



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5278

Introduced 2/8/2012, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 1961. Provides that the statute of limitations for a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services may be commenced within one year of the victim attaining the age of 18 years. Provides that in no case shall the time period for prosecution of those offenses expire sooner than 3 years after the commission of the offense. Includes in the offense of involuntary servitude using a scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform that labor or services, that person or another person would suffer serious harm or physical restraint. Amends the Code of Criminal Procedure of 1963. Provides that in prosecutions for involuntary servitude, involuntary sexual servitude of a minor, and trafficking in persons, when the offense involves sexual activity, the prior sexual activity or the reputation of the alleged victim or corroborating witness is inadmissible except under certain circumstances. Amends the Sex Offender Registration Act. Includes in the definition of "sex offense" trafficking in persons, involuntary servitude, and related offenses, provided the offense involved commercial sexual activity, a sexually-explicit performance, or the production of pornography. Also includes in the definition of "sex offense", involuntary sexual servitude of a minor.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

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

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

7 Sec. 3-6. Extended limitations. The period within which a
8 prosecution must be commenced under the provisions of Section
9 3-5 or other applicable statute is extended under the following
10 conditions:

11 (a) A prosecution for theft involving a breach of a
12 fiduciary obligation to the aggrieved person may be commenced
13 as follows:

14 (1) If the aggrieved person is a minor or a person
15 under legal disability, then during the minority or legal
16 disability or within one year after the termination
17 thereof.

18 (2) In any other instance, within one year after the
19 discovery of the offense by an aggrieved person, or by a
20 person who has legal capacity to represent an aggrieved
21 person or has a legal duty to report the offense, and is
22 not himself or herself a party to the offense; or in the
23 absence of such discovery, within one year after the proper

1 prosecuting officer becomes aware of the offense. However,
2 in no such case is the period of limitation so extended
3 more than 3 years beyond the expiration of the period
4 otherwise applicable.

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

13 (b-5) A prosecution for involuntary servitude, involuntary
14 sexual servitude of a minor, or trafficking in persons for
15 forced labor or services may be commenced within one year of
16 the victim attaining the age of 18 years. However, in no such
17 case shall the time period for prosecution expire sooner than 3
18 years after the commission of the offense.

19 (c) (Blank).

20 (d) A prosecution for child pornography, aggravated child
21 pornography, indecent solicitation of a child, soliciting for a
22 juvenile prostitute, juvenile pimping, exploitation of a
23 child, or promoting juvenile prostitution except for keeping a
24 place of juvenile prostitution may be commenced within one year
25 of the victim attaining the age of 18 years. However, in no
26 such case shall the time period for prosecution expire sooner

1 than 3 years after the commission of the offense. When the
2 victim is under 18 years of age, a prosecution for criminal
3 sexual abuse may be commenced within one year of the victim
4 attaining the age of 18 years. However, in no such case shall
5 the time period for prosecution expire sooner than 3 years
6 after the commission of the offense.

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

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

22 (f-5) A prosecution for any offense set forth in Section
23 16-30 of this Code may be commenced within 5 years after the
24 discovery of the offense by the victim of that offense.

25 (g) (Blank).

26 (h) (Blank).

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

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

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

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

25 (k) A prosecution for theft involving real property
26 exceeding \$100,000 in value under Section 16-1, identity theft

1 under subsection (a) of Section 16-30, aggravated identity
2 theft under subsection (b) of Section 16-30, or any offense set
3 forth in Article 16H or Section 17-10.6 may be commenced within
4 7 years of the last act committed in furtherance of the crime.

5 (Source: P.A. 96-233, eff. 1-1-10; 96-1551, Article 2, Section
6 1035, eff. 7-1-11; 96-1551, Article 10, Section 10-140, eff.
7 7-1-11; 97-597, eff. 1-1-12.)

8 (720 ILCS 5/10-9)

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

11 (a) Definitions. In this Section:

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

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

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

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

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

25 ~~(B) an actor's physically restraining or~~

1 ~~threatening to physically restrain another person;~~

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

4 ~~(D) an actor's knowingly destroying, concealing,~~
5 ~~removing, confiscating, or possessing any actual or~~
6 ~~purported passport or other immigration document, or~~
7 ~~any other actual or purported government~~
8 ~~identification document, of another person;~~

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

10 ~~(F) an actor's causing or threatening to cause~~
11 ~~financial harm to or exerting financial control over~~
12 ~~any person.~~

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

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

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

20 (7.5) "Serious harm" means any harm, whether physical
21 or nonphysical, including psychological, financial, or
22 reputational harm, that is sufficiently serious, under all
23 the surrounding circumstances, to compel a reasonable
24 person of the same background and in the same circumstances
25 to perform or to continue performing labor or services in
26 order to avoid incurring that harm.

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

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

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

15 (b) Involuntary servitude. A person commits the offense of
16 involuntary servitude when he or she knowingly subjects,
17 attempts to subject, or engages in a conspiracy to subject
18 another person to ~~forced~~ labor or services through any of the
19 following means, or any combination of these means and:

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

22 (2) physically restrains or threatens to physically
23 restrain another person;

24 (3) abuses or threatens to abuse the law or legal
25 process;

26 (4) knowingly destroys, conceals, removes,

1 confiscates, or possesses any actual or purported passport
2 or other immigration document, or any other actual or
3 purported government identification document, of another
4 person; ~~or~~

5 (5) uses intimidation, ~~or uses or threatens to cause~~
6 ~~financial harm to~~ or exerts financial control over any
7 person; or -

8 (6) uses a scheme, plan, or pattern intended to cause
9 the person to believe that, if the person did not perform
10 the labor or services, that person or another person would
11 suffer serious harm or physical restraint.

12 Sentence. Except as otherwise provided in subsection (e) or
13 (f), a violation of subsection (b)(1) is a Class X felony,
14 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)
15 is a Class 3 felony, ~~and~~ (b)(5), and (b)(6) is a Class 4
16 felony.

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

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

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

5 (3) there is overt force or threat.

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

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

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

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

1 murder is a Class X felony.

2 (f) Sentencing considerations.

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

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

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

25 (h) Trafficking victim services. Subject to the
26 availability of funds, the Department of Human Services may

1 provide or fund emergency services and assistance to
2 individuals who are victims of one or more offenses defined in
3 this Section.

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

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

25 (Source: P.A. 96-710, eff. 1-1-10; incorporates 96-712, eff.
26 1-1-10; 96-1000, eff. 7-2-10.)

1 (720 ILCS 5/36.5-5)

2 Sec. 36.5-5. Vehicle impoundment.

3 (a) In addition to any other penalty, fee, or forfeiture
4 provided by law, a peace officer who arrests a person for a
5 violation of Section 10-9, 11-14 ~~10-14~~, 11-14.1, 11-14.3,
6 11-14.4, 11-18, or 11-18.1 of this Code, or related municipal
7 ordinance, may tow and impound any vehicle used by the person
8 in the commission of the violation ~~offense~~. The person arrested
9 for one or more such violations shall be charged a \$1,000 fee,
10 to be paid to the law enforcement agency ~~unit of government~~
11 that made the arrest, or its designated representative. The
12 person may recover the vehicle from the impound after a minimum
13 of 2 hours after arrest upon payment of the fee.

14 (b) \$500 of the fee shall be distributed to the law
15 enforcement agency ~~unit of government~~ whose peace officers made
16 the arrest, for the costs incurred by the law enforcement
17 agency ~~unit of government~~ to investigate and to tow and impound
18 the vehicle. Upon the defendant's conviction of one or more of
19 the violations ~~offenses~~ in connection with which the vehicle
20 was impounded and the fee imposed under this Section, the
21 remaining \$500 of the fee shall be deposited into the DHS State
22 Projects ~~Violent Crime Victims Assistance~~ Fund and shall be
23 used by the Department of Human Services to make grants to
24 non-governmental organizations to provide services for persons
25 encountered during the course of an investigation into any

1 violation of Section 10-9, 11-14, 11-14.1, 11-14.3, 11-14.4,
2 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
3 11-19.1, or 11-19.2 of this Code, provided such persons
4 constitute prostituted persons or other victims of human
5 trafficking.

6 (c) Upon the presentation by the defendant of a signed
7 court order showing that the defendant has been acquitted of
8 all of the violations ~~offenses~~ in connection with which a
9 vehicle was impounded and a fee imposed under this Section, or
10 that the charges against the defendant for those violations
11 ~~offenses~~ have been dismissed, the law enforcement agency unit
12 ~~of government~~ shall refund the \$1,000 fee to the defendant.

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

15 Section 10. The Code of Criminal Procedure of 1963 is
16 amended by changing Section 115-7 as follows:

17 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

18 Sec. 115-7. a. In prosecutions for predatory criminal
19 sexual assault of a child, aggravated criminal sexual assault,
20 criminal sexual assault, aggravated criminal sexual abuse,
21 criminal sexual abuse, or criminal transmission of HIV; in
22 prosecutions for involuntary servitude, involuntary sexual
23 servitude of a minor, and trafficking in persons, when the
24 offense involves sexual activity and in prosecutions for

1 battery and aggravated battery, when the commission of the
2 offense involves sexual penetration or sexual conduct as
3 defined in Section 11-0.1 of the Criminal Code of 1961; and
4 with the trial or retrial of the offenses formerly known as
5 rape, deviate sexual assault, indecent liberties with a child,
6 and aggravated indecent liberties with a child, the prior
7 sexual activity or the reputation of the alleged victim or
8 corroborating witness under Section 115-7.3 of this Code is
9 inadmissible except (1) as evidence concerning the past sexual
10 conduct of the alleged victim or corroborating witness under
11 Section 115-7.3 of this Code with the accused when this
12 evidence is offered by the accused upon the issue of whether
13 the alleged victim or corroborating witness under Section
14 115-7.3 of this Code consented to the sexual conduct with
15 respect to which the offense is alleged; or (2) when
16 constitutionally required to be admitted.

17 b. No evidence admissible under this Section shall be
18 introduced unless ruled admissible by the trial judge after an
19 offer of proof has been made at a hearing to be held in camera
20 in order to determine whether the defense has evidence to
21 impeach the witness in the event that prior sexual activity
22 with the defendant is denied. Such offer of proof shall include
23 reasonably specific information as to the date, time and place
24 of the past sexual conduct between the alleged victim or
25 corroborating witness under Section 115-7.3 of this Code and
26 the defendant. Unless the court finds that reasonably specific

1 information as to date, time or place, or some combination
2 thereof, has been offered as to prior sexual activity with the
3 defendant, counsel for the defendant shall be ordered to
4 refrain from inquiring into prior sexual activity between the
5 alleged victim or corroborating witness under Section 115-7.3
6 of this Code and the defendant. The court shall not admit
7 evidence under this Section unless it determines at the hearing
8 that the evidence is relevant and the probative value of the
9 evidence outweighs the danger of unfair prejudice. The evidence
10 shall be admissible at trial to the extent an order made by the
11 court specifies the evidence that may be admitted and areas
12 with respect to which the alleged victim or corroborating
13 witness under Section 115-7.3 of this Code may be examined or
14 cross examined.

15 (Source: P.A. 96-1551, eff. 7-1-11.)

16 Section 15. The Sex Offender Registration Act is amended by
17 changing Section 2 as follows:

18 (730 ILCS 150/2) (from Ch. 38, par. 222)

19 Sec. 2. Definitions.

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

22 (1) charged pursuant to Illinois law, or any
23 substantially similar federal, Uniform Code of Military
24 Justice, sister state, or foreign country law, with a sex

1 offense set forth in subsection (B) of this Section or the
2 attempt to commit an included sex offense, and:

3 (a) is convicted of such offense or an attempt to
4 commit such offense; or

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

7 (c) is found not guilty by reason of insanity
8 pursuant to Section 104-25(c) of the Code of Criminal
9 Procedure of 1963 of such offense or an attempt to
10 commit such offense; or

11 (d) is the subject of a finding not resulting in an
12 acquittal at a hearing conducted pursuant to Section
13 104-25(a) of the Code of Criminal Procedure of 1963 for
14 the alleged commission or attempted commission of such
15 offense; or

16 (e) is found not guilty by reason of insanity
17 following a hearing conducted pursuant to a federal,
18 Uniform Code of Military Justice, sister state, or
19 foreign country law substantially similar to Section
20 104-25(c) of the Code of Criminal Procedure of 1963 of
21 such offense or of the attempted commission of such
22 offense; or

23 (f) is the subject of a finding not resulting in an
24 acquittal at a hearing conducted pursuant to a federal,
25 Uniform Code of Military Justice, sister state, or
26 foreign country law substantially similar to Section

1 104-25(a) of the Code of Criminal Procedure of 1963 for
2 the alleged violation or attempted commission of such
3 offense; or

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

8 (3) subject to the provisions of Section 2 of the
9 Interstate Agreements on Sexually Dangerous Persons Act;
10 or

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

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

1 foreign country law.

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

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

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

10 (1) A violation of any of the following Sections of the
11 Criminal Code of 1961:

12 subsection (c) of Section 10-9 (involuntary sexual
13 servitude of a minor),

14 11-20.1 (child pornography),

15 11-20.1B or 11-20.3 (aggravated child
16 pornography),

17 11-6 (indecent solicitation of a child),

18 11-9.1 (sexual exploitation of a child),

19 11-9.2 (custodial sexual misconduct),

20 11-9.5 (sexual misconduct with a person with a
21 disability),

22 11-14.4 (promoting juvenile prostitution),

23 11-15.1 (soliciting for a juvenile prostitute),

24 11-18.1 (patronizing a juvenile prostitute),

25 11-17.1 (keeping a place of juvenile
26 prostitution),

1 11-19.1 (juvenile pimping),
2 11-19.2 (exploitation of a child),
3 11-25 (grooming),
4 11-26 (traveling to meet a minor),
5 11-1.20 or 12-13 (criminal sexual assault),
6 11-1.30 or 12-14 (aggravated criminal sexual
7 assault),
8 11-1.40 or 12-14.1 (predatory criminal sexual
9 assault of a child),
10 11-1.50 or 12-15 (criminal sexual abuse),
11 11-1.60 or 12-16 (aggravated criminal sexual
12 abuse),
13 12-33 (ritualized abuse of a child).

14 An attempt to commit any of these offenses.

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

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

25 If the offense was committed before January 1, 1996, it
26 is a sex offense requiring registration only when the

1 person is convicted of any felony after July 1, 2011, and
2 paragraph (2.1) of subsection (c) of Section 3 of this Act
3 applies.

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

8 (1.6-5) A violation of any offense under Section 10-9
9 of the Criminal Code of 1961 (trafficking in persons,
10 involuntary servitude, and related offenses), provided the
11 offense involved commercial sexual activity, a
12 sexually-explicit performance, or the production of
13 pornography.

14 (1.7) (Blank).

15 (1.8) A violation or attempted violation of Section
16 11-11 (sexual relations within families) of the Criminal
17 Code of 1961, and the offense was committed on or after
18 June 1, 1997. If the offense was committed before June 1,
19 1997, it is a sex offense requiring registration only when
20 the person is convicted of any felony after July 1, 2011,
21 and paragraph (2.1) of subsection (c) of Section 3 of this
22 Act applies.

23 (1.9) Child abduction under paragraph (10) of
24 subsection (b) of Section 10-5 of the Criminal Code of 1961
25 committed by luring or attempting to lure a child under the
26 age of 16 into a motor vehicle, building, house trailer, or

1 dwelling place without the consent of the parent or lawful
2 custodian of the child for other than a lawful purpose and
3 the offense was committed on or after January 1, 1998,
4 provided the offense was sexually motivated as defined in
5 Section 10 of the Sex Offender Management Board Act. If the
6 offense was committed before January 1, 1998, it is a sex
7 offense requiring registration only when the person is
8 convicted of any felony after July 1, 2011, and paragraph
9 (2.1) of subsection (c) of Section 3 of this Act applies.

10 (1.10) A violation or attempted violation of any of the
11 following Sections of the Criminal Code of 1961 when the
12 offense was committed on or after July 1, 1999:

13 10-4 (forcible detention, if the victim is under 18
14 years of age), provided the offense was sexually
15 motivated as defined in Section 10 of the Sex Offender
16 Management Board Act,

17 11-6.5 (indecent solicitation of an adult),

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

21 subdivision (a) (2) (A) or (a) (2) (B) of Section
22 11-14.3, or Section 11-16 (pandering, if the victim is
23 under 18 years of age),

24 11-18 (patronizing a prostitute, if the victim is
25 under 18 years of age),

26 subdivision (a) (2) (C) of Section 11-14.3, or

1 Section 11-19 (pimping, if the victim is under 18 years
2 of age).

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

8 (1.11) A violation or attempted violation of any of the
9 following Sections of the Criminal Code of 1961 when the
10 offense was committed on or after August 22, 2002:

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

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

18 (1.12) A violation or attempted violation of Section
19 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
20 Criminal Code of 1961 (permitting sexual abuse) when the
21 offense was committed on or after August 22, 2002. If the
22 offense was committed before August 22, 2002, it is a sex
23 offense requiring registration only when the person is
24 convicted of any felony after July 1, 2011, and paragraph
25 (2.1) of subsection (c) of Section 3 of this Act applies.

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

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

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

15 (C-5) A person at least 17 years of age at the time of the
16 commission of the offense who is convicted of first degree
17 murder under Section 9-1 of the Criminal Code of 1961, against
18 a person under 18 years of age, shall be required to register
19 for natural life. A conviction for an offense of federal,
20 Uniform Code of Military Justice, sister state, or foreign
21 country law that is substantially equivalent to any offense
22 listed in subsection (C-5) of this Section shall constitute a
23 conviction for the purpose of this Article. This subsection
24 (C-5) applies to a person who committed the offense before June
25 1, 1996 if: (i) the person is incarcerated in an Illinois
26 Department of Corrections facility on August 20, 2004 (the

1 effective date of Public Act 93-977), or (ii) subparagraph (i)
2 does not apply and the person is convicted of any felony after
3 July 1, 2011, and paragraph (2.1) of subsection (c) of Section
4 3 of this Act applies.

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

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

1 where out-of-state employees are employed or are otherwise
2 required to register.

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

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

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

15 11-14.4 that involves keeping a place of juvenile
16 prostitution, or 11-17.1 (keeping a place of juvenile
17 prostitution),

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

20 subdivision (a)(4) of Section 11-14.4, or Section
21 11-19.2 (exploitation of a child),

22 11-20.1 (child pornography),

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

25 11-1.20 or 12-13 (criminal sexual assault),

26 11-1.30 or 12-14 (aggravated criminal sexual

1 assault),
2 11-1.40 or 12-14.1 (predatory criminal sexual
3 assault of a child),
4 11-1.60 or 12-16 (aggravated criminal sexual
5 abuse),
6 12-33 (ritualized abuse of a child);
7 (2) (blank);
8 (3) certified as a sexually dangerous person pursuant
9 to the Sexually Dangerous Persons Act or any substantially
10 similar federal, Uniform Code of Military Justice, sister
11 state, or foreign country law;
12 (4) found to be a sexually violent person pursuant to
13 the Sexually Violent Persons Commitment Act or any
14 substantially similar federal, Uniform Code of Military
15 Justice, sister state, or foreign country law;
16 (5) convicted of a second or subsequent offense which
17 requires registration pursuant to this Act. For purposes of
18 this paragraph (5), "convicted" shall include a conviction
19 under any substantially similar Illinois, federal, Uniform
20 Code of Military Justice, sister state, or foreign country
21 law;
22 (6) convicted of a second or subsequent offense of
23 luring a minor under Section 10-5.1 of the Criminal Code of
24 1961; or
25 (7) if the person was convicted of an offense set forth
26 in this subsection (E) on or before July 1, 1999, the

1 person is a sexual predator for whom registration is
2 required only when the person is convicted of a felony
3 offense after July 1, 2011, and paragraph (2.1) of
4 subsection (c) of Section 3 of this Act applies.

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

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

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

16 (3) when the victim is a person under 18 years of age,
17 the defendant is not a parent of the victim, the offense
18 was sexually motivated as defined in Section 10 of the Sex
19 Offender Management Board Act, and the offense was
20 committed on or after January 1, 1996: (A) Section 10-1
21 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
22 (C) Section 10-3 (unlawful restraint), and (D) Section
23 10-3.1 (aggravated unlawful restraint); and

24 (4) Section 10-5(b)(10) (child abduction committed by
25 luring or attempting to lure a child under the age of 16
26 into a motor vehicle, building, house trailer, or dwelling

1 place without the consent of the parent or lawful custodian
2 of the child for other than a lawful purpose and the
3 offense was committed on or after January 1, 1998, provided
4 the offense was sexually motivated as defined in Section 10
5 of the Sex Offender Management Board Act).

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

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

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

1 (H) As used in this Article, "school" means any public or
2 private educational institution, including, but not limited
3 to, any elementary or secondary school, trade or professional
4 institution, or institution of higher education.

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

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

12 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;
13 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;
14 revised 9-27-11.)

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