

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 10. The Health Care Worker Background Check Act is  
5 amended by changing Section 25 as follows:

6 (225 ILCS 46/25)

7 Sec. 25. Persons ineligible to be hired by health care  
8 employers and long-term care facilities.

9 (a) In the discretion of the Director of Public Health, as  
10 soon after January 1, 1996, January 1, 1997, January 1, 2006,  
11 or October 1, 2007, as applicable, and as is reasonably  
12 practical, no health care employer shall knowingly hire,  
13 employ, or retain any individual in a position with duties  
14 involving direct care for clients, patients, or residents, and  
15 no long-term care facility shall knowingly hire, employ, or  
16 retain any individual in a position with duties that involve or  
17 may involve contact with residents or access to the living  
18 quarters or the financial, medical, or personal records of  
19 residents, who has been convicted of committing or attempting  
20 to commit one or more of the following offenses: those defined  
21 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,  
22 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,  
23 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2,

1 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4,  
2 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1,  
3 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1,  
4 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3,  
5 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the  
6 Criminal Code of 1961; those provided in Section 4 of the  
7 Wrongs to Children Act; those provided in Section 53 of the  
8 Criminal Jurisprudence Act; those defined in Section 5, 5.1,  
9 5.2, 7, or 9 of the Cannabis Control Act; those defined in the  
10 Methamphetamine Control and Community Protection Act; or those  
11 defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1  
12 of the Illinois Controlled Substances Act, unless the applicant  
13 or employee obtains a waiver pursuant to Section 40.

14 (a-1) In the discretion of the Director of Public Health,  
15 as soon after January 1, 2004 or October 1, 2007, as  
16 applicable, and as is reasonably practical, no health care  
17 employer shall knowingly hire any individual in a position with  
18 duties involving direct care for clients, patients, or  
19 residents, and no long-term care facility shall knowingly hire  
20 any individual in a position with duties that involve or may  
21 involve contact with residents or access to the living quarters  
22 or the financial, medical, or personal records of residents,  
23 who has (i) been convicted of committing or attempting to  
24 commit one or more of the offenses defined in Section 12-3.3,  
25 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,  
26 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of

1 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card  
2 and Debit Card Act; or Section 5.1 of the Wrongs to Children  
3 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,  
4 unless the applicant or employee obtains a waiver pursuant to  
5 Section 40 of this Act.

6 A health care employer is not required to retain an  
7 individual in a position with duties involving direct care for  
8 clients, patients, or residents, and no long-term care facility  
9 is required to retain an individual in a position with duties  
10 that involve or may involve contact with residents or access to  
11 the living quarters or the financial, medical, or personal  
12 records of residents, who has been convicted of committing or  
13 attempting to commit one or more of the offenses enumerated in  
14 this subsection.

15 (b) A health care employer shall not hire, employ, or  
16 retain any individual in a position with duties involving  
17 direct care of clients, patients, or residents, and no  
18 long-term care facility shall knowingly hire, employ, or retain  
19 any individual in a position with duties that involve or may  
20 involve contact with residents or access to the living quarters  
21 or the financial, medical, or personal records of residents, if  
22 the health care employer becomes aware that the individual has  
23 been convicted in another state of committing or attempting to  
24 commit an offense that has the same or similar elements as an  
25 offense listed in subsection (a) or (a-1), as verified by court  
26 records, records from a state agency, or an FBI criminal

1 history record check, unless the applicant or employee obtains  
2 a waiver pursuant to Section 40 of this Act. This shall not be  
3 construed to mean that a health care employer has an obligation  
4 to conduct a criminal history records check in other states in  
5 which an employee has resided.

6 (Source: P.A. 94-556, eff. 9-11-05; 94-665, eff. 1-1-06;  
7 94-1053, eff. 7-24-06; 95-120, eff. 8-13-07; 95-639, eff.  
8 10-5-07; 95-876, eff. 8-21-08.)

9 Section 25. The Criminal Code of 1961 is amended by  
10 changing Sections 3-4, 4-5, 4-6, 4-7, 5-2, 7-11, 8-1, 8-1.2,  
11 8-2, 8-4, 9-1, 9-2, 10-1, 10-2, 10-3, 10-3.1, 10-5, 10-5.5,  
12 10-7, 11-9.3, 11-9.4, 25-1, 29B-1, 29D-25, 29D-35, and 36-1, by  
13 amending and renumbering Sections 9-3.1 (as 9-3.4), 25-1.1 (as  
14 25-5), 25-2 (as 25-6), 29D-30 (as 29D-14.9), 20.5-5 (as  
15 29D-15.1), 20.5-6 (as 29D-15.2), and 29D-15 (as 29D-29.9), and  
16 by adding Sections 10-9, 25-4, and 29D-35.1 as follows:

17 (720 ILCS 5/3-4) (from Ch. 38, par. 3-4)

18 Sec. 3-4. Effect of former prosecution.

19 (a) A prosecution is barred if the defendant was formerly  
20 prosecuted for the same offense, based upon the same facts, if  
21 that ~~such~~ former prosecution:

22 (1) resulted ~~Resulted~~ in either a conviction or an  
23 acquittal or in a determination that the evidence was  
24 insufficient to warrant a conviction; ~~or~~

1           (2) was ~~Was~~ terminated by a final order or judgment,  
2 even if entered before trial, that ~~which~~ required a  
3 determination inconsistent with any fact or legal  
4 proposition necessary to a conviction in the subsequent  
5 prosecution; or

6           (3) was ~~Was~~ terminated improperly after the jury was  
7 impaneled and sworn or, in a trial before a court without a  
8 jury, after the first witness was sworn but before findings  
9 were rendered by the trier of facts, or after a plea of  
10 guilty was accepted by the court.

11           A conviction of an included offense, other than through a  
12 plea of guilty, is an acquittal of the offense charged.

13           (b) A prosecution is barred if the defendant was formerly  
14 prosecuted for a different offense, or for the same offense  
15 based upon different facts, if that ~~such~~ former prosecution:

16           (1) resulted ~~Resulted~~ in either a conviction or an  
17 acquittal, and the subsequent prosecution is for an offense  
18 of which the defendant could have been convicted on the  
19 former prosecution; or was for an offense with which the  
20 defendant should have been charged on the former  
21 prosecution, as provided in Section 3-3 of this Code  
22 (unless the court ordered a separate trial of that ~~such~~  
23 charge); or was for an offense that ~~which~~ involves the same  
24 conduct, unless each prosecution requires proof of a fact  
25 not required on the other prosecution, or the offense was  
26 not consummated when the former trial began; ~~or~~

1           (2) was ~~Was~~ terminated by a final order or judgment,  
2           even if entered before trial, that ~~which~~ required a  
3           determination inconsistent with any fact necessary to a  
4           conviction in the subsequent prosecution; or

5           (3) was ~~Was~~ terminated improperly under the  
6           circumstances stated in subsection ~~Subsection~~ (a), and the  
7           subsequent prosecution is for an offense of which the  
8           defendant could have been convicted if the former  
9           prosecution had not been terminated improperly.

10          (c) A prosecution is barred if the defendant was formerly  
11          prosecuted in a District Court of the United States or in a  
12          sister state ~~State~~ for an offense that ~~which~~ is within the  
13          concurrent jurisdiction of this State, if that ~~such~~ former  
14          prosecution:

15               (1) resulted ~~Resulted~~ in either a conviction or an  
16               acquittal, and the subsequent prosecution is for the same  
17               conduct, unless each prosecution requires proof of a fact  
18               not required in the other prosecution, or the offense was  
19               not consummated when the former trial began; or

20               (2) was ~~Was~~ terminated by a final order or judgment,  
21               even if entered before trial, that ~~which~~ required a  
22               determination inconsistent with any fact necessary to a  
23               conviction in the prosecution in this State.

24          (d) A ~~However,~~ a prosecution is not barred within the  
25          meaning of this Section 3-4, however, if the former  
26          prosecution:

1           (1) was ~~was~~ before a court that ~~which~~ lacked  
2 jurisdiction over the defendant or the offense; or

3           (2) was ~~was~~ procured by the defendant without the  
4 knowledge of the proper prosecuting officer, and with the  
5 purpose of avoiding the sentence that ~~which~~ otherwise might  
6 be imposed; or if subsequent proceedings resulted in the  
7 invalidation, setting aside, reversal, or vacating of the  
8 conviction, unless the defendant was thereby adjudged not  
9 guilty.

10 (Source: Laws 1961, p. 1983.)

11           (720 ILCS 5/4-5) (from Ch. 38, par. 4-5)

12           Sec. 4-5. Knowledge. A person knows, or acts knowingly or  
13 with knowledge of:

14           (a) The nature or attendant circumstances of his or her  
15 conduct, described by the statute defining the offense,  
16 when he or she is consciously aware that his or her conduct  
17 is of that ~~such~~ nature or that those ~~such~~ circumstances  
18 exist. Knowledge of a material fact includes awareness of  
19 the substantial probability that the ~~such~~ fact exists.

20           (b) The result of his or her conduct, described by the  
21 statute defining the offense, when he or she is consciously  
22 aware that that ~~such~~ result is practically certain to be  
23 caused by his conduct.

24           Conduct performed knowingly or with knowledge is performed  
25 wilfully, within the meaning of a statute using the ~~latter~~ term

1 "willfully", unless the statute clearly requires another  
2 meaning.

3 When the law provides that acting knowingly suffices to  
4 establish an element of an offense, that element also is  
5 established if a person acts intentionally.

6 (Source: Laws 1961, p. 1983.)

7 (720 ILCS 5/4-6) (from Ch. 38, par. 4-6)

8 Sec. 4-6. Recklessness. A person is reckless or acts  
9 recklessly, when that person ~~he~~ consciously disregards a  
10 substantial and unjustifiable risk that circumstances exist or  
11 that a result will follow, described by the statute defining  
12 the offense, ~~and~~ and that ~~such~~ disregard constitutes a gross  
13 deviation from the standard of care that ~~which~~ a reasonable  
14 person would exercise in the situation. An act performed  
15 recklessly is performed wantonly, within the meaning of a  
16 statute using the ~~latter~~ term "wantonly", unless the statute  
17 clearly requires another meaning.

18 (Source: Laws 1961, p. 1983.)

19 (720 ILCS 5/4-7) (from Ch. 38, par. 4-7)

20 Sec. 4-7. Negligence. A person is negligent, or acts  
21 negligently, when that person ~~he~~ fails to be aware of a  
22 substantial and unjustifiable risk that circumstances exist or  
23 a result will follow, described by the statute defining the  
24 offense, ~~and~~ and that ~~such~~ failure constitutes a substantial



1 deviation from the standard of care that ~~which~~ a reasonable  
2 person would exercise in the situation.

3 (Source: Laws 1961, p. 1983.)

4 (720 ILCS 5/5-2) (from Ch. 38, par. 5-2)

5 Sec. 5-2. When accountability exists. A person is legally  
6 accountable for the conduct of another when:

7 (a) having ~~Having~~ a mental state described by the statute  
8 defining the offense, he or she causes another to perform the  
9 conduct, and the other person in fact or by reason of legal  
10 incapacity lacks such a mental state; ~~or~~

11 (b) the ~~The~~ statute defining the offense makes him or her  
12 so accountable; or

13 (c) either ~~Either~~ before or during the commission of an  
14 offense, and with the intent to promote or facilitate that ~~such~~  
15 commission, he or she solicits, aids, abets, agrees, or  
16 attempts to aid that, ~~such~~ other person in the planning or  
17 commission of the offense.

18 When 2 or more persons engage in a common criminal design  
19 or agreement, any acts in the furtherance of that common design  
20 committed by one party are considered to be the acts of all  
21 parties to the common design or agreement and all are equally  
22 responsible for the consequences of those further acts. Mere  
23 presence at the scene of a crime does not render a person  
24 accountable for an offense; a person's presence at the scene of  
25 a crime, however, may be considered with other circumstances by

1 the trier of fact when determining accountability.

2 A ~~However,~~ a person is not so accountable, however, unless  
3 the statute defining the offense provides otherwise, if:

4 (1) he or she ~~He~~ is a victim of the offense committed;  
5 ~~or~~

6 (2) the ~~The~~ offense is so defined that his or her  
7 conduct was inevitably incident to its commission; or

8 (3) before ~~Before~~ the commission of the offense, he or  
9 she terminates his or her effort to promote or facilitate  
10 that ~~such~~ commission, and does one of the following: (i)  
11 wholly deprives his or her prior efforts of effectiveness  
12 in that ~~such~~ commission, (ii) ~~or~~ gives timely warning to  
13 the proper law enforcement authorities, or (iii) otherwise  
14 makes proper effort to prevent the commission of the  
15 offense.

16 (Source: Laws 1961, p. 1983.)

17 (720 ILCS 5/7-11) (from Ch. 38, par. 7-11)

18 Sec. 7-11. Compulsion.

19 (a) A person is not guilty of an offense, other than an  
20 offense punishable with death, by reason of conduct that ~~which~~  
21 he or she performs under the compulsion of threat or menace of  
22 the imminent infliction of death or great bodily harm, if he or  
23 she reasonably believes death or great bodily harm will be  
24 inflicted upon him or her, or upon his or her spouse or child,  
25 if he or she does not perform that ~~such~~ conduct.

1 (b) A married woman is not entitled, by reason of the  
2 presence of her husband, to any presumption of compulsion~~7~~ or  
3 to any defense of compulsion~~1~~, except that stated in subsection  
4 ~~Subsection~~ (a).

5 (Source: Laws 1961, p. 1983.)

6 (720 ILCS 5/8-1) (from Ch. 38, par. 8-1)

7 Sec. 8-1. Solicitation and solicitation of murder.

8 (a) Solicitation ~~Elements of the offense~~. A person commits  
9 the offense of solicitation when, with intent that an offense  
10 be committed, other than first degree murder, he or she  
11 commands, encourages~~1~~, or requests another to commit that  
12 offense.

13 (b) Solicitation of murder. A person commits the offense of  
14 solicitation of murder when he or she commits solicitation with  
15 the intent that the offense of first degree murder be  
16 committed.

17 (c) Sentence ~~(b) Penalty~~. A person convicted of  
18 solicitation may be fined or imprisoned or both not to exceed  
19 the maximum provided for the offense solicited, except that~~+~~  
20 ~~Provided, however,~~ the penalty shall not exceed the  
21 corresponding maximum limit provided by subparagraph (c) of  
22 Section 8-4 of this Code Act, ~~as heretofore and hereafter~~  
23 ~~amended~~. Solicitation of murder is a Class X felony, and a  
24 person convicted of solicitation of murder shall be sentenced  
25 to a term of imprisonment of not less than 15 years and not

1 more than 30 years, except that a person convicted of  
2 solicitation of murder when the person solicited was a person  
3 under the age of 17 years shall be sentenced to a term of  
4 imprisonment of not less than 20 years and not more than 60  
5 years.

6 (Source: P.A. 85-1030.)

7 (720 ILCS 5/8-1.2) (from Ch. 38, par. 8-1.2)

8 Sec. 8-1.2. Solicitation of murder ~~Murder~~ for hire ~~Hire~~.

9 (a) A person commits the offense of solicitation of murder  
10 for hire when, with the intent that the offense of first degree  
11 murder be committed, he or she procures another to commit that  
12 offense pursuant to any contract, agreement, understanding,  
13 command, or request for money or anything of value.

14 (b) Sentence ~~Penalty~~. Solicitation of murder for hire is a  
15 Class X felony, and a person convicted of solicitation of  
16 murder for hire shall be sentenced to a term of imprisonment of  
17 not less than 20 years and not more than 40 years, except that  
18 a person convicted of solicitation of murder for hire when the  
19 person solicited was a person under the age of 17 years shall  
20 be sentenced to a term of imprisonment of not less than 25  
21 years and not more than 60 years.

22 (Source: P.A. 85-1003; 85-1030; 85-1440.)

23 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

24 Sec. 8-2. Conspiracy.

1 (a) Elements of the offense. A person commits the offense  
2 of conspiracy when, with intent that an offense be committed,  
3 he or she agrees with another to the commission of that  
4 offense. No person may be convicted of conspiracy to commit an  
5 offense unless an act in furtherance of that ~~such~~ agreement is  
6 alleged and proved to have been committed by him or her or by a  
7 co-conspirator.

8 (b) Co-conspirators. It is ~~shall~~ not ~~be~~ a defense to  
9 conspiracy that the person or persons with whom the accused is  
10 alleged to have conspired:

- 11 (1) have ~~Has~~ not been prosecuted or convicted, ~~or~~  
12 (2) have ~~Has~~ been convicted of a different offense, ~~or~~  
13 (3) are ~~is~~ not amenable to justice, ~~or~~  
14 (4) have ~~Has~~ been acquitted, or  
15 (5) lacked ~~Lacked~~ the capacity to commit an offense.

16 (c) Sentence.

17 (1) Except as otherwise provided in this subsection or  
18 Code, a person convicted of conspiracy to commit:

19 (A) a Class X felony shall be sentenced for a Class  
20 1 felony;

21 (B) a Class 1 felony shall be sentenced for a Class  
22 2 felony;

23 (C) a Class 2 felony shall be sentenced for a Class  
24 3 felony;

25 (D) a Class 3 felony shall be sentenced for a Class  
26 4 felony;

1           (E) a Class 4 felony shall be sentenced for a Class  
2           4 felony; and

3           (F) a misdemeanor may be fined or imprisoned or  
4           both not to exceed the maximum provided for the offense  
5           that is the object of the conspiracy.

6           (2) A person convicted of conspiracy to commit any of  
7           the following offenses shall be sentenced for a Class X  
8           felony:

9           (A) aggravated insurance fraud conspiracy when the  
10           person is an organizer of the conspiracy (720 ILCS  
11           5/46-4); or

12           (B) aggravated governmental entity insurance fraud  
13           conspiracy when the person is an organizer of the  
14           conspiracy (720 ILCS 5/46-4).

15           (3) A person convicted of conspiracy to commit any of  
16           the following offenses shall be sentenced for a Class 1  
17           felony:

18           (A) first degree murder (720 ILCS 5/9-1); or

19           (B) aggravated insurance fraud (720 ILCS 5/46-3)  
20           or aggravated governmental insurance fraud (720 ILCS  
21           5/46-3).

22           (4) A person convicted of conspiracy to commit  
23           insurance fraud (720 ILCS 5/46-3) or governmental entity  
24           insurance fraud (720 ILCS 5/46-3) shall be sentenced for a  
25           Class 2 felony.

26           (5) A person convicted of conspiracy to commit any of

1 the following offenses shall be sentenced for a Class 3  
2 felony:

3 (A) soliciting for a prostitute (720 ILCS  
4 5/11-15);

5 (B) pandering (720 ILCS 5/11-16);

6 (C) keeping a place of prostitution (720 ILCS  
7 5/11-17);

8 (D) pimping (720 ILCS 5/11-19);

9 (E) unlawful use of weapons under Section  
10 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

11 (F) unlawful use of weapons under Section  
12 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

13 (G) gambling (720 ILCS 5/28-1);

14 (H) keeping a gambling place (720 ILCS 5/28-3);

15 (I) registration of federal gambling stamps  
16 violation (720 ILCS 5/28-4);

17 (J) look-alike substances violation (720 ILCS  
18 570/404);

19 (K) miscellaneous controlled substance violation  
20 under Section 406(b) (720 ILCS 570/406(b)); or

21 (L) an inchoate offense related to any of the  
22 principal offenses set forth in this item (5).

23 ~~A person convicted of conspiracy may be fined or imprisoned~~  
24 ~~or both not to exceed the maximum provided for the offense~~  
25 ~~which is the object of the conspiracy, except that if the~~  
26 ~~object is an offense prohibited by Sections 11-15, 11-16,~~

1 ~~11-17, 11-19, 24-1(a)(1), 24-1(a)(7), 28-1, 28-3 and 28-4 of~~  
2 ~~the "Criminal Code of 1961", approved July 28, 1961, as~~  
3 ~~amended, or prohibited by Sections 404 or 406 (b) of the~~  
4 ~~"Illinois Controlled Substances Act", enacted by the 77th~~  
5 ~~General Assembly, or an inchoate offense related to any of the~~  
6 ~~aforesaid principal offenses, the person convicted may be~~  
7 ~~sentenced for a Class 3 felony however, conspiracy to commit~~  
8 ~~treason, first degree murder, aggravated kidnapping,~~  
9 ~~aggravated criminal sexual assault, or predatory criminal~~  
10 ~~sexual assault of a child is a Class 1 felony, and conspiracy~~  
11 ~~to commit any offense other than those specified in this~~  
12 ~~subsection, and other than those set forth in Sections 401,~~  
13 ~~402, or 407 of the Illinois Controlled Substances Act, shall~~  
14 ~~not be sentenced in excess of a Class 4 felony.~~

15 (Source: P.A. 94-184, eff. 7-12-05.)

16 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)

17 Sec. 8-4. Attempt.

18 (a) Elements of the offense ~~Offense~~.

19 A person commits the offense of ~~an~~ attempt when, with  
20 intent to commit a specific offense, he or she does any act  
21 that ~~which~~ constitutes a substantial step toward the commission  
22 of that offense.

23 (b) Impossibility.

24 It is ~~shall~~ not ~~be~~ a defense to a charge of attempt that  
25 because of a misapprehension of the circumstances it would have



1 been impossible for the accused to commit the offense  
2 attempted.

3 (c) Sentence.

4 A person convicted of ~~an~~ attempt may be fined or imprisoned  
5 or both not to exceed the maximum provided for the offense  
6 attempted but, except for an attempt to commit the offense  
7 defined in Section 33A-2 of this Code: Act,

8 (1) the sentence for attempt to commit first degree  
9 murder is the sentence for a Class X felony, except that

10 (A) an attempt to commit first degree murder when  
11 at least one of the aggravating factors specified in  
12 paragraphs (1), (2), 4 and (12) of subsection (b) of  
13 Section 9-1 is present is a Class X felony for which  
14 the sentence shall be a term of imprisonment of not  
15 less than 20 years and not more than 80 years;

16 (B) an attempt to commit first degree murder while  
17 armed with a firearm is a Class X felony for which 15  
18 years shall be added to the term of imprisonment  
19 imposed by the court;

20 (C) an attempt to commit first degree murder during  
21 which the person personally discharged a firearm is a  
22 Class X felony for which 20 years shall be added to the  
23 term of imprisonment imposed by the court;

24 (D) an attempt to commit first degree murder during  
25 which the person personally discharged a firearm that  
26 proximately caused great bodily harm, permanent

1           disability, permanent disfigurement, or death to  
2           another person~~;~~ is a Class X felony for which 25 years  
3           or up to a term of natural life shall be added to the  
4           term of imprisonment imposed by the court; and~~;~~

5           (E) if the defendant proves by a preponderance of  
6           the evidence at sentencing that, at the time of the  
7           attempted murder, he or she was acting under a sudden  
8           and intense passion resulting from serious provocation  
9           by the individual whom the defendant endeavored to  
10          kill, or another, and, had the individual the defendant  
11          endeavored to kill died, the defendant would have  
12          negligently or accidentally caused that death, then  
13          the sentence for the attempted murder is the sentence  
14          for a Class 1 felony;

15          (2) the sentence for attempt to commit a Class X felony  
16          is the sentence for a Class 1 felony;

17          (3) the sentence for attempt to commit a Class 1 felony  
18          is the sentence for a Class 2 felony;

19          (4) the sentence for attempt to commit a Class 2 felony  
20          is the sentence for a Class 3 felony; and

21          (5) the sentence for attempt to commit any felony other  
22          than those specified in items ~~subsections~~ (1), (2), (3),  
23          and (4) of this subsection (c) hereof ~~hereof~~ is the sentence for a  
24          Class A misdemeanor.

25          (Source: P.A. 91-404, eff. 1-1-00; 91-696, eff. 4-13-00.)

1 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

2 Sec. 9-1. First degree Murder - Death penalties -  
3 Exceptions - Separate Hearings - Proof - Findings - Appellate  
4 procedures - Reversals.

5 (a) A person who kills an individual without lawful  
6 justification commits first degree murder if, in performing the  
7 acts which cause the death:

8 (1) he either intends to kill or do great bodily harm  
9 to that individual or another, or knows that such acts will  
10 cause death to that individual or another; or

11 (2) he knows that such acts create a strong probability  
12 of death or great bodily harm to that individual or  
13 another; or

14 (3) he is attempting or committing a forcible felony  
15 other than second degree murder.

16 (b) Aggravating Factors. A defendant who at the time of the  
17 commission of the offense has attained the age of 18 or more  
18 and who has been found guilty of first degree murder may be  
19 sentenced to death if:

20 (1) the murdered individual was a peace officer or  
21 fireman killed in the course of performing his official  
22 duties, to prevent the performance of his official duties,  
23 or in retaliation for performing his official duties, and  
24 the defendant knew or should have known that the murdered  
25 individual was a peace officer or fireman; or

26 (2) the murdered individual was an employee of an

1 institution or facility of the Department of Corrections,  
2 or any similar local correctional agency, killed in the  
3 course of performing his official duties, to prevent the  
4 performance of his official duties, or in retaliation for  
5 performing his official duties, or the murdered individual  
6 was an inmate at such institution or facility and was  
7 killed on the grounds thereof, or the murdered individual  
8 was otherwise present in such institution or facility with  
9 the knowledge and approval of the chief administrative  
10 officer thereof; or

11 (3) the defendant has been convicted of murdering two  
12 or more individuals under subsection (a) of this Section or  
13 under any law of the United States or of any state which is  
14 substantially similar to subsection (a) of this Section  
15 regardless of whether the deaths occurred as the result of  
16 the same act or of several related or unrelated acts so  
17 long as the deaths were the result of either an intent to  
18 kill more than one person or of separate acts which the  
19 defendant knew would cause death or create a strong  
20 probability of death or great bodily harm to the murdered  
21 individual or another; or

22 (4) the murdered individual was killed as a result of  
23 the hijacking of an airplane, train, ship, bus or other  
24 public conveyance; or

25 (5) the defendant committed the murder pursuant to a  
26 contract, agreement or understanding by which he was to

1 receive money or anything of value in return for committing  
2 the murder or procured another to commit the murder for  
3 money or anything of value; or

4 (6) the murdered individual was killed in the course of  
5 another felony if:

6 (a) the murdered individual:

7 (i) was actually killed by the defendant, or

8 (ii) received physical injuries personally  
9 inflicted by the defendant substantially  
10 contemporaneously with physical injuries caused by  
11 one or more persons for whose conduct the defendant  
12 is legally accountable under Section 5-2 of this  
13 Code, and the physical injuries inflicted by  
14 either the defendant or the other person or persons  
15 for whose conduct he is legally accountable caused  
16 the death of the murdered individual; and

17 (b) in performing the acts which caused the death  
18 of the murdered individual or which resulted in  
19 physical injuries personally inflicted by the  
20 defendant on the murdered individual under the  
21 circumstances of subdivision (ii) of subparagraph (a)  
22 of paragraph (6) of subsection (b) of this Section, the  
23 defendant acted with the intent to kill the murdered  
24 individual or with the knowledge that his acts created  
25 a strong probability of death or great bodily harm to  
26 the murdered individual or another; and

1           (c) the other felony was an inherently violent  
2           crime or the attempt to commit an inherently violent  
3           crime. In this subparagraph (c), "inherently violent  
4           crime" includes, but is not limited to, armed robbery,  
5           robbery, predatory criminal sexual assault of a child,  
6           aggravated criminal sexual assault, aggravated  
7           kidnapping, aggravated vehicular hijacking, aggravated  
8           arson, aggravated stalking, residential burglary, and  
9           home invasion; or

10          (7) the murdered individual was under 12 years of age  
11          and the death resulted from exceptionally brutal or heinous  
12          behavior indicative of wanton cruelty; or

13          (8) the defendant committed the murder with intent to  
14          prevent the murdered individual from testifying or  
15          participating in any criminal investigation or prosecution  
16          or giving material assistance to the State in any  
17          investigation or prosecution, either against the defendant  
18          or another; or the defendant committed the murder because  
19          the murdered individual was a witness in any prosecution or  
20          gave material assistance to the State in any investigation  
21          or prosecution, either against the defendant or another;  
22          for purposes of this paragraph (8), "participating in any  
23          criminal investigation or prosecution" is intended to  
24          include those appearing in the proceedings in any capacity  
25          such as trial judges, prosecutors, defense attorneys,  
26          investigators, witnesses, or jurors; or

1           (9) the defendant, while committing an offense  
2 punishable under Sections 401, 401.1, 401.2, 405, 405.2,  
3 407 or 407.1 or subsection (b) of Section 404 of the  
4 Illinois Controlled Substances Act, or while engaged in a  
5 conspiracy or solicitation to commit such offense,  
6 intentionally killed an individual or counseled,  
7 commanded, induced, procured or caused the intentional  
8 killing of the murdered individual; or

9           (10) the defendant was incarcerated in an institution  
10 or facility of the Department of Corrections at the time of  
11 the murder, and while committing an offense punishable as a  
12 felony under Illinois law, or while engaged in a conspiracy  
13 or solicitation to commit such offense, intentionally  
14 killed an individual or counseled, commanded, induced,  
15 procured or caused the intentional killing of the murdered  
16 individual; or

17           (11) the murder was committed in a cold, calculated and  
18 premeditated manner pursuant to a preconceived plan,  
19 scheme or design to take a human life by unlawful means,  
20 and the conduct of the defendant created a reasonable  
21 expectation that the death of a human being would result  
22 therefrom; or

23           (12) the murdered individual was an emergency medical  
24 technician - ambulance, emergency medical technician -  
25 intermediate, emergency medical technician - paramedic,  
26 ambulance driver, or other medical assistance or first aid

1 personnel, employed by a municipality or other  
2 governmental unit, killed in the course of performing his  
3 official duties, to prevent the performance of his official  
4 duties, or in retaliation for performing his official  
5 duties, and the defendant knew or should have known that  
6 the murdered individual was an emergency medical  
7 technician - ambulance, emergency medical technician -  
8 intermediate, emergency medical technician - paramedic,  
9 ambulance driver, or other medical assistance or first aid  
10 personnel; or

11 (13) the defendant was a principal administrator,  
12 organizer, or leader of a calculated criminal drug  
13 conspiracy consisting of a hierarchical position of  
14 authority superior to that of all other members of the  
15 conspiracy, and the defendant counseled, commanded,  
16 induced, procured, or caused the intentional killing of the  
17 murdered person; or

18 (14) the murder was intentional and involved the  
19 infliction of torture. For the purpose of this Section  
20 torture means the infliction of or subjection to extreme  
21 physical pain, motivated by an intent to increase or  
22 prolong the pain, suffering or agony of the victim; or

23 (15) the murder was committed as a result of the  
24 intentional discharge of a firearm by the defendant from a  
25 motor vehicle and the victim was not present within the  
26 motor vehicle; or



1           (16) the murdered individual was 60 years of age or  
2 older and the death resulted from exceptionally brutal or  
3 heinous behavior indicative of wanton cruelty; or

4           (17) the murdered individual was a disabled person and  
5 the defendant knew or should have known that the murdered  
6 individual was disabled. For purposes of this paragraph  
7 (17), "disabled person" means a person who suffers from a  
8 permanent physical or mental impairment resulting from  
9 disease, an injury, a functional disorder, or a congenital  
10 condition that renders the person incapable of adequately  
11 providing for his or her own health or personal care; or

12           (18) the murder was committed by reason of any person's  
13 activity as a community policing volunteer or to prevent  
14 any person from engaging in activity as a community  
15 policing volunteer; or

16           (19) the murdered individual was subject to an order of  
17 protection and the murder was committed by a person against  
18 whom the same order of protection was issued under the  
19 Illinois Domestic Violence Act of 1986; or

20           (20) the murdered individual was known by the defendant  
21 to be a teacher or other person employed in any school and  
22 the teacher or other employee is upon the grounds of a  
23 school or grounds adjacent to a school, or is in any part  
24 of a building used for school purposes; or

25           (21) the murder was committed by the defendant in  
26 connection with or as a result of the offense of terrorism

1 as defined in Section 29D-14.9 ~~29D-30~~ of this Code.

2 (c) Consideration of factors in Aggravation and  
3 Mitigation.

4 The court shall consider, or shall instruct the jury to  
5 consider any aggravating and any mitigating factors which are  
6 relevant to the imposition of the death penalty. Aggravating  
7 factors may include but need not be limited to those factors  
8 set forth in subsection (b). Mitigating factors may include but  
9 need not be limited to the following:

10 (1) the defendant has no significant history of prior  
11 criminal activity;

12 (2) the murder was committed while the defendant was  
13 under the influence of extreme mental or emotional  
14 disturbance, although not such as to constitute a defense  
15 to prosecution;

16 (3) the murdered individual was a participant in the  
17 defendant's homicidal conduct or consented to the  
18 homicidal act;

19 (4) the defendant acted under the compulsion of threat  
20 or menace of the imminent infliction of death or great  
21 bodily harm;

22 (5) the defendant was not personally present during  
23 commission of the act or acts causing death;

24 (6) the defendant's background includes a history of  
25 extreme emotional or physical abuse;

26 (7) the defendant suffers from a reduced mental

1 capacity.

2 (d) Separate sentencing hearing.

3 Where requested by the State, the court shall conduct a  
4 separate sentencing proceeding to determine the existence of  
5 factors set forth in subsection (b) and to consider any  
6 aggravating or mitigating factors as indicated in subsection  
7 (c). The proceeding shall be conducted:

8 (1) before the jury that determined the defendant's  
9 guilt; or

10 (2) before a jury impanelled for the purpose of the  
11 proceeding if:

12 A. the defendant was convicted upon a plea of  
13 guilty; or

14 B. the defendant was convicted after a trial before  
15 the court sitting without a jury; or

16 C. the court for good cause shown discharges the  
17 jury that determined the defendant's guilt; or

18 (3) before the court alone if the defendant waives a  
19 jury for the separate proceeding.

20 (e) Evidence and Argument.

21 During the proceeding any information relevant to any of  
22 the factors set forth in subsection (b) may be presented by  
23 either the State or the defendant under the rules governing the  
24 admission of evidence at criminal trials. Any information  
25 relevant to any additional aggravating factors or any  
26 mitigating factors indicated in subsection (c) may be presented

1 by the State or defendant regardless of its admissibility under  
2 the rules governing the admission of evidence at criminal  
3 trials. The State and the defendant shall be given fair  
4 opportunity to rebut any information received at the hearing.

5 (f) Proof.

6 The burden of proof of establishing the existence of any of  
7 the factors set forth in subsection (b) is on the State and  
8 shall not be satisfied unless established beyond a reasonable  
9 doubt.

10 (g) Procedure - Jury.

11 If at the separate sentencing proceeding the jury finds  
12 that none of the factors set forth in subsection (b) exists,  
13 the court shall sentence the defendant to a term of  
14 imprisonment under Chapter V of the Unified Code of  
15 Corrections. If there is a unanimous finding by the jury that  
16 one or more of the factors set forth in subsection (b) exist,  
17 the jury shall consider aggravating and mitigating factors as  
18 instructed by the court and shall determine whether the  
19 sentence of death shall be imposed. If the jury determines  
20 unanimously, after weighing the factors in aggravation and  
21 mitigation, that death is the appropriate sentence, the court  
22 shall sentence the defendant to death. If the court does not  
23 concur with the jury determination that death is the  
24 appropriate sentence, the court shall set forth reasons in  
25 writing including what facts or circumstances the court relied  
26 upon, along with any relevant documents, that compelled the

1 court to non-concur with the sentence. This document and any  
2 attachments shall be part of the record for appellate review.  
3 The court shall be bound by the jury's sentencing  
4 determination.

5 If after weighing the factors in aggravation and  
6 mitigation, one or more jurors determines that death is not the  
7 appropriate sentence, the court shall sentence the defendant to  
8 a term of imprisonment under Chapter V of the Unified Code of  
9 Corrections.

10 (h) Procedure - No Jury.

11 In a proceeding before the court alone, if the court finds  
12 that none of the factors found in subsection (b) exists, the  
13 court shall sentence the defendant to a term of imprisonment  
14 under Chapter V of the Unified Code of Corrections.

15 If the Court determines that one or more of the factors set  
16 forth in subsection (b) exists, the Court shall consider any  
17 aggravating and mitigating factors as indicated in subsection  
18 (c). If the Court determines, after weighing the factors in  
19 aggravation and mitigation, that death is the appropriate  
20 sentence, the Court shall sentence the defendant to death.

21 If the court finds that death is not the appropriate  
22 sentence, the court shall sentence the defendant to a term of  
23 imprisonment under Chapter V of the Unified Code of  
24 Corrections.

25 (h-5) Decertification as a capital case.

26 In a case in which the defendant has been found guilty of

1 first degree murder by a judge or jury, or a case on remand for  
2 resentencing, and the State seeks the death penalty as an  
3 appropriate sentence, on the court's own motion or the written  
4 motion of the defendant, the court may decertify the case as a  
5 death penalty case if the court finds that the only evidence  
6 supporting the defendant's conviction is the uncorroborated  
7 testimony of an informant witness, as defined in Section 115-21  
8 of the Code of Criminal Procedure of 1963, concerning the  
9 confession or admission of the defendant or that the sole  
10 evidence against the defendant is a single eyewitness or single  
11 accomplice without any other corroborating evidence. If the  
12 court decertifies the case as a capital case under either of  
13 the grounds set forth above, the court shall issue a written  
14 finding. The State may pursue its right to appeal the  
15 decertification pursuant to Supreme Court Rule 604(a)(1). If  
16 the court does not decertify the case as a capital case, the  
17 matter shall proceed to the eligibility phase of the sentencing  
18 hearing.

19 (i) Appellate Procedure.

20 The conviction and sentence of death shall be subject to  
21 automatic review by the Supreme Court. Such review shall be in  
22 accordance with rules promulgated by the Supreme Court. The  
23 Illinois Supreme Court may overturn the death sentence, and  
24 order the imposition of imprisonment under Chapter V of the  
25 Unified Code of Corrections if the court finds that the death  
26 sentence is fundamentally unjust as applied to the particular

1 case. If the Illinois Supreme Court finds that the death  
2 sentence is fundamentally unjust as applied to the particular  
3 case, independent of any procedural grounds for relief, the  
4 Illinois Supreme Court shall issue a written opinion explaining  
5 this finding.

6 (j) Disposition of reversed death sentence.

7 In the event that the death penalty in this Act is held to  
8 be unconstitutional by the Supreme Court of the United States  
9 or of the State of Illinois, any person convicted of first  
10 degree murder shall be sentenced by the court to a term of  
11 imprisonment under Chapter V of the Unified Code of  
12 Corrections.

13 In the event that any death sentence pursuant to the  
14 sentencing provisions of this Section is declared  
15 unconstitutional by the Supreme Court of the United States or  
16 of the State of Illinois, the court having jurisdiction over a  
17 person previously sentenced to death shall cause the defendant  
18 to be brought before the court, and the court shall sentence  
19 the defendant to a term of imprisonment under Chapter V of the  
20 Unified Code of Corrections.

21 (k) Guidelines for seeking the death penalty.

22 The Attorney General and State's Attorneys Association  
23 shall consult on voluntary guidelines for procedures governing  
24 whether or not to seek the death penalty. The guidelines do not  
25 have the force of law and are only advisory in nature.

26 (Source: P.A. 92-854, eff. 12-5-02; 93-605, eff. 11-19-03.)

1 (720 ILCS 5/9-2) (from Ch. 38, par. 9-2)

2 Sec. 9-2. Second degree murder ~~Degree Murder~~.

3 (a) A person commits the offense of second degree murder  
4 when he or she commits the offense of first degree murder as  
5 defined in paragraph ~~paragraphs~~ (1) or (2) of subsection (a) of  
6 Section 9-1 of this Code and either of the following mitigating  
7 factors are present:

8 (1) at ~~At~~ the time of the killing he or she is acting  
9 under a sudden and intense passion resulting from serious  
10 provocation by the individual killed or another whom the  
11 offender endeavors to kill, but he or she negligently or  
12 accidentally causes the death of the individual killed; or

13 (2) at ~~At~~ the time of the killing he or she believes  
14 the circumstances to be such that, if they existed, would  
15 justify or exonerate the killing under the principles  
16 stated in Article 7 of this Code, but his or her belief is  
17 unreasonable.

18 (b) Serious provocation is conduct sufficient to excite an  
19 intense passion in a reasonable person.

20 (c) When ~~a defendant is on trial for first degree murder~~  
21 ~~and~~ evidence of either of the mitigating factors defined in  
22 subsection (a) of this Section has been presented, the burden  
23 of proof is on the defendant to prove either mitigating factor  
24 by a preponderance of the evidence before the defendant can be  
25 found guilty of second degree murder. The ~~However,~~ the burden



1 of proof, however, remains on the State to prove beyond a  
2 reasonable doubt each of the elements of first degree murder  
3 and, when appropriately raised, the absence of circumstances at  
4 the time of the killing that would justify or exonerate the  
5 killing under the principles stated in Article 7 of this Code.  
6 ~~In a jury trial for first degree murder in which evidence of~~  
7 ~~either of the mitigating factors defined in subsection (a) of~~  
8 ~~this Section has been presented and the defendant has requested~~  
9 ~~that the jury be given the option of finding the defendant~~  
10 ~~guilty of second degree murder, the jury must be instructed~~  
11 ~~that it may not consider whether the defendant has met his~~  
12 ~~burden of proof with regard to second degree murder until and~~  
13 ~~unless it has first determined that the State has proven beyond~~  
14 ~~a reasonable doubt each of the elements of first degree murder.~~

15 (d) Sentence. Second degree murder ~~Degree Murder~~ is a Class  
16 1 felony.

17 (Source: P.A. 84-1450.)

18 (720 ILCS 5/9-3.4) (was 720 ILCS 5/9-3.1)

19 Sec. 9-3.4 ~~9-3.1~~. Concealment of homicidal death.

20 (a) A person commits the offense of concealment of  
21 homicidal death when he or she knowingly conceals the death of  
22 any other person with knowledge that such other person has died  
23 by homicidal means.

24 (b) Nothing in this Section prevents the defendant from  
25 also being charged with and tried for the first degree murder,

1 second degree murder, or involuntary manslaughter of the person  
2 whose death is concealed. ~~If a person convicted under this~~  
3 ~~Section is also convicted of first degree murder, second degree~~  
4 ~~murder or involuntary manslaughter, the penalty under this~~  
5 ~~Section shall be imposed separately and in addition to the~~  
6 ~~penalty for first degree murder, second degree murder or~~  
7 ~~involuntary manslaughter.~~

8 (b-5) For purposes of this Section:

9 "Conceal" means the performing of some act or acts for the  
10 purpose of preventing or delaying the discovery of a death by  
11 homicidal means. "Conceal" means something more than simply  
12 withholding knowledge or failing to disclose information.

13 "Homicidal means" means any act or acts, lawful or  
14 unlawful, of a person that cause the death of another person.

15 (c) Sentence. Concealment of homicidal death is a Class 3  
16 felony.

17 (Source: P.A. 84-1308; 84-1450.)

18 (720 ILCS 5/10-1) (from Ch. 38, par. 10-1)

19 Sec. 10-1. Kidnapping.†

20 (a) A person commits the offense of kidnapping when he or  
21 she ~~Kidnapping occurs when a person~~ knowingly:

22 (1) and ~~And~~ secretly confines another against his or  
23 her will; ~~or~~

24 (2) by ~~By~~ force or threat of imminent force carries  
25 another from one place to another with intent secretly to

1 confine that other person ~~him~~ against his or her will; ~~or~~

2 (3) by ~~By~~ deceit or enticement induces another to go  
3 from one place to another with intent secretly to confine  
4 that other person ~~him~~ against his or her will.

5 (b) Confinement of a child under the age of 13 years, or of  
6 a severely or profoundly mentally retarded person, is against  
7 that child's or person's ~~his~~ will within the meaning of this  
8 Section if that ~~such~~ confinement is without the consent of that  
9 child's or person's ~~his~~ parent or legal guardian.

10 (c) Sentence. Kidnapping is a Class 2 felony.

11 (Source: P.A. 79-765.)

12 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

13 Sec. 10-2. Aggravated kidnaping.

14 (a) A person commits kidnaper ~~within the definition of~~  
15 ~~paragraph (a) of Section 10-1 is guilty of~~ the offense of  
16 aggravated kidnaping when he or she commits kidnapping and:

17 (1) kidnaps with the intent to obtain ~~Kidnaps for the~~  
18 ~~purpose of obtaining~~ ransom from the person kidnaped or  
19 from any other person; ~~or~~

20 (2) takes ~~Takes~~ as his or her victim a child under the  
21 age of 13 years, or a severely or profoundly mentally  
22 retarded person; ~~or~~

23 (3) inflicts ~~Inflicts~~ great bodily harm, other than by  
24 the discharge of a firearm, or commits another felony upon  
25 his or her victim; ~~or~~

1           (4) wears ~~Wears~~ a hood, robe, or mask or conceals his  
2           or her identity; ~~or~~

3           (5) commits ~~Commits~~ the offense of kidnaping while  
4           armed with a dangerous weapon, other than a firearm, as  
5           defined in Section 33A-1 of this ~~the "Criminal Code; of~~  
6           ~~1961", or~~

7           (6) commits ~~Commits~~ the offense of kidnaping while  
8           armed with a firearm; ~~or~~

9           (7) during ~~During~~ the commission of the offense of  
10          kidnaping, personally discharges ~~discharged~~ a firearm; ~~or~~  
11          or

12          (8) during ~~During~~ the commission of the offense of  
13          kidnaping, personally discharges ~~discharged~~ a firearm that  
14          proximately causes ~~caused~~ great bodily harm, permanent  
15          disability, permanent disfigurement, or death to another  
16          person.

17          As used in this Section, "ransom" includes money, benefit,  
18          or other valuable thing or concession.

19          (b) Sentence. Aggravated kidnaping in violation of  
20          paragraph (1), (2), (3), (4), or (5) of subsection (a) is a  
21          Class X felony. A violation of subsection (a) (6) is a Class X  
22          felony for which 15 years shall be added to the term of  
23          imprisonment imposed by the court. A violation of subsection  
24          (a) (7) is a Class X felony for which 20 years shall be added to  
25          the term of imprisonment imposed by the court. A violation of  
26          subsection (a) (8) is a Class X felony for which 25 years or up

1 to a term of natural life shall be added to the term of  
2 imprisonment imposed by the court.

3 A person who is convicted of a second or subsequent offense  
4 of aggravated kidnaping shall be sentenced to a term of natural  
5 life imprisonment; ~~except provided, however,~~ that a sentence of  
6 natural life imprisonment shall not be imposed under this  
7 Section unless the second or subsequent offense was committed  
8 after conviction on the first offense.

9 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02.)

10 (720 ILCS 5/10-3) (from Ch. 38, par. 10-3)

11 Sec. 10-3. Unlawful restraint.†

12 (a) A person commits the offense of unlawful restraint when  
13 he or she knowingly without legal authority detains another.

14 (b) Sentence. Unlawful restraint is a Class 4 felony.

15 (Source: P.A. 79-840.)

16 (720 ILCS 5/10-3.1) (from Ch. 38, par. 10-3.1)

17 Sec. 10-3.1. Aggravated unlawful restraint ~~Unlawful~~  
18 ~~Restraint.~~

19 (a) A person commits the offense of aggravated unlawful  
20 restraint when he or she commits unlawful restraint ~~knowingly~~  
21 ~~without legal authority detains another~~ while using a deadly  
22 weapon.

23 (b) Sentence. Aggravated unlawful restraint is a Class 3  
24 felony.

1 (Source: P.A. 84-930.)

2 (720 ILCS 5/10-5) (from Ch. 38, par. 10-5)

3 Sec. 10-5. Child abduction ~~Abduction~~.

4 (a) For purposes of this Section, the following terms ~~shall~~  
5 have the following meanings:

6 (1) "Child" means a person who, at the time the alleged  
7 violation occurred, was under the age of 18 or ~~a~~ severely  
8 or profoundly mentally retarded. ~~person at the time the~~  
9 ~~alleged violation occurred ; and~~

10 (2) "Detains" means taking or retaining physical  
11 custody of a child, whether or not the child resists or  
12 objects.  ~~; and~~

13 (3) "Lawful custodian" means a person or persons  
14 granted legal custody of a child or entitled to physical  
15 possession of a child pursuant to a court order. It is  
16 presumed that, when the parties have never been married to  
17 each other, the mother has legal custody of the child  
18 unless a valid court order states otherwise. If an  
19 adjudication of paternity has been completed and the father  
20 has been assigned support obligations or visitation  
21 rights, such a paternity order should, for the purposes of  
22 this Section, be considered a valid court order granting  
23 custody to the mother.

24 (4) "Putative father" means a man who has a reasonable  
25 belief that he is the father of a child born of a woman who

1           is not his wife.

2           (b) A person commits the offense of child abduction when he  
3 or she does any one of the following:

4           (1) Intentionally violates any terms of a valid court  
5 order granting sole or joint custody, care, or possession  
6 to another~~7~~ by concealing or detaining the child or  
7 removing the child from the jurisdiction of the court. ~~7-08~~

8           (2) Intentionally violates a court order prohibiting  
9 the person from concealing or detaining the child or  
10 removing the child from the jurisdiction of the court. ~~7-08~~

11           (3) Intentionally conceals, detains, or removes the  
12 child without the consent of the mother or lawful custodian  
13 of the child if the person is a putative father and either:  
14 (A) the paternity of the child has not been legally  
15 established or (B) the paternity of the child has been  
16 legally established but no orders relating to custody have  
17 been entered. Notwithstanding ~~However, notwithstanding~~ the  
18 presumption created by paragraph (3) of subsection (a),  
19 however, a mother commits child abduction when she  
20 intentionally conceals or removes a child, whom she has  
21 abandoned or relinquished custody of, from an  
22 unadjudicated father who has provided sole ongoing care and  
23 custody of the child in her absence. ~~7-08~~

24           (4) Intentionally conceals or removes the child from a  
25 parent after filing a petition or being served with process  
26 in an action affecting marriage or paternity but prior to

1 the issuance of a temporary or final order determining  
2 custody. ~~or~~

3 (5) At the expiration of visitation rights outside the  
4 State, intentionally fails or refuses to return or impedes  
5 the return of the child to the lawful custodian in  
6 Illinois. ~~or~~

7 (6) Being a parent of the child, and if ~~where~~ the  
8 parents of that ~~such~~ child are or have been married and  
9 there has been no court order of custody, knowingly  
10 conceals the child for 15 days, and fails to make  
11 reasonable attempts within the 15-day ~~15-day~~ period to  
12 notify the other parent as to the specific whereabouts of  
13 the child, including a means by which to contact the ~~such~~  
14 child, or to arrange reasonable visitation or contact with  
15 the child. It is not a violation of this Section for a  
16 person fleeing domestic violence to take the child with him  
17 or her to housing provided by a domestic violence program.  
18 ~~or~~

19 (7) Being a parent of the child, and if ~~where~~ the  
20 parents of the child are or have been married and there has  
21 been no court order of custody, knowingly conceals,  
22 detains, or removes the child with physical force or threat  
23 of physical force. ~~or~~

24 (8) Knowingly conceals ~~Conceals~~, detains, or removes  
25 the child for payment or promise of payment at the  
26 instruction of a person who has no legal right to custody.



1 ~~7-01~~

2 (9) Knowingly retains ~~Retains~~ in this State for 30 days  
3 a child removed from another state without the consent of  
4 the lawful custodian or in violation of a valid court order  
5 of custody. ~~7-01~~

6 (10) Intentionally lures or attempts to lure a child  
7 under the age of 16 into a motor vehicle, building,  
8 housetrailer, or dwelling place without the consent of the  
9 child's parent or lawful custodian ~~of the child~~ for other  
10 than a lawful purpose. For the purposes of this item  
11 ~~subsection (b), paragraph~~ (10), the luring or attempted  
12 luring of a child under the age of 16 into a motor vehicle,  
13 building, housetrailer, or dwelling place without the  
14 consent of the child's parent or lawful custodian is ~~of the~~  
15 ~~child shall be~~ prima facie evidence of other than a lawful  
16 purpose.

17 (11) With the intent to obstruct or prevent efforts to  
18 locate the child victim of a child abduction, knowingly  
19 destroys, alters, conceals, or disguises physical evidence  
20 or furnishes false information.

21 (c) It is ~~shall be~~ an affirmative defense to subsections  
22 (b) (1) through (b) (10) of this Section that:

23 (1) the ~~The~~ person had custody of the child pursuant to  
24 a court order granting legal custody or visitation rights  
25 that ~~which~~ existed at the time of the alleged violation; ~~or~~

26 (2) the ~~The~~ person had physical custody of the child

1 pursuant to a court order granting legal custody or  
2 visitation rights and failed to return the child as a  
3 result of circumstances beyond his or her control, and the  
4 person notified and disclosed to the other parent or legal  
5 custodian the specific whereabouts of the child and a means  
6 by which the ~~such~~ child could ~~can~~ be contacted or made a  
7 reasonable attempt to notify the other parent or lawful  
8 custodian of the child of those ~~such~~ circumstances and made  
9 the ~~make~~ ~~such~~ disclosure within 24 hours after the  
10 visitation period had expired and returned the child as  
11 soon as possible; ~~or~~

12 (3) the ~~The~~ person was fleeing an incidence or pattern  
13 of domestic violence; or

14 (4) the ~~The~~ person lured or attempted to lure a child  
15 under the age of 16 into a motor vehicle, building,  
16 housetrailer, or dwelling place for a lawful purpose in  
17 prosecutions under paragraph (10) of subsection (b),  
18 ~~paragraph (10)~~.

19 (d) A person convicted of child abduction under this  
20 Section is guilty of a Class 4 felony. A person convicted of a  
21 second or subsequent violation of paragraph (10) of subsection  
22 (b) of this Section is guilty of a Class 3 felony. It is ~~shall~~  
23 ~~be~~ a factor in aggravation under subsections (b)(1) through  
24 (b)(10) of this Section for which a court may impose a more  
25 severe sentence under Section 5-8-1 of the Unified Code of  
26 Corrections, ~~if~~ upon sentencing, the court finds evidence of

1 any of the following aggravating factors:

2 (1) that the defendant abused or neglected the child  
3 following the concealment, detention, or removal of the  
4 child; ~~or~~

5 (2) that the defendant inflicted or threatened to  
6 inflict physical harm on a parent or lawful custodian of  
7 the child or on the child with intent to cause that ~~such~~  
8 parent or lawful custodian to discontinue criminal  
9 prosecution of the defendant under this Section; ~~or~~

10 (3) that the defendant demanded payment in exchange for  
11 return of the child or demanded that he or she be relieved  
12 of the financial or legal obligation to support the child  
13 in exchange for return of the child; ~~or~~

14 (4) that the defendant has previously been convicted of  
15 child abduction; ~~or~~

16 (5) that the defendant committed the abduction while  
17 armed with a deadly weapon or the taking of the child  
18 resulted in serious bodily injury to another; or

19 (6) that the defendant committed the abduction while in  
20 a school, regardless of the time of day or time of year; in  
21 a playground; on any conveyance owned, leased, or  
22 contracted by a school to transport students to or from  
23 school or a school related activity; on the real property  
24 of a school; or on a public way within 1,000 feet of the  
25 real property comprising any school or playground. For  
26 purposes of this paragraph (6), "playground" means a piece

1 of land owned or controlled by a unit of local government  
2 that is designated by the unit of local government for use  
3 solely or primarily for children's recreation; and  
4 "school" means a public or private elementary or secondary  
5 school, community college, college, or university.

6 (e) The court may order the child to be returned to the  
7 parent or lawful custodian from whom the child was concealed,  
8 detained, or removed. In addition to any sentence imposed, the  
9 court may assess any reasonable expense incurred in searching  
10 for or returning the child against any person convicted of  
11 violating this Section.

12 (f) Nothing contained in this Section shall be construed to  
13 limit the court's contempt power.

14 (g) Every law enforcement officer investigating an alleged  
15 incident of child abduction shall make a written police report  
16 of any bona fide allegation and the disposition of that ~~such~~  
17 investigation. Every police report completed pursuant to this  
18 Section shall be compiled and recorded within the meaning of  
19 Section 5.1 of the Criminal Identification Act ~~"An Act in~~  
20 ~~relation to criminal identification and investigation",~~  
21 ~~approved July 2, 1931, as now or hereafter amended.~~

22 (h) Whenever a law enforcement officer has reasons to  
23 believe a child abduction has occurred, she or he shall provide  
24 the lawful custodian a summary of her or his rights under this  
25 Code Act, including the procedures and relief available to her  
26 or him.

1 (i) If during the course of an investigation under this  
2 Section the child is found in the physical custody of the  
3 defendant or another, the law enforcement officer shall return  
4 the child to the parent or lawful custodian from whom the child  
5 was concealed, detained, l or removed, unless there is good cause  
6 for the law enforcement officer or the Department of Children  
7 and Family Services to retain temporary protective custody of  
8 the child pursuant to the Abused and Neglected Child Reporting  
9 Act, ~~as now or hereafter amended.~~

10 (Source: P.A. 92-434, eff. 1-1-02.)

11 (720 ILCS 5/10-5.5)

12 Sec. 10-5.5. Unlawful visitation interference.

13 (a) As used in this Section, the terms "child", "detain",  
14 and "lawful custodian" ~~shall~~ have the meanings ascribed to them  
15 in Section 10-5 of this Code.

16 (b) Every person who, in violation of the visitation  
17 provisions of a court order relating to child custody, detains  
18 or conceals a child with the intent to deprive another person  
19 of his or her rights to visitation commits the offense ~~shall be~~  
20 ~~guilty~~ of unlawful visitation interference.

21 (c) A person committing unlawful visitation interference  
22 is guilty of a petty offense. Any ~~However, any~~ person violating  
23 this Section after 2 prior convictions of unlawful visitation  
24 interference, however, is guilty of a Class A misdemeanor.

25 (d) Any law enforcement officer who has probable cause to

1 believe that a person has committed or is committing an act in  
2 violation of this Section shall issue to that person a notice  
3 to appear.

4 (e) The notice shall:

5 (1) be in writing;

6 (2) state the name of the person and his or her  
7 address, if known;

8 (3) set forth the nature of the offense;

9 (4) be signed by the officer issuing the notice; and

10 (5) request the person to appear before a court at a  
11 certain time and place.

12 (f) Upon failure of the person to appear, a summons or  
13 warrant of arrest may be issued.

14 (g) It is an affirmative defense that:

15 (1) a person or lawful custodian committed the act to  
16 protect the child from imminent physical harm, provided  
17 that the defendant's belief that there was physical harm  
18 imminent was reasonable and that the defendant's conduct in  
19 withholding visitation rights was a reasonable response to  
20 the harm believed imminent;

21 (2) the act was committed with the mutual consent of  
22 all parties having a right to custody and visitation of the  
23 child; or

24 (3) the act was otherwise authorized by law.

25 ~~(h) A person convicted of unlawful visitation interference~~  
26 ~~shall not be subject to a civil contempt citation for the same~~

1 ~~conduct for violating visitation provisions of a court order~~  
2 ~~issued under the Illinois Marriage and Dissolution of Marriage~~  
3 ~~Act.~~

4 (Source: P.A. 88-96.)

5 (720 ILCS 5/10-7) (from Ch. 38, par. 10-7)

6 Sec. 10-7. Aiding or ~~and~~ abetting child abduction.

7 (a) A person violates this Section when, before: ~~(i) Before~~  
8 or during the commission of a child abduction as defined in  
9 Section 10-5 and with the intent to promote or facilitate such  
10 offense, he or she intentionally aids or abets another in the  
11 planning or commission of child abduction, unless before the  
12 commission of the offense he or she makes proper effort to  
13 prevent the commission of the offense; ~~or (ii) With the intent~~  
14 ~~to prevent the apprehension of a person known to have committed~~  
15 ~~the offense of child abduction, or with the intent to obstruct~~  
16 ~~or prevent efforts to locate the child victim of a child~~  
17 ~~abduction, he or she knowingly destroys, alters, conceals or~~  
18 ~~disguises physical evidence or furnishes false information.~~

19 (b) Sentence. A person who violates this Section commits a  
20 Class 4 felony.

21 (Source: P.A. 84-1308.)

22 (720 ILCS 5/10-9 new)

23 Sec. 10-9. Trafficking in persons, involuntary servitude,  
24 and related offenses.

1 (a) Definitions. In this Section:

2 (1) "Intimidation" has the meaning prescribed in  
3 Section 12-6.

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

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

10 (4) "Forced labor or services" means labor or services  
11 that are performed or provided by another person and are  
12 obtained or maintained through:

13 (A) any scheme, plan, or pattern intending to cause  
14 or threatening to cause serious harm to any person;

15 (B) an actor's physically restraining or  
16 threatening to physically restrain another person;

17 (C) an actor's abusing or threatening to abuse the  
18 law or legal process;

19 (D) an actor's knowingly destroying, concealing,  
20 removing, confiscating, or possessing any actual or  
21 purported passport or other immigration document, or  
22 any other actual or purported government  
23 identification document, of another person;

24 (E) an actor's blackmail; or

25 (F) an actor's causing or threatening to cause  
26 financial harm to or exerting financial control over



1           any person.

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

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

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

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

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

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

23           (b) Involuntary servitude. A person commits the offense of  
24           involuntary servitude when he or she knowingly subjects,  
25           attempts to subject, or engages in a conspiracy to subject  
26           another person to forced labor or services and:

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

3           (2) physically restrains or threatens to physically  
4           restrain another person;

5           (3) abuses or threatens to abuse the law or legal  
6           process;

7           (4) knowingly destroys, conceals, removes,  
8           confiscates, or possesses any actual or purported passport  
9           or other immigration document, or any other actual or  
10           purported government identification document, of another  
11           person; or

12           (5) uses intimidation, or uses or threatens to cause  
13           financial harm to or exerts financial control over any  
14           person.

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

19           (c) Involuntary sexual servitude of a minor. A person  
20           commits the offense of involuntary sexual servitude of a minor  
21           when he or she knowingly recruits, entices, harbors,  
22           transports, provides, or obtains by any means, or attempts to  
23           recruit, entice, harbor, provide, or obtain by any means,  
24           another person under 18 years of age, knowing that the minor  
25           will engage in commercial sexual activity, a sexually-explicit  
26           performance, or the production of pornography, or causes or

1 attempts to cause a minor to engage in one or more of those  
2 activities and:

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

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

7 (3) there is overt force or threat.

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

11 (d) Trafficking in persons for forced labor or services. A  
12 person commits the offense of trafficking in persons for forced  
13 labor or services when he or she knowingly: (1) recruits,  
14 entices, harbors, transports, provides, or obtains by any  
15 means, or attempts to recruit, entice, harbor, transport,  
16 provide, or obtain by any means, another person, intending or  
17 knowing that the person will be subjected to forced labor or  
18 services; or (2) benefits, financially or by receiving anything  
19 of value, from participation in a venture that has engaged in  
20 an act of involuntary servitude or involuntary sexual servitude  
21 of a minor.

22 Sentence. Except as otherwise provided in subsection (e) or  
23 (f), a violation of this subsection is a Class 1 felony.

24 (e) Aggravating factors. A violation of this Section  
25 involving kidnapping or an attempt to kidnap, aggravated  
26 criminal sexual assault or an attempt to commit aggravated

1 criminal sexual assault, or an attempt to commit first degree  
2 murder is a Class X felony.

3 (f) Sentencing considerations.

4 (1) Bodily injury. If, pursuant to a violation of this  
5 Section, a victim suffered bodily injury, the defendant may  
6 be sentenced to an extended-term sentence under Section  
7 5-8-2 of the Unified Code of Corrections. The sentencing  
8 court must take into account the time in which the victim  
9 was held in servitude, with increased penalties for cases  
10 in which the victim was held for between 180 days and one  
11 year, and increased penalties for cases in which the victim  
12 was held for more than one year.

13 (2) Number of victims. In determining sentences within  
14 statutory maximums, the sentencing court should take into  
15 account the number of victims, and may provide for  
16 substantially increased sentences in cases involving more  
17 than 10 victims.

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

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 be  
16 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 the offense of involuntary  
21 servitude, involuntary sexual servitude of a minor, or  
22 trafficking in persons for forced labor or services under  
23 subsection (b), (c), or (d) of this Section shall forfeit to  
24 the State of Illinois any profits or proceeds and any interest  
25 or property he or she has acquired or maintained in violation  
26 of subsection (b), (c), or (d) of this Section that the

1 sentencing court determines, after a forfeiture hearing, to  
2 have been acquired or maintained as a result of maintaining a  
3 person in involuntary servitude or participating in  
4 trafficking in persons for forced labor or services.

5 Upon petition by the Attorney General or State's Attorney  
6 at any time following sentencing, the court shall conduct a  
7 hearing to determine whether any property or property interest  
8 is subject to forfeiture under this Section. At the forfeiture  
9 hearing the People have the burden of establishing, by a  
10 preponderance of the evidence, that property or property  
11 interests are subject to forfeiture under this Section.

12 In any action brought by the People of the State of  
13 Illinois under this Section, in which a restraining order,  
14 injunction, or prohibition or any other action in connection  
15 with any property or interest subject to forfeiture under this  
16 Section is sought, the circuit court presiding over the trial  
17 of the person or persons charged with involuntary servitude,  
18 involuntary sexual servitude of a minor, or trafficking in  
19 persons for forced labor or services shall first determine  
20 whether there is probable cause to believe that the person or  
21 persons so charged have committed the offense of involuntary  
22 servitude, involuntary sexual servitude of a minor, or  
23 trafficking in persons for forced labor or services and whether  
24 the property or interest is subject to forfeiture under this  
25 Section. In order to make that determination, prior to entering  
26 any such order, the court shall conduct a hearing without a

1 jury, in which the People shall establish that there is: (i)  
2 probable cause that the person or persons so charged have  
3 committed the offense of involuntary servitude, involuntary  
4 sexual servitude of a minor, or trafficking in persons for  
5 forced labor or services and (ii) probable cause that any  
6 property or interest may be subject to forfeiture under this  
7 Section. The hearing may be conducted simultaneously with a  
8 preliminary hearing, if the prosecution is commenced by  
9 information or complaint, or by motion of the People, at any  
10 stage in the proceedings. The court may accept a finding of  
11 probable cause at a preliminary hearing following the filing of  
12 an information charging the offense of involuntary servitude,  
13 involuntary sexual servitude of a minor, or trafficking in  
14 persons for forced labor or services or the return of an  
15 indictment by a grand jury charging the offense of involuntary  
16 servitude, involuntary sexual servitude of a minor, or  
17 trafficking in persons for forced labor or services as  
18 sufficient evidence of probable cause as provided in item (i)  
19 of this paragraph. Upon a finding, the circuit court shall  
20 enter the restraining order, injunction, or prohibition, or  
21 shall take such other action in connection with any such  
22 property or other interest subject to forfeiture, as is  
23 necessary to ensure that the property is not removed from the  
24 jurisdiction of the court, concealed, destroyed, or otherwise  
25 disposed of by the owner of that property or interest prior to  
26 a forfeiture hearing under this Section. The Attorney General

1 or State's Attorney shall file a certified copy of the  
2 restraining order, injunction, or other prohibition with the  
3 recorder or registrar of titles of each county where any such  
4 property of the defendant may be located. No such injunction,  
5 restraining order, or other prohibition shall affect the rights  
6 of any bona fide purchaser, mortgagee, judgment creditor, or  
7 other lien holder arising prior to the date of that filing. At  
8 any time, upon verified petition by the defendant or an  
9 innocent owner or innocent bona fide third party lien holder  
10 who neither had knowledge of, nor consented to, the illegal act  
11 or omission, the court may conduct a hearing to release all or  
12 portions of any such property or interest that the court  
13 previously determined to be subject to forfeiture or subject to  
14 any restraining order, injunction, or prohibition or other  
15 action. The court may release that property to the defendant or  
16 innocent owner or innocent bona fide third party lien holder  
17 who neither had knowledge of nor consented to the illegal act  
18 or omission for good cause shown and within the sound  
19 discretion of the court.

20 Upon conviction of a person of involuntary servitude,  
21 involuntary sexual servitude of a minor, or trafficking in  
22 persons for forced labor or services, the court shall authorize  
23 the Attorney General to seize all property or other interest  
24 declared forfeited under this Section upon terms and conditions  
25 the court deems proper.

26 All moneys forfeited and the sale proceeds of all other



1 property forfeited and seized under this Section shall be  
2 distributed as follows:

3 (1) one-half shall be divided equally between all State  
4 agencies and units of local government whose officers or  
5 employees conducted the investigation that resulted in the  
6 forfeiture; and

7 (2) one-half shall be deposited into the Violent Crime  
8 Victims Assistance Fund and targeted to services for  
9 victims of the offenses of involuntary servitude,  
10 involuntary sexual servitude of a minor, and trafficking in  
11 persons for forced labor or services.

12 (720 ILCS 5/11-9.3)

13 Sec. 11-9.3. Presence within school zone by child sex  
14 offenders prohibited.

15 (a) It is unlawful for a child sex offender to knowingly be  
16 present in any school building, on real property comprising any  
17 school, or in any conveyance owned, leased, or contracted by a  
18 school to transport students to or from school or a school  
19 related activity when persons under the age of 18 are present  
20 in the building, on the grounds or in the conveyance, unless  
21 the offender is a parent or guardian of a student attending the  
22 school and the parent or guardian is: (i) attending a  
23 conference at the school with school personnel to discuss the  
24 progress of his or her child academically or socially, (ii)  
25 participating in child review conferences in which evaluation

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

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

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

1 official. A child sex offender who violates this provision is  
2 guilty of a Class 4 felony.

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

12 (c) Definitions. In this Section:

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

14 (i) has been charged under Illinois law, or any  
15 substantially similar federal law or law of another  
16 state, with a sex offense set forth in paragraph (2) of  
17 this subsection (c) or the attempt to commit an  
18 included sex offense, and:

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

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

24 (C) is found not guilty by reason of insanity  
25 pursuant to subsection (c) of Section 104-25 of the  
26 Code of Criminal Procedure of 1963 of such offense

1 or an attempt to commit such offense; or

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

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

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

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

1 person less than 18 years of age; or

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

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

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

12 (i) A violation of any of the following Sections of  
13 the Criminal Code of 1961: 10-7 (aiding or ~~and~~ abetting  
14 child abduction under Section 10-5(b)(10)),  
15 10-5(b)(10) (child luring), 11-6 (indecent  
16 solicitation of a child), 11-6.5 (indecent  
17 solicitation of an adult), 11-9 (public indecency when  
18 committed in a school, on the real property comprising  
19 a school, or on a conveyance, owned, leased, or  
20 contracted by a school to transport students to or from  
21 school or a school related activity), 11-9.1 (sexual  
22 exploitation of a child), 11-15.1 (soliciting for a  
23 juvenile prostitute), 11-17.1 (keeping a place of  
24 juvenile prostitution), 11-18.1 (patronizing a  
25 juvenile prostitute), 11-19.1 (juvenile pimping),  
26 11-19.2 (exploitation of a child), 11-20.1 (child

1 pornography), 11-20.3 (aggravated child pornography),  
2 11-21 (harmful material), 12-14.1 (predatory criminal  
3 sexual assault of a child), 12-33 (ritualized abuse of  
4 a child), 11-20 (obscenity) (when that offense was  
5 committed in any school, on real property comprising  
6 any school, in any conveyance owned, leased, or  
7 contracted by a school to transport students to or from  
8 school or a school related activity). An attempt to  
9 commit any of these offenses.

10 (ii) A violation of any of the following Sections  
11 of the Criminal Code of 1961, when the victim is a  
12 person under 18 years of age: 12-13 (criminal sexual  
13 assault), 12-14 (aggravated criminal sexual assault),  
14 12-15 (criminal sexual abuse), 12-16 (aggravated  
15 criminal sexual abuse). An attempt to commit any of  
16 these offenses.

17 (iii) A violation of any of the following Sections  
18 of the Criminal Code of 1961, when the victim is a  
19 person under 18 years of age and the defendant is not a  
20 parent of the victim:

21 10-1 (kidnapping),  
22 10-2 (aggravated kidnapping),  
23 10-3 (unlawful restraint),  
24 10-3.1 (aggravated unlawful restraint).

25 An attempt to commit any of these offenses.

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

1 substantially equivalent to any offense listed in  
2 clause (2) (i) of subsection (c) of this Section.

3 (2.5) For the purposes of subsection (b-5) only, a sex  
4 offense means:

5 (i) A violation of any of the following Sections of  
6 the Criminal Code of 1961:

7 10-5(b)(10) (child luring), 10-7 (aiding or ~~and~~  
8 abetting child abduction under Section 10-5(b)(10)),  
9 11-6 (indecent solicitation of a child), 11-6.5  
10 (indecent solicitation of an adult), 11-15.1  
11 (soliciting for a juvenile prostitute), 11-17.1  
12 (keeping a place of juvenile prostitution), 11-18.1  
13 (patronizing a juvenile prostitute), 11-19.1 (juvenile  
14 pimping), 11-19.2 (exploitation of a child), 11-20.1  
15 (child pornography), 11-20.3 (aggravated child  
16 pornography), 12-14.1 (predatory criminal sexual  
17 assault of a child), or 12-33 (ritualized abuse of a  
18 child). An attempt to commit any of these offenses.

19 (ii) A violation of any of the following Sections  
20 of the Criminal Code of 1961, when the victim is a  
21 person under 18 years of age: 12-13 (criminal sexual  
22 assault), 12-14 (aggravated criminal sexual assault),  
23 12-16 (aggravated criminal sexual abuse), and  
24 subsection (a) of Section 12-15 (criminal sexual  
25 abuse). An attempt to commit any of these offenses.

26 (iii) A violation of any of the following Sections



1 of the Criminal Code of 1961, when the victim is a  
2 person under 18 years of age and the defendant is not a  
3 parent of the victim:

4 10-1 (kidnapping),  
5 10-2 (aggravated kidnapping),  
6 10-3 (unlawful restraint),  
7 10-3.1 (aggravated unlawful restraint).

8 An attempt to commit any of these offenses.

9 (iv) A violation of any former law of this State  
10 substantially equivalent to any offense listed in this  
11 paragraph (2.5) of this subsection.

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

21 (4) "School" means a public or private pre-school,  
22 elementary, or secondary school.

23 (5) "Loiter" means:

24 (i) Standing, sitting idly, whether or not the  
25 person is in a vehicle or remaining in or around school  
26 property.

1           (ii) Standing, sitting idly, whether or not the  
2           person is in a vehicle or remaining in or around school  
3           property, for the purpose of committing or attempting  
4           to commit a sex offense.

5           (iii) Entering or remaining in a building in or  
6           around school property, other than the offender's  
7           residence.

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

11          (c-5) For the purposes of this Section, the 500 feet  
12          distance shall be measured from the edge of the property of the  
13          school building or the real property comprising the school that  
14          is closest to the edge of the property of the child sex  
15          offender's residence or where he or she is loitering.

16          (d) Sentence. A person who violates this Section is guilty  
17          of a Class 4 felony.

18          (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;  
19          94-170, eff. 7-11-05; 95-331, eff. 8-21-07; 95-440, eff.  
20          8-27-07; 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff.  
21          8-21-08; revised 9-23-08.)

22          (720 ILCS 5/11-9.4)

23          (Text of Section before amendment by P.A. 95-983)

24          Sec. 11-9.4. Approaching, contacting, residing, or  
25          communicating with a child within certain places by child sex

1 offenders prohibited.

2 (a) It is unlawful for a child sex offender to knowingly be  
3 present in any public park building or on real property  
4 comprising any public park when persons under the age of 18 are  
5 present in the building or on the grounds and to approach,  
6 contact, or communicate with a child under 18 years of age,  
7 unless the offender is a parent or guardian of a person under  
8 18 years of age present in the building or on the grounds.

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

17 (b-5) It is unlawful for a child sex offender to knowingly  
18 reside within 500 feet of a playground, child care institution,  
19 day care center, part day child care facility, day care home,  
20 group day care home, or a facility providing programs or  
21 services exclusively directed toward persons under 18 years of  
22 age. Nothing in this subsection (b-5) prohibits a child sex  
23 offender from residing within 500 feet of a playground or a  
24 facility providing programs or services exclusively directed  
25 toward persons under 18 years of age if the property is owned  
26 by the child sex offender and was purchased before the

1 effective date of this amendatory Act of the 91st General  
2 Assembly. Nothing in this subsection (b-5) prohibits a child  
3 sex offender from residing within 500 feet of a child care  
4 institution, day care center, or part day child care facility  
5 if the property is owned by the child sex offender and was  
6 purchased before the effective date of this amendatory Act of  
7 the 94th General Assembly. Nothing in this subsection (b-5)  
8 prohibits a child sex offender from residing within 500 feet of  
9 a day care home or group day care home if the property is owned  
10 by the child sex offender and was purchased before August 14,  
11 2008 (the effective date of Public Act 95-821) ~~this amendatory~~  
12 ~~Act of the 95th General Assembly.~~

13 (b-6) It is unlawful for a child sex offender to knowingly  
14 reside within 500 feet of the victim of the sex offense.  
15 Nothing in this subsection (b-6) prohibits a child sex offender  
16 from residing within 500 feet of the victim if the property in  
17 which the child sex offender resides is owned by the child sex  
18 offender and was purchased before the effective date of this  
19 amendatory Act of the 92nd General Assembly.

20 This subsection (b-6) does not apply if the victim of the  
21 sex offense is 21 years of age or older.

22 (c) It is unlawful for a child sex offender to knowingly  
23 operate, manage, be employed by, volunteer at, be associated  
24 with, or knowingly be present at any: (i) facility providing  
25 programs or services exclusively directed towards persons  
26 under the age of 18; (ii) day care center; (iii) part day child

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

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

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

1        (c-7) ~~(e-6)~~ It is unlawful for a child sex offender to  
2 knowingly offer or provide any programs or services to persons  
3 under 18 years of age in his or her residence or the residence  
4 of another or in any facility for the purpose of offering or  
5 providing such programs or services, whether such programs or  
6 services are offered or provided by contract, agreement,  
7 arrangement, or on a volunteer basis.

8        (d) Definitions. In this Section:

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

10            (i) has been charged under Illinois law, or any  
11 substantially similar federal law or law of another  
12 state, with a sex offense set forth in paragraph (2) of  
13 this subsection (d) or the attempt to commit an  
14 included sex offense, and:

15            (A) is convicted of such offense or an attempt  
16 to commit such offense; or

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

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

24            (D) is the subject of a finding not resulting  
25 in an acquittal at a hearing conducted pursuant to  
26 subsection (a) of Section 104-25 of the Code of

1 Criminal Procedure of 1963 for the alleged  
2 commission or attempted commission of such  
3 offense; or

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

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

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

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

1 Convictions that result from or are connected with the  
2 same act, or result from offenses committed at the same  
3 time, shall be counted for the purpose of this Section as  
4 one conviction. Any conviction set aside pursuant to law is  
5 not a conviction for purposes of this Section.

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

8 (i) A violation of any of the following Sections of  
9 the Criminal Code of 1961: 10-7 (aiding or ~~and~~ abetting  
10 child abduction under Section 10-5(b)(10)),  
11 10-5(b)(10) (child luring), 11-6 (indecent  
12 solicitation of a child), 11-6.5 (indecent  
13 solicitation of an adult), 11-9 (public indecency when  
14 committed in a school, on the real property comprising  
15 a school, on a conveyance owned, leased, or contracted  
16 by a school to transport students to or from school or  
17 a school related activity, or in a public park), 11-9.1  
18 (sexual exploitation of a child), 11-15.1 (soliciting  
19 for a juvenile prostitute), 11-17.1 (keeping a place of  
20 juvenile prostitution), 11-18.1 (patronizing a  
21 juvenile prostitute), 11-19.1 (juvenile pimping),  
22 11-19.2 (exploitation of a child), 11-20.1 (child  
23 pornography), 11-20.3 (aggravated child pornography),  
24 11-21 (harmful material), 12-14.1 (predatory criminal  
25 sexual assault of a child), 12-33 (ritualized abuse of  
26 a child), 11-20 (obscenity) (when that offense was



1 committed in any school, on real property comprising  
2 any school, on any conveyance owned, leased, or  
3 contracted by a school to transport students to or from  
4 school or a school related activity, or in a public  
5 park). An attempt to commit any of these offenses.

6 (ii) A violation of any of the following Sections  
7 of the Criminal Code of 1961, when the victim is a  
8 person under 18 years of age: 12-13 (criminal sexual  
9 assault), 12-14 (aggravated criminal sexual assault),  
10 12-15 (criminal sexual abuse), 12-16 (aggravated  
11 criminal sexual abuse). An attempt to commit any of  
12 these offenses.

13 (iii) A violation of any of the following Sections  
14 of the Criminal Code of 1961, when the victim is a  
15 person under 18 years of age and the defendant is not a  
16 parent of the victim:

17 10-1 (kidnapping),  
18 10-2 (aggravated kidnapping),  
19 10-3 (unlawful restraint),  
20 10-3.1 (aggravated unlawful restraint).

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State  
23 substantially equivalent to any offense listed in  
24 clause (2)(i) of this subsection (d).

25 (2.5) For the purposes of subsection (b-5) only, a sex  
26 offense means:

1 (i) A violation of any of the following Sections of  
2 the Criminal Code of 1961:

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

17 (ii) A violation of any of the following Sections  
18 of the Criminal Code of 1961, when the victim is a  
19 person under 18 years of age: 12-13 (criminal sexual  
20 assault), 12-14 (aggravated criminal sexual assault),  
21 12-16 (aggravated criminal sexual abuse), and  
22 subsection (a) of Section 12-15 (criminal sexual  
23 abuse). An attempt to commit any of these offenses.

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

1 parent of the victim:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

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

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

19 (4) "Public park" includes a park, forest preserve, or  
20 conservation area under the jurisdiction of the State or a  
21 unit of local government.

22 (5) "Facility providing programs or services directed  
23 towards persons under the age of 18" means any facility  
24 providing programs or services exclusively directed  
25 towards persons under the age of 18.

26 (6) "Loiter" means:

1           (i) Standing, sitting idly, whether or not the  
2           person is in a vehicle or remaining in or around public  
3           park property.

4           (ii) Standing, sitting idly, whether or not the  
5           person is in a vehicle or remaining in or around public  
6           park property, for the purpose of committing or  
7           attempting to commit a sex offense.

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

12          (8) "Child care institution" has the meaning ascribed  
13          to it in Section 2.06 of the Child Care Act of 1969.

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

16          (10) "Part day child care facility" has the meaning  
17          ascribed to it in Section 2.10 of the Child Care Act of  
18          1969.

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

21          (12) "Group day care home" has the meaning ascribed to  
22          it in Section 2.20 of the Child Care Act of 1969.

23          (d-5) For the purposes of this Section, the 500 feet  
24          distance shall be measured from the edge of the property  
25          comprising the public park building or the real property  
26          comprising the public park, playground, child care

1 institution, day care center, part day child care facility, or  
2 a facility providing programs or services exclusively directed  
3 toward persons under 18 years of age, or a victim of the sex  
4 offense who is under 21 years of age to the edge of the child  
5 sex offender's place of residence or where he or she is  
6 loitering.

7 (e) Sentence. A person who violates this Section is guilty  
8 of a Class 4 felony.

9 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,  
10 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,  
11 eff. 8-14-08; 95-876, eff. 8-21-08; revised 10-20-08.)

12 (Text of Section after amendment by P.A. 95-983)

13 Sec. 11-9.4. Approaching, contacting, residing, or  
14 communicating with a child within certain places by child sex  
15 offenders prohibited.

16 (a) It is unlawful for a child sex offender to knowingly be  
17 present in any public park building or on real property  
18 comprising any public park when persons under the age of 18 are  
19 present in the building or on the grounds and to approach,  
20 contact, or communicate with a child under 18 years of age,  
21 unless the offender is a parent or guardian of a person under  
22 18 years of age present in the building or on the grounds.

23 (b) It is unlawful for a child sex offender to knowingly  
24 loiter on a public way within 500 feet of a public park  
25 building or real property comprising any public park while

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

6 (b-5) It is unlawful for a child sex offender to knowingly  
7 reside within 500 feet of a playground, child care institution,  
8 day care center, part day child care facility, day care home,  
9 group day care home, or a facility providing programs or  
10 services exclusively directed toward persons under 18 years of  
11 age. Nothing in this subsection (b-5) prohibits a child sex  
12 offender from residing within 500 feet of a playground or a  
13 facility providing programs or services exclusively directed  
14 toward persons under 18 years of age if the property is owned  
15 by the child sex offender and was purchased before the  
16 effective date of this amendatory Act of the 91st General  
17 Assembly. Nothing in this subsection (b-5) prohibits a child  
18 sex offender from residing within 500 feet of a child care  
19 institution, day care center, or part day child care facility  
20 if the property is owned by the child sex offender and was  
21 purchased before the effective date of this amendatory Act of  
22 the 94th General Assembly. Nothing in this subsection (b-5)  
23 prohibits a child sex offender from residing within 500 feet of  
24 a day care home or group day care home if the property is owned  
25 by the child sex offender and was purchased before August 14,  
26 2008 (the effective date of Public Act 95-821) ~~this amendatory~~

1 ~~Act of the 95th General Assembly.~~

2 (b-6) It is unlawful for a child sex offender to knowingly  
3 reside within 500 feet of the victim of the sex offense.  
4 Nothing in this subsection (b-6) prohibits a child sex offender  
5 from residing within 500 feet of the victim if the property in  
6 which the child sex offender resides is owned by the child sex  
7 offender and was purchased before the effective date of this  
8 amendatory Act of the 92nd General Assembly.

9 This subsection (b-6) does not apply if the victim of the  
10 sex offense is 21 years of age or older.

11 (b-7) It is unlawful for a child sex offender to knowingly  
12 communicate, other than for a lawful purpose under Illinois  
13 law, using the Internet or any other digital media, with a  
14 person under 18 years of age or with a person whom he or she  
15 believes to be a person under 18 years of age, unless the  
16 offender is a parent or guardian of the person under 18 years  
17 of age.

18 (c) It is unlawful for a child sex offender to knowingly  
19 operate, manage, be employed by, volunteer at, be associated  
20 with, or knowingly be present at any: (i) facility providing  
21 programs or services exclusively directed towards persons  
22 under the age of 18; (ii) day care center; (iii) part day child  
23 care facility; (iv) child care institution; (v) school  
24 providing before and after school programs for children under  
25 18 years of age; (vi) day care home; or (vii) group day care  
26 home. This does not prohibit a child sex offender from owning

1 the real property upon which the programs or services are  
2 offered or upon which the day care center, part day child care  
3 facility, child care institution, or school providing before  
4 and after school programs for children under 18 years of age is  
5 located, provided the child sex offender refrains from being  
6 present on the premises for the hours during which: (1) the  
7 programs or services are being offered or (2) the day care  
8 center, part day child care facility, child care institution,  
9 school providing before and after school programs for children  
10 under 18 years of age, day care home, or group day care home is  
11 operated.

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

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

23 (c-7) ~~(c-6)~~ It is unlawful for a child sex offender to  
24 knowingly offer or provide any programs or services to persons  
25 under 18 years of age in his or her residence or the residence  
26 of another or in any facility for the purpose of offering or



1 providing such programs or services, whether such programs or  
2 services are offered or provided by contract, agreement,  
3 arrangement, or on a volunteer basis.

4 (d) Definitions. In this Section:

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

6 (i) has been charged under Illinois law, or any  
7 substantially similar federal law or law of another  
8 state, with a sex offense set forth in paragraph (2) of  
9 this subsection (d) or the attempt to commit an  
10 included sex offense, and:

11 (A) is convicted of such offense or an attempt  
12 to commit such offense; or

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

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

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

26 (E) is found not guilty by reason of insanity

1 following a hearing conducted pursuant to a  
2 federal law or the law of another state  
3 substantially similar to subsection (c) of Section  
4 104-25 of the Code of Criminal Procedure of 1963 of  
5 such offense or of the attempted commission of such  
6 offense; or

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

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

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

23 Convictions that result from or are connected with the  
24 same act, or result from offenses committed at the same  
25 time, shall be counted for the purpose of this Section as  
26 one conviction. Any conviction set aside pursuant to law is

1 not a conviction for purposes of this Section.

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

4 (i) A violation of any of the following Sections of  
5 the Criminal Code of 1961: 10-7 (aiding or ~~and~~ abetting  
6 child abduction under Section 10-5(b)(10)),  
7 10-5(b)(10) (child luring), 11-6 (indecent  
8 solicitation of a child), 11-6.5 (indecent  
9 solicitation of an adult), 11-9 (public indecency when  
10 committed in a school, on the real property comprising  
11 a school, on a conveyance owned, leased, or contracted  
12 by a school to transport students to or from school or  
13 a school related activity, or in a public park), 11-9.1  
14 (sexual exploitation of a child), 11-15.1 (soliciting  
15 for a juvenile prostitute), 11-17.1 (keeping a place of  
16 juvenile prostitution), 11-18.1 (patronizing a  
17 juvenile prostitute), 11-19.1 (juvenile pimping),  
18 11-19.2 (exploitation of a child), 11-20.1 (child  
19 pornography), 11-20.3 (aggravated child pornography),  
20 11-21 (harmful material), 12-14.1 (predatory criminal  
21 sexual assault of a child), 12-33 (ritualized abuse of  
22 a child), 11-20 (obscenity) (when that offense was  
23 committed in any school, on real property comprising  
24 any school, on any conveyance owned, leased, or  
25 contracted by a school to transport students to or from  
26 school or a school related activity, or in a public

1 park). An attempt to commit any of these offenses.

2 (ii) A violation of any of the following Sections  
3 of the Criminal Code of 1961, when the victim is a  
4 person under 18 years of age: 12-13 (criminal sexual  
5 assault), 12-14 (aggravated criminal sexual assault),  
6 12-15 (criminal sexual abuse), 12-16 (aggravated  
7 criminal sexual abuse). An attempt to commit any of  
8 these offenses.

9 (iii) A violation of any of the following Sections  
10 of the Criminal Code of 1961, when the victim is a  
11 person under 18 years of age and the defendant is not a  
12 parent of the victim:

13 10-1 (kidnapping),  
14 10-2 (aggravated kidnapping),  
15 10-3 (unlawful restraint),  
16 10-3.1 (aggravated unlawful restraint).

17 An attempt to commit any of these offenses.

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

21 (2.5) For the purposes of subsection (b-5) only, a sex  
22 offense means:

23 (i) A violation of any of the following Sections of  
24 the Criminal Code of 1961:

25 10-5(b)(10) (child luring), 10-7 (aiding or  
26 ~~and~~ abetting child abduction under Section

1 10-5(b)(10)), 11-6 (indecent solicitation of a  
2 child), 11-6.5 (indecent solicitation of an  
3 adult), 11-15.1 (soliciting for a juvenile  
4 prostitute), 11-17.1 (keeping a place of juvenile  
5 prostitution), 11-18.1 (patronizing a juvenile  
6 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
7 (exploitation of a child), 11-20.1 (child  
8 pornography), 11-20.3 (aggravated child  
9 pornography), 12-14.1 (predatory criminal sexual  
10 assault of a child), or 12-33 (ritualized abuse of  
11 a child). An attempt to commit any of these  
12 offenses.

13 (ii) A violation of any of the following Sections  
14 of the Criminal Code of 1961, when the victim is a  
15 person under 18 years of age: 12-13 (criminal sexual  
16 assault), 12-14 (aggravated criminal sexual assault),  
17 12-16 (aggravated criminal sexual abuse), and  
18 subsection (a) of Section 12-15 (criminal sexual  
19 abuse). An attempt to commit any of these offenses.

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

24 10-1 (kidnapping),  
25 10-2 (aggravated kidnapping),  
26 10-3 (unlawful restraint),

1           10-3.1 (aggravated unlawful restraint).

2           An attempt to commit any of these offenses.

3           (iv) A violation of any former law of this State  
4           substantially equivalent to any offense listed in this  
5           paragraph (2.5) of this subsection.

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

15          (4) "Public park" includes a park, forest preserve, or  
16          conservation area under the jurisdiction of the State or a  
17          unit of local government.

18          (5) "Facility providing programs or services directed  
19          towards persons under the age of 18" means any facility  
20          providing programs or services exclusively directed  
21          towards persons under the age of 18.

22          (6) "Loiter" means:

23               (i) Standing, sitting idly, whether or not the  
24               person is in a vehicle or remaining in or around public  
25               park property.

26               (ii) Standing, sitting idly, whether or not the

1 person is in a vehicle or remaining in or around public  
2 park property, for the purpose of committing or  
3 attempting to commit a sex offense.

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

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

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

12 (10) "Part day child care facility" has the meaning  
13 ascribed to it in Section 2.10 of the Child Care Act of  
14 1969.

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

17 (12) "Group day care home" has the meaning ascribed to  
18 it in Section 2.20 of the Child Care Act of 1969.

19 (13) ~~(11)~~ "Internet" means an interactive computer  
20 service or system or an information service, system, or  
21 access software provider that provides or enables computer  
22 access by multiple users to a computer server, and  
23 includes, but is not limited to, an information service,  
24 system, or access software provider that provides access to  
25 a network system commonly known as the Internet, or any  
26 comparable system or service and also includes, but is not

1 limited to, a World Wide Web page, newsgroup, message  
2 board, mailing list, or chat area on any interactive  
3 computer service or system or other online service.

4 (d-5) For the purposes of this Section, the 500 feet  
5 distance shall be measured from the edge of the property  
6 comprising the public park building or the real property  
7 comprising the public park, playground, child care  
8 institution, day care center, part day child care facility, or  
9 a facility providing programs or services exclusively directed  
10 toward persons under 18 years of age, or a victim of the sex  
11 offense who is under 21 years of age to the edge of the child  
12 sex offender's place of residence or where he or she is  
13 loitering.

14 (e) Sentence. A person who violates this Section is guilty  
15 of a Class 4 felony.

16 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,  
17 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,  
18 eff. 8-14-08; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09;  
19 revised 10-20-08.)

20 (720 ILCS 5/25-1) (from Ch. 38, par. 25-1)

21 Sec. 25-1. Mob action.

22 (a) A person commits the offense of mob ~~Mob~~ action when he  
23 or she engages in ~~consists of~~ any of the following:

24 (1) the knowing or reckless ~~The~~ use of force or  
25 violence disturbing the public peace by 2 or more persons



1 acting together and without authority of law; ~~or~~

2 (2) the knowing ~~The~~ assembly of 2 or more persons with  
3 the intent to commit or facilitate the commission of a  
4 felony or misdemeanor ~~to do an unlawful act~~; or

5 (3) the knowing ~~The~~ assembly of 2 or more persons,  
6 without authority of law, for the purpose of doing violence  
7 to the person or property of anyone ~~any one~~ supposed to  
8 have been guilty of a violation of the law, or for the  
9 purpose of exercising correctional powers or regulative  
10 powers over any person by violence.

11 (b) Mob action as defined in paragraph (1) of subsection  
12 (a) is a Class 4 felony.

13 (c) Mob action as defined in paragraphs (2) and (3) of  
14 subsection (a) is a Class C misdemeanor.

15 (d) Any participant in a mob action that ~~which shall~~ by  
16 violence inflicts ~~inflict~~ injury to the person or property of  
17 another commits a Class 4 felony.

18 (e) Any participant in a mob action who does not withdraw  
19 on being commanded to do so by any peace officer commits a  
20 Class A misdemeanor.

21 (f) In addition to any other sentence that may be imposed,  
22 a court shall order any person convicted of mob action to  
23 perform community service for not less than 30 and not more  
24 than 120 hours, if community service is available in the  
25 jurisdiction and is funded and approved by the county board of  
26 the county where the offense was committed. In addition,

1 whenever any person is placed on supervision for an alleged  
2 offense under this Section, the supervision shall be  
3 conditioned upon the performance of the community service.

4 This subsection does not apply when the court imposes a  
5 sentence of incarceration.

6 (Source: P.A. 88-558, eff. 1-1-95; 89-8, eff. 3-21-95.)

7 (720 ILCS 5/25-4 new)

8 Sec. 25-4. Looting by individuals.

9 (a) A person commits the offense of looting when he or she  
10 knowingly without authority of law or the owner enters any home  
11 or dwelling or upon any premises of another, or enters any  
12 commercial, mercantile, business, or industrial building,  
13 plant, or establishment, in which normal security of property  
14 is not present by virtue of a hurricane, fire, or vis major of  
15 any kind or by virtue of a riot, mob, or other human agency,  
16 and obtains or exerts control over property of the owner.

17 (b) Sentence. Looting is a Class 4 felony. In addition to  
18 any other penalty imposed, the court shall impose a sentence of  
19 at least 100 hours of community service as determined by the  
20 court and shall require the defendant to make restitution to  
21 the owner of the property looted pursuant to Section 5-5-6 of  
22 the Unified Code of Corrections.

23 (720 ILCS 5/25-5) (was 720 ILCS 5/25-1.1)

24 Sec. 25-5 ~~25-1.1~~. Unlawful contact with streetgang

1 members.

2 (a) A person commits the offense of unlawful contact with  
3 streetgang members when:

4 (1) he ~~He~~ or she knowingly has direct or indirect  
5 contact with a streetgang member as defined in Section 10  
6 of the Illinois Streetgang Terrorism Omnibus Prevention  
7 Act after having been sentenced to probation, conditional  
8 discharge, or supervision for a criminal offense with a  
9 condition of that ~~such~~ sentence being to refrain from  
10 direct or indirect contact with a streetgang member or  
11 members; or

12 (2) he ~~He~~ or she knowingly has direct or indirect  
13 contact with a streetgang member as defined in Section 10  
14 of the Illinois Streetgang Terrorism Omnibus Prevention  
15 Act after having been released on bond for any criminal  
16 offense with a condition of that ~~such~~ bond being to refrain  
17 from direct or indirect contact with a streetgang member or  
18 members.

19 (b) Unlawful contact with streetgang members is a Class A  
20 misdemeanor.

21 (c) This Section does not apply to a person when the only  
22 streetgang member or members he or she is with is a family or  
23 household member or members as defined in paragraph (3) of  
24 Section 112A-3 of the Code of Criminal Procedure of 1963 and  
25 the streetgang members are not engaged in any  
26 streetgang-related ~~streetgang-related~~ activity.

1 (Source: P.A. 90-795, eff. 8-14-98; 91-357, eff. 7-29-99.)

2 (720 ILCS 5/25-6) (was 720 ILCS 5/25-2)

3 Sec. 25-6 ~~25-2~~. Removal of chief of police or sheriff for  
4 allowing a person in his or her custody to be lynched.

5 (a) If a prisoner is taken from the custody of any  
6 policeman or chief of police of any municipality ~~city, town or~~  
7 ~~village~~ and lynched, it shall be prima facie evidence of  
8 wrong-doing on the part of that ~~such~~ chief of police and he or  
9 she shall be suspended. The mayor or chief executive of the  
10 municipality ~~such city, town or village~~ shall appoint an acting  
11 chief of police until he or she has ascertained whether the  
12 suspended chief of police had ~~has~~ done all in his or her power  
13 to protect the life of the prisoner. If, upon hearing all  
14 evidence and argument, the mayor or chief executive finds that  
15 the chief of police had ~~has~~ done his or her utmost to protect  
16 the prisoner, he or she may reinstate the chief of police; but,  
17 if he or she finds the chief of police guilty of not properly  
18 protecting the prisoner, a new chief of police shall be  
19 appointed. Any chief of police replaced is ~~shall~~ not be  
20 eligible to serve again in that ~~such~~ office.

21 (b) If a prisoner is taken from the custody of any sheriff  
22 or his or her deputy and lynched, it is ~~shall be~~ prima facie  
23 evidence of wrong-doing on the part of that ~~such~~ sheriff and he  
24 or she shall be suspended. The Governor ~~governor~~ shall appoint  
25 an acting sheriff until he or she has ascertained whether the

1 suspended sheriff had ~~has~~ done all in his or her power to  
2 protect the life of the prisoner. If, upon hearing all evidence  
3 and argument, the Governor ~~governor~~ finds that the sheriff had  
4 ~~has~~ done his or her utmost to protect the prisoner, he or she  
5 shall reinstate the sheriff; but, if he or she finds the  
6 sheriff guilty of not properly protecting the prisoner, a new  
7 sheriff shall be duly elected or appointed, pursuant to the  
8 existing law provided for the filling of vacancies in that ~~such~~  
9 office. Any sheriff replaced is ~~shall~~ not ~~be~~ eligible to serve  
10 again in that ~~such~~ office.

11 (Source: Laws 1961, p. 1983.)

12 (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

13 Sec. 29B-1. (a) A person commits the offense of money  
14 laundering:

15 (1) when, knowing that the property involved in a  
16 financial transaction represents the proceeds of some form  
17 of unlawful activity, he or she conducts or attempts to  
18 conduct such a financial transaction which in fact involves  
19 criminally derived property:

20 (A) with the intent to promote the carrying on of  
21 the unlawful activity from which the criminally  
22 derived property was obtained; or

23 (B) where he or she knows or reasonably should know  
24 that the financial transaction is designed in whole or  
25 in part:

1 (i) to conceal or disguise the nature, the  
2 location, the source, the ownership or the control  
3 of the criminally derived property; or

4 (ii) to avoid a transaction reporting  
5 requirement under State law; or

6 (1.5) when he or she transports, transmits, or  
7 transfers, or attempts to transport, transmit, or transfer  
8 a monetary instrument:

9 (A) with the intent to promote the carrying on of  
10 the unlawful activity from which the criminally  
11 derived property was obtained; or

12 (B) knowing, or having reason to know, that the  
13 financial transaction is designed in whole or in part:

14 (i) to conceal or disguise the nature, the  
15 location, the source, the ownership or the control  
16 of the criminally derived property; or

17 (ii) to avoid a transaction reporting  
18 requirement under State law; or

19 (2) when, with the intent to:

20 (A) promote the carrying on of a specified criminal  
21 activity as defined in this Article; or

22 (B) conceal or disguise the nature, location,  
23 source, ownership, or control of property believed to  
24 be the proceeds of a specified criminal activity as  
25 defined by subdivision (b) (6); or

26 (C) avoid a transaction reporting requirement

1           under State law,  
2           he or she conducts or attempts to conduct a financial  
3           transaction involving property he or she believes to be the  
4           proceeds of specified criminal activity as defined by  
5           subdivision (b) (6) or property used to conduct or  
6           facilitate specified criminal activity as defined by  
7           subdivision (b) (6).

8           (b) As used in this Section:

9           (0.5) "Knowing that the property involved in a  
10          financial transaction represents the proceeds of some form  
11          of unlawful activity" means that the person knew the  
12          property involved in the transaction represented proceeds  
13          from some form, though not necessarily which form, of  
14          activity that constitutes a felony under State, federal, or  
15          foreign law, regardless of whether or not such activity is  
16          specified in subdivision (b) (4).

17          (1) "Financial transaction" means a purchase, sale,  
18          loan, pledge, gift, transfer, delivery or other  
19          disposition utilizing criminally derived property, and  
20          with respect to financial institutions, includes a  
21          deposit, withdrawal, transfer between accounts, exchange  
22          of currency, loan, extension of credit, purchase or sale of  
23          any stock, bond, certificate of deposit or other monetary  
24          instrument, use of safe deposit box, or any other payment,  
25          transfer or delivery by, through, or to a financial  
26          institution. For purposes of clause (a) (2) of this Section,

1 the term "financial transaction" also means a transaction  
2 which without regard to whether the funds, monetary  
3 instruments, or real or personal property involved in the  
4 transaction are criminally derived, any transaction which  
5 in any way or degree: (1) involves the movement of funds by  
6 wire or any other means; (2) involves one or more monetary  
7 instruments; or (3) the transfer of title to any real or  
8 personal property. The receipt by an attorney of bona fide  
9 fees for the purpose of legal representation is not a  
10 financial transaction for purposes of this Section.

11 (2) "Financial institution" means any bank; saving and  
12 loan association; trust company; agency or branch of a  
13 foreign bank in the United States; currency exchange;  
14 credit union, mortgage banking institution; pawnbroker;  
15 loan or finance company; operator of a credit card system;  
16 issuer, redeemer or cashier of travelers checks, checks or  
17 money orders; dealer in precious metals, stones or jewels;  
18 broker or dealer in securities or commodities; investment  
19 banker; or investment company.

20 (3) "Monetary instrument" means United States coins  
21 and currency; coins and currency of a foreign country;  
22 travelers checks; personal checks, bank checks, and money  
23 orders; investment securities; bearer negotiable  
24 instruments; bearer investment securities; or bearer  
25 securities and certificates of stock in such form that  
26 title thereto passes upon delivery.



1           (4) "Criminally derived property" means: (A) any  
2 property, real or personal, constituting or derived from  
3 proceeds obtained, directly or indirectly, pursuant to a  
4 violation of the Criminal Code of 1961, the Illinois  
5 Controlled Substances Act, the Cannabis Control Act, or the  
6 Methamphetamine Control and Community Protection Act; or  
7 (B) any property represented to be property constituting or  
8 derived from proceeds obtained, directly or indirectly,  
9 pursuant to a violation of this Code, the Illinois  
10 Controlled Substances Act, the Cannabis Control Act, or the  
11 Methamphetamine Control and Community Protection Act.

12           (5) "Conduct" or "conducts" includes, in addition to  
13 its ordinary meaning, initiating, concluding, or  
14 participating in initiating or concluding a transaction.

15           (6) "Specified criminal activity" means any violation  
16 of Section 29D-15.1 ~~20.5-5~~ (720 ILCS 5/29D-15.1 ~~5/20.5-5~~)  
17 and any violation of Article 29D of this Code.

18           (7) "Director" means the Director of State Police or  
19 his or her designated agents.

20           (8) "Department" means the Department of State Police  
21 of the State of Illinois or its successor agency.

22           (9) "Transaction reporting requirement under State  
23 law" means any violation as defined under the Currency  
24 Reporting Act.

25           (c) Sentence.

26           (1) Laundering of criminally derived property of a

1 value not exceeding \$10,000 is a Class 3 felony;

2 (2) Laundering of criminally derived property of a  
3 value exceeding \$10,000 but not exceeding \$100,000 is a  
4 Class 2 felony;

5 (3) Laundering of criminally derived property of a  
6 value exceeding \$100,000 but not exceeding \$500,000 is a  
7 Class 1 felony;

8 (4) Money laundering in violation of subsection (a) (2)  
9 of this Section is a Class X felony;

10 (5) Laundering of criminally derived property of a  
11 value exceeding \$500,000 is a Class 1 non-probationable  
12 felony.

13 (d) Evidence. In a prosecution under this Article, either  
14 party may introduce the following evidence pertaining to the  
15 issue of whether the property or proceeds were known to be some  
16 form of criminally derived property or from some form of  
17 unlawful activity:

18 (1) A financial transaction was conducted or  
19 structured or attempted in violation of the reporting  
20 requirements of any State or federal law; or

21 (2) A financial transaction was conducted or attempted  
22 with the use of a false or fictitious name or a forged  
23 instrument; or

24 (3) A falsely altered or completed written instrument  
25 or a written instrument that contains any materially false  
26 personal identifying information was made, used, offered

1 or presented, whether accepted or not, in connection with a  
2 financial transaction; or

3 (4) A financial transaction was structured or  
4 attempted to be structured so as to falsely report the  
5 actual consideration or value of the transaction; or

6 (5) A money transmitter, a person engaged in a trade or  
7 business or any employee of a money transmitter or a person  
8 engaged in a trade or business, knows or reasonably should  
9 know that false personal identifying information has been  
10 presented and incorporates the false personal identifying  
11 information into any report or record; or

12 (6) The criminally derived property is transported or  
13 possessed in a fashion inconsistent with the ordinary or  
14 usual means of transportation or possession of such  
15 property and where the property is discovered in the  
16 absence of any documentation or other indicia of legitimate  
17 origin or right to such property; or

18 (7) A person pays or receives substantially less than  
19 face value for one or more monetary instruments; or

20 (8) A person engages in a transaction involving one or  
21 more monetary instruments, where the physical condition or  
22 form of the monetary instrument or instruments makes it  
23 apparent that they are not the product of bona fide  
24 business or financial transactions.

25 (e) Duty to enforce this Article.

26 (1) It is the duty of the Department of State Police,

1 and its agents, officers, and investigators, to enforce all  
2 provisions of this Article, except those specifically  
3 delegated, and to cooperate with all agencies charged with  
4 the enforcement of the laws of the United States, or of any  
5 state, relating to money laundering. Only an agent,  
6 officer, or investigator designated by the Director may be  
7 authorized in accordance with this Section to serve seizure  
8 notices, warrants, subpoenas, and summonses under the  
9 authority of this State.

10 (2) Any agent, officer, investigator, or peace officer  
11 designated by the Director may: (A) make seizure of  
12 property pursuant to the provisions of this Article; and  
13 (B) perform such other law enforcement duties as the  
14 Director designates. It is the duty of all State's  
15 Attorneys to prosecute violations of this Article and  
16 institute legal proceedings as authorized under this  
17 Article.

18 (f) Protective orders.

19 (1) Upon application of the State, the court may enter  
20 a restraining order or injunction, require the execution of  
21 a satisfactory performance bond, or take any other action  
22 to preserve the availability of property described in  
23 subsection (h) for forfeiture under this Article:

24 (A) upon the filing of an indictment, information,  
25 or complaint charging a violation of this Article for  
26 which forfeiture may be ordered under this Article and

1           alleging that the property with respect to which the  
2           order is sought would be subject to forfeiture under  
3           this Article; or

4           (B) prior to the filing of such an indictment,  
5           information, or complaint, if, after notice to persons  
6           appearing to have an interest in the property and  
7           opportunity for a hearing, the court determines that:

8           (i) there is probable cause to believe that the  
9           State will prevail on the issue of forfeiture and  
10          that failure to enter the order will result in the  
11          property being destroyed, removed from the  
12          jurisdiction of the court, or otherwise made  
13          unavailable for forfeiture; and

14          (ii) the need to preserve the availability of  
15          the property through the entry of the requested  
16          order outweighs the hardship on any party against  
17          whom the order is to be entered.

18          Provided, however, that an order entered pursuant  
19          to subparagraph (B) shall be effective for not more  
20          than 90 days, unless extended by the court for good  
21          cause shown or unless an indictment, information,  
22          complaint, or administrative notice has been filed.

23          (2) A temporary restraining order under this  
24          subsection may be entered upon application of the State  
25          without notice or opportunity for a hearing when an  
26          indictment, information, complaint, or administrative

1 notice has not yet been filed with respect to the property,  
2 if the State demonstrates that there is probable cause to  
3 believe that the property with respect to which the order  
4 is sought would be subject to forfeiture under this Section  
5 and that provision of notice will jeopardize the  
6 availability of the property for forfeiture. Such a  
7 temporary order shall expire not more than 30 days after  
8 the date on which it is entered, unless extended for good  
9 cause shown or unless the party against whom it is entered  
10 consents to an extension for a longer period. A hearing  
11 requested concerning an order entered under this paragraph  
12 shall be held at the earliest possible time and prior to  
13 the expiration of the temporary order.

14 (3) The court may receive and consider, at a hearing  
15 held pursuant to this subsection (f), evidence and  
16 information that would be inadmissible under the Illinois  
17 rules of evidence.

18 (4) Order to repatriate and deposit.

19 (A) In general. Pursuant to its authority to enter  
20 a pretrial restraining order under this Section, the  
21 court may order a defendant to repatriate any property  
22 that may be seized and forfeited and to deposit that  
23 property pending trial with the Illinois State Police  
24 or another law enforcement agency designated by the  
25 Illinois State Police.

26 (B) Failure to comply. Failure to comply with an

1           order under this subsection (f) is punishable as a  
2           civil or criminal contempt of court.

3           (g) Warrant of seizure. The State may request the issuance  
4           of a warrant authorizing the seizure of property described in  
5           subsection (h) in the same manner as provided for a search  
6           warrant. If the court determines that there is probable cause  
7           to believe that the property to be seized would be subject to  
8           forfeiture, the court shall issue a warrant authorizing the  
9           seizure of such property.

10          (h) Forfeiture.

11           (1) The following are subject to forfeiture:

12           (A) any property, real or personal, constituting,  
13           derived from, or traceable to any proceeds the person  
14           obtained directly or indirectly, as a result of a  
15           violation of this Article;

16           (B) any of the person's property used, or intended  
17           to be used, in any manner or part, to commit, or to  
18           facilitate the commission of, a violation of this  
19           Article;

20           (C) all conveyances, including aircraft, vehicles  
21           or vessels, which are used, or intended for use, to  
22           transport, or in any manner to facilitate the  
23           transportation, sale, receipt, possession, or  
24           concealment of property described in subparagraphs (A)  
25           and (B), but:

26           (i) no conveyance used by any person as a

1 common carrier in the transaction of business as a  
2 common carrier is subject to forfeiture under this  
3 Section unless it appears that the owner or other  
4 person in charge of the conveyance is a consenting  
5 party or privy to a violation of this Article;

6 (ii) no conveyance is subject to forfeiture  
7 under this Section by reason of any act or omission  
8 which the owner proves to have been committed or  
9 omitted without his or her knowledge or consent;

10 (iii) a forfeiture of a conveyance encumbered  
11 by a bona fide security interest is subject to the  
12 interest of the secured party if he or she neither  
13 had knowledge of nor consented to the act or  
14 omission;

15 (D) all real property, including any right, title,  
16 and interest (including, but not limited to, any  
17 leasehold interest or the beneficial interest in a land  
18 trust) in the whole of any lot or tract of land and any  
19 appurtenances or improvements, which is used or  
20 intended to be used, in any manner or part, to commit,  
21 or in any manner to facilitate the commission of, any  
22 violation of this Article or that is the proceeds of  
23 any violation or act that constitutes a violation of  
24 this Article.

25 (2) Property subject to forfeiture under this Article  
26 may be seized by the Director or any peace officer upon



1 process or seizure warrant issued by any court having  
2 jurisdiction over the property. Seizure by the Director or  
3 any peace officer without process may be made:

4 (A) if the seizure is incident to a seizure  
5 warrant;

6 (B) if the property subject to seizure has been the  
7 subject of a prior judgment in favor of the State in a  
8 criminal proceeding, or in an injunction or forfeiture  
9 proceeding based upon this Article;

10 (C) if there is probable cause to believe that the  
11 property is directly or indirectly dangerous to health  
12 or safety;

13 (D) if there is probable cause to believe that the  
14 property is subject to forfeiture under this Article  
15 and the property is seized under circumstances in which  
16 a warrantless seizure or arrest would be reasonable; or

17 (E) in accordance with the Code of Criminal  
18 Procedure of 1963.

19 (3) In the event of seizure pursuant to paragraph (2),  
20 forfeiture proceedings shall be instituted in accordance  
21 with subsections (i) through (r).

22 (4) Property taken or detained under this Section shall  
23 not be subject to replevin, but is deemed to be in the  
24 custody of the Director subject only to the order and  
25 judgments of the circuit court having jurisdiction over the  
26 forfeiture proceedings and the decisions of the State's

1 Attorney under this Article. When property is seized under  
2 this Article, the seizing agency shall promptly conduct an  
3 inventory of the seized property and estimate the  
4 property's value and shall forward a copy of the inventory  
5 of seized property and the estimate of the property's value  
6 to the Director. Upon receiving notice of seizure, the  
7 Director may:

8 (A) place the property under seal;

9 (B) remove the property to a place designated by  
10 the Director;

11 (C) keep the property in the possession of the  
12 seizing agency;

13 (D) remove the property to a storage area for  
14 safekeeping or, if the property is a negotiable  
15 instrument or money and is not needed for evidentiary  
16 purposes, deposit it in an interest bearing account;

17 (E) place the property under constructive seizure  
18 by posting notice of pending forfeiture on it, by  
19 giving notice of pending forfeiture to its owners and  
20 interest holders, or by filing notice of pending  
21 forfeiture in any appropriate public record relating  
22 to the property; or

23 (F) provide for another agency or custodian,  
24 including an owner, secured party, or lienholder, to  
25 take custody of the property upon the terms and  
26 conditions set by the Director.

1           (5) When property is forfeited under this Article, the  
2 Director shall sell all such property unless such property  
3 is required by law to be destroyed or is harmful to the  
4 public, and shall distribute the proceeds of the sale,  
5 together with any moneys forfeited or seized, in accordance  
6 with paragraph (6). However, upon the application of the  
7 seizing agency or prosecutor who was responsible for the  
8 investigation, arrest or arrests and prosecution which  
9 lead to the forfeiture, the Director may return any item of  
10 forfeited property to the seizing agency or prosecutor for  
11 official use in the enforcement of laws, if the agency or  
12 prosecutor can demonstrate that the item requested would be  
13 useful to the agency or prosecutor in its enforcement  
14 efforts. When any real property returned to the seizing  
15 agency is sold by the agency or its unit of government, the  
16 proceeds of the sale shall be delivered to the Director and  
17 distributed in accordance with paragraph (6).

18           (6) All monies and the sale proceeds of all other  
19 property forfeited and seized under this Article shall be  
20 distributed as follows:

21           (A) 65% shall be distributed to the metropolitan  
22 enforcement group, local, municipal, county, or State  
23 law enforcement agency or agencies which conducted or  
24 participated in the investigation resulting in the  
25 forfeiture. The distribution shall bear a reasonable  
26 relationship to the degree of direct participation of

1           the law enforcement agency in the effort resulting in  
2           the forfeiture, taking into account the total value of  
3           the property forfeited and the total law enforcement  
4           effort with respect to the violation of the law upon  
5           which the forfeiture is based. Amounts distributed to  
6           the agency or agencies shall be used for the  
7           enforcement of laws.

8           (B) (i) 12.5% shall be distributed to the Office of  
9           the State's Attorney of the county in which the  
10          prosecution resulting in the forfeiture was  
11          instituted, deposited in a special fund in the county  
12          treasury and appropriated to the State's Attorney for  
13          use in the enforcement of laws. In counties over  
14          3,000,000 population, 25% shall be distributed to the  
15          Office of the State's Attorney for use in the  
16          enforcement of laws. If the prosecution is undertaken  
17          solely by the Attorney General, the portion provided  
18          hereunder shall be distributed to the Attorney General  
19          for use in the enforcement of laws.

20          (ii) 12.5% shall be distributed to the Office  
21          of the State's Attorneys Appellate Prosecutor and  
22          deposited in the Narcotics Profit Forfeiture Fund  
23          of that office to be used for additional expenses  
24          incurred in the investigation, prosecution and  
25          appeal of cases arising under laws. The Office of  
26          the State's Attorneys Appellate Prosecutor shall

1 not receive distribution from cases brought in  
2 counties with over 3,000,000 population.

3 (C) 10% shall be retained by the Department of  
4 State Police for expenses related to the  
5 administration and sale of seized and forfeited  
6 property.

7 (i) Notice to owner or interest holder.

8 (1) Whenever notice of pending forfeiture or service of  
9 an in rem complaint is required under the provisions of  
10 this Article, such notice or service shall be given as  
11 follows:

12 (A) If the owner's or interest holder's name and  
13 current address are known, then by either personal  
14 service or mailing a copy of the notice by certified  
15 mail, return receipt requested, to that address. For  
16 purposes of notice under this Section, if a person has  
17 been arrested for the conduct giving rise to the  
18 forfeiture, then the address provided to the arresting  
19 agency at the time of arrest shall be deemed to be that  
20 person's known address. Provided, however, if an owner  
21 or interest holder's address changes prior to the  
22 effective date of the notice of pending forfeiture, the  
23 owner or interest holder shall promptly notify the  
24 seizing agency of the change in address or, if the  
25 owner or interest holder's address changes subsequent  
26 to the effective date of the notice of pending

1 forfeiture, the owner or interest holder shall  
2 promptly notify the State's Attorney of the change in  
3 address; or

4 (B) If the property seized is a conveyance, to the  
5 address reflected in the office of the agency or  
6 official in which title or interest to the conveyance  
7 is required by law to be recorded, then by mailing a  
8 copy of the notice by certified mail, return receipt  
9 requested, to that address; or

10 (C) If the owner's or interest holder's address is  
11 not known, and is not on record as provided in  
12 paragraph (B), then by publication for 3 successive  
13 weeks in a newspaper of general circulation in the  
14 county in which the seizure occurred.

15 (2) Notice served under this Article is effective upon  
16 personal service, the last date of publication, or the  
17 mailing of written notice, whichever is earlier.

18 (j) Notice to State's Attorney. The law enforcement agency  
19 seizing property for forfeiture under this Article shall,  
20 within 90 days after seizure, notify the State's Attorney for  
21 the county, either where an act or omission giving rise to the  
22 forfeiture occurred or where the property was seized, of the  
23 seizure of the property and the facts and circumstances giving  
24 rise to the seizure and shall provide the State's Attorney with  
25 the inventory of the property and its estimated value. When the  
26 property seized for forfeiture is a vehicle, the law

1 enforcement agency seizing the property shall immediately  
2 notify the Secretary of State that forfeiture proceedings are  
3 pending regarding such vehicle.

4 (k) Non-judicial forfeiture. If non-real property that  
5 exceeds \$20,000 in value excluding the value of any conveyance,  
6 or if real property is seized under the provisions of this  
7 Article, the State's Attorney shall institute judicial in rem  
8 forfeiture proceedings as described in subsection (l) of this  
9 Section within 45 days from receipt of notice of seizure from  
10 the seizing agency under subsection (j) of this Section.  
11 However, if non-real property that does not exceed \$20,000 in  
12 value excluding the value of any conveyance is seized, the  
13 following procedure shall be used:

14 (1) If, after review of the facts surrounding the  
15 seizure, the State's Attorney is of the opinion that the  
16 seized property is subject to forfeiture, then within 45  
17 days after the receipt of notice of seizure from the  
18 seizing agency, the State's Attorney shall cause notice of  
19 pending forfeiture to be given to the owner of the property  
20 and all known interest holders of the property in  
21 accordance with subsection (i) of this Section.

22 (2) The notice of pending forfeiture must include a  
23 description of the property, the estimated value of the  
24 property, the date and place of seizure, the conduct giving  
25 rise to forfeiture or the violation of law alleged, and a  
26 summary of procedures and procedural rights applicable to

1 the forfeiture action.

2 (3) (A) Any person claiming an interest in property  
3 which is the subject of notice under paragraph (1) of this  
4 subsection (k), must, in order to preserve any rights or  
5 claims to the property, within 45 days after the effective  
6 date of notice as described in subsection (i) of this  
7 Section, file a verified claim with the State's Attorney  
8 expressing his or her interest in the property. The claim  
9 must set forth:

10 (i) the caption of the proceedings as set forth on  
11 the notice of pending forfeiture and the name of the  
12 claimant;

13 (ii) the address at which the claimant will accept  
14 mail;

15 (iii) the nature and extent of the claimant's  
16 interest in the property;

17 (iv) the date, identity of the transferor, and  
18 circumstances of the claimant's acquisition of the  
19 interest in the property;

20 (v) the name and address of all other persons known  
21 to have an interest in the property;

22 (vi) the specific provision of law relied on in  
23 asserting the property is not subject to forfeiture;

24 (vii) all essential facts supporting each  
25 assertion; and

26 (viii) the relief sought.



1           (B) If a claimant files the claim and deposits with the  
2           State's Attorney a cost bond, in the form of a cashier's  
3           check payable to the clerk of the court, in the sum of 10%  
4           of the reasonable value of the property as alleged by the  
5           State's Attorney or the sum of \$100, whichever is greater,  
6           upon condition that, in the case of forfeiture, the  
7           claimant must pay all costs and expenses of forfeiture  
8           proceedings, then the State's Attorney shall institute  
9           judicial in rem forfeiture proceedings and deposit the cost  
10          bond with the clerk of the court as described in subsection  
11          (1) of this Section within 45 days after receipt of the  
12          claim and cost bond. In lieu of a cost bond, a person  
13          claiming interest in the seized property may file, under  
14          penalty of perjury, an indigency affidavit which has been  
15          approved by a circuit court judge.

16          (C) If none of the seized property is forfeited in the  
17          judicial in rem proceeding, the clerk of the court shall  
18          return to the claimant, unless the court orders otherwise,  
19          90% of the sum which has been deposited and shall retain as  
20          costs 10% of the money deposited. If any of the seized  
21          property is forfeited under the judicial forfeiture  
22          proceeding, the clerk of the court shall transfer 90% of  
23          the sum which has been deposited to the State's Attorney  
24          prosecuting the civil forfeiture to be applied to the costs  
25          of prosecution and the clerk shall retain as costs 10% of  
26          the sum deposited.

1           (4) If no claim is filed or bond given within the 45  
2           day period as described in paragraph (3) of this subsection  
3           (k), the State's Attorney shall declare the property  
4           forfeited and shall promptly notify the owner and all known  
5           interest holders of the property and the Director of State  
6           Police of the declaration of forfeiture and the Director  
7           shall dispose of the property in accordance with law.

8           (1) Judicial in rem procedures. If property seized under  
9           the provisions of this Article is non-real property that  
10          exceeds \$20,000 in value excluding the value of any conveyance,  
11          or is real property, or a claimant has filed a claim and a cost  
12          bond under paragraph (3) of subsection (k) of this Section, the  
13          following judicial in rem procedures shall apply:

14           (1) If, after a review of the facts surrounding the  
15           seizure, the State's Attorney is of the opinion that the  
16           seized property is subject to forfeiture, then within 45  
17           days of the receipt of notice of seizure by the seizing  
18           agency or the filing of the claim and cost bond, whichever  
19           is later, the State's Attorney shall institute judicial  
20           forfeiture proceedings by filing a verified complaint for  
21           forfeiture and, if the claimant has filed a claim and cost  
22           bond, by depositing the cost bond with the clerk of the  
23           court. When authorized by law, a forfeiture must be ordered  
24           by a court on an action in rem brought by a State's  
25           Attorney under a verified complaint for forfeiture.

26           (2) During the probable cause portion of the judicial

1 in rem proceeding wherein the State presents its  
2 case-in-chief, the court must receive and consider, among  
3 other things, all relevant hearsay evidence and  
4 information. The laws of evidence relating to civil actions  
5 apply to all other portions of the judicial in rem  
6 proceeding.

7 (3) Only an owner or interest holder in the property  
8 may file an answer asserting a claim against the property  
9 in the action in rem. For purposes of this Section, the  
10 owner or interest holder shall be referred to as claimant.  
11 Upon motion of the State, the court shall first hold a  
12 hearing, wherein any claimant must establish by a  
13 preponderance of the evidence, that he or she has a lawful,  
14 legitimate ownership interest in the property and that it  
15 was obtained through a lawful source.

16 (4) The answer must be signed by the owner or interest  
17 holder under penalty of perjury and must set forth:

18 (A) the caption of the proceedings as set forth on  
19 the notice of pending forfeiture and the name of the  
20 claimant;

21 (B) the address at which the claimant will accept  
22 mail;

23 (C) the nature and extent of the claimant's  
24 interest in the property;

25 (D) the date, identity of transferor, and  
26 circumstances of the claimant's acquisition of the

1 interest in the property;

2 (E) the name and address of all other persons known  
3 to have an interest in the property;

4 (F) all essential facts supporting each assertion;  
5 and

6 (G) the precise relief sought.

7 (5) The answer must be filed with the court within 45  
8 days after service of the civil in rem complaint.

9 (6) The hearing must be held within 60 days after  
10 filing of the answer unless continued for good cause.

11 (7) The State shall show the existence of probable  
12 cause for forfeiture of the property. If the State shows  
13 probable cause, the claimant has the burden of showing by a  
14 preponderance of the evidence that the claimant's interest  
15 in the property is not subject to forfeiture.

16 (8) If the State does not show existence of probable  
17 cause, the court shall order the interest in the property  
18 returned or conveyed to the claimant and shall order all  
19 other property forfeited to the State. If the State does  
20 show existence of probable cause, the court shall order all  
21 property forfeited to the State.

22 (9) A defendant convicted in any criminal proceeding is  
23 precluded from later denying the essential allegations of  
24 the criminal offense of which the defendant was convicted  
25 in any proceeding under this Article regardless of the  
26 pendency of an appeal from that conviction. However,

1 evidence of the pendency of an appeal is admissible.

2 (10) An acquittal or dismissal in a criminal proceeding  
3 does not preclude civil proceedings under this Article;  
4 however, for good cause shown, on a motion by the State's  
5 Attorney, the court may stay civil forfeiture proceedings  
6 during the criminal trial for a related criminal indictment  
7 or information alleging a money laundering violation. Such  
8 a stay shall not be available pending an appeal. Property  
9 subject to forfeiture under this Article shall not be  
10 subject to return or release by a court exercising  
11 jurisdiction over a criminal case involving the seizure of  
12 such property unless such return or release is consented to  
13 by the State's Attorney.

14 (11) All property declared forfeited under this  
15 Article vests in this State on the commission of the  
16 conduct giving rise to forfeiture together with the  
17 proceeds of the property after that time. Any such property  
18 or proceeds subsequently transferred to any person remain  
19 subject to forfeiture and thereafter shall be ordered  
20 forfeited.

21 (12) A civil action under this Article must be  
22 commenced within 5 years after the last conduct giving rise  
23 to forfeiture became known or should have become known or 5  
24 years after the forfeitable property is discovered,  
25 whichever is later, excluding any time during which either  
26 the property or claimant is out of the State or in

1 confinement or during which criminal proceedings relating  
2 to the same conduct are in progress.

3 (m) Stay of time periods. If property is seized for  
4 evidence and for forfeiture, the time periods for instituting  
5 judicial and non-judicial forfeiture proceedings shall not  
6 begin until the property is no longer necessary for evidence.

7 (n) Settlement of claims. Notwithstanding other provisions  
8 of this Article, the State's Attorney and a claimant of seized  
9 property may enter into an agreed-upon settlement concerning  
10 the seized property in such an amount and upon such terms as  
11 are set out in writing in a settlement agreement.

12 (o) Property constituting attorney fees. Nothing in this  
13 Article applies to property which constitutes reasonable bona  
14 fide attorney's fees paid to an attorney for services rendered  
15 or to be rendered in the forfeiture proceeding or criminal  
16 proceeding relating directly thereto where such property was  
17 paid before its seizure, before the issuance of any seizure  
18 warrant or court order prohibiting transfer of the property and  
19 where the attorney, at the time he or she received the property  
20 did not know that it was property subject to forfeiture under  
21 this Article.

22 (p) Construction. It is the intent of the General Assembly  
23 that the forfeiture provisions of this Article be liberally  
24 construed so as to effect their remedial purpose. The  
25 forfeiture of property and other remedies hereunder shall be  
26 considered to be in addition to, and not exclusive of, any

1 sentence or other remedy provided by law.

2 (q) Judicial review. If property has been declared  
3 forfeited under subsection (k) of this Section, any person who  
4 has an interest in the property declared forfeited may, within  
5 30 days after the effective date of the notice of the  
6 declaration of forfeiture, file a claim and cost bond as  
7 described in paragraph (3) of subsection (k) of this Section.  
8 If a claim and cost bond is filed under this Section, then the  
9 procedures described in subsection (l) of this Section apply.

10 (r) Burden of proof of exemption or exception. It is not  
11 necessary for the State to negate any exemption or exception in  
12 this Article in any complaint, information, indictment or other  
13 pleading or in any trial, hearing, or other proceeding under  
14 this Article. The burden of proof of any exemption or exception  
15 is upon the person claiming it.

16 (s) Review of administrative decisions. All administrative  
17 findings, rulings, final determinations, findings, and  
18 conclusions of the State's Attorney's Office under this Article  
19 are final and conclusive decisions of the matters involved. Any  
20 person aggrieved by the decision may obtain review of the  
21 decision pursuant to the provisions of the Administrative  
22 Review Law and the rules adopted pursuant to that Law. Pending  
23 final decision on such review, the administrative acts, orders,  
24 and rulings of the State's Attorney's Office remain in full  
25 force and effect unless modified or suspended by order of court  
26 pending final judicial decision. Pending final decision on such

1 review, the acts, orders, and rulings of the State's Attorney's  
2 Office remain in full force and effect, unless stayed by order  
3 of court. However, no stay of any decision of the  
4 administrative agency shall issue unless the person aggrieved  
5 by the decision establishes by a preponderance of the evidence  
6 that good cause exists for the stay. In determining good cause,  
7 the court shall find that the aggrieved party has established a  
8 substantial likelihood of prevailing on the merits and that  
9 granting the stay will not have an injurious effect on the  
10 general public.

11 (Source: P.A. 93-520, eff. 8-6-03; 94-364, eff. 7-29-05;  
12 94-556, eff. 9-11-05; 94-955, eff. 6-27-06.)

13 (720 ILCS 5/29D-14.9) (was 720 ILCS 5/29D-30)

14 Sec. 29D-14.9 ~~29D-30~~. Terrorism.

15 (a) A person commits the offense ~~is guilty~~ of terrorism  
16 when, with the intent to intimidate or coerce a significant  
17 portion of a civilian population:

18 (1) he or she knowingly commits a terrorist act as  
19 defined in Section 29D-10(1) of this Code within this  
20 State; or

21 (2) he or she, while outside this State, knowingly  
22 commits a terrorist act as defined in Section 29D-10(1) of  
23 this Code that takes effect within this State or produces  
24 substantial detrimental effects within this State.

25 (b) Sentence. Terrorism is a Class X felony. If no deaths



1 are caused by the terrorist act, the sentence shall be a term  
2 of 20 years to natural life imprisonment; ~~however,~~ if the  
3 terrorist act caused the death of one or more persons, however,  
4 a mandatory term of natural life imprisonment shall be the  
5 sentence if ~~in the event~~ the death penalty is not imposed.

6 (Source: P.A. 92-854, eff. 12-5-02.)

7 (720 ILCS 5/29D-15.1) (was 720 ILCS 5/20.5-5)

8 Sec. 29D-15.1 ~~20.5-5~~. Causing a catastrophe.

9 (a) A person commits the offense of causing a catastrophe  
10 if he or she knowingly causes a catastrophe by explosion, fire,  
11 flood, collapse of a building, or release of poison,  
12 radioactive material, bacteria, virus, or other dangerous and  
13 difficult to confine force or substance.

14 (b) As used in this Section, "catastrophe" means serious  
15 physical injury to 5 or more persons, or ~~or~~ substantial damage to  
16 5 or more buildings or inhabitable structures, or substantial  
17 damage to a vital public facility that seriously impairs its  
18 usefulness or operation; and "vital public facility" means a  
19 facility that is necessary to ensure or protect the public  
20 health, safety, or welfare, including, but not limited to, a  
21 hospital, a law enforcement agency, a fire department, a  
22 private or public utility company, a national defense  
23 contractor, a facility of the armed forces, or an emergency  
24 services agency.

25 (c) Sentence. Causing a catastrophe is a Class X felony.

1 (Source: P.A. 90-669, eff. 7-31-98.)

2 (720 ILCS 5/29D-15.2) (was 720 ILCS 5/20.5-6)

3 Sec. 29D-15.2 ~~20.5-6~~. Possession of a deadly substance.

4 (a) A person commits the offense of possession of a deadly  
5 substance when he or she possesses, manufactures, l or transports  
6 any poisonous gas, deadly biological or chemical contaminant or  
7 agent, or radioactive substance either with the intent to use  
8 that ~~such~~ gas, biological or chemical contaminant or agent, or  
9 radioactive substance to commit a felony or with the knowledge  
10 that another person intends to use that ~~such~~ gas, biological or  
11 chemical contaminant or agent, or radioactive substance to  
12 commit a felony.

13 (b) Sentence. Possession of a deadly substance is a Class 1  
14 felony for which a person, if sentenced to a term of  
15 imprisonment, shall be sentenced to a term of not less than 4  
16 years and not more than 30 years.

17 (Source: P.A. 91-121, eff. 7-15-99.)

18 (720 ILCS 5/29D-25)

19 Sec. 29D-25. Falsely making a terrorist threat.

20 (a) A person commits the offense ~~is guilty~~ of falsely  
21 making a terrorist threat when in any manner he or she  
22 knowingly makes a threat to commit or cause to be committed a  
23 terrorist act as defined in Section 29D-10(1) or otherwise  
24 knowingly creates the impression or belief that a terrorist act

1 is about to be or has been committed, or in any manner  
2 knowingly makes a threat to commit or cause to be committed a  
3 catastrophe as defined in Section 29D-15.1 ~~20.5-5~~ (720 ILCS  
4 5/29D-15.1 ~~5/20.5-5~~) of this Code that ~~which~~ he or she knows is  
5 false.

6 (b) Sentence. Falsely making a terrorist threat is a Class  
7 1 felony.

8 (Source: P.A. 92-854, eff. 12-5-02.)

9 (720 ILCS 5/29D-29.9) (was 720 ILCS 5/29D-15)

10 Sec. 29D-29.9 ~~29D-15~~. Material ~~Soliciting material~~ support  
11 for terrorism; ~~providing material support for a terrorist act.~~

12 (a) A person commits the offense ~~is guilty~~ of soliciting or  
13 providing material support for terrorism if he or she knowingly  
14 raises, solicits, ~~or~~ collects, or provides material support or  
15 resources knowing that the material support or resources will  
16 be used, in whole or in part, to plan, prepare, carry out,  
17 facilitate, or avoid apprehension for committing terrorism as  
18 defined in Section 29D-14.9 (720 ILCS 5/29D-14.9) ~~29D-30~~ or  
19 causing a catastrophe as defined in Section 29D-15.1 ~~20.5-5~~  
20 (720 ILCS 5/29D-15.1 ~~5/20.5-5~~) of this Code, or who knows and  
21 intends that the material support or resources so raised,  
22 solicited, ~~or~~ collected, or provided will be used in the  
23 commission of a terrorist act as defined in Section 29D-10(1)  
24 of this Code by an organization designated under 8 U.S.C. 1189,  
25 as amended. It is not an element of the offense that the

1 defendant actually knows that an organization has been  
2 designated under 8 U.S.C. 1189, as amended.

3 ~~(b) A person is guilty of providing material support for~~  
4 ~~terrorism if he or she knowingly provides material support or~~  
5 ~~resources to a person knowing that the person will use that~~  
6 ~~support or those resources in whole or in part to plan,~~  
7 ~~prepare, carry out, facilitate, or to avoid apprehension for~~  
8 ~~committing terrorism as defined in Section 29D-30 or to cause a~~  
9 ~~catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of~~  
10 ~~this Code.~~

11 (b) (e) Sentence. Soliciting or providing material support  
12 for terrorism is a Class X felony for which the sentence shall  
13 be a term of imprisonment of no less than 9 years and no more  
14 than 40 years. ~~Providing material support for a terrorist act~~  
15 ~~is a Class X felony for which the sentence shall be a term of~~  
16 ~~imprisonment of no less than 9 years and no more than 40 years.~~  
17 (Source: P.A. 92-854, eff. 12-5-02.)

18 (720 ILCS 5/29D-35)

19 Sec. 29D-35. Hindering prosecution of terrorism.

20 (a) A person commits the offense ~~is guilty~~ of hindering  
21 prosecution of terrorism when he or she renders criminal  
22 assistance to a person who has committed terrorism as defined  
23 in Section 29D-14.9 ~~29D-30~~ or caused a catastrophe<sup>7</sup> as defined  
24 in Section 29D-15.1 ~~20.5-5~~ of this Code when he or she knows  
25 that the person to whom he or she rendered criminal assistance

1 engaged in an act of terrorism or caused a catastrophe.

2 (b) Hindering prosecution of terrorism is a Class X felony,  
3 the sentence for which shall be a term of 20 years to natural  
4 life imprisonment if no death was caused by the act of  
5 terrorism committed by the person to whom the defendant  
6 rendered criminal assistance and a mandatory term of natural  
7 life imprisonment if death was caused by the act of terrorism  
8 committed by the person to whom the defendant rendered criminal  
9 assistance.

10 (Source: P.A. 92-854, eff. 12-5-02.)

11 (720 ILCS 5/29D-35.1 new)

12 Sec. 29D-35.1. Boarding or attempting to board an aircraft  
13 with weapon.

14 (a) It is unlawful for any person to board or attempt to  
15 board any commercial or charter aircraft, knowingly having in  
16 his or her possession any firearm, explosive of any type, or  
17 other lethal or dangerous weapon.

18 (b) This Section does not apply to any person authorized by  
19 either the federal government or any state government to carry  
20 firearms, but the person so exempted from the provisions of  
21 this Section shall notify the commander of any aircraft he or  
22 she is about to board that he or she does possess a firearm and  
23 show identification satisfactory to the aircraft commander  
24 that he or she is authorized to carry that firearm.

25 (c) Any person purchasing a ticket to board any commercial

1 or charter aircraft shall by that purchase consent to a search  
2 of his or her person or personal belongings by the company  
3 selling the ticket to him or her. The person may refuse to  
4 submit to a search of his or her person or personal belongings  
5 by the aircraft company, but the person refusing may be denied  
6 the right to board the commercial or charter aircraft at the  
7 discretion of the carrier. Such a refusal creates no inference  
8 of unlawful conduct.

9 (d) Any evidence of criminal activity found during a search  
10 made pursuant to this Section shall be admissible in legal  
11 proceedings for the sole purpose of supporting a charge of  
12 violation of this Section and is inadmissible as evidence in  
13 any legal proceeding for any other purpose, except in the  
14 prosecution of offenses related to weapons as set out in  
15 Article 24 of this Code.

16 (e) No action may be brought against any commercial or  
17 charter airline company operating in this State for the refusal  
18 of that company to permit a person to board any aircraft if  
19 that person refused to be searched as set out in subsection (c)  
20 of this Section.

21 (f) Violation of this Section is a Class 4 felony.

22 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

23 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
24 with the knowledge and consent of the owner in the commission  
25 of, or in the attempt to commit as defined in Section 8-4 of

1 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
2 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,  
3 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,  
4 19-1, 19-2, 19-3, 20-1, 20-2, 29D-15.2 ~~20-5-6~~, 24-1.2,  
5 24-1.2-5, 24-1.5, or 28-1 of this Code, paragraph (a) of  
6 Section 12-4 of this Code, paragraph (a) of Section 12-15 or  
7 paragraphs (a), (c) or (d) of Section 12-16 of this Code, or  
8 paragraph (a)(6) or (a)(7) of Section 24-1 of this Code; (b)  
9 Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the  
10 vessel, vehicle or aircraft contains more than 10 cartons of  
11 such cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use  
12 Tax Act if the vessel, vehicle or aircraft contains more than  
13 10 cartons of such cigarettes; (d) Section 44 of the  
14 Environmental Protection Act; (e) 11-204.1 of the Illinois  
15 Vehicle Code; (f) the offenses described in the following  
16 provisions of the Illinois Vehicle Code: Section 11-501  
17 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A),  
18 (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g) an offense described in  
19 subsection (g) of Section 6-303 of the Illinois Vehicle Code;  
20 or (h) an offense described in subsection (e) of Section 6-101  
21 of the Illinois Vehicle Code; may be seized and delivered  
22 forthwith to the sheriff of the county of seizure.

23 Within 15 days after such delivery the sheriff shall give  
24 notice of seizure to each person according to the following  
25 method: Upon each such person whose right, title or interest is  
26 of record in the office of the Secretary of State, the

1 Secretary of Transportation, the Administrator of the Federal  
2 Aviation Agency, or any other Department of this State, or any  
3 other state of the United States if such vessel, vehicle or  
4 aircraft is required to be so registered, as the case may be,  
5 by mailing a copy of the notice by certified mail to the  
6 address as given upon the records of the Secretary of State,  
7 the Department of Aeronautics, Department of Public Works and  
8 Buildings or any other Department of this State or the United  
9 States if such vessel, vehicle or aircraft is required to be so  
10 registered. Within that 15 day period the sheriff shall also  
11 notify the State's Attorney of the county of seizure about the  
12 seizure.

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

20 When a person discharges a firearm at another individual  
21 from a vehicle with the knowledge and consent of the owner of  
22 the vehicle and with the intent to cause death or great bodily  
23 harm to that individual and as a result causes death or great  
24 bodily harm to that individual, the vehicle shall be subject to  
25 seizure and forfeiture under the same procedures provided in  
26 this Article for the seizure and forfeiture of vehicles used in



1 violations of clauses (a), (b), (c), or (d) of this Section.

2 If the spouse of the owner of a vehicle seized for an  
3 offense described in subsection (g) of Section 6-303 of the  
4 Illinois Vehicle Code, a violation of subdivision (c-1)(1),  
5 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501  
6 of the Illinois Vehicle Code, or Section 9-3 of this Code makes  
7 a showing that the seized vehicle is the only source of  
8 transportation and it is determined that the financial hardship  
9 to the family as a result of the seizure outweighs the benefit  
10 to the State from the seizure, the vehicle may be forfeited to  
11 the spouse or family member and the title to the vehicle shall  
12 be transferred to the spouse or family member who is properly  
13 licensed and who requires the use of the vehicle for employment  
14 or family transportation purposes. A written declaration of  
15 forfeiture of a vehicle under this Section shall be sufficient  
16 cause for the title to be transferred to the spouse or family  
17 member. The provisions of this paragraph shall apply only to  
18 one forfeiture per vehicle. If the vehicle is the subject of a  
19 subsequent forfeiture proceeding by virtue of a subsequent  
20 conviction of either spouse or the family member, the spouse or  
21 family member to whom the vehicle was forfeited under the first  
22 forfeiture proceeding may not utilize the provisions of this  
23 paragraph in another forfeiture proceeding. If the owner of the  
24 vehicle seized owns more than one vehicle, the procedure set  
25 out in this paragraph may be used for only one vehicle.

26 Property declared contraband under Section 40 of the

1 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
2 seized and forfeited under this Article.

3 (Source: P.A. 93-187, eff. 7-11-03; 94-329, eff. 1-1-06;  
4 94-1017, eff. 7-7-06.)

5 (720 ILCS 5/8-1.1 rep.)

6 (720 ILCS 5/Art. 10A rep.)

7 (720 ILCS 5/42-1 rep.)

8 (720 ILCS 5/42-2 rep.)

9 Section 30. The Criminal Code of 1961 is amended by  
10 repealing Sections 8-1.1, 42-1, and 42-2 and by repealing  
11 Article 10A.

12 (720 ILCS 545/Act rep.)

13 Section 35. The Boarding Aircraft With Weapon Act is  
14 repealed.

15 Section 40. The Code of Criminal Procedure of 1963 is  
16 amended by changing Sections 108B-3 and 115-10 as follows:

17 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

18 Sec. 108B-3. Authorization for the interception of private  
19 communication.

20 (a) The State's Attorney, or a person designated in writing  
21 or by law to act for him and to perform his duties during his  
22 absence or disability, may authorize, in writing, an ex parte

1 application to the chief judge of a court of competent  
2 jurisdiction for an order authorizing the interception of a  
3 private communication when no party has consented to the  
4 interception and (i) the interception may provide evidence of,  
5 or may assist in the apprehension of a person who has  
6 committed, is committing or is about to commit, a violation of  
7 Section 8-1(b) ~~8-1.1~~ (solicitation of murder), 8-1.2  
8 (solicitation of murder for hire), 9-1 (first degree murder),  
9 or 29B-1 (money laundering) of the Criminal Code of 1961,  
10 Section 401, 401.1 (controlled substance trafficking), 405,  
11 405.1 (criminal drug conspiracy) or 407 of the Illinois  
12 Controlled Substances Act or any Section of the Methamphetamine  
13 Control and Community Protection Act, a violation of Section  
14 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or  
15 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),  
16 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or  
17 conspiracy to commit money laundering or conspiracy to commit  
18 first degree murder; (ii) in response to a clear and present  
19 danger of imminent death or great bodily harm to persons  
20 resulting from: (1) a kidnapping or the holding of a hostage by  
21 force or the threat of the imminent use of force; or (2) the  
22 occupation by force or the threat of the imminent use of force  
23 of any premises, place, vehicle, vessel or aircraft; (iii) to  
24 aid an investigation or prosecution of a civil action brought  
25 under the Illinois Streetgang Terrorism Omnibus Prevention Act  
26 when there is probable cause to believe the interception of the

1 private communication will provide evidence that a streetgang  
2 is committing, has committed, or will commit a second or  
3 subsequent gang-related offense or that the interception of the  
4 private communication will aid in the collection of a judgment  
5 entered under that Act; or (iv) upon information and belief  
6 that a streetgang has committed, is committing, or is about to  
7 commit a felony.

8 (b) The State's Attorney or a person designated in writing  
9 or by law to act for the State's Attorney and to perform his or  
10 her duties during his or her absence or disability, may  
11 authorize, in writing, an ex parte application to the chief  
12 judge of a circuit court for an order authorizing the  
13 interception of a private communication when no party has  
14 consented to the interception and the interception may provide  
15 evidence of, or may assist in the apprehension of a person who  
16 has committed, is committing or is about to commit, a violation  
17 of an offense under Article 29D of the Criminal Code of 1961.

18 (b-1) Subsection (b) is inoperative on and after January 1,  
19 2005.

20 (b-2) No conversations recorded or monitored pursuant to  
21 subsection (b) shall be made inadmissible in a court of law by  
22 virtue of subsection (b-1).

23 (c) As used in this Section, "streetgang" and  
24 "gang-related" have the meanings ascribed to them in Section 10  
25 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

26 (Source: P.A. 94-468, eff. 8-4-05; 94-556, eff. 9-11-05;

1 95-331, eff. 8-21-07.)

2 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

3 Sec. 115-10. Certain hearsay exceptions.

4 (a) In a prosecution for a physical or sexual act  
5 perpetrated upon or against a child under the age of 13, or a  
6 person who was a moderately, severely, or profoundly mentally  
7 retarded person as defined in this Code and in Section 2-10.1  
8 of the Criminal Code of 1961 at the time the act was committed,  
9 including but not limited to prosecutions for violations of  
10 Sections 12-13 through 12-16 of the Criminal Code of 1961 and  
11 prosecutions for violations of Sections 10-1 (kidnapping),  
12 10-2 (aggravated kidnapping), 10-3 (unlawful restraint),  
13 10-3.1 (aggravated unlawful restraint), 10-4 (forcible  
14 detention), 10-5 (child abduction), 10-6 (harboring a  
15 runaway), 10-7 (aiding or ~~and~~ abetting child abduction), 11-9  
16 (public indecency), 11-11 (sexual relations within families),  
17 11-21 (harmful material), 12-1 (assault), 12-2 (aggravated  
18 assault), 12-3 (battery), 12-3.2 (domestic battery), 12-4  
19 (aggravated battery), 12-4.1 (heinous battery), 12-4.2  
20 (aggravated battery with a firearm), 12-4.3 (aggravated  
21 battery of a child), 12-4.7 (drug induced infliction of great  
22 bodily harm), 12-5 (reckless conduct), 12-6 (intimidation),  
23 12-6.1 (compelling organization membership of persons), 12-7.1  
24 (hate crime), 12-7.3 (stalking), 12-7.4 (aggravated stalking),  
25 12-10 (tattooing body of minor), 12-11 (home invasion), 12-21.5

1 (child abandonment), 12-21.6 (endangering the life or health of  
2 a child) or 12-32 (ritual mutilation) of the Criminal Code of  
3 1961 or any sex offense as defined in subsection (B) of Section  
4 2 of the Sex Offender Registration Act, the following evidence  
5 shall be admitted as an exception to the hearsay rule:

6 (1) testimony by the victim of an out of court  
7 statement made by the victim that he or she complained of  
8 such act to another; and

9 (2) testimony of an out of court statement made by the  
10 victim describing any complaint of such act or matter or  
11 detail pertaining to any act which is an element of an  
12 offense which is the subject of a prosecution for a sexual  
13 or physical act against that victim.

14 (b) Such testimony shall only be admitted if:

15 (1) The court finds in a hearing conducted outside the  
16 presence of the jury that the time, content, and  
17 circumstances of the statement provide sufficient  
18 safeguards of reliability; and

19 (2) The child or moderately, severely, or profoundly  
20 mentally retarded person either:

21 (A) testifies at the proceeding; or

22 (B) is unavailable as a witness and there is  
23 corroborative evidence of the act which is the subject  
24 of the statement; and

25 (3) In a case involving an offense perpetrated against

1 a child under the age of 13, the out of court statement was  
2 made before the victim attained 13 years of age or within 3  
3 months after the commission of the offense, whichever  
4 occurs later, but the statement may be admitted regardless  
5 of the age of the victim at the time of the proceeding.

6 (c) If a statement is admitted pursuant to this Section,  
7 the court shall instruct the jury that it is for the jury to  
8 determine the weight and credibility to be given the statement  
9 and that, in making the determination, it shall consider the  
10 age and maturity of the child, or the intellectual capabilities  
11 of the moderately, severely, or profoundly mentally retarded  
12 person, the nature of the statement, the circumstances under  
13 which the statement was made, and any other relevant factor.

14 (d) The proponent of the statement shall give the adverse  
15 party reasonable notice of his intention to offer the statement  
16 and the particulars of the statement.

17 (e) Statements described in paragraphs (1) and (2) of  
18 subsection (a) shall not be excluded on the basis that they  
19 were obtained as a result of interviews conducted pursuant to a  
20 protocol adopted by a Child Advocacy Advisory Board as set  
21 forth in subsections (c), (d), and (e) of Section 3 of the  
22 Children's Advocacy Center Act or that an interviewer or  
23 witness to the interview was or is an employee, agent, or  
24 investigator of a State's Attorney's office.

25 (Source: P.A. 95-892, eff. 1-1-09.)

1 Section 45. The Unified Code of Corrections is amended by  
2 changing Section 3-1-2 as follows:

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

4 Sec. 3-1-2. Definitions.

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

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

14 (i) A violation of any of the following Sections of the  
15 Criminal Code of 1961: 10-7 (aiding or ~~and~~ abetting child  
16 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child  
17 luring), 11-6 (indecent solicitation of a child), 11-6.5  
18 (indecent solicitation of an adult), 11-15.1 (soliciting  
19 for a juvenile prostitute), 11-17.1 (keeping a place of  
20 juvenile prostitution), 11-18.1 (patronizing a juvenile  
21 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
22 (exploitation of a child), 11-20.1 (child pornography),  
23 12-14.1 (predatory criminal sexual assault of a child), or  
24 12-33 (ritualized abuse of a child). An attempt to commit  
25 any of these offenses.



1           (ii) A violation of any of the following Sections of  
2           the Criminal Code of 1961: 12-13 (criminal sexual assault),  
3           12-14 (aggravated criminal sexual assault), 12-16  
4           (aggravated criminal sexual abuse), and subsection (a) of  
5           Section 12-15 (criminal sexual abuse). An attempt to commit  
6           any of these offenses.

7           (iii) A violation of any of the following Sections of  
8           the Criminal Code of 1961 when the defendant is not a  
9           parent of the victim:

10                   10-1 (kidnapping),

11                   10-2 (aggravated kidnapping),

12                   10-3 (unlawful restraint),

13                   10-3.1 (aggravated unlawful restraint).

14                   An attempt to commit any of these offenses.

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

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

26           (b) "Commitment" means a judicially determined placement

1 in the custody of the Department of Corrections on the basis of  
2 delinquency or conviction.

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

9 (d) "Correctional Institution or Facility" means any  
10 building or part of a building where committed persons are kept  
11 in a secured manner.

12 (e) In the case of functions performed before the effective  
13 date of this amendatory Act of the 94th General Assembly,  
14 "Department" means the Department of Corrections of this State.  
15 In the case of functions performed on or after the effective  
16 date of this amendatory Act of the 94th General Assembly,  
17 "Department" has the meaning ascribed to it in subsection  
18 (f-5).

19 (f) In the case of functions performed before the effective  
20 date of this amendatory Act of the 94th General Assembly,  
21 "Director" means the Director of the Department of Corrections.  
22 In the case of functions performed on or after the effective  
23 date of this amendatory Act of the 94th General Assembly,  
24 "Director" has the meaning ascribed to it in subsection (f-5).

25 (f-5) In the case of functions performed on or after the  
26 effective date of this amendatory Act of the 94th General

1 Assembly, references to "Department" or "Director" refer to  
2 either the Department of Corrections or the Director of  
3 Corrections or to the Department of Juvenile Justice or the  
4 Director of Juvenile Justice unless the context is specific to  
5 the Department of Juvenile Justice or the Director of Juvenile  
6 Justice.

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

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

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

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

19 (k) "Parole" means the conditional and revocable release of  
20 a committed person under the supervision of a parole officer.

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

1 prisoners sentenced under the law in effect prior to the  
2 effective date of this Amendatory Act of 1977, to hear requests  
3 and make recommendations to the Governor with respect to  
4 pardon, reprieve or commutation, to set conditions for parole  
5 and mandatory supervised release and determine whether  
6 violations of those conditions justify revocation of parole or  
7 release, and to assume all other functions previously exercised  
8 by the Illinois Parole and Pardon Board.

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

16 (n) "Victim" shall have the meaning ascribed to it in  
17 subsection (a) of Section 3 of the Bill of Rights for Victims  
18 and Witnesses of Violent Crime Act.

19 (Source: P.A. 94-159, eff. 7-11-05; 94-696, eff. 6-1-06.)

20 Section 50. The Predator Accountability Act is amended by  
21 changing Section 10 as follows:

22 (740 ILCS 128/10)

23 Sec. 10. Definitions. As used in this Act:

24 "Sex trade" means any act, which if proven beyond a

1 reasonable doubt could support a conviction for a violation or  
2 attempted violation of any of the following Sections of the  
3 Criminal Code of 1961: 11-15 (soliciting for a prostitute);  
4 11-15.1 (soliciting for a juvenile prostitute); 11-16  
5 (pandering); 11-17 (keeping a place of prostitution); 11-17.1  
6 (keeping a place of juvenile prostitution); 11-19 (pimping);  
7 11-19.1 (juvenile pimping and aggravated juvenile pimping);  
8 11-19.2 (exploitation of a child); 11-20 (obscenity); or  
9 11-20.1 (child pornography); or Section 10-9 ~~Article 10A~~ of the  
10 Criminal Code of 1961 (trafficking of persons and involuntary  
11 servitude).

12 "Sex trade" activity may involve adults and youth of all  
13 genders and sexual orientations.

14 "Victim of the sex trade" means, for the following sex  
15 trade acts, the person or persons indicated:

16 (1) soliciting for a prostitute: the prostitute who is  
17 the object of the solicitation;

18 (2) soliciting for a juvenile prostitute: the juvenile  
19 prostitute, or severely or profoundly mentally retarded  
20 person, who is the object of the solicitation;

21 (3) pandering: the person intended or compelled to act  
22 as a prostitute;

23 (4) keeping a place of prostitution: any person  
24 intended or compelled to act as a prostitute, while present  
25 at the place, during the time period in question;

26 (5) keeping a place of juvenile prostitution: any

1 juvenile intended or compelled to act as a prostitute,  
2 while present at the place, during the time period in  
3 question;

4 (6) pimping: the prostitute from whom anything of value  
5 is received;

6 (7) juvenile pimping and aggravated juvenile pimping:  
7 the juvenile, or severely or profoundly mentally retarded  
8 person, from whom anything of value is received for that  
9 person's act of prostitution;

10 (8) exploitation of a child: the juvenile, or severely  
11 or profoundly mentally retarded person, intended or  
12 compelled to act as a prostitute or from whom anything of  
13 value is received for that person's act of prostitution;

14 (9) obscenity: any person who appears in or is  
15 described or depicted in the offending conduct or material;

16 (10) child pornography: any child, or severely or  
17 profoundly mentally retarded person, who appears in or is  
18 described or depicted in the offending conduct or material;

19 or

20 (11) trafficking of persons or involuntary servitude:  
21 a "trafficking victim" as defined in Section 10-9 ~~10A-5~~ of  
22 the Criminal Code of 1961.

23 (Source: P.A. 94-998, eff. 7-3-06.)

24 Section 95. No acceleration or delay. Where this Act makes  
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section  
2 represented by multiple versions), the use of that text does  
3 not accelerate or delay the taking effect of (i) the changes  
4 made by this Act or (ii) provisions derived from any other  
5 Public Act.

6 Section 99. Effective date. This Act takes effect January  
7 1, 2010.