

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 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
17 branch of the United States armed services.

18 "Department" means Department of Children and Family
19 Services.

20 "Local law enforcement agency" means the police of a city,
21 town, village or other incorporated area or the sheriff of an
22 unincorporated area or any sworn officer of the Illinois
23 Department of State Police.

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

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

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

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

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

22 (e) inflicts excessive corporal punishment;

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

26 (g) causes to be sold, transferred, distributed, or

1 given to such child under 18 years of age, a controlled
2 substance as defined in Section 102 of the Illinois
3 Controlled Substances Act in violation of Article IV of the
4 Illinois Controlled Substances Act or in violation of the
5 Methamphetamine Control and Community Protection Act,
6 except for controlled substances that are prescribed in
7 accordance with Article III of the Illinois Controlled
8 Substances Act and are dispensed to such child in a manner
9 that substantially complies with the prescription; or

10 (h) commits or allows to be committed the offense of
11 involuntary servitude, involuntary sexual servitude of a
12 minor, or trafficking in persons ~~or trafficking in persons~~
13 ~~for forced labor or services~~ as defined in Section 10-9 of
14 the Criminal Code of 1961 against the child.

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

18 "Neglected child" means any child who is not receiving the
19 proper or necessary nourishment or medically indicated
20 treatment including food or care not provided solely on the
21 basis of the present or anticipated mental or physical
22 impairment as determined by a physician acting alone or in
23 consultation with other physicians or otherwise is not
24 receiving the proper or necessary support or medical or other
25 remedial care recognized under State law as necessary for a
26 child's well-being, or other care necessary for his or her

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

1 treatment or cure of disease or remedial care as provided under
2 Section 4 of this Act. A child shall not be considered
3 neglected or abused solely because the child is not attending
4 school in accordance with the requirements of Article 26 of The
5 School Code, as amended.

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

10 "Person responsible for the child's welfare" means the
11 child's parent; guardian; foster parent; relative caregiver;
12 any person responsible for the child's welfare in a public or
13 private residential agency or institution; any person
14 responsible for the child's welfare within a public or private
15 profit or not for profit child care facility; or any other
16 person responsible for the child's welfare at the time of the
17 alleged abuse or neglect, or any person who came to know the
18 child through an official capacity or position of trust,
19 including but not limited to health care professionals,
20 educational personnel, recreational supervisors, members of
21 the clergy, and volunteers or support personnel in any setting
22 where children may be subject to abuse or neglect.

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

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

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

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

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

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

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

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

1 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;
2 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11.)

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

5 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

7 (1) Those who are neglected include:

8 (a) any minor under 18 years of age who is not
9 receiving the proper or necessary support, education as
10 required by law, or medical or other remedial care
11 recognized under State law as necessary for a minor's
12 well-being, or other care necessary for his or her
13 well-being, including adequate food, clothing and shelter,
14 or who is abandoned by his or her parent or parents or
15 other person or persons responsible for the minor's
16 welfare, except that a minor shall not be considered
17 neglected for the sole reason that the minor's parent or
18 parents or other person or persons responsible for the
19 minor's welfare have left the minor in the care of an adult
20 relative for any period of time, who the parent or parents
21 or other person responsible for the minor's welfare know is
22 both a mentally capable adult relative and physically
23 capable adult relative, as defined by this Act; or

24 (b) any minor under 18 years of age whose environment

1 is injurious to his or her welfare; or

2 (c) any newborn infant whose blood, urine, or meconium
3 contains any amount of a controlled substance as defined in
4 subsection (f) of Section 102 of the Illinois Controlled
5 Substances Act, as now or hereafter amended, or a
6 metabolite of a controlled substance, with the exception of
7 controlled substances or metabolites of such substances,
8 the presence of which in the newborn infant is the result
9 of medical treatment administered to the mother or the
10 newborn infant; or

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

16 (e) any minor who has been provided with interim crisis
17 intervention services under Section 3-5 of this Act and
18 whose parent, guardian, or custodian refuses to permit the
19 minor to return home unless the minor is an immediate
20 physical danger to himself, herself, or others living in
21 the home.

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

26 (1) the age of the minor;

- 1 (2) the number of minors left at the location;
- 2 (3) special needs of the minor, including whether the
3 minor is physically or mentally handicapped, or otherwise
4 in need of ongoing prescribed medical treatment such as
5 periodic doses of insulin or other medications;
- 6 (4) the duration of time in which the minor was left
7 without supervision;
- 8 (5) the condition and location of the place where the
9 minor was left without supervision;
- 10 (6) the time of day or night when the minor was left
11 without supervision;
- 12 (7) the weather conditions, including whether the
13 minor was left in a location with adequate protection from
14 the natural elements such as adequate heat or light;
- 15 (8) the location of the parent or guardian at the time
16 the minor was left without supervision, the physical
17 distance the minor was from the parent or guardian at the
18 time the minor was without supervision;
- 19 (9) whether the minor's movement was restricted, or the
20 minor was otherwise locked within a room or other
21 structure;
- 22 (10) whether the minor was given a phone number of a
23 person or location to call in the event of an emergency and
24 whether the minor was capable of making an emergency call;
- 25 (11) whether there was food and other provision left
26 for the minor;

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

6 (13) the age and physical and mental capabilities of
7 the person or persons who provided supervision for the
8 minor;

9 (14) whether the minor was left under the supervision
10 of another person;

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

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

16 (2) Those who are abused include any minor under 18 years
17 of age whose parent or immediate family member, or any person
18 responsible for the minor's welfare, or any person who is in
19 the same family or household as the minor, or any individual
20 residing in the same home as the minor, or a paramour of the
21 minor's parent:

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

1 (ii) creates a substantial risk of physical injury to
2 such minor by other than accidental means which would be
3 likely to cause death, disfigurement, impairment of
4 emotional health, or loss or impairment of any bodily
5 function;

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

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

13 (v) inflicts excessive corporal punishment;

14 (vi) commits or allows to be committed the offense of
15 involuntary servitude, involuntary sexual servitude of a
16 minor, or trafficking in persons as ~~or trafficking in~~
17 ~~persons for forced labor or services~~ defined in Section
18 10-9 of the Criminal Code of 1961, upon such minor; or

19 (vii) allows, encourages or requires a minor to commit
20 any act of prostitution, as defined in the Criminal Code of
21 1961, and extending those definitions to include minors
22 under 18 years of age.

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

26 (3) This Section does not apply to a minor who would be

1 included herein solely for the purpose of qualifying for
2 financial assistance for himself, his parents, guardian or
3 custodian.

4 (Source: P.A. 95-443, eff. 1-1-08; 96-168, eff. 8-10-09;
5 96-1464, eff. 8-20-10.)

6 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)
7 Sec. 2-18. Evidence.

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

18 (2) In any hearing under this Act, the following shall
19 constitute prima facie evidence of abuse or neglect, as the
20 case may be:

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

23 (b) proof that a minor has a medical diagnosis of
24 failure to thrive syndrome is prima facie evidence of
25 neglect;

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

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

6 (e) proof of injuries sustained by a minor or of the
7 condition of a minor of such a nature as would ordinarily
8 not be sustained or exist except by reason of the acts or
9 omissions of the parent, custodian or guardian of such
10 minor shall be prima facie evidence of abuse or neglect, as
11 the case may be;

12 (f) proof that a parent, custodian or guardian of a
13 minor repeatedly used a drug, to the extent that it has or
14 would ordinarily have the effect of producing in the user a
15 substantial state of stupor, unconsciousness,
16 intoxication, hallucination, disorientation or
17 incompetence, or a substantial impairment of judgment, or a
18 substantial manifestation of irrationality, shall be prima
19 facie evidence of neglect;

20 (g) proof that a parent, custodian, or guardian of a
21 minor repeatedly used a controlled substance, as defined in
22 subsection (f) of Section 102 of the Illinois Controlled
23 Substances Act, in the presence of the minor or a sibling
24 of the minor is prima facie evidence of neglect. "Repeated
25 use", for the purpose of this subsection, means more than
26 one use of a controlled substance as defined in subsection

1 (f) of Section 102 of the Illinois Controlled Substances
2 Act;

3 (h) proof that a newborn infant's blood, urine, or
4 meconium contains any amount of a controlled substance as
5 defined in subsection (f) of Section 102 of the Illinois
6 Controlled Substances Act, or a metabolite of a controlled
7 substance, with the exception of controlled substances or
8 metabolites of those substances, the presence of which is
9 the result of medical treatment administered to the mother
10 or the newborn, is prime facie evidence of neglect;

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

15 (j) proof that a parent, custodian, or guardian of a
16 minor allows, encourages, or requires a minor to perform,
17 offer, or agree to perform any act of sexual penetration as
18 defined in Section 12-12 of the Criminal Code of 1961 for
19 any money, property, token, object, or article or anything
20 of value, or any touching or fondling of the sex organs of
21 one person by another person, for any money, property,
22 token, object, or article or anything of value, for the
23 purpose of sexual arousal or gratification, constitutes
24 prima facie evidence of abuse and neglect;

25 (k) proof that a parent, custodian, or guardian of a
26 minor commits or allows to be committed the offense of

1 involuntary servitude, involuntary sexual servitude of a
2 minor, or trafficking in persons as ~~or trafficking in~~
3 ~~persons for forced labor or services~~ defined in Section
4 10-9 of the Criminal Code of 1961, upon such minor,
5 constitutes prima facie evidence of abuse and neglect.

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

10 (4) (a) Any writing, record, photograph or x-ray of any
11 hospital or public or private agency, whether in the form of an
12 entry in a book or otherwise, made as a memorandum or record of
13 any condition, act, transaction, occurrence or event relating
14 to a minor in an abuse, neglect or dependency proceeding, shall
15 be admissible in evidence as proof of that condition, act,
16 transaction, occurrence or event, if the court finds that the
17 document was made in the regular course of the business of the
18 hospital or agency and that it was in the regular course of
19 such business to make it, at the time of the act, transaction,
20 occurrence or event, or within a reasonable time thereafter. A
21 certification by the head or responsible employee of the
22 hospital or agency that the writing, record, photograph or
23 x-ray is the full and complete record of the condition, act,
24 transaction, occurrence or event and that it satisfies the
25 conditions of this paragraph shall be prima facie evidence of
26 the facts contained in such certification. A certification by

1 someone other than the head of the hospital or agency shall be
2 accompanied by a photocopy of a delegation of authority signed
3 by both the head of the hospital or agency and by such other
4 employee. All other circumstances of the making of the
5 memorandum, record, photograph or x-ray, including lack of
6 personal knowledge of the maker, may be proved to affect the
7 weight to be accorded such evidence, but shall not affect its
8 admissibility.

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

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

16 (d) There shall be a rebuttable presumption that a minor is
17 competent to testify in abuse or neglect proceedings. The court
18 shall determine how much weight to give to the minor's
19 testimony, and may allow the minor to testify in chambers with
20 only the court, the court reporter and attorneys for the
21 parties present.

22 (e) The privileged character of communication between any
23 professional person and patient or client, except privilege
24 between attorney and client, shall not apply to proceedings
25 subject to this Article.

26 (f) Proof of the impairment of emotional health or

1 impairment of mental or emotional condition as a result of the
2 failure of the respondent to exercise a minimum degree of care
3 toward a minor may include competent opinion or expert
4 testimony, and may include proof that such impairment lessened
5 during a period when the minor was in the care, custody or
6 supervision of a person or agency other than the respondent.

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

19 (6) In any hearing under this Act, the court may take
20 judicial notice of prior sworn testimony or evidence admitted
21 in prior proceedings involving the same minor if (a) the
22 parties were either represented by counsel at such prior
23 proceedings or the right to counsel was knowingly waived and
24 (b) the taking of judicial notice would not result in admitting
25 hearsay evidence at a hearing where it would otherwise be
26 prohibited.

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

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

4 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

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

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

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

16 (2) In any other instance, within one year after the
17 discovery of the offense by an aggrieved person, or by a
18 person who has legal capacity to represent an aggrieved
19 person or has a legal duty to report the offense, and is
20 not himself or herself a party to the offense; or in the
21 absence of such discovery, within one year after the proper
22 prosecuting officer becomes aware of the offense. However,
23 in no such case is the period of limitation so extended
24 more than 3 years beyond the expiration of the period

1 otherwise applicable.

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

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

18 (c) (Blank).

19 (d) A prosecution for child pornography, aggravated child
20 pornography, indecent solicitation of a child, soliciting for a
21 juvenile prostitute, juvenile pimping, exploitation of a
22 child, or promoting juvenile prostitution except for keeping a
23 place of juvenile prostitution may be commenced within one year
24 of the victim attaining the age of 18 years. However, in no
25 such case shall the time period for prosecution expire sooner
26 than 3 years after the commission of the offense. When the

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

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

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

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

24 (g) (Blank).

25 (h) (Blank).

26 (i) Except as otherwise provided in subdivision (j), a

1 prosecution for criminal sexual assault, aggravated criminal
2 sexual assault, or aggravated criminal sexual abuse may be
3 commenced within 10 years of the commission of the offense if
4 the victim reported the offense to law enforcement authorities
5 within 3 years after the commission of the offense.

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

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

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

24 (k) A prosecution for theft involving real property
25 exceeding \$100,000 in value under Section 16-1, identity theft
26 under subsection (a) of Section 16-30, aggravated identity

1 theft under subsection (b) of Section 16-30, or any offense set
2 forth in Article 16H or Section 17-10.6 may be commenced within
3 7 years of the last act committed in furtherance of the crime.
4 (Source: P.A. 96-233, eff. 1-1-10; 96-1551, Article 2, Section
5 1035, eff. 7-1-11; 96-1551, Article 10, Section 10-140, eff.
6 7-1-11; 97-597, eff. 1-1-12.)

7 (720 ILCS 5/10-9)

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

10 (a) Definitions. In this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (8) "Services" means activities resulting from a

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

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

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

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

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

26 (1) there is no overt force or threat and the minor is

1 between the ages of 17 and 18 years;

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

4 (3) there is overt force or threat.

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

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

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

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

1 (f) Sentencing considerations.

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

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

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

24 (h) Trafficking victim services. Subject to the
25 availability of funds, the Department of Human Services may
26 provide or fund emergency services and assistance to

1 individuals who are victims of one or more offenses defined in
2 this Section.

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

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

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

1 (720 ILCS 5/14-3)

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

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

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

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

16 (d) Recording or listening with the aid of any device to
17 any emergency communication made in the normal course of
18 operations by any federal, state or local law enforcement
19 agency or institutions dealing in emergency services,
20 including, but not limited to, hospitals, clinics, ambulance
21 services, fire fighting agencies, any public utility,
22 emergency repair facility, civilian defense establishment or
23 military installation;

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

26 (f) Recording or listening with the aid of any device to

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

12 (g) With prior notification to the State's Attorney of the
13 county in which it is to occur, recording or listening with the
14 aid of any device to any conversation where a law enforcement
15 officer, or any person acting at the direction of law
16 enforcement, is a party to the conversation and has consented
17 to it being intercepted or recorded under circumstances where
18 the use of the device is necessary for the protection of the
19 law enforcement officer or any person acting at the direction
20 of law enforcement, in the course of an investigation of a
21 forcible felony, a felony offense of involuntary servitude,
22 involuntary sexual servitude of a minor, or trafficking in
23 persons ~~or trafficking in persons for forced labor or services~~
24 under Section 10-9 of this Code, an offense involving
25 prostitution, solicitation of a sexual act, or pandering, a
26 felony violation of the Illinois Controlled Substances Act, a

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

18 (g-5) With approval of the State's Attorney of the county
19 in which it is to occur, recording or listening with the aid of
20 any device to any conversation where a law enforcement officer,
21 or any person acting at the direction of law enforcement, is a
22 party to the conversation and has consented to it being
23 intercepted or recorded in the course of an investigation of
24 any offense defined in Article 29D of this Code. In all such
25 cases, an application for an order approving the previous or
26 continuing use of an eavesdropping device must be made within

1 48 hours of the commencement of such use. In the absence of
2 such an order, or upon its denial, any continuing use shall
3 immediately terminate. The Director of State Police shall issue
4 rules as are necessary concerning the use of devices, retention
5 of tape recordings, and reports regarding their use.

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

14 This subsection (g-5) is inoperative on and after January
15 1, 2005. No conversations recorded or monitored pursuant to
16 this subsection (g-5) shall be inadmissible in a court of law
17 by virtue of the repeal of this subsection (g-5) on January 1,
18 2005;

19 (g-6) With approval of the State's Attorney of the county
20 in which it is to occur, recording or listening with the aid of
21 any device to any conversation where a law enforcement officer,
22 or any person acting at the direction of law enforcement, is a
23 party to the conversation and has consented to it being
24 intercepted or recorded in the course of an investigation of
25 involuntary servitude, involuntary sexual servitude of a
26 minor, trafficking in persons, ~~trafficking in persons for~~

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

1 the victim of the offense was at the time of the commission of
2 the offense under 18 years of age, criminal sexual abuse by
3 force or threat of force in which the victim of the offense was
4 at the time of the commission of the offense under 18 years of
5 age, or aggravated criminal sexual assault in which the victim
6 of the offense was at the time of the commission of the offense
7 under 18 years of age shall, upon motion of the State's
8 Attorney or Attorney General prosecuting any case involving
9 involuntary servitude, involuntary sexual servitude of a
10 minor, trafficking in persons, ~~trafficking in persons for~~
11 ~~forced labor or services~~, child pornography, aggravated child
12 pornography, indecent solicitation of a child, child
13 abduction, luring of a minor, sexual exploitation of a child,
14 predatory criminal sexual assault of a child, aggravated
15 criminal sexual abuse in which the victim of the offense was at
16 the time of the commission of the offense under 18 years of
17 age, criminal sexual abuse by force or threat of force in which
18 the victim of the offense was at the time of the commission of
19 the offense under 18 years of age, or aggravated criminal
20 sexual assault in which the victim of the offense was at the
21 time of the commission of the offense under 18 years of age, be
22 reviewed in camera with notice to all parties present by the
23 court presiding over the criminal case, and, if ruled by the
24 court to be relevant and otherwise admissible, it shall be
25 admissible at the trial of the criminal case. Absent such a
26 ruling, any such recording or evidence shall not be admissible

1 at the trial of the criminal case;

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

10 For the purposes of this subsection (h), "enforcement stop"
11 means an action by a law enforcement officer in relation to
12 enforcement and investigation duties, including but not
13 limited to, traffic stops, pedestrian stops, abandoned vehicle
14 contacts, motorist assists, commercial motor vehicle stops,
15 roadside safety checks, requests for identification, or
16 responses to requests for emergency assistance;

17 (h-5) Recordings of utterances made by a person while in
18 the presence of a uniformed peace officer and while an occupant
19 of a police vehicle including, but not limited to, (i)
20 recordings made simultaneously with the use of an in-car video
21 camera and (ii) recordings made in the presence of the peace
22 officer utilizing video or audio systems, or both, authorized
23 by the law enforcement agency;

24 (h-10) Recordings made simultaneously with a video camera
25 recording during the use of a taser or similar weapon or device
26 by a peace officer if the weapon or device is equipped with

1 such camera;

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

14 (i) Recording of a conversation made by or at the request
15 of a person, not a law enforcement officer or agent of a law
16 enforcement officer, who is a party to the conversation, under
17 reasonable suspicion that another party to the conversation is
18 committing, is about to commit, or has committed a criminal
19 offense against the person or a member of his or her immediate
20 household, and there is reason to believe that evidence of the
21 criminal offense may be obtained by the recording;

22 (j) The use of a telephone monitoring device by either (1)
23 a corporation or other business entity engaged in marketing or
24 opinion research or (2) a corporation or other business entity
25 engaged in telephone solicitation, as defined in this
26 subsection, to record or listen to oral telephone solicitation

1 conversations or marketing or opinion research conversations
2 by an employee of the corporation or other business entity
3 when:

4 (i) the monitoring is used for the purpose of service
5 quality control of marketing or opinion research or
6 telephone solicitation, the education or training of
7 employees or contractors engaged in marketing or opinion
8 research or telephone solicitation, or internal research
9 related to marketing or opinion research or telephone
10 solicitation; and

11 (ii) the monitoring is used with the consent of at
12 least one person who is an active party to the marketing or
13 opinion research conversation or telephone solicitation
14 conversation being monitored.

15 No communication or conversation or any part, portion, or
16 aspect of the communication or conversation made, acquired, or
17 obtained, directly or indirectly, under this exemption (j), may
18 be, directly or indirectly, furnished to any law enforcement
19 officer, agency, or official for any purpose or used in any
20 inquiry or investigation, or used, directly or indirectly, in
21 any administrative, judicial, or other proceeding, or divulged
22 to any third party.

23 When recording or listening authorized by this subsection
24 (j) on telephone lines used for marketing or opinion research
25 or telephone solicitation purposes results in recording or
26 listening to a conversation that does not relate to marketing

1 or opinion research or telephone solicitation; the person
2 recording or listening shall, immediately upon determining
3 that the conversation does not relate to marketing or opinion
4 research or telephone solicitation, terminate the recording or
5 listening and destroy any such recording as soon as is
6 practicable.

7 Business entities that use a telephone monitoring or
8 telephone recording system pursuant to this exemption (j) shall
9 provide current and prospective employees with notice that the
10 monitoring or recordings may occur during the course of their
11 employment. The notice shall include prominent signage
12 notification within the workplace.

13 Business entities that use a telephone monitoring or
14 telephone recording system pursuant to this exemption (j) shall
15 provide their employees or agents with access to personal-only
16 telephone lines which may be pay telephones, that are not
17 subject to telephone monitoring or telephone recording.

18 For the purposes of this subsection (j), "telephone
19 solicitation" means a communication through the use of a
20 telephone by live operators:

- 21 (i) soliciting the sale of goods or services;
22 (ii) receiving orders for the sale of goods or
23 services;
24 (iii) assisting in the use of goods or services; or
25 (iv) engaging in the solicitation, administration, or
26 collection of bank or retail credit accounts.

1 For the purposes of this subsection (j), "marketing or
2 opinion research" means a marketing or opinion research
3 interview conducted by a live telephone interviewer engaged by
4 a corporation or other business entity whose principal business
5 is the design, conduct, and analysis of polls and surveys
6 measuring the opinions, attitudes, and responses of
7 respondents toward products and services, or social or
8 political issues, or both;

9 (k) Electronic recordings, including but not limited to, a
10 motion picture, videotape, digital, or other visual or audio
11 recording, made of a custodial interrogation of an individual
12 at a police station or other place of detention by a law
13 enforcement officer under Section 5-401.5 of the Juvenile Court
14 Act of 1987 or Section 103-2.1 of the Code of Criminal
15 Procedure of 1963;

16 (l) Recording the interview or statement of any person when
17 the person knows that the interview is being conducted by a law
18 enforcement officer or prosecutor and the interview takes place
19 at a police station that is currently participating in the
20 Custodial Interview Pilot Program established under the
21 Illinois Criminal Justice Information Act;

22 (m) An electronic recording, including but not limited to,
23 a motion picture, videotape, digital, or other visual or audio
24 recording, made of the interior of a school bus while the
25 school bus is being used in the transportation of students to
26 and from school and school-sponsored activities, when the

1 school board has adopted a policy authorizing such recording,
2 notice of such recording policy is included in student
3 handbooks and other documents including the policies of the
4 school, notice of the policy regarding recording is provided to
5 parents of students, and notice of such recording is clearly
6 posted on the door of and inside the school bus.

7 Recordings made pursuant to this subsection (m) shall be
8 confidential records and may only be used by school officials
9 (or their designees) and law enforcement personnel for
10 investigations, school disciplinary actions and hearings,
11 proceedings under the Juvenile Court Act of 1987, and criminal
12 prosecutions, related to incidents occurring in or around the
13 school bus;

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

18 (o) The use of an eavesdropping camera or audio device
19 during an ongoing hostage or barricade situation by a law
20 enforcement officer or individual acting on behalf of a law
21 enforcement officer when the use of such device is necessary to
22 protect the safety of the general public, hostages, or law
23 enforcement officers or anyone acting on their behalf; and

24 (p) Recording or listening with the aid of any device to
25 incoming telephone calls of phone lines publicly listed or
26 advertised as the "CPS Violence Prevention Hotline", but only

1 where the notice of recording is given at the beginning of each
2 call as required by Section 34-21.8 of the School Code. The
3 recordings may be retained only by the Chicago Police
4 Department or other law enforcement authorities, and shall not
5 be otherwise retained or disseminated.

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

10 (720 ILCS 5/36.5-5)

11 Sec. 36.5-5. Vehicle impoundment.

12 (a) In addition to any other penalty, fee or forfeiture
13 provided by law, a peace officer who arrests a person for a
14 violation of Section 10-9, 11-14 ~~10-14~~, 11-14.1, 11-14.3,
15 11-14.4, 11-18, or 11-18.1 of this Code or related municipal
16 ordinance, may tow and impound any vehicle used by the person
17 in the commission of the violation ~~offense~~. The person arrested
18 for one or more such violations shall be charged a \$1,000 fee,
19 to be paid to the law enforcement agency ~~unit of government~~
20 that made the arrest or its designated representative. The
21 person may recover the vehicle from the impound after a minimum
22 of 2 hours after arrest upon payment of the fee.

23 (b) \$500 of the fee shall be distributed to the law
24 enforcement agency ~~unit of government~~ whose peace officers made
25 the arrest, for the costs incurred by the law enforcement

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

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

22 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 96-1503, eff.
23 1-27-11, and 97-333, eff. 8-12-11; revised 9-14-11.)

24 Section 20. The Code of Criminal Procedure of 1963 is
25 amended by changing the heading of Part 300 of Article 124B and

1 Sections 108B-3, 116-2.1, 124B-10, 124B-100, and 124B-305 as
2 follows:

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

4 Sec. 108B-3. Authorization for the interception of private
5 communication.

6 (a) The State's Attorney, or a person designated in writing
7 or by law to act for him and to perform his duties during his
8 absence or disability, may authorize, in writing, an ex parte
9 application to the chief judge of a court of competent
10 jurisdiction for an order authorizing the interception of a
11 private communication when no party has consented to the
12 interception and (i) the interception may provide evidence of,
13 or may assist in the apprehension of a person who has
14 committed, is committing or is about to commit, a violation of
15 Section 8-1(b) (solicitation of murder), 8-1.2 (solicitation
16 of murder for hire), 9-1 (first degree murder), 10-9
17 (involuntary servitude, involuntary sexual servitude of a
18 minor, or trafficking in persons ~~or trafficking in persons for
19 forced labor or services~~), 11-15.1 (soliciting for a minor
20 engaged in prostitution), 11-16 (pandering), 11-17.1 (keeping
21 a place of juvenile prostitution), 11-18.1 (patronizing a minor
22 engaged in prostitution), 11-19.1 (juvenile pimping and
23 aggravated juvenile pimping), or 29B-1 (money laundering) of
24 the Criminal Code of 1961, Section 401, 401.1 (controlled
25 substance trafficking), 405, 405.1 (criminal drug conspiracy)

1 or 407 of the Illinois Controlled Substances Act or any Section
2 of the Methamphetamine Control and Community Protection Act, a
3 violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,
4 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),
5 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the
6 Criminal Code of 1961 or conspiracy to commit money laundering
7 or conspiracy to commit first degree murder; (ii) in response
8 to a clear and present danger of imminent death or great bodily
9 harm to persons resulting from: (1) a kidnapping or the holding
10 of a hostage by force or the threat of the imminent use of
11 force; or (2) the occupation by force or the threat of the
12 imminent use of force of any premises, place, vehicle, vessel
13 or aircraft; (iii) to aid an investigation or prosecution of a
14 civil action brought under the Illinois Streetgang Terrorism
15 Omnibus Prevention Act when there is probable cause to believe
16 the interception of the private communication will provide
17 evidence that a streetgang is committing, has committed, or
18 will commit a second or subsequent gang-related offense or that
19 the interception of the private communication will aid in the
20 collection of a judgment entered under that Act; or (iv) upon
21 information and belief that a streetgang has committed, is
22 committing, or is about to commit a felony.

23 (b) The State's Attorney or a person designated in writing
24 or by law to act for the State's Attorney and to perform his or
25 her duties during his or her absence or disability, may
26 authorize, in writing, an ex parte application to the chief

1 judge of a circuit court for an order authorizing the
2 interception of a private communication when no party has
3 consented to the interception and the interception may provide
4 evidence of, or may assist in the apprehension of a person who
5 has committed, is committing or is about to commit, a violation
6 of an offense under Article 29D of the Criminal Code of 1961.

7 (b-1) Subsection (b) is inoperative on and after January 1,
8 2005.

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

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

15 (Source: P.A. 95-331, eff. 8-21-07; 96-710, eff. 1-1-10;
16 96-1464, eff. 8-20-10.)

17 (725 ILCS 5/116-2.1)

18 Sec. 116-2.1. Motion to vacate prostitution convictions
19 for sex trafficking victims.

20 (a) A motion under this Section may be filed at any time
21 following the entry of a verdict or finding of guilty where the
22 conviction was under Section 11-14 (prostitution) or Section
23 11-14.2 (first offender; felony prostitution) of the Criminal
24 Code of 1961 or a similar local ordinance and the defendant's
25 participation in the offense was a result of having been a

1 trafficking victim under Section 10-9 (involuntary servitude,
2 involuntary sexual servitude of a minor, or trafficking in
3 persons ~~or trafficking in persons for forced labor or services~~)
4 of the Criminal Code of 1961; or a victim of a severe form of
5 trafficking under the federal Trafficking Victims Protection
6 Act (22 U.S.C. Section 7102(13)); provided that:

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

17 (2) reasonable notice of the motion shall be served
18 upon the State.

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

23 (1) certified records of federal or State court
24 proceedings which demonstrate that the defendant was a
25 victim of a trafficker charged with a trafficking offense
26 under Section 10-9 of the Criminal Code of 1961 or under 22

1 U.S.C. Chapter 78;

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

5 (3) a sworn statement from a trained professional staff
6 of a victim services organization, an attorney, a member of
7 the clergy, or a medical or other professional from whom
8 the defendant has sought assistance in addressing the
9 trauma associated with being trafficked.

10 Alternatively, the court may consider such other evidence
11 as it deems of sufficient credibility and probative value in
12 determining whether the defendant is a trafficking victim or
13 victim of a severe form of trafficking.

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

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

18 (725 ILCS 5/124B-10)

19 Sec. 124B-10. Applicability; offenses. This Article
20 applies to forfeiture of property in connection with the
21 following:

22 (1) A violation of Section 10-9 or 10A-10 of the
23 Criminal Code of 1961 (involuntary servitude; involuntary
24 servitude of a minor; or trafficking in persons ~~trafficking~~
25 ~~of persons for forced labor or services~~).

1 (2) A violation of subdivision (a)(1) of Section
2 11-14.4 of the Criminal Code of 1961 (promoting juvenile
3 prostitution) or a violation of Section 11-17.1 of the
4 Criminal Code of 1961 (keeping a place of juvenile
5 prostitution).

6 (3) A violation of subdivision (a)(4) of Section
7 11-14.4 of the Criminal Code of 1961 (promoting juvenile
8 prostitution) or a violation of Section 11-19.2 of the
9 Criminal Code of 1961 (exploitation of a child).

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

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

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

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

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

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

22 (10) A violation of Article 29D of the Criminal Code of
23 1961 (terrorism).

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

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

1 (725 ILCS 5/124B-100)

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

4 (1) In the case of forfeiture authorized under Section
5 10A-15 of the Criminal Code of 1961, "offense" means the
6 offense of involuntary servitude, involuntary servitude of
7 a minor, or trafficking in persons ~~or trafficking of~~
8 ~~persons for forced labor or services~~ in violation of
9 Section 10-9 or 10A-10 of that Code.

10 (2) In the case of forfeiture authorized under
11 subdivision (a)(1) of Section 11-14.4, or Section 11-17.1,
12 of the Criminal Code of 1961, "offense" means the offense
13 of promoting juvenile prostitution or keeping a place of
14 juvenile prostitution in violation of subdivision (a)(1)
15 of Section 11-14.4, or Section 11-17.1, of that Code.

16 (3) In the case of forfeiture authorized under
17 subdivision (a)(4) of Section 11-14.4, or Section 11-19.2,
18 of the Criminal Code of 1961, "offense" means the offense
19 of promoting juvenile prostitution or exploitation of a
20 child in violation of subdivision (a)(4) of Section
21 11-14.4, or Section 11-19.2, of that Code.

22 (4) In the case of forfeiture authorized under Section
23 11-20 of the Criminal Code of 1961, "offense" means the
24 offense of obscenity in violation of that Section.

25 (5) In the case of forfeiture authorized under Section

1 11-20.1 of the Criminal Code of 1961, "offense" means the
2 offense of child pornography in violation of Section
3 11-20.1 of that Code.

4 (6) In the case of forfeiture authorized under Section
5 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
6 means the offense of aggravated child pornography in
7 violation of Section 11-20.1B or 11-20.3 of that Code.

8 (7) In the case of forfeiture authorized under Section
9 16D-6 of the Criminal Code of 1961, "offense" means the
10 offense of computer fraud in violation of Section 16D-5 of
11 that Code.

12 (8) In the case of forfeiture authorized under Section
13 17B-25 of the Criminal Code of 1961, "offense" means any
14 felony violation of Article 17B of that Code.

15 (9) In the case of forfeiture authorized under Section
16 29D-65 of the Criminal Code of 1961, "offense" means any
17 offense under Article 29D of that Code.

18 (10) In the case of forfeiture authorized under Section
19 4.01 of the Humane Care for Animals Act or Section 26-5 of
20 the Criminal Code of 1961, "offense" means any felony
21 offense under either of those Sections.

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

23 (725 ILCS 5/Art. 124B Pt. 300 heading)

24 Part 300. Forfeiture; Involuntary Servitude
25 and Trafficking in ~~of~~ Persons

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

2 (725 ILCS 5/124B-305)

3 Sec. 124B-305. Distribution of property and sale proceeds.
4 All moneys and the sale proceeds of all other property
5 forfeited and seized under this Part 300 shall be distributed
6 as follows:

7 (1) 50% shall be divided equally between all State
8 agencies and units of local government whose officers or
9 employees conducted the investigation that resulted in the
10 forfeiture.

11 (2) 50% shall be deposited into the DHS State Projects
12 ~~Violent Crime Victims Assistance~~ Fund and targeted to
13 services for victims of the offenses of involuntary
14 servitude, involuntary sexual servitude of a minor, and
15 trafficking in persons ~~and trafficking of persons for~~
16 ~~forced labor or services.~~

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

18 Section 25. The Predator Accountability Act is amended by
19 changing Section 10 as follows:

20 (740 ILCS 128/10)

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

22 "Sex trade" means any act, which if proven beyond a
23 reasonable doubt could support a conviction for a violation or

1 attempted violation of any of the following Sections of the
2 Criminal Code of 1961: 11-14.3 (promoting prostitution);
3 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting
4 for a prostitute); 11-15.1 (soliciting for a juvenile
5 prostitute); 11-16 (pandering); 11-17 (keeping a place of
6 prostitution); 11-17.1 (keeping a place of juvenile
7 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and
8 aggravated juvenile pimping); 11-19.2 (exploitation of a
9 child); 11-20 (obscenity); 11-20.1 (child pornography); or
10 11-20.1B or 11-20.3 (aggravated child pornography); or Section
11 10-9 of the Criminal Code of 1961 (trafficking in ~~of~~ persons
12 and involuntary servitude).

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

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

17 (1) soliciting for a prostitute: the prostitute who is
18 the object of the solicitation;

19 (2) soliciting for a juvenile prostitute: the juvenile
20 prostitute, or severely or profoundly intellectually
21 disabled person, who is the object of the solicitation;

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

26 (4) keeping a place of prostitution: any person

1 intended or compelled to act as a prostitute, while present
2 at the place, during the time period in question;

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

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

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

17 (8) promoting juvenile prostitution as described in
18 subdivision (a) (4) of Section 11-14.4 of the Criminal Code
19 of 1961, or exploitation of a child: the juvenile, or
20 severely or profoundly intellectually disabled person,
21 intended or compelled to act as a prostitute or from whom
22 anything of value is received for that person's act of
23 prostitution;

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

26 (10) child pornography or aggravated child

1 pornography: any child, or severely or profoundly
2 intellectually disabled person, who appears in or is
3 described or depicted in the offending conduct or material;
4 or

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

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