
23 test shall be paid by the county and may be taxed as costs  
24 against the convicted defendant.

25 (i) All fines and penalties imposed under this Section for  
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and  
2 any violation of the Child Passenger Protection Act, or a  
3 similar provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under the Criminal  
5 and Traffic Assessment Act.

6 (j) In cases when prosecution for any violation of Section  
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
8 11-11, ~~11-14~~, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
9 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
10 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-30, 11-40, 12-13, 12-14,  
11 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012, any violation of the Illinois  
13 Controlled Substances Act, any violation of the Cannabis  
14 Control Act, or any violation of the Methamphetamine Control  
15 and Community Protection Act results in conviction, a  
16 disposition of court supervision, or an order of probation  
17 granted under Section 10 of the Cannabis Control Act, Section  
18 410 of the Illinois Controlled Substances Act, or Section 70  
19 of the Methamphetamine Control and Community Protection Act of  
20 a defendant, the court shall determine whether the defendant  
21 is employed by a facility or center as defined under the Child  
22 Care Act of 1969, a public or private elementary or secondary  
23 school, or otherwise works with children under 18 years of age  
24 on a daily basis. When a defendant is so employed, the court  
25 shall order the Clerk of the Court to send a copy of the  
26 judgment of conviction or order of supervision or probation to

1 the defendant's employer by certified mail. If the employer of  
2 the defendant is a school, the Clerk of the Court shall direct  
3 the mailing of a copy of the judgment of conviction or order of  
4 supervision or probation to the appropriate regional  
5 superintendent of schools. The regional superintendent of  
6 schools shall notify the State Board of Education of any  
7 notification under this subsection.

8 (j-5) A defendant at least 17 years of age who is convicted  
9 of a felony and who has not been previously convicted of a  
10 misdemeanor or felony and who is sentenced to a term of  
11 imprisonment in the Illinois Department of Corrections shall  
12 as a condition of his or her sentence be required by the court  
13 to attend educational courses designed to prepare the  
14 defendant for a high school diploma and to work toward a high  
15 school diploma or to work toward passing high school  
16 equivalency testing or to work toward completing a vocational  
17 training program offered by the Department of Corrections. If  
18 a defendant fails to complete the educational training  
19 required by his or her sentence during the term of  
20 incarceration, the Prisoner Review Board shall, as a condition  
21 of mandatory supervised release, require the defendant, at his  
22 or her own expense, to pursue a course of study toward a high  
23 school diploma or passage of high school equivalency testing.  
24 The Prisoner Review Board shall revoke the mandatory  
25 supervised release of a defendant who wilfully fails to comply  
26 with this subsection (j-5) upon his or her release from

1 confinement in a penal institution while serving a mandatory  
2 supervised release term; however, the inability of the  
3 defendant after making a good faith effort to obtain financial  
4 aid or pay for the educational training shall not be deemed a  
5 wilful failure to comply. The Prisoner Review Board shall  
6 recommit the defendant whose mandatory supervised release term  
7 has been revoked under this subsection (j-5) as provided in  
8 Section 3-3-9. This subsection (j-5) does not apply to a  
9 defendant who has a high school diploma or has successfully  
10 passed high school equivalency testing. This subsection (j-5)  
11 does not apply to a defendant who is determined by the court to  
12 be a person with a developmental disability or otherwise  
13 mentally incapable of completing the educational or vocational  
14 program.

15 (k) (Blank).

16 (l) (A) Except as provided in paragraph (C) of subsection  
17 (l), whenever a defendant, who is not a citizen or national of  
18 the United States, is convicted of any felony or misdemeanor  
19 offense, the court after sentencing the defendant may, upon  
20 motion of the State's Attorney, hold sentence in abeyance and  
21 remand the defendant to the custody of the Attorney General of  
22 the United States or his or her designated agent to be deported  
23 when:

24 (1) a final order of deportation has been issued  
25 against the defendant pursuant to proceedings under the  
26 Immigration and Nationality Act, and

1           (2) the deportation of the defendant would not  
2           deprecate the seriousness of the defendant's conduct and  
3           would not be inconsistent with the ends of justice.

4           Otherwise, the defendant shall be sentenced as provided in  
5           this Chapter V.

6           (B) If the defendant has already been sentenced for a  
7           felony or misdemeanor offense, or has been placed on probation  
8           under Section 10 of the Cannabis Control Act, Section 410 of  
9           the Illinois Controlled Substances Act, or Section 70 of the  
10          Methamphetamine Control and Community Protection Act, the  
11          court may, upon motion of the State's Attorney to suspend the  
12          sentence imposed, commit the defendant to the custody of the  
13          Attorney General of the United States or his or her designated  
14          agent when:

15           (1) a final order of deportation has been issued  
16           against the defendant pursuant to proceedings under the  
17           Immigration and Nationality Act, and

18           (2) the deportation of the defendant would not  
19           deprecate the seriousness of the defendant's conduct and  
20           would not be inconsistent with the ends of justice.

21           (C) This subsection (1) does not apply to offenders who  
22           are subject to the provisions of paragraph (2) of subsection  
23           (a) of Section 3-6-3.

24           (D) Upon motion of the State's Attorney, if a defendant  
25           sentenced under this Section returns to the jurisdiction of  
26           the United States, the defendant shall be recommitted to the

1 custody of the county from which he or she was sentenced.  
2 Thereafter, the defendant shall be brought before the  
3 sentencing court, which may impose any sentence that was  
4 available under Section 5-5-3 at the time of initial  
5 sentencing. In addition, the defendant shall not be eligible  
6 for additional earned sentence credit as provided under  
7 Section 3-6-3.

8 (m) A person convicted of criminal defacement of property  
9 under Section 21-1.3 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, in which the property damage exceeds  
11 \$300 and the property damaged is a school building, shall be  
12 ordered to perform community service that may include cleanup,  
13 removal, or painting over the defacement.

14 (n) The court may sentence a person convicted of a  
15 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
16 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
17 of 1961 or the Criminal Code of 2012 (i) to an impact  
18 incarceration program if the person is otherwise eligible for  
19 that program under Section 5-8-1.1, (ii) to community service,  
20 or (iii) if the person has a substance use disorder, as defined  
21 in the Substance Use Disorder Act, to a treatment program  
22 licensed under that Act.

23 (o) Whenever a person is convicted of a sex offense as  
24 defined in Section 2 of the Sex Offender Registration Act, the  
25 defendant's driver's license or permit shall be subject to  
26 renewal on an annual basis in accordance with the provisions

1 of license renewal established by the Secretary of State.

2 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;  
3 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.  
4 1-1-24; 103-825, eff. 1-1-25.)

5 Section 85. The Lewdness Public Nuisance Act is amended by  
6 changing Section 10 as follows:

7 (740 ILCS 105/10) (from Ch. 100 1/2, par. 10)

8 Sec. 10. If any lessee or occupant shall use leased  
9 premises for the purpose of lewdness, assignation or promoting  
10 prostitution, or shall permit them to be used for any of such  
11 purposes, the lease or contract for letting such premises  
12 shall, at the option of the lessor, become void, and the owner  
13 may have the like remedy to recover possession thereof as  
14 against a tenant holding over after the expiration of his  
15 term.

16 (Source: Laws 1915, p. 371.)

17 Section 90. The Illinois Securities Law of 1953 is amended  
18 by changing Section 7a as follows:

19 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

20 Sec. 7a. (a) Except as provided in subsection (b) of this  
21 Section, no securities, issued by an issuer engaged in or  
22 deriving revenues from the conduct of any business or



1 profession, the conduct of which would violate Section ~~11-14,~~  
2 11-14.3, 11-14.4 as described in subdivision (a)(1), (a)(2),  
3 or (a)(3) or that involves soliciting for a juvenile  
4 prostitute, 11-15, 11-15.1, 11-16, 11-17, 11-19 or 11-19.1 of  
5 the Criminal Code of 1961 or the Criminal Code of 2012, if  
6 conducted in this State, shall be sold or registered pursuant  
7 to Section 5, 6 or 7 of this Act nor sold pursuant to the  
8 provisions of Section 3 or 4 of this Act.

9 (b) Notwithstanding the provisions of subsection (a)  
10 hereof, such securities issued prior to the effective date of  
11 this amendatory Act of 1989 may be sold by a resident of this  
12 State in transactions which qualify for an exemption from the  
13 registration requirements of this Act pursuant to subsection A  
14 of Section 4 of this Act.

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

|    |   |                              |
|----|---|------------------------------|
| 1  | INDEX                                   |                              |
| 2  | Statutes amended in order of appearance |                              |
| 3  | 5 ILCS 70/1.46 new                      |                              |
| 4  | 15 ILCS 310/10b.1                       | from Ch. 124, par. 110b.1    |
| 5  | 20 ILCS 2630/5.2                        |                              |
| 6  | 50 ILCS 705/6                           | from Ch. 85, par. 506        |
| 7  | 50 ILCS 705/6.1                         |                              |
| 8  | 55 ILCS 5/5-10008                       | from Ch. 34, par. 5-10008    |
| 9  | 55 ILCS 135/20                          |                              |
| 10 | 65 ILCS 5/10-1-7.1                      |                              |
| 11 | 65 ILCS 5/10-2.1-6                      | from Ch. 24, par. 10-2.1-6   |
| 12 | 65 ILCS 5/10-2.1-6.3                    |                              |
| 13 | 65 ILCS 5/11-5-4                        | from Ch. 24, par. 11-5-4     |
| 14 | 70 ILCS 705/16.06                       | from Ch. 127 1/2, par. 37.06 |
| 15 | 70 ILCS 705/16.06b                      |                              |
| 16 | 70 ILCS 3605/28b                        | from Ch. 111 2/3, par. 328b  |
| 17 | 225 ILCS 57/15                          |                              |
| 18 | 225 ILCS 57/45                          |                              |
| 19 | 225 ILCS 515/10                         | from Ch. 111, par. 910       |
| 20 | 625 ILCS 5/6-106.1                      |                              |
| 21 | 625 ILCS 5/6-508                        | from Ch. 95 1/2, par. 6-508  |
| 22 | 720 ILCS 5/10-9                         |                              |
| 23 | 720 ILCS 5/11-0.1                       |                              |
| 24 | 720 ILCS 5/11-9.1A                      |                              |
| 25 | 720 ILCS 5/11-14.1                      |                              |

|    |                         |                               |
|----|-------------------------|-------------------------------|
| 1  | 720 ILCS 5/11-14.3      |                               |
| 2  | 720 ILCS 5/11-14.4      |                               |
| 3  | 720 ILCS 5/11-18        | from Ch. 38, par. 11-18       |
| 4  | 720 ILCS 5/11-18.1      | from Ch. 38, par. 11-18.1     |
| 5  | 720 ILCS 5/11-19.4 new  |                               |
| 6  | 720 ILCS 5/14-3         |                               |
| 7  | 720 ILCS 5/36.5-5       |                               |
| 8  | 720 ILCS 5/37-1         | from Ch. 38, par. 37-1        |
| 9  | 720 ILCS 5/11-14 rep.   |                               |
| 10 | 725 ILCS 5/115-6.1 rep. |                               |
| 11 | 730 ILCS 5/5-4-1        | from Ch. 38, par. 1005-4-1    |
| 12 | 730 ILCS 5/5-5-3        |                               |
| 13 | 740 ILCS 105/10         | from Ch. 100 1/2, par. 10     |
| 14 | 815 ILCS 5/7a           | from Ch. 121 1/2, par. 137.7a |