



Rep. Kelly M. Cassidy

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LRB097 18978 RLC 66428 a

1 AMENDMENT TO HOUSE BILL 5278

2 AMENDMENT NO. _____. Amend House Bill 5278 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Section 3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

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

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

15 "Child" means any person under the age of 18 years, unless
16 legally emancipated by reason of marriage or entry into a

1 branch of the United States armed services.

2 "Department" means Department of Children and Family
3 Services.

4 "Local law enforcement agency" means the police of a city,
5 town, village or other incorporated area or the sheriff of an
6 unincorporated area or any sworn officer of the Illinois
7 Department of State Police.

8 "Abused child" means a child whose parent or immediate
9 family member, or any person responsible for the child's
10 welfare, or any individual residing in the same home as the
11 child, or a paramour of the child's parent:

12 (a) inflicts, causes to be inflicted, or allows to be
13 inflicted upon such child physical injury, by other than
14 accidental means, which causes death, disfigurement,
15 impairment of physical or emotional health, or loss or
16 impairment of any bodily function;

17 (b) creates a substantial risk of physical injury to
18 such child by other than accidental means which would be
19 likely to cause death, disfigurement, impairment of
20 physical or emotional health, or loss or impairment of any
21 bodily function;

22 (c) commits or allows to be committed any sex offense
23 against such child, as such sex offenses are defined in the
24 Criminal Code of 1961, as amended, or in the Wrongs to
25 Children Act, and extending those definitions of sex
26 offenses to include children under 18 years of age;

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

3 (e) inflicts excessive corporal punishment;

4 (f) commits or allows to be committed the offense of
5 female genital mutilation, as defined in Section 12-34 of
6 the Criminal Code of 1961, against the child;

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

17 (h) commits or allows to be committed the offense of
18 involuntary servitude, involuntary sexual servitude of a
19 minor, trafficking in persons, or trafficking in persons
20 for forced labor or services as defined in Section 10-9 of
21 the Criminal Code of 1961 against the child.

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

25 "Neglected child" means any child who is not receiving the
26 proper or necessary nourishment or medically indicated

1 treatment including food or care not provided solely on the
2 basis of the present or anticipated mental or physical
3 impairment as determined by a physician acting alone or in
4 consultation with other physicians or otherwise is not
5 receiving the proper or necessary support or medical or other
6 remedial care recognized under State law as necessary for a
7 child's well-being, or other care necessary for his or her
8 well-being, including adequate food, clothing and shelter; or
9 who is abandoned by his or her parents or other person
10 responsible for the child's welfare without a proper plan of
11 care; or who has been provided with interim crisis intervention
12 services under Section 3-5 of the Juvenile Court Act of 1987
13 and whose parent, guardian, or custodian refuses to permit the
14 child to return home and no other living arrangement agreeable
15 to the parent, guardian, or custodian can be made, and the
16 parent, guardian, or custodian has not made any other
17 appropriate living arrangement for the child; or who is a
18 newborn infant whose blood, urine, or meconium contains any
19 amount of a controlled substance as defined in subsection (f)
20 of Section 102 of the Illinois Controlled Substances Act or a
21 metabolite thereof, with the exception of a controlled
22 substance or metabolite thereof whose presence in the newborn
23 infant is the result of medical treatment administered to the
24 mother or the newborn infant. A child shall not be considered
25 neglected for the sole reason that the child's parent or other
26 person responsible for his or her welfare has left the child in

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

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

17 "Person responsible for the child's welfare" means the
18 child's parent; guardian; foster parent; relative caregiver;
19 any person responsible for the child's welfare in a public or
20 private residential agency or institution; any person
21 responsible for the child's welfare within a public or private
22 profit or not for profit child care facility; or any other
23 person responsible for the child's welfare at the time of the
24 alleged abuse or neglect, or any person who came to know the
25 child through an official capacity or position of trust,
26 including but not limited to health care professionals,

1 educational personnel, recreational supervisors, members of
2 the clergy, and volunteers or support personnel in any setting
3 where children may be subject to abuse or neglect.

4 "Temporary protective custody" means custody within a
5 hospital or other medical facility or a place previously
6 designated for such custody by the Department, subject to
7 review by the Court, including a licensed foster home, group
8 home, or other institution; but such place shall not be a jail
9 or other place for the detention of criminal or juvenile
10 offenders.

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

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

17 "An undetermined report" means any report made under this
18 Act in which it was not possible to initiate or complete an
19 investigation on the basis of information provided to the
20 Department.

21 "Subject of report" means any child reported to the central
22 register of child abuse and neglect established under Section
23 7.7 of this Act as an alleged victim of child abuse or neglect
24 and the parent or guardian of the alleged victim or other
25 person responsible for the alleged victim's welfare who is
26 named in the report or added to the report as an alleged

1 perpetrator of child abuse or neglect.

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

5 "Member of the clergy" means a clergyman or practitioner of
6 any religious denomination accredited by the religious body to
7 which he or she belongs.

8 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;
9 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11.)

10 Section 10. The Juvenile Court Act of 1987 is amended by
11 changing Sections 2-3 and 2-18 as follows:

12 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

13 Sec. 2-3. Neglected or abused minor.

14 (1) Those who are neglected include:

15 (a) any minor under 18 years of age who is not
16 receiving the proper or necessary support, education as
17 required by law, or medical or other remedial care
18 recognized under State law as necessary for a minor's
19 well-being, or other care necessary for his or her
20 well-being, including adequate food, clothing and shelter,
21 or who is abandoned by his or her parent or parents or
22 other person or persons responsible for the minor's
23 welfare, except that a minor shall not be considered
24 neglected for the sole reason that the minor's parent or

1 parents or other person or persons responsible for the
2 minor's welfare have left the minor in the care of an adult
3 relative for any period of time, who the parent or parents
4 or other person responsible for the minor's welfare know is
5 both a mentally capable adult relative and physically
6 capable adult relative, as defined by this Act; or

7 (b) any minor under 18 years of age whose environment
8 is injurious to his or her welfare; or

9 (c) any newborn infant whose blood, urine, or meconium
10 contains any amount of a controlled substance as defined in
11 subsection (f) of Section 102 of the Illinois Controlled
12 Substances Act, as now or hereafter amended, or a
13 metabolite of a controlled substance, with the exception of
14 controlled substances or metabolites of such substances,
15 the presence of which in the newborn infant is the result
16 of medical treatment administered to the mother or the
17 newborn infant; or

18 (d) any minor under the age of 14 years whose parent or
19 other person responsible for the minor's welfare leaves the
20 minor without supervision for an unreasonable period of
21 time without regard for the mental or physical health,
22 safety, or welfare of that minor; or

23 (e) any minor who has been provided with interim crisis
24 intervention services under Section 3-5 of this Act and
25 whose parent, guardian, or custodian refuses to permit the
26 minor to return home unless the minor is an immediate

1 physical danger to himself, herself, or others living in
2 the home.

3 Whether the minor was left without regard for the mental or
4 physical health, safety, or welfare of that minor or the period
5 of time was unreasonable shall be determined by considering the
6 following factors, including but not limited to:

7 (1) the age of the minor;

8 (2) the number of minors left at the location;

9 (3) special needs of the minor, including whether the
10 minor is physically or mentally handicapped, or otherwise
11 in need of ongoing prescribed medical treatment such as
12 periodic doses of insulin or other medications;

13 (4) the duration of time in which the minor was left
14 without supervision;

15 (5) the condition and location of the place where the
16 minor was left without supervision;

17 (6) the time of day or night when the minor was left
18 without supervision;

19 (7) the weather conditions, including whether the
20 minor was left in a location with adequate protection from
21 the natural elements such as adequate heat or light;

22 (8) the location of the parent or guardian at the time
23 the minor was left without supervision, the physical
24 distance the minor was from the parent or guardian at the
25 time the minor was without supervision;

26 (9) whether the minor's movement was restricted, or the

1 minor was otherwise locked within a room or other
2 structure;

3 (10) whether the minor was given a phone number of a
4 person or location to call in the event of an emergency and
5 whether the minor was capable of making an emergency call;

6 (11) whether there was food and other provision left
7 for the minor;

8 (12) whether any of the conduct is attributable to
9 economic hardship or illness and the parent, guardian or
10 other person having physical custody or control of the
11 child made a good faith effort to provide for the health
12 and safety of the minor;

13 (13) the age and physical and mental capabilities of
14 the person or persons who provided supervision for the
15 minor;

16 (14) whether the minor was left under the supervision
17 of another person;

18 (15) any other factor that would endanger the health
19 and safety of that particular minor.

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

23 (2) Those who are abused include any minor under 18 years
24 of age whose parent or immediate family member, or any person
25 responsible for the minor's welfare, or any person who is in
26 the same family or household as the minor, or any individual

1 residing in the same home as the minor, or a paramour of the
2 minor's parent:

3 (i) inflicts, causes to be inflicted, or allows to be
4 inflicted upon such minor physical injury, by other than
5 accidental means, which causes death, disfigurement,
6 impairment of physical or emotional health, or loss or
7 impairment of any bodily function;

8 (ii) creates a substantial risk of physical injury to
9 such minor by other than accidental means which would be
10 likely to cause death, disfigurement, impairment of
11 emotional health, or loss or impairment of any bodily
12 function;

13 (iii) commits or allows to be committed any sex offense
14 against such minor, as such sex offenses are defined in the
15 Criminal Code of 1961, as amended, or in the Wrongs to
16 Children Act, and extending those definitions of sex
17 offenses to include minors under 18 years of age;

18 (iv) commits or allows to be committed an act or acts
19 of torture upon such minor;

20 (v) inflicts excessive corporal punishment;

21 (vi) commits or allows to be committed the offense of
22 involuntary servitude, involuntary sexual servitude of a
23 minor, trafficking in persons, or trafficking in persons
24 for forced labor or services defined in Section 10-9 of the
25 Criminal Code of 1961, upon such minor; or

26 (vii) allows, encourages or requires a minor to commit

1 any act of prostitution, as defined in the Criminal Code of
2 1961, and extending those definitions to include minors
3 under 18 years of age.

4 A minor shall not be considered abused for the sole reason
5 that the minor has been relinquished in accordance with the
6 Abandoned Newborn Infant Protection Act.

7 (3) This Section does not apply to a minor who would be
8 included herein solely for the purpose of qualifying for
9 financial assistance for himself, his parents, guardian or
10 custodian.

11 (Source: P.A. 95-443, eff. 1-1-08; 96-168, eff. 8-10-09;
12 96-1464, eff. 8-20-10.)

13 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)

14 Sec. 2-18. Evidence.

15 (1) At the adjudicatory hearing, the court shall first
16 consider only the question whether the minor is abused,
17 neglected or dependent. The standard of proof and the rules of
18 evidence in the nature of civil proceedings in this State are
19 applicable to proceedings under this Article. If the petition
20 also seeks the appointment of a guardian of the person with
21 power to consent to adoption of the minor under Section 2-29,
22 the court may also consider legally admissible evidence at the
23 adjudicatory hearing that one or more grounds of unfitness
24 exists under subdivision D of Section 1 of the Adoption Act.

25 (2) In any hearing under this Act, the following shall

1 constitute prima facie evidence of abuse or neglect, as the
2 case may be:

3 (a) proof that a minor has a medical diagnosis of
4 battered child syndrome is prima facie evidence of abuse;

5 (b) proof that a minor has a medical diagnosis of
6 failure to thrive syndrome is prima facie evidence of
7 neglect;

8 (c) proof that a minor has a medical diagnosis of fetal
9 alcohol syndrome is prima facie evidence of neglect;

10 (d) proof that a minor has a medical diagnosis at birth
11 of withdrawal symptoms from narcotics or barbiturates is
12 prima facie evidence of neglect;

13 (e) proof of injuries sustained by a minor or of the
14 condition of a minor of such a nature as would ordinarily
15 not be sustained or exist except by reason of the acts or
16 omissions of the parent, custodian or guardian of such
17 minor shall be prima facie evidence of abuse or neglect, as
18 the case may be;

19 (f) proof that a parent, custodian or guardian of a
20 minor repeatedly used a drug, to the extent that it has or
21 would ordinarily have the effect of producing in the user a
22 substantial state of stupor, unconsciousness,
23 intoxication, hallucination, disorientation or
24 incompetence, or a substantial impairment of judgment, or a
25 substantial manifestation of irrationality, shall be prima
26 facie evidence of neglect;

1 (g) proof that a parent, custodian, or guardian of a
2 minor repeatedly used a controlled substance, as defined in
3 subsection (f) of Section 102 of the Illinois Controlled
4 Substances Act, in the presence of the minor or a sibling
5 of the minor is prima facie evidence of neglect. "Repeated
6 use", for the purpose of this subsection, means more than
7 one use of a controlled substance as defined in subsection
8 (f) of Section 102 of the Illinois Controlled Substances
9 Act;

10 (h) proof that a newborn infant's blood, urine, or
11 meconium contains any amount of a controlled substance as
12 defined in subsection (f) of Section 102 of the Illinois
13 Controlled Substances Act, or a metabolite of a controlled
14 substance, with the exception of controlled substances or
15 metabolites of those substances, the presence of which is
16 the result of medical treatment administered to the mother
17 or the newborn, is prime facie evidence of neglect;

18 (i) proof that a minor was present in a structure or
19 vehicle in which the minor's parent, custodian, or guardian
20 was involved in the manufacture of methamphetamine
21 constitutes prima facie evidence of abuse and neglect;

22 (j) proof that a parent, custodian, or guardian of a
23 minor allows, encourages, or requires a minor to perform,
24 offer, or agree to perform any act of sexual penetration as
25 defined in Section 12-12 of the Criminal Code of 1961 for
26 any money, property, token, object, or article or anything

1 of value, or any touching or fondling of the sex organs of
2 one person by another person, for any money, property,
3 token, object, or article or anything of value, for the
4 purpose of sexual arousal or gratification, constitutes
5 prima facie evidence of abuse and neglect;

6 (k) proof that a parent, custodian, or guardian of a
7 minor commits or allows to be committed the offense of
8 involuntary servitude, involuntary sexual servitude of a
9 minor, trafficking in persons, or trafficking in persons
10 for forced labor or services defined in Section 10-9 of the
11 Criminal Code of 1961, upon such minor, constitutes prima
12 facie evidence of abuse and neglect.

13 (3) In any hearing under this Act, proof of the abuse,
14 neglect or dependency of one minor shall be admissible evidence
15 on the issue of the abuse, neglect or dependency of any other
16 minor for whom the respondent is responsible.

17 (4) (a) Any writing, record, photograph or x-ray of any
18 hospital or public or private agency, whether in the form of an
19 entry in a book or otherwise, made as a memorandum or record of
20 any condition, act, transaction, occurrence or event relating
21 to a minor in an abuse, neglect or dependency proceeding, shall
22 be admissible in evidence as proof of that condition, act,
23 transaction, occurrence or event, if the court finds that the
24 document was made in the regular course of the business of the
25 hospital or agency and that it was in the regular course of
26 such business to make it, at the time of the act, transaction,

1 occurrence or event, or within a reasonable time thereafter. A
2 certification by the head or responsible employee of the
3 hospital or agency that the writing, record, photograph or
4 x-ray is the full and complete record of the condition, act,
5 transaction, occurrence or event and that it satisfies the
6 conditions of this paragraph shall be prima facie evidence of
7 the facts contained in such certification. A certification by
8 someone other than the head of the hospital or agency shall be
9 accompanied by a photocopy of a delegation of authority signed
10 by both the head of the hospital or agency and by such other
11 employee. All other circumstances of the making of the
12 memorandum, record, photograph or x-ray, including lack of
13 personal knowledge of the maker, may be proved to affect the
14 weight to be accorded such evidence, but shall not affect its
15 admissibility.

16 (b) Any indicated report filed pursuant to the Abused and
17 Neglected Child Reporting Act shall be admissible in evidence.

18 (c) Previous statements made by the minor relating to any
19 allegations of abuse or neglect shall be admissible in
20 evidence. However, no such statement, if uncorroborated and not
21 subject to cross-examination, shall be sufficient in itself to
22 support a finding of abuse or neglect.

23 (d) There shall be a rebuttable presumption that a minor is
24 competent to testify in abuse or neglect proceedings. The court
25 shall determine how much weight to give to the minor's
26 testimony, and may allow the minor to testify in chambers with

1 only the court, the court reporter and attorneys for the
2 parties present.

3 (e) The privileged character of communication between any
4 professional person and patient or client, except privilege
5 between attorney and client, shall not apply to proceedings
6 subject to this Article.

7 (f) Proof of the impairment of emotional health or
8 impairment of mental or emotional condition as a result of the
9 failure of the respondent to exercise a minimum degree of care
10 toward a minor may include competent opinion or expert
11 testimony, and may include proof that such impairment lessened
12 during a period when the minor was in the care, custody or
13 supervision of a person or agency other than the respondent.

14 (5) In any hearing under this Act alleging neglect for
15 failure to provide education as required by law under
16 subsection (1) of Section 2-3, proof that a minor under 13
17 years of age who is subject to compulsory school attendance
18 under the School Code is a chronic truant as defined under the
19 School Code shall be prima facie evidence of neglect by the
20 parent or guardian in any hearing under this Act and proof that
21 a minor who is 13 years of age or older who is subject to
22 compulsory school attendance under the School Code is a chronic
23 truant shall raise a rebuttable presumption of neglect by the
24 parent or guardian. This subsection (5) shall not apply in
25 counties with 2,000,000 or more inhabitants.

26 (6) In any hearing under this Act, the court may take

1 judicial notice of prior sworn testimony or evidence admitted
2 in prior proceedings involving the same minor if (a) the
3 parties were either represented by counsel at such prior
4 proceedings or the right to counsel was knowingly waived and
5 (b) the taking of judicial notice would not result in admitting
6 hearsay evidence at a hearing where it would otherwise be
7 prohibited.

8 (Source: P.A. 96-1464, eff. 8-20-10.)

9 Section 15. The Criminal Code of 1961 is amended by
10 changing Sections 3-6, 10-9, 14-3, and 36.5-5 as follows:

11 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

12 Sec. 3-6. Extended limitations. The period within which a
13 prosecution must be commenced under the provisions of Section
14 3-5 or other applicable statute is extended under the following
15 conditions:

16 (a) A prosecution for theft involving a breach of a
17 fiduciary obligation to the aggrieved person may be commenced
18 as follows:

19 (1) If the aggrieved person is a minor or a person
20 under legal disability, then during the minority or legal
21 disability or within one year after the termination
22 thereof.

23 (2) In any other instance, within one year after the
24 discovery of the offense by an aggrieved person, or by a

1 person who has legal capacity to represent an aggrieved
2 person or has a legal duty to report the offense, and is
3 not himself or herself a party to the offense; or in the
4 absence of such discovery, within one year after the proper
5 prosecuting officer becomes aware of the offense. However,
6 in no such case is the period of limitation so extended
7 more than 3 years beyond the expiration of the period
8 otherwise applicable.

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

17 (b-5) When the victim is under 18 years of age at the time
18 of the offense, a prosecution for involuntary servitude,
19 involuntary sexual servitude of a minor, or trafficking in
20 persons and related offenses under Section 10-9 of this Code
21 may be commenced within one year of the victim attaining the
22 age of 18 years. However, in no such case shall the time period
23 for prosecution expire sooner than 3 years after the commission
24 of the offense.

25 (c) (Blank).

26 (d) A prosecution for child pornography, aggravated child

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

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

21 (f) A prosecution for any offense set forth in Section 44
22 of the "Environmental Protection Act", approved June 29, 1970,
23 as amended, may be commenced within 5 years after the discovery
24 of such an offense by a person or agency having the legal duty
25 to report the offense or in the absence of such discovery,
26 within 5 years after the proper prosecuting officer becomes

1 aware of the offense.

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

5 (g) (Blank).

6 (h) (Blank).

7 (i) Except as otherwise provided in subdivision (j), a
8 prosecution for criminal sexual assault, aggravated criminal
9 sexual assault, or aggravated criminal sexual abuse may be
10 commenced within 10 years of the commission of the offense if
11 the victim reported the offense to law enforcement authorities
12 within 3 years after the commission of the offense.

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

16 (j) When the victim is under 18 years of age at the time of
17 the offense, a prosecution for criminal sexual assault,
18 aggravated criminal sexual assault, predatory criminal sexual
19 assault of a child, aggravated criminal sexual abuse, or felony
20 criminal sexual abuse, or a prosecution for failure of a person
21 who is required to report an alleged or suspected commission of
22 any of these offenses under the Abused and Neglected Child
23 Reporting Act may be commenced within 20 years after the child
24 victim attains 18 years of age. When the victim is under 18
25 years of age at the time of the offense, a prosecution for
26 misdemeanor criminal sexual abuse may be commenced within 10

1 years after the child victim attains 18 years of age.

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

5 (k) A prosecution for theft involving real property
6 exceeding \$100,000 in value under Section 16-1, identity theft
7 under subsection (a) of Section 16-30, aggravated identity
8 theft under subsection (b) of Section 16-30, or any offense set
9 forth in Article 16H or Section 17-10.6 may be commenced within
10 7 years of the last act committed in furtherance of the crime.
11 (Source: P.A. 96-233, eff. 1-1-10; 96-1551, Article 2, Section
12 1035, eff. 7-1-11; 96-1551, Article 10, Section 10-140, eff.
13 7-1-11; 97-597, eff. 1-1-12.)

14 (720 ILCS 5/10-9)

15 Sec. 10-9. Trafficking in persons, involuntary servitude,
16 and related offenses.

17 (a) Definitions. In this Section:

18 (1) "Intimidation" has the meaning prescribed in
19 Section 12-6.

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

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

1 (4) (Blank). ~~"Forced labor or services" means labor or~~
2 ~~services that are performed or provided by another person~~
3 ~~and are obtained or maintained through:~~

4 ~~(A) any scheme, plan, or pattern intending to cause~~
5 ~~or threatening to cause serious harm to any person;~~

6 ~~(B) an actor's physically restraining or~~
7 ~~threatening to physically restrain another person;~~

8 ~~(C) an actor's abusing or threatening to abuse the~~
9 ~~law or legal process;~~

10 ~~(D) an actor's knowingly destroying, concealing,~~
11 ~~removing, confiscating, or possessing any actual or~~
12 ~~purported passport or other immigration document, or~~
13 ~~any other actual or purported government~~
14 ~~identification document, of another person;~~

15 ~~(E) an actor's blackmail; or~~

16 ~~(F) an actor's causing or threatening to cause~~
17 ~~financial harm to or exerting financial control over~~
18 ~~any person.~~

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

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

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

26 (7.5) "Serious harm" means any harm, whether physical

1 or nonphysical, including psychological, financial, or
2 reputational harm, that is sufficiently serious, under all
3 the surrounding circumstances, to compel a reasonable
4 person of the same background and in the same circumstances
5 to perform or to continue performing labor or services in
6 order to avoid incurring that harm.

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

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

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

21 (b) Involuntary servitude. A person commits ~~the offense of~~
22 involuntary servitude when he or she knowingly subjects,
23 attempts to subject, or engages in a conspiracy to subject
24 another person to ~~forced~~ labor or services obtained or
25 maintained through any of the following means, or any
26 combination of these means 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; or ~~or~~

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

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

23 (c) Involuntary sexual servitude of a minor. A person
24 commits ~~the offense of~~ involuntary sexual servitude of a minor
25 when he or she knowingly recruits, entices, harbors,
26 transports, provides, or obtains by any means, or attempts to

1 recruit, entice, harbor, provide, or obtain by any means,
2 another person under 18 years of age, knowing that the minor
3 will engage in commercial sexual activity, a sexually-explicit
4 performance, or the production of pornography, or causes or
5 attempts to cause a minor to engage in one or more of those
6 activities and:

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

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

11 (3) there is overt force or threat.

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

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

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

3 (e) Aggravating factors. A violation of this Section
4 involving kidnapping or an attempt to kidnap, aggravated
5 criminal sexual assault or an attempt to commit aggravated
6 criminal sexual assault, or an attempt to commit first degree
7 murder is a Class X felony.

8 (f) Sentencing considerations.

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

18 (2) Number of victims. In determining sentences within
19 statutory maximums, the sentencing court should take into
20 account the number of victims, and may provide for
21 substantially increased sentences in cases involving more
22 than 10 victims.

23 (g) Restitution. Restitution is mandatory under this
24 Section. In addition to any other amount of loss identified,
25 the court shall order restitution including the greater of (1)
26 the gross income or value to the defendant of the victim's

1 labor or services or (2) the value of the victim's labor as
2 guaranteed under the Minimum Wage Law and overtime provisions
3 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
4 whichever is greater.

5 (h) Trafficking victim services. Subject to the
6 availability of funds, the Department of Human Services may
7 provide or fund emergency services and assistance to
8 individuals who are victims of one or more offenses defined in
9 this Section.

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

25 (j) A person who commits ~~the offense of~~ involuntary
26 servitude, involuntary sexual servitude of a minor, or

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

5 (Source: P.A. 96-710, eff. 1-1-10; incorporates 96-712, eff.
6 1-1-10; 96-1000, eff. 7-2-10.)

7 (720 ILCS 5/14-3)

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

10 (a) Listening to radio, wireless and television
11 communications of any sort where the same are publicly made;

12 (b) Hearing conversation when heard by employees of any
13 common carrier by wire incidental to the normal course of their
14 employment in the operation, maintenance or repair of the
15 equipment of such common carrier by wire so long as no
16 information obtained thereby is used or divulged by the hearer;

17 (c) Any broadcast by radio, television or otherwise whether
18 it be a broadcast or recorded for the purpose of later
19 broadcasts of any function where the public is in attendance
20 and the conversations are overheard incidental to the main
21 purpose for which such broadcasts are then being made;

22 (d) Recording or listening with the aid of any device to
23 any emergency communication made in the normal course of
24 operations by any federal, state or local law enforcement
25 agency or institutions dealing in emergency services,

1 including, but not limited to, hospitals, clinics, ambulance
2 services, fire fighting agencies, any public utility,
3 emergency repair facility, civilian defense establishment or
4 military installation;

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

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

19 (g) With prior notification to the State's Attorney of the
20 county in which it is to occur, recording or listening with the
21 aid of any device to any conversation where a law enforcement
22 officer, or any person acting at the direction of law
23 enforcement, is a party to the conversation and has consented
24 to it being intercepted or recorded under circumstances where
25 the use of the device is necessary for the protection of the
26 law enforcement officer or any person acting at the direction

1 of law enforcement, in the course of an investigation of a
2 forcible felony, a felony offense of involuntary servitude,
3 involuntary sexual servitude of a minor, trafficking in
4 persons, or trafficking in persons for forced labor or services
5 under Section 10-9 of this Code, an offense involving
6 prostitution, solicitation of a sexual act, or pandering, a
7 felony violation of the Illinois Controlled Substances Act, a
8 felony violation of the Cannabis Control Act, a felony
9 violation of the Methamphetamine Control and Community
10 Protection Act, any "streetgang related" or "gang-related"
11 felony as those terms are defined in the Illinois Streetgang
12 Terrorism Omnibus Prevention Act, or any felony offense
13 involving any weapon listed in paragraphs (1) through (11) of
14 subsection (a) of Section 24-1 of this Code. Any recording or
15 evidence derived as the result of this exemption shall be
16 inadmissible in any proceeding, criminal, civil or
17 administrative, except (i) where a party to the conversation
18 suffers great bodily injury or is killed during such
19 conversation, or (ii) when used as direct impeachment of a
20 witness concerning matters contained in the interception or
21 recording. The Director of the Department of State Police shall
22 issue regulations as are necessary concerning the use of
23 devices, retention of tape recordings, and reports regarding
24 their use;

25 (g-5) With approval of the State's Attorney of the county
26 in which it is to occur, recording or listening with the aid of

1 any device to any conversation where a law enforcement officer,
2 or any person acting at the direction of law enforcement, is a
3 party to the conversation and has consented to it being
4 intercepted or recorded in the course of an investigation of
5 any offense defined in Article 29D of this Code. In all such
6 cases, an application for an order approving the previous or
7 continuing use of an eavesdropping device must be made within
8 48 hours of the commencement of such use. In the absence of
9 such an order, or upon its denial, any continuing use shall
10 immediately terminate. The Director of State Police shall issue
11 rules as are necessary concerning the use of devices, retention
12 of tape recordings, and reports regarding their use.

13 Any recording or evidence obtained or derived in the course
14 of an investigation of any offense defined in Article 29D of
15 this Code shall, upon motion of the State's Attorney or
16 Attorney General prosecuting any violation of Article 29D, be
17 reviewed in camera with notice to all parties present by the
18 court presiding over the criminal case, and, if ruled by the
19 court to be relevant and otherwise admissible, it shall be
20 admissible at the trial of the criminal case.

21 This subsection (g-5) is inoperative on and after January
22 1, 2005. No conversations recorded or monitored pursuant to
23 this subsection (g-5) shall be inadmissible in a court of law
24 by virtue of the repeal of this subsection (g-5) on January 1,
25 2005;

26 (g-6) With approval of the State's Attorney of the county

1 in which it is to occur, recording or listening with the aid of
2 any device to any conversation where a law enforcement officer,
3 or any person acting at the direction of law enforcement, is a
4 party to the conversation and has consented to it being
5 intercepted or recorded in the course of an investigation of
6 involuntary servitude, involuntary sexual servitude of a
7 minor, trafficking in persons, trafficking in persons for
8 forced labor or services, child pornography, aggravated child
9 pornography, indecent solicitation of a child, child
10 abduction, luring of a minor, sexual exploitation of a child,
11 predatory criminal sexual assault of a child, aggravated
12 criminal sexual abuse in which the victim of the offense was at
13 the time of the commission of the offense under 18 years of
14 age, criminal sexual abuse by force or threat of force in which
15 the victim of the offense was at the time of the commission of
16 the offense under 18 years of age, or aggravated criminal
17 sexual assault in which the victim of the offense was at the
18 time of the commission of the offense under 18 years of age. In
19 all such cases, an application for an order approving the
20 previous or continuing use of an eavesdropping device must be
21 made within 48 hours of the commencement of such use. In the
22 absence of such an order, or upon its denial, any continuing
23 use shall immediately terminate. The Director of State Police
24 shall issue rules as are necessary concerning the use of
25 devices, retention of recordings, and reports regarding their
26 use. Any recording or evidence obtained or derived in the

1 course of an investigation of involuntary servitude,
2 involuntary sexual servitude of a minor, trafficking in
3 persons, trafficking in persons for forced labor or services,
4 child pornography, aggravated child pornography, indecent
5 solicitation of a child, child abduction, luring of a minor,
6 sexual exploitation of a child, predatory criminal sexual
7 assault of a child, aggravated criminal sexual abuse in which
8 the victim of the offense was at the time of the commission of
9 the offense under 18 years of age, criminal sexual abuse by
10 force or threat of force in which the victim of the offense was
11 at the time of the commission of the offense under 18 years of
12 age, or aggravated criminal sexual assault in which the victim
13 of the offense was at the time of the commission of the offense
14 under 18 years of age shall, upon motion of the State's
15 Attorney or Attorney General prosecuting any case involving
16 involuntary servitude, involuntary sexual servitude of a
17 minor, trafficking in persons, trafficking in persons for
18 forced labor or services, child pornography, aggravated child
19 pornography, indecent solicitation of a child, child
20 abduction, luring of a minor, sexual exploitation of a child,
21 predatory criminal sexual assault of a child, aggravated
22 criminal sexual abuse in which the victim of the offense was at
23 the time of the commission of the offense under 18 years of
24 age, criminal sexual abuse by force or threat of force in which
25 the victim of the offense was at the time of the commission of
26 the offense under 18 years of age, or aggravated criminal

1 sexual assault in which the victim of the offense was at the
2 time of the commission of the offense under 18 years of age, be
3 reviewed in camera with notice to all parties present by the
4 court presiding over the criminal case, and, if ruled by the
5 court to be relevant and otherwise admissible, it shall be
6 admissible at the trial of the criminal case. Absent such a
7 ruling, any such recording or evidence shall not be admissible
8 at the trial of the criminal case;

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

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

24 (h-5) Recordings of utterances made by a person while in
25 the presence of a uniformed peace officer and while an occupant
26 of a police vehicle including, but not limited to, (i)

1 recordings made simultaneously with the use of an in-car video
2 camera and (ii) recordings made in the presence of the peace
3 officer utilizing video or audio systems, or both, authorized
4 by the law enforcement agency;

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

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

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

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

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

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

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

22 No communication or conversation or any part, portion, or
23 aspect of the communication or conversation made, acquired, or
24 obtained, directly or indirectly, under this exemption (j), may
25 be, directly or indirectly, furnished to any law enforcement
26 officer, agency, or official for any purpose or used in any

1 inquiry or investigation, or used, directly or indirectly, in
2 any administrative, judicial, or other proceeding, or divulged
3 to any third party.

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

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

20 Business entities that use a telephone monitoring or
21 telephone recording system pursuant to this exemption (j) shall
22 provide their employees or agents with access to personal-only
23 telephone lines which may be pay telephones, that are not
24 subject to telephone monitoring or telephone recording.

25 For the purposes of this subsection (j), "telephone
26 solicitation" means a communication through the use of a

1 telephone by live operators:

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

3 (ii) receiving orders for the sale of goods or
4 services;

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

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

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

16 (k) Electronic recordings, including but not limited to, a
17 motion picture, videotape, digital, or other visual or audio
18 recording, made of a custodial interrogation of an individual
19 at a police station or other place of detention by a law
20 enforcement officer under Section 5-401.5 of the Juvenile Court
21 Act of 1987 or Section 103-2.1 of the Code of Criminal
22 Procedure of 1963;

23 (l) Recording the interview or statement of any person when
24 the person knows that the interview is being conducted by a law
25 enforcement officer or prosecutor and the interview takes place
26 at a police station that is currently participating in the

1 Custodial Interview Pilot Program established under the
2 Illinois Criminal Justice Information Act;

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

14 Recordings made pursuant to this subsection (m) shall be
15 confidential records and may only be used by school officials
16 (or their designees) and law enforcement personnel for
17 investigations, school disciplinary actions and hearings,
18 proceedings under the Juvenile Court Act of 1987, and criminal
19 prosecutions, related to incidents occurring in or around the
20 school bus;

21 (n) Recording or listening to an audio transmission from a
22 microphone placed by a person under the authority of a law
23 enforcement agency inside a bait car surveillance vehicle while
24 simultaneously capturing a photographic or video image;

25 (o) The use of an eavesdropping camera or audio device
26 during an ongoing hostage or barricade situation by a law

1 enforcement officer or individual acting on behalf of a law
2 enforcement officer when the use of such device is necessary to
3 protect the safety of the general public, hostages, or law
4 enforcement officers or anyone acting on their behalf; and

5 (p) Recording or listening with the aid of any device to
6 incoming telephone calls of phone lines publicly listed or
7 advertised as the "CPS Violence Prevention Hotline", but only
8 where the notice of recording is given at the beginning of each
9 call as required by Section 34-21.8 of the School Code. The
10 recordings may be retained only by the Chicago Police
11 Department or other law enforcement authorities, and shall not
12 be otherwise retained or disseminated.

13 (Source: P.A. 96-425, eff. 8-13-09; 96-547, eff. 1-1-10;
14 96-643, eff. 1-1-10; 96-670, eff. 8-25-09; 96-1000, eff.
15 7-2-10; 96-1425, eff. 1-1-11; 96-1464, eff. 8-20-10; 97-333,
16 eff. 8-12-11.)

17 (720 ILCS 5/36.5-5)

18 Sec. 36.5-5. Vehicle impoundment.

19 (a) In addition to any other penalty, fee or forfeiture
20 provided by law, a peace officer who arrests a person for a
21 violation of Section 10-9, 11-14 ~~10-14~~, 11-14.1, 11-14.3,
22 11-14.4, 11-18, or 11-18.1 of this Code or related municipal
23 ordinance, may tow and impound any vehicle used by the person
24 in the commission of the violation ~~offense~~. The person arrested
25 for one or more such violations shall be charged a \$1,000 fee,

1 to be paid to the law enforcement agency ~~unit of government~~
2 that made the arrest or its designated representative. The
3 person may recover the vehicle from the impound after a minimum
4 of 2 hours after arrest upon payment of the fee.

5 (b) \$500 of the fee shall be distributed to the law
6 enforcement agency ~~unit of government~~ whose peace officers made
7 the arrest, for the costs incurred by the law enforcement
8 agency ~~unit of government~~ to investigate and to tow and impound
9 the vehicle. Upon the defendant's conviction of one or more of
10 the violations ~~offenses~~ in connection with which the vehicle
11 was impounded and the fee imposed under this Section, the
12 remaining \$500 of the fee shall be deposited into the DHS State
13 Projects ~~Violent Crime Victims Assistance~~ Fund and shall be
14 used by the Department of Human Services to make grants to
15 non-governmental organizations to provide services for persons
16 encountered during the course of an investigation into any
17 violation of Section 10-9, 11-14, 11-14.1, 11-14.3, 11-14.4,
18 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
19 11-19.1, or 11-19.2 of this Code, provided such persons
20 constitute prostituted persons or other victims of human
21 trafficking.

22 (c) Upon the presentation by the defendant of a signed
23 court order showing that the defendant has been acquitted of
24 all of the violations ~~offenses~~ in connection with which a
25 vehicle was impounded and a fee imposed under this Section, or
26 that the charges against the defendant for those violations

1 ~~offenses~~ have been dismissed, the law enforcement agency unit
2 ~~of government~~ shall refund the \$1,000 fee to the defendant.

3 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 96-1503, eff.
4 1-27-11, and 97-333, eff. 8-12-11; revised 9-14-11.)

5 Section 20. The Code of Criminal Procedure of 1963 is
6 amended by changing the heading of Part 300 of Article 124B and
7 changing Sections 108B-3, 116-2.1, and 124B-10, 124B-100, and
8 124B-305 as follows:

9 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

10 Sec. 108B-3. Authorization for the interception of private
11 communication.

12 (a) The State's Attorney, or a person designated in writing
13 or by law to act for him and to perform his duties during his
14 absence or disability, may authorize, in writing, an ex parte
15 application to the chief judge of a court of competent
16 jurisdiction for an order authorizing the interception of a
17 private communication when no party has consented to the
18 interception and (i) the interception may provide evidence of,
19 or may assist in the apprehension of a person who has
20 committed, is committing or is about to commit, a violation of
21 Section 8-1(b) (solicitation of murder), 8-1.2 (solicitation
22 of murder for hire), 9-1 (first degree murder), 10-9
23 (involuntary servitude, involuntary sexual servitude of a
24 minor, trafficking in persons, or trafficking in persons for

1 forced labor or services), 11-15.1 (soliciting for a minor
2 engaged in prostitution), 11-16 (pandering), 11-17.1 (keeping
3 a place of juvenile prostitution), 11-18.1 (patronizing a minor
4 engaged in prostitution), 11-19.1 (juvenile pimping and
5 aggravated juvenile pimping), or 29B-1 (money laundering) of
6 the Criminal Code of 1961, Section 401, 401.1 (controlled
7 substance trafficking), 405, 405.1 (criminal drug conspiracy)
8 or 407 of the Illinois Controlled Substances Act or any Section
9 of the Methamphetamine Control and Community Protection Act, a
10 violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,
11 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),
12 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the
13 Criminal Code of 1961 or conspiracy to commit money laundering
14 or conspiracy to commit first degree murder; (ii) in response
15 to a clear and present danger of imminent death or great bodily
16 harm to persons resulting from: (1) a kidnapping or the holding
17 of a hostage by force or the threat of the imminent use of
18 force; or (2) the occupation by force or the threat of the
19 imminent use of force of any premises, place, vehicle, vessel
20 or aircraft; (iii) to aid an investigation or prosecution of a
21 civil action brought under the Illinois Streetgang Terrorism
22 Omnibus Prevention Act when there is probable cause to believe
23 the interception of the private communication will provide
24 evidence that a streetgang is committing, has committed, or
25 will commit a second or subsequent gang-related offense or that
26 the interception of the private communication will aid in the

1 collection of a judgment entered under that Act; or (iv) upon
2 information and belief that a streetgang has committed, is
3 committing, or is about to commit a felony.

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

14 (b-1) Subsection (b) is inoperative on and after January 1,
15 2005.

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

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

22 (Source: P.A. 95-331, eff. 8-21-07; 96-710, eff. 1-1-10;
23 96-1464, eff. 8-20-10.)

24 (725 ILCS 5/116-2.1)

25 Sec. 116-2.1. Motion to vacate prostitution convictions

1 for sex trafficking victims.

2 (a) A motion under this Section may be filed at any time
3 following the entry of a verdict or finding of guilty where the
4 conviction was under Section 11-14 (prostitution) or Section
5 11-14.2 (first offender; felony prostitution) of the Criminal
6 Code of 1961 or a similar local ordinance and the defendant's
7 participation in the offense was a result of having been a
8 trafficking victim under Section 10-9 (involuntary servitude,
9 involuntary sexual servitude of a minor, trafficking in
10 persons, or trafficking in persons for forced labor or
11 services) of the Criminal Code of 1961; or a victim of a severe
12 form of trafficking under the federal Trafficking Victims
13 Protection Act (22 U.S.C. Section 7102(13)); provided that:

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

24 (2) reasonable notice of the motion shall be served
25 upon the State.

26 (b) The court may grant the motion if, in the discretion of

1 the court, the violation was a result of the defendant having
2 been a victim of human trafficking. Evidence of such may
3 include, but is not limited to:

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

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

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

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

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

24 (Source: P.A. 97-267, eff. 1-1-12.)

1 Sec. 124B-10. Applicability; offenses. This Article
2 applies to forfeiture of property in connection with the
3 following:

4 (1) A violation of Section 10-9 or 10A-10 of the
5 Criminal Code of 1961 (involuntary servitude; involuntary
6 servitude of a minor; trafficking in persons; trafficking
7 of persons for forced labor or services).

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

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

17 (4) A violation of Section 11-20 of the Criminal Code
18 of 1961 (obscenity).

19 (5) A second or subsequent violation of Section 11-20.1
20 of the Criminal Code of 1961 (child pornography).

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

23 (7) A violation of Section 16D-5 of the Criminal Code
24 of 1961 (computer fraud).

25 (8) A felony violation of Article 17B of the Criminal
26 Code of 1961 (WIC fraud).

1 (9) A felony violation of Section 26-5 of the Criminal
2 Code of 1961 (dog fighting).

3 (10) A violation of Article 29D of the Criminal Code of
4 1961 (terrorism).

5 (11) A felony violation of Section 4.01 of the Humane
6 Care for Animals Act (animals in entertainment).

7 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

8 (725 ILCS 5/124B-100)

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

11 (1) In the case of forfeiture authorized under Section
12 10A-15 of the Criminal Code of 1961, "offense" means the
13 offense of involuntary servitude, involuntary servitude of
14 a minor, trafficking in persons, or trafficking of persons
15 for forced labor or services in violation of Section 10-9
16 or 10A-10 of that Code.

17 (2) In the case of forfeiture authorized under
18 subdivision (a)(1) of Section 11-14.4, or Section 11-17.1,
19 of the Criminal Code of 1961, "offense" means the offense
20 of promoting juvenile prostitution or keeping a place of
21 juvenile prostitution in violation of subdivision (a)(1)
22 of Section 11-14.4, or Section 11-17.1, of that Code.

23 (3) In the case of forfeiture authorized under
24 subdivision (a)(4) of Section 11-14.4, or Section 11-19.2,
25 of the Criminal Code of 1961, "offense" means the offense

1 of promoting juvenile prostitution or exploitation of a
2 child in violation of subdivision (a)(4) of Section
3 11-14.4, or Section 11-19.2, of that Code.

4 (4) In the case of forfeiture authorized under Section
5 11-20 of the Criminal Code of 1961, "offense" means the
6 offense of obscenity in violation of that Section.

7 (5) In the case of forfeiture authorized under Section
8 11-20.1 of the Criminal Code of 1961, "offense" means the
9 offense of child pornography in violation of Section
10 11-20.1 of that Code.

11 (6) In the case of forfeiture authorized under Section
12 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
13 means the offense of aggravated child pornography in
14 violation of Section 11-20.1B or 11-20.3 of that Code.

15 (7) In the case of forfeiture authorized under Section
16 16D-6 of the Criminal Code of 1961, "offense" means the
17 offense of computer fraud in violation of Section 16D-5 of
18 that Code.

19 (8) In the case of forfeiture authorized under Section
20 17B-25 of the Criminal Code of 1961, "offense" means any
21 felony violation of Article 17B of that Code.

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

25 (10) In the case of forfeiture authorized under Section
26 4.01 of the Humane Care for Animals Act or Section 26-5 of

1 the Criminal Code of 1961, "offense" means any felony
2 offense under either of those Sections.

3 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

4 (725 ILCS 5/Art. 124B Pt. 300 heading)

5 Part 300. Forfeiture; Involuntary Servitude
6 and Trafficking in ~~of~~ Persons

7 (Source: P.A. 96-712, eff. 1-1-10.)

8 (725 ILCS 5/124B-305)

9 Sec. 124B-305. Distribution of property and sale proceeds.

10 All moneys and the sale proceeds of all other property
11 forfeited and seized under this Part 300 shall be distributed
12 as follows:

13 (1) 50% shall be divided equally between all State
14 agencies and units of local government whose officers or
15 employees conducted the investigation that resulted in the
16 forfeiture.

17 (2) 50% shall be deposited into the Violent Crime
18 Victims Assistance Fund and targeted to services for
19 victims of the offenses of involuntary servitude,
20 involuntary servitude of a minor, trafficking in persons,
21 and trafficking of persons for forced labor or services.

22 (Source: P.A. 96-712, eff. 1-1-10.)

23 Section 25. The Predator Accountability Act is amended by

1 changing Section 10 as follows:

2 (740 ILCS 128/10)

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

4 "Sex trade" means any act, which if proven beyond a
5 reasonable doubt could support a conviction for a violation or
6 attempted violation of any of the following Sections of the
7 Criminal Code of 1961: 11-14.3 (promoting prostitution);
8 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting
9 for a prostitute); 11-15.1 (soliciting for a juvenile
10 prostitute); 11-16 (pandering); 11-17 (keeping a place of
11 prostitution); 11-17.1 (keeping a place of juvenile
12 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and
13 aggravated juvenile pimping); 11-19.2 (exploitation of a
14 child); 11-20 (obscenity); 11-20.1 (child pornography); or
15 11-20.1B or 11-20.3 (aggravated child pornography); or Section
16 10-9 of the Criminal Code of 1961 (trafficking in ~~of~~ persons
17 and involuntary servitude).

18 "Sex trade" activity may involve adults and youth of all
19 genders and sexual orientations.

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

22 (1) soliciting for a prostitute: the prostitute who is
23 the object of the solicitation;

24 (2) soliciting for a juvenile prostitute: the juvenile
25 prostitute, or severely or profoundly intellectually

1 disabled person, who is the object of the solicitation;

2 (3) promoting prostitution as described in subdivision
3 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal
4 Code of 1961, or pandering: the person intended or
5 compelled to act as a prostitute;

6 (4) keeping a place of prostitution: any person
7 intended or compelled to act as a prostitute, while present
8 at the place, during the time period in question;

9 (5) keeping a place of juvenile prostitution: any
10 juvenile intended or compelled to act as a prostitute,
11 while present at the place, during the time period in
12 question;

13 (6) promoting prostitution as described in subdivision
14 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961,
15 or pimping: the prostitute from whom anything of value is
16 received;

17 (7) promoting juvenile prostitution as described in
18 subdivision (a) (2) or (a) (3) of Section 11-14.4 of the
19 Criminal Code of 1961, or juvenile pimping and aggravated
20 juvenile pimping: the juvenile, or severely or profoundly
21 intellectually disabled person, from whom anything of
22 value is received for that person's act of prostitution;

23 (8) promoting juvenile prostitution as described in
24 subdivision (a) (4) of Section 11-14.4 of the Criminal Code
25 of 1961, or exploitation of a child: the juvenile, or
26 severely or profoundly intellectually disabled person,

1 intended or compelled to act as a prostitute or from whom
2 anything of value is received for that person's act of
3 prostitution;

4 (9) obscenity: any person who appears in or is
5 described or depicted in the offending conduct or material;

6 (10) child pornography or aggravated child
7 pornography: any child, or severely or profoundly
8 intellectually disabled person, who appears in or is
9 described or depicted in the offending conduct or material;
10 or

11 (11) trafficking of persons or involuntary servitude:
12 a "trafficking victim" as defined in Section 10-9 of the
13 Criminal Code of 1961.

14 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11;
15 97-227, eff. 1-1-12; revised 9-15-11.)".