



Sen. Kirk W. Dillard

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LRB097 07362 MRW 68620 a

1 AMENDMENT TO HOUSE BILL 2582

2 AMENDMENT NO. _____. Amend House Bill 2582 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 5. TAXPAYER DISCLOSURE OF INFORMATION

5 Section 5-0.01. Short title. This Article may be cited as
6 the Taxpreparer Disclosure of Information Act, and references
7 in this Article to "this Act" mean this Article.

8 Section 5-1. Disclosure or conveyance of information. It is
9 a Class A misdemeanor for any person, including an individual,
10 firm, corporation, association, partnership, joint venture, or
11 any employee or agent thereof, to disclose, or to convey a list
12 of names prepared on the basis of any information obtained in
13 the business of preparing federal or state income tax returns
14 or assisting taxpayers in preparing such returns, including the
15 disclosure or conveyance of such information between separate

1 departments of the same firm, corporation, association,
2 partnership, or joint venture, unless such disclosure or
3 conveyance is within any of the following:

4 (a) Consented to in writing by the taxpayer in a separate
5 document.

6 (b) Expressly authorized by state or federal law.

7 (c) Necessary to the preparation of the return.

8 (d) Pursuant to court order.

9 Section 5-2. Persons engaged in the business of preparing
10 federal or state income tax returns or assisting taxpayers in
11 preparing such returns. For the purposes of this Act, a person
12 is engaged in the business of preparing federal or state income
13 tax returns or assisting taxpayers in preparing such returns if
14 he does either of the following:

15 (a) Advertises, or gives publicity to the effect that he
16 prepares or assists others in the preparation of federal income
17 tax returns.

18 (b) Prepares or assists others in the preparation of state
19 or federal income tax returns for compensation.

20 Section 5-3. Contacting a taxpayer to obtain his written
21 consent to disclosure. Contacting a taxpayer to obtain his
22 written consent to disclosure does not constitute a violation
23 of this Act.

1 ARTICLE 10. AIRCRAFT CRASH PARTS

2 Section 10-0.01. Short title. This Article may be cited as
3 the Aircraft Crash Parts Act, and references in this Article to
4 "this Act" mean this Article.

5 Section 10-1. Carrying away crash parts. Any person, other
6 than a person officially investigating the crash of an aircraft
7 or a person acting under the direction of such an investigator,
8 who carries away from the scene of the crash parts of such
9 aircraft, prior to the completion of the investigation, shall
10 be guilty of a Class A misdemeanor.

11 ARTICLE 15. APPLIANCE TAG

12 Section 15-0.01. Short title. This Article may be cited as
13 the Appliance Tag Act, and references in this Article to "this
14 Act" mean this Article.

15 Section 15-1. Definitions. As used in this Act unless the
16 context otherwise requires, the terms specified in this Section
17 have the meanings ascribed to them in this Section.

18 (a) "Demonstrator unit" means any household appliance, not
19 sold or transferred to a consumer, utilized by a seller or
20 dealer as a sample to demonstrate the operation of the
21 appliance to customers.

1 (b) "Rebuilt" means any household appliance that has a
2 substantial portion of its original, major parts replaced.

3 (c) "Reconditioned" means any household appliance which
4 has been substantially repaired but has not been rebuilt.

5 (d) "Repossessed" means any household appliance purchased
6 on credit that is offered for sale after it has been reclaimed
7 by the seller or holder of the instrument evidencing the debt
8 because of default.

9 (e) "Used" means any household appliance, previously sold,
10 transferred to a consumer and put in service and utilized by
11 the consumer for its intended purpose, that is not a rebuilt,
12 reconditioned or repossessed appliance.

13 (f) "Household appliance" means any gas or electric
14 appliance used in the home, such as but not limited to the
15 following: stoves, heating devices, cooking equipment,
16 refrigerators, air conditioners, vacuum cleaners, electric
17 fans, clocks, radios, toasters, irons, television sets,
18 washing machines, dryers and dishwashers.

19 Section 15-2. Necessity of tag or label. No person shall
20 sell, attempt to sell or offer to sell, by retail, wholesale or
21 auction, any household appliance other than a new appliance
22 unless there is affixed thereto a tag or label no smaller in
23 size than 4 inches in length and 2 inches in width bearing a
24 statement that the appliance is used, repossessed, rebuilt or
25 reconditioned or that the appliance has been utilized as a

1 demonstrator unit.

2 Section 15-3. Exemption. Any person who sells or offers for
3 sale a household appliance which was obtained by the person
4 making the sale for his own use, but who is not regularly
5 engaged in the business of making such sales is exempted from
6 the provisions of this Act.

7 Section 15-4. Sentence. Every person, who by himself, his
8 agents or employees violates any of the provisions of this Act
9 may for each offense be deemed guilty of a business offense,
10 and shall, upon conviction thereof, be punished by a fine of
11 not exceeding \$100 nor less than \$50 for the first offense; not
12 exceeding \$200 nor less than \$100 for the second offense; and
13 not exceeding \$500 nor less than \$200 for the third and each
14 subsequent offense and all costs for each and every offense.

15 ARTICLE 20. AUCTION SALES SIGN

16 Section 20-0.01. Short title. This Article may be cited as
17 the Auction Sales Sign Act, and references in this Article to
18 "this Act" mean this Article.

19 Section 20-1. Use of signs, billboards, flags, banners, or
20 other media commonly used to designate that an auction is being
21 held. The use of any signs, billboards, flags, banners or other

1 media commonly used to designate that an auction is being held,
2 or is going to be held, is prohibited unless the bidding on all
3 sales of goods in the place so designated is open to the
4 general public.

5 Section 20-2. Sentence. Whoever violates the provisions of
6 this Act shall be guilty of a Class B misdemeanor.

7 ARTICLE 25. DEROGATORY STATEMENTS ABOUT BANKS

8 Section 25-0.01. Short title. This Article may be cited as
9 the Derogatory Statements About Banks Act, and references in
10 this Article to "this Act" mean this Article.

11 Section 25-1. Statements derogatory to financial
12 institutions. Any person who shall willfully and maliciously
13 make, circulate, or transmit to another or others, any
14 statements, rumor or suggestion, written, printed or by word of
15 mouth, which is directly or by inference derogatory to the
16 financial condition, with intent to affect the solvency or
17 financial standing of any corporation doing a banking or trust
18 business in this State, or any building and loan association or
19 federal savings and loan association doing business in this
20 State, or who shall counsel, aid, procure or induce another to
21 start, transmit or circulate any such statement, rumor or
22 suggestion, shall be guilty of a Class A misdemeanor: However,

1 the truth of said statement, established by the maker thereof,
2 shall be a complete defense in any prosecution under the
3 provisions of this Act.

4 ARTICLE 30. LOAN ADVERTISING TO BANKRUPTS

5 Section 30-0.01. Short title. This Article may be cited as
6 the Loan Advertising to Bankrupts Act, and references in this
7 Article to "this Act" mean this Article.

8 Section 30-1. Solicitation of or advertisement for loans or
9 credit to bankrupts. No person engaged in the business of
10 making loans or of selling any property or services under
11 installment contracts or charge agreements may include in any
12 solicitation of or advertisement for such business any language
13 stating or implying that a loan or extension of credit will be
14 made to a person who has been adjudged a bankrupt.

15 Section 30-2. Sentence. Any person violating this Act shall
16 be guilty of a business offense and shall be fined not more
17 than \$1,000.

18 ARTICLE 35. SALE OR PLEDGE OF GOODS BY MINORS

19 Section 35-0.01. Short title. This Article may be cited as
20 the Sale or Pledge of Goods by Minors Act, and references in

1 this Article to "this Act" mean this Article.

2 Section 35-1. Unlawful for junk dealer, pawnbroker, or
3 second hand dealer to purchase or receive on deposit or pledge
4 anything of value from minor. It shall be unlawful for any junk
5 dealer, pawn broker, or any second hand dealer, either directly
6 or indirectly, to purchase or receive by way of barter or
7 exchange, or otherwise, anything of value, or to receive on
8 deposit or pledge anything of value, as security for a loan of
9 money, from any person, either male or female, under the age of
10 their legal majorities respectively.

11 Section 35-2. Sentence. Any person violating the
12 provisions of Section 35-1 of this Act shall, upon conviction,
13 be guilty of a petty offense.

14 ARTICLE 40. SALE PRICE AD

15 Section 40-0.01. Short title. This Article may be cited as
16 the Sale Price Ad Act, and references in this Article to "this
17 Act" mean this Article.

18 Section 40-1. Definitions. As used in this Act:

19 "Seller" means any person or legal entity that is in the
20 business of selling consumer goods to the public.

21 "Consumer goods" means any machine, appliance, clothing,

1 or like product bought for personal, family or household
2 purposes.

3 "Advertise" or "Advertising" means a notice in a newspaper,
4 magazine, pamphlet or flyer; an announcement on television,
5 cable television, or radio; and any other method of
6 communicating to the public.

7 Section 40-2. Inclusion of services in advertised sale
8 price. Whenever a seller advertises that consumer goods are for
9 sale and that advertisement states the price of the consumer
10 goods, the stated price must include all services incidental to
11 the proper use of the goods by the purchaser, or the ad must
12 state clearly that such services will be furnished at extra
13 cost.

14 Section 40-3. Ad to clearly state whether services
15 incidental to the proper use of the goods will require an extra
16 charge. Whenever a seller advertises that consumer goods are
17 for sale without stating a price, but with words such as
18 "prices reduced", "1/3 off", "50% off" or words of similar
19 meaning, such ad shall clearly state whether services
20 incidental to the proper use of the goods will require an extra
21 charge.

22 Section 40-4. Sentence. Violation of this Act is a business
23 offense with a fine not to exceed \$25.

1 ARTICLE 45. TITLE PAGE

2 Section 45-0.05. Short title. This Article may be cited as
3 the Title Page Act, and references in this Article to "this
4 Act" mean this Article.

5 Section 45-1. Removal of cover or title page or
6 identification mark. Any person who knowingly sells, offers or
7 exposes for sale (except in bulk as waste paper) any newspaper,
8 magazine, periodical or other publication, except a rare book,
9 manuscript or educational text, from which the cover or title
10 page has been removed, or from which the title, trade name,
11 trade mark or other identification mark has been removed or
12 obliterated, is guilty of a petty offense.

13 Section 45-2. Sentence. Whoever violates any of the
14 provisions of this Act shall be guilty of a petty offense and
15 fined not less than \$25 nor more than \$100.

16 ARTICLE 50. UNECONOMIC PRACTICES

17 Section 50-0.01. Short title. This Article may be cited as
18 the Uneconomic Practices Act, and references in this Article to
19 "this Act" mean this Article.

1 Section 50-1. Sale of articles outside regular course of
2 trade prohibited; exceptions. No person, firm or corporation
3 engaged in any business enterprise in this State shall, by any
4 method or procedure, directly or indirectly, by itself or
5 through a subsidiary agency owned or controlled in whole or in
6 part by such person, firm or corporation, sell or procure for
7 sale or have in its possession or under its control for sale to
8 its employees or any person, any article, material, product or
9 merchandise of whatsoever nature not of his or its own
10 production or not handled in his or its regular course of
11 trade, excepting meals, cigarettes and tobacco, and excepting
12 such specialized appliances and paraphernalia as may be
13 required in said business enterprise for the safety or health
14 of its employees. The provisions of this Section shall not
15 apply to associations organized under the Co-operative Act or
16 to associations organized under the Agricultural Co-Operative
17 Act.

18 Section 50-2. Sentence. Any person, firm or corporation
19 violating the provisions of this Act shall be deemed guilty of
20 a business offense and upon conviction thereof shall be
21 punished for the first offense by a fine of not less than \$100
22 nor more than \$500, and for a second or subsequent offense by a
23 fine of not less than \$500 nor more than \$1,000. Each act done,
24 prohibited by this Act, shall constitute a separate violation
25 and offense hereunder.

1 ARTICLE 55. ABANDONED REFRIGERATOR

2 Section 55-0.01. Short title. This Article may be cited as
3 the Abandoned Refrigerator Act, and references in this Article
4 to "this Act" mean this Article.

5 Section 55-1. Abandonment of refrigerators. Whoever
6 abandons or discards in any place accessible to children any
7 refrigerator, icebox or ice chest, of a capacity of one and
8 one-half cubic feet or more, which has an attached lid or door
9 which may be opened or fastened shut by means of an attached
10 latch, or who, being the owner, lessee, or manager of such
11 place, knowingly permits such abandoned or discarded
12 refrigerator, icebox or ice chest to remain there in such
13 condition, shall be guilty of a Class C misdemeanor.

14 ARTICLE 60. AERIAL EXHIBITORS SAFETY

15 Section 60-0.01. Short title. This Article may be cited as
16 the Aerial Exhibitors Safety Act, and references in this
17 Article to "this Act" mean this Article.

18 Section 60-1. Safety net or safety device. No person shall
19 participate in a public performance or exhibition, or in a
20 private exercise preparatory thereto, on a trapeze, tightrope,

1 wire, rings, ropes, poles, or other aerial apparatus which
2 requires skill, timing or balance and which creates a
3 substantial risk to himself or others of serious injury by a
4 fall from a height in excess of 20 feet, unless a safety net or
5 other safety device of similar purpose and construction is
6 placed between such person and the ground in such manner as to
7 arrest or cushion his fall and minimize the risk of such
8 injury.

9 Section 60-2. Participation without safety net or safety
10 device prohibited. No owner, agent, lessee or other person in
11 control of operations of a circus, carnival, fair or other
12 public place of assembly or amusement shall authorize or permit
13 participation in an aerial performance, exhibition or private
14 exercise in violation of Section 60-1 of this Act.

15 Section 60-3. Sentence. Violation of this Act is a Class A
16 Misdemeanor.

17 ARTICLE 65. CLEAN PUBLIC ELEVATOR AIR

18 Section 65-1. Short title. This Article may be cited as the
19 Illinois Clean Public Elevator Air Act, and references in this
20 Article to "this Act" mean this Article.

21 Section 65-2. Purpose. The General Assembly finds that

1 smoking on elevators is a fire hazard and a danger to public
2 safety and that tobacco smoke is annoying, harmful and
3 dangerous to human beings and a hazard to public health.

4 Section 65-3. Smoking on elevators prohibited. No person
5 shall smoke or possess a lighted cigarette, cigar, pipe or any
6 other form of tobacco or similar substance used for smoking on
7 any elevator in this State.

8 Section 65-4. Sentence. Any person who violates the
9 provisions of this Act is guilty of a petty offense punishable
10 by a fine of not less than \$25 nor more than \$250.

11 ARTICLE 70. FIRE EXTINGUISHER SERVICE

12 Section 70-0.01. Short title. This Article may be cited as
13 the Fire Extinguisher Service Act, and references in this
14 Article to "this Act" mean this Article.

15 Section 70-1. Fire extinguisher equipment; representation
16 of condition. It is unlawful for any person to represent that a
17 fire extinguisher or fire extinguishing equipment has been
18 serviced, repaired or examined for the purpose of determining
19 whether or not it is in good working condition when in fact no
20 such service, repairing or examination has been performed. Such
21 representations for the purpose of this Act shall mean any

1 mark, symbol, initial or date recorded on the extinguisher or
2 equipment or on anything attached thereto or on any list
3 schedule or in any other place where such service, repair or
4 examination is normally recorded.

5 Any person who violates the provisions of this Act is
6 guilty of a petty offense.

7 ARTICLE 75. GRAIN COLORING

8 Section 75-0.01. Short title. This Article may be cited as
9 the Grain Coloring Act, and references in this Article to "this
10 Act" mean this Article.

11 Section 75-1. Coloring grain. No person shall subject, or
12 cause to be subjected, any barley, wheat or other grain to
13 fumigation, by sulphur, or other material, or to any chemical
14 or coloring process, whereby the color, quality or germ of such
15 grain is affected.

16 Section 75-2. Sale of grain subjected to fumigation
17 prohibited. No person shall offer for sale, or procure to be
18 sold, any barley, wheat, or other grain that has been subjected
19 to fumigation, or other process, as provided in Section 75-1 of
20 this Act, knowing such barley, wheat, or other grain to have
21 been so subjected.

1 Section 75-3. Sentence. Any person violating the
2 provisions of this Act, shall be guilty of a Class B
3 misdemeanor, and shall also be liable for all damages sustained
4 by any person injured by such violation.

5 ARTICLE 80. NITROGLYCERIN TRANSPORTATION

6 Section 80-0.01. Short title. This Article may be cited as
7 the Nitroglycerin Transportation Act, and references in this
8 Article to "this Act" mean this Article.

9 Section 80-1. Liquid nitroglycerin transportation. No
10 person, personally or through an agent, shall transport
11 nitroglycerin in a liquid state on any highway; except this Act
12 shall not prohibit the transportation of desensitized liquid
13 nitroglycerin on any highway.

14 Any person who violates this Act shall be guilty of a Class
15 B misdemeanor.

16 ARTICLE 85. OUTDOOR LIGHTING INSTALLATION

17 Section 85-0.01. Short title. This Article may be cited as
18 the Outdoor Lighting Installation Act, and references in this
19 Article to "this Act" mean this Article.

20 Section 85-1. Required outdoor lighting. The owner of every

1 multiple dwelling shall install and maintain a light or lights
2 at or near the outside of the front entrance-way of the
3 building which shall in the aggregate provide not less than 50
4 watts incandescent illumination for a building with a frontage
5 up to 22 feet and 100 watts incandescent illumination for a
6 building with a frontage in excess of 22 feet, or equivalent
7 illumination and shall be kept burning from sunset every day to
8 sunrise on the day following. In the case of a multiple
9 dwelling with a frontage in excess of 22 feet, the front
10 entrance doors of which have a combined width in excess of 5
11 feet, there shall be at least 2 lights, one at each side of the
12 entrance way, with an aggregate illumination of 150 watts or
13 equivalent illumination. The owners shall determine the actual
14 location, design and nature of the installation of such light
15 or lights to meet practical, aesthetic and other
16 considerations, so long as the minimum level of illumination is
17 maintained.

18 Section 85-2. Definition. As used in this Act "multiple
19 dwelling" means any dwelling that is either rented, leased, let
20 or hired out, to be occupied, or is occupied as the residence
21 or home of 3 or more families living independently of each
22 other. A "multiple dwelling" shall not be deemed to include a
23 hospital, convent, monastery, asylum or public institution, or
24 a fireproof building used wholly for commercial purposes except
25 for not more than one janitor's apartment and not more than one

1 penthouse occupied by not more than 2 families. However,
2 residential quarters for members or personnel of any hospital
3 staff which are not located in any building primarily used for
4 hospital use, shall be deemed to be a "multiple dwelling".

5 Section 85-3. Sentence. Any violation of this Act by the
6 owner is a Class C misdemeanor for each day and every day such
7 violation occurs.

8 ARTICLE 90. PARTY LINE EMERGENCY

9 Section 90-0.01. Short title. This Article may be cited as
10 the Party Line Emergency Act, and references in this Article to
11 "this Act" mean this Article.

12 Section 90-1. Definitions. "Party Line" means a
13 subscribers' line telephone circuit, consisting of 2 or more
14 main telephone stations connected therewith, each station with
15 a distinctive ring or telephone number.

16 "Emergency" means a situation in which property or human
17 life are in jeopardy and the prompt summoning of aid is
18 essential.

19 Section 90-2. Refusal to yield party line in emergency. Any
20 person who wilfully refuses to yield or surrender the use of a
21 party line to another person for the purpose of permitting such

1 other person to report a fire or summon police, medical or
2 other aid in case of emergency, is guilty of a Class B
3 misdemeanor.

4 Section 90-3. Sentence. Any person who asks for or requests
5 the use of a party line on the pretext that an emergency
6 exists, knowing that no emergency in fact exists, is guilty of
7 a Class C misdemeanor.

8 Section 90-4. Explanation of Act in telephone directories.
9 After the 90th day following the effective date of this Act,
10 every telephone directory thereafter published for
11 distribution to the members of the general public shall contain
12 a notice which explains this law, such notice to be printed in
13 type which is no smaller than any other type on the same page
14 and to be preceded by the word "WARNING". The provisions of
15 this Section shall not apply to those directories distributed
16 solely for business advertising purposes, commonly known as
17 classified directories.

18 ARTICLE 95. PEEPHOLE INSTALLATION

19 Section 95-0.01. Short title. This Article may be cited as
20 the Peephole Installation Act, and references in this Article
21 to "this Act" mean this Article.

1 Section 95-1. Peepholes in the entrance door of each
2 housing unit within multiple dwelling; location. The owner of
3 every multiple dwelling on which construction is commenced
4 after the effective date of this Act shall provide and maintain
5 peepholes in the entrance door of each housing unit within such
6 multiple dwelling. The peephole must be located so as to enable
7 a person in such housing unit to view from the inside of the
8 entrance door any person immediately outside the entrance door.

9 Section 95-2. Definition. As used in this Act "multiple
10 dwelling" means any dwelling containing 5 or more independent
11 housing units which are rented, leased, let or hired out to the
12 tenant for use as a residence.

13 This Act shall not apply to hotels, apartment hotels,
14 motels, dormitories, hospitals, convents or public
15 institutions.

16 Section 95-3. Civil action; sentence. Any tenant affected
17 by a violation of this Act by the owner may compel the owner to
18 install such peepholes by bringing an appropriate action in the
19 circuit court. Any violation of this Act by the owner is a
20 petty offense and shall be punished by a fine of not less than
21 \$25 nor more than \$100 for each housing unit constructed
22 without a peephole in the entrance door. Each day that a
23 violation continues is a separate offense.

1 ARTICLE 100. RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS
2 PROHIBITION

3 Section 100-1. Short title. This Article may be cited as
4 the Retail Sale and Distribution of Novelty Lighters
5 Prohibition Act, and references in this Article to "this Act"
6 mean this Article.

7 Section 100-5. Findings. The General Assembly finds that
8 novelty lighters have features that are attractive to children,
9 including visual effects, flashing lights, musical sounds, and
10 toy-like designs. Thousands of novelty lighters have been
11 recalled because of the danger they present to public safety.
12 The setting of fires by juveniles has been identified as the
13 fastest growing fire threat in the United States, with more
14 than 300 people killed annually, 30% of whom are children, and
15 almost \$1 billion in property has been destroyed.

16 Section 100-10. Definition. For the purposes of this Act,
17 "novelty lighter" means a mechanical or electrical device
18 typically used for lighting cigarettes, cigars, or pipes that
19 is designed to resemble a cartoon character, toy, gun, watch,
20 musical instrument, vehicle, animal, food or beverage, or
21 similar articles, or that plays musical notes, or has flashing
22 lights, or has other entertaining features. A novelty lighter
23 may operate on any fuel, including butane, isobutene, or liquid

1 fuel. "Novelty lighter" does not include any of the following:

2 (1) A lighter manufactured before January 1, 1980.

3 (2) A lighter incapable of being fueled or lacking a
4 device necessary to produce combustion or a flame.

5 (3) Any mechanical or electrical device primarily used
6 to ignite fuel for fireplaces or for charcoal or gas
7 grills.

8 (4) Standard disposable and refillable lighters that
9 are printed or decorated with logos, labels, decals, or
10 artwork, or heat-shrinkable sleeves.

11 Section 100-15. Prohibition against novelty lighters. A
12 person may not sell at retail or distribute for retail sale in
13 this State a novelty lighter. The prohibition specified in this
14 Section does not apply to the transportation of novelty
15 lighters through this State or the storage of novelty lighters
16 in a warehouse or distribution center in this State that is
17 closed to the public for purposes of retail sales.

18 Section 100-20. Violation. A violation of Section 100-15
19 is a petty offense, for which a fine not to exceed \$500 for
20 each offense may be imposed. Each day that a person violates
21 Section 100-15 is a separate offense. A person who is employed
22 as a clerk by a retail establishment shall not be in violation
23 of this Act unless he or she sells a novelty lighter with the
24 intent to violate this Act.

1 Section 100-25. Enforcement. This Act may be enforced by
2 the Office of the State Fire Marshal, by a State, county, or
3 municipal law enforcement officer, or by a municipal code
4 enforcement officer.

5 ARTICLE 101. TICKET SALE AND RESALE

6 Section 101-0.01. Short title. This Article may be cited as
7 the Ticket Sale and Resale Act, and references in this Article
8 to "this Act" mean this Article.

9 Section 101-1. Sale of tickets other than at box office
10 prohibited; exceptions.

11 (a) It is unlawful for any person, firm or corporation,
12 owner, lessee, manager, trustee, or any of their employees or
13 agents, owning, conducting, managing or operating any theater,
14 circus, baseball park, place of public entertainment or
15 amusement where tickets of admission are sold for any such
16 places of amusement or public entertainment to sell or permit
17 the sale, barter or exchange of such admission tickets at any
18 other place than in the box office or on the premises of such
19 theater, circus, baseball park, place of public entertainment
20 or amusement, but nothing herein prevents such theater, circus,
21 baseball park, place of public entertainment or amusement from
22 placing any of its admission tickets for sale at any other

1 place at the same price such admission tickets are sold by such
2 theater, circus, baseball park or other place of public
3 entertainment or amusement at its box office or on the premises
4 of such places, at the same advertised price or printed rate
5 thereof.

6 (b) Any term or condition of the original sale of a ticket
7 to any theater, circus, baseball park, or place of public
8 entertainment or amusement where tickets of admission are sold
9 that purports to limit the terms or conditions of resale of the
10 ticket (including but not limited to the resale price of the
11 ticket) is unenforceable, null, and void if the resale
12 transaction is carried out by any of the means set forth in
13 subsections (b), (c), (d), and (e) of Section 101-1.5 of this
14 Act. This subsection shall not apply to a term or condition of
15 the original sale of a ticket to any theater, circus, baseball
16 park, or place of public entertainment or amusement where
17 tickets of admission are sold that purports to limit the terms
18 or conditions of resale of a ticket specifically designated as
19 seating in a special section for a person with a physical
20 disability.

21 Section 101-1.5. Sale of tickets at more than face value
22 prohibited; exceptions.

23 (a) Except as otherwise provided in subsections (b), (c),
24 (d), and (e) of this Section and in Section 101-4, it is
25 unlawful for any person, persons, firm or corporation to sell

1 tickets for baseball games, football games, hockey games,
2 theatre entertainments, or any other amusement for a price more
3 than the price printed upon the face of said ticket, and the
4 price of said ticket shall correspond with the same price shown
5 at the box office or the office of original distribution.

6 (b) This Act does not apply to the resale of tickets of
7 admission to a sporting event, theater, musical performance, or
8 place of public entertainment or amusement of any kind for a
9 price in excess of the printed box office ticket price by a
10 ticket broker who meets all of the following requirements:

11 (1) The ticket broker is duly registered with the
12 Office of the Secretary of State on a registration form
13 provided by that Office. The registration must contain a
14 certification that the ticket broker:

15 (A) engages in the resale of tickets on a regular
16 and ongoing basis from one or more permanent or fixed
17 locations located within this State;

18 (B) maintains as the principal business activity
19 at those locations the resale of tickets;

20 (C) displays at those locations the ticket
21 broker's registration;

22 (D) maintains at those locations a listing of the
23 names and addresses of all persons employed by the
24 ticket broker;

25 (E) is in compliance with all applicable federal,
26 State, and local laws relating to its ticket selling

1 activities, and that neither the ticket broker nor any
2 of its employees within the preceding 12 months have
3 been convicted of a violation of this Act; and

4 (F) meets the following requirements:

5 (i) the ticket broker maintains a toll free
6 number specifically dedicated for Illinois
7 consumer complaints and inquiries concerning
8 ticket sales;

9 (ii) the ticket broker has adopted a code that
10 advocates consumer protection that includes, at a
11 minimum:

12 (a-1) consumer protection guidelines;

13 (b-1) a standard refund policy. In the
14 event a refund is due, the ticket broker shall
15 provide that refund without charge other than
16 for reasonable delivery fees for the return of
17 the tickets; and

18 (c-1) standards of professional conduct;

19 (iii) the ticket broker has adopted a
20 procedure for the binding resolution of consumer
21 complaints by an independent, disinterested third
22 party and thereby submits to the jurisdiction of
23 the State of Illinois; and

24 (iv) the ticket broker has established and
25 maintains a consumer protection rebate fund in
26 Illinois in an amount in excess of \$100,000, which

1 must be cash available for immediate disbursement
2 for satisfaction of valid consumer complaints.

3 Alternatively, the ticket broker may fulfill the
4 requirements of subparagraph (F) of this paragraph (1) if
5 the ticket broker certifies that he or she belongs to a
6 professional association organized under the laws of this
7 State, or organized under the laws of any other state and
8 authorized to conduct business in Illinois, that has been
9 in existence for at least 3 years prior to the date of that
10 broker's registration with the Office of the Secretary of
11 State, and is specifically dedicated, for and on behalf of
12 its members, to provide and maintain the consumer
13 protection requirements of subparagraph (F) of this
14 paragraph (1) to maintain the integrity of the ticket
15 brokerage industry.

16 (2) (Blank).

17 (3) The ticket broker and his employees must not engage
18 in the practice of selling, or attempting to sell, tickets
19 for any event while sitting or standing near the facility
20 at which the event is to be held or is being held unless
21 the ticket broker or his or her employees are on property
22 they own, lease, or have permission to occupy.

23 (4) The ticket broker must comply with all requirements
24 of the Retailers' Occupation Tax Act and collect and remit
25 all other applicable federal, State and local taxes in
26 connection with the ticket broker's ticket selling

1 activities.

2 (5) Beginning January 1, 1996, no ticket broker shall
3 advertise for resale any tickets within this State unless
4 the advertisement contains the name of the ticket broker
5 and the Illinois registration number issued by the Office
6 of the Secretary of State under this Section.

7 (6) Each ticket broker registered under this Act shall
8 pay an annual registration fee of \$100.

9 (c) This Act does not apply to the sale of tickets of
10 admission to a sporting event, theater, musical performance, or
11 place of public entertainment or amusement of any kind for a
12 price in excess of the printed box office ticket price by a
13 reseller engaged in interstate or intrastate commerce on an
14 Internet auction listing service duly registered with the
15 Department of Financial and Professional Regulation under the
16 Auction License Act and with the Office of the Secretary of
17 State on a registration form provided by that Office. This
18 subsection (c) applies to both sales through an online bid
19 submission process and sales at a fixed price on the same
20 website or interactive computer service as an Internet auction
21 listing service registered with the Department of Financial and
22 Professional Regulation.

23 This subsection (c) applies to resales described in this
24 subsection only if the operator of the Internet auction listing
25 service meets the following requirements:

26 (1) the operator maintains a listing of the names and

1 addresses of its corporate officers;

2 (2) the operator is in compliance with all applicable
3 federal, State, and local laws relating to ticket selling
4 activities, and the operator's officers and directors have
5 not been convicted of a violation of this Act within the
6 preceding 12 months;

7 (3) the operator maintains, either itself or through an
8 affiliate, a toll free number dedicated for consumer
9 complaints;

10 (4) the operator provides consumer protections that
11 include at a minimum:

12 (A) consumer protection guidelines;

13 (B) a standard refund policy that guarantees to all
14 purchasers that it will provide and in fact provides a
15 full refund of the amount paid by the purchaser
16 (including, but not limited to, all fees, regardless of
17 how characterized) if the following occurs:

18 (i) the ticketed event is cancelled and the
19 purchaser returns the tickets to the seller or
20 Internet auction listing service; however,
21 reasonable delivery fees need not be refunded if
22 the previously disclosed guarantee specifies that
23 the fees will not be refunded if the event is
24 cancelled;

25 (ii) the ticket received by the purchaser does
26 not allow the purchaser to enter the ticketed event

1 for reasons that may include, without limitation,
2 that the ticket is counterfeit or that the ticket
3 has been cancelled by the issuer due to
4 non-payment, unless the ticket is cancelled due to
5 an act or omission by such purchaser;

6 (iii) the ticket fails to conform to its
7 description on the Internet auction listing
8 service; or

9 (iv) the ticket seller willfully fails to send
10 the ticket or tickets to the purchaser, or the
11 ticket seller attempted to deliver the ticket or
12 tickets to the purchaser in the manner required by
13 the Internet auction listing service and the
14 purchaser failed to receive the ticket or tickets;
15 and

16 (C) standards of professional conduct;

17 (5) the operator has adopted an independent and
18 disinterested dispute resolution procedure that allows
19 resellers or purchasers to file complaints against the
20 other and have those complaints mediated or resolved by a
21 third party, and requires the resellers or purchasers to
22 submit to the jurisdiction of the State of Illinois for
23 complaints involving a ticketed event held in Illinois;

24 (6) the operator either:

25 (A) complies with all applicable requirements of
26 the Retailers' Occupation Tax Act and collects and

1 remits all applicable federal, State, and local taxes;
2 or

3 (B) publishes a written notice on the website after
4 the sale of one or more tickets that automatically
5 informs the ticket reseller of the ticket reseller's
6 potential legal obligation to pay any applicable local
7 amusement tax in connection with the reseller's sale of
8 tickets, and discloses to law enforcement or other
9 government tax officials, without subpoena, the name,
10 city, state, telephone number, e-mail address, user ID
11 history, fraud complaints, and bidding and listing
12 history of any specifically identified reseller or
13 purchaser upon the receipt of a verified request from
14 law enforcement or other government tax officials
15 relating to a criminal investigation or alleged
16 illegal activity; and

17 (7) the operator either:

18 (A) has established and maintains a consumer
19 protection rebate fund in Illinois in an amount in
20 excess of \$100,000, which must be cash available for
21 immediate disbursement for satisfaction of valid
22 consumer complaints; or

23 (B) has obtained and maintains in force an errors
24 and omissions insurance policy that provides at least
25 \$100,000 in coverage and proof that the policy has been
26 filed with the Department of Financial and

1 Professional Regulation.

2 (d) This Act does not apply to the resale of tickets of
3 admission to a sporting event, theater, musical performance, or
4 place of public entertainment or amusement of any kind for a
5 price in excess of the printed box office ticket price
6 conducted at an auction solely by or for a not-for-profit
7 organization for charitable purposes under clause (a)(1) of
8 Section 10-1 of the Auction License Act.

9 (e) This Act does not apply to the resale of a ticket for
10 admission to a baseball game, football game, hockey game,
11 theatre entertainment, or any other amusement for a price more
12 than the price printed on the face of the ticket and for more
13 than the price of the ticket at the box office if the resale is
14 made through an Internet website whose operator meets the
15 following requirements:

16 (1) the operator has a business presence and physical
17 street address in the State of Illinois and clearly and
18 conspicuously posts that address on the website;

19 (2) the operator maintains a listing of the names of
20 the operator's directors and officers, and is duly
21 registered with the Office of the Secretary of State on a
22 registration form provided by that Office;

23 (3) the operator is in compliance with all applicable
24 federal, State, and local laws relating to its ticket
25 reselling activities regulated under this Act, and the
26 operator's officers and directors have not been convicted

1 of a violation of this Act within the preceding 12 months;

2 (4) the operator maintains a toll free number
3 specifically dedicated for consumer complaints and
4 inquiries regarding ticket resales made through the
5 website;

6 (5) the operator either:

7 (A) has established and maintains a consumer
8 protection rebate fund in Illinois in an amount in
9 excess of \$100,000, which must be cash available for
10 immediate disbursement for satisfaction of valid
11 consumer complaints; or

12 (B) has obtained and maintains in force an errors
13 and omissions policy of insurance in the minimum amount
14 of \$100,000 for the satisfaction of valid consumer
15 complaints;

16 (6) the operator has adopted an independent and
17 disinterested dispute resolution procedure that allows
18 resellers or purchasers to file complaints against the
19 other and have those complaints mediated or resolved by a
20 third party, and requires the resellers or purchasers to
21 submit to the jurisdiction of the State of Illinois for
22 complaints involving a ticketed event held in Illinois;

23 (7) the operator either:

24 (A) complies with all applicable requirements of
25 the Retailers' Occupation Tax Act and collects and
26 remits all applicable federal, State, and local taxes;

1 or

2 (B) publishes a written notice on the website after
3 the sale of one or more tickets that automatically
4 informs the ticket reseller of the ticket reseller's
5 potential legal obligation to pay any applicable local
6 amusement tax in connection with the reseller's sale of
7 tickets, and discloses to law enforcement or other
8 government tax officials, without subpoena, the name,
9 city, state, telephone number, e-mail address, user ID
10 history, fraud complaints, and bidding and listing
11 history of any specifically identified reseller or
12 purchaser upon the receipt of a verified request from
13 law enforcement or other government tax officials
14 relating to a criminal investigation or alleged
15 illegal activity; and

16 (8) the operator guarantees to all purchasers that it
17 will provide and in fact provides a full refund of the
18 amount paid by the purchaser (including, but not limited
19 to, all fees, regardless of how characterized) if any of
20 the following occurs:

21 (A) the ticketed event is cancelled and the
22 purchaser returns the tickets to the website operator;
23 however, reasonable delivery fees need not be refunded
24 if the previously disclosed guarantee specifies that
25 the fees will not be refunded if the event is
26 cancelled;

1 (B) the ticket received by the purchaser does not
2 allow the purchaser to enter the ticketed event for
3 reasons that may include, without limitation, that the
4 ticket is counterfeit or that the ticket has been
5 cancelled by the issuer due to non-payment, unless the
6 ticket is cancelled due to an act or omission by the
7 purchaser;

8 (C) the ticket fails to conform to its description
9 on the website; or

10 (D) the ticket seller willfully fails to send the
11 ticket or tickets to the purchaser, or the ticket
12 seller attempted to deliver the ticket or tickets to
13 the purchaser in the manner required by the website
14 operator and the purchaser failed to receive the ticket
15 or tickets.

16 Nothing in this subsection (e) shall be deemed to imply any
17 limitation on ticket sales made in accordance with subsections
18 (b), (c), and (d) of this Section or any limitation on sales
19 made in accordance with Section 101-4.

20 (f) The provisions of subsections (b), (c), (d), and (e) of
21 this Section apply only to the resale of a ticket after the
22 initial sale of that ticket. No reseller of a ticket may refuse
23 to sell tickets to another ticket reseller solely on the basis
24 that the purchaser is a ticket reseller or ticket broker
25 authorized to resell tickets pursuant to this Act.

26 (g) The provisions of Public Act 89-406 are severable under

1 Section 1.31 of the Statute on Statutes.

2 (h) The provisions of this amendatory Act of the 94th
3 General Assembly are severable under Section 1.31 of the
4 Statute on Statutes.

5 Section 101-2. Sentence.

6 (a) Whoever violates any of the provisions of Section
7 101-1.5 of this Act shall be guilty of a Class A misdemeanor
8 and may be fined up to \$5,000.00 for each offense and whoever
9 violates any other provision of this Act may be enjoined and be
10 required to make restitution to all injured consumers upon
11 application for injunctive relief by the State's Attorney or
12 Attorney General and shall also be guilty of a Class A
13 misdemeanor, and any owner, lessee, manager or trustee
14 convicted under this Act shall, in addition to the penalty
15 herein provided, forfeit the license of such theatre, circus,
16 baseball park, place of public entertainment or amusement so
17 granted and the same shall be revoked by the authorities
18 granting the same.

19 (b) Tickets sold or offered for sale by a person, firm or
20 corporation in violation of Section 101-1.5 of this Act may be
21 confiscated by a court on motion of the Attorney General, a
22 State's Attorney, the sponsor of the event for which the
23 tickets are being sold, or the owner or operator of the
24 facility at which the event is to be held, and may be donated
25 by order of the court to an appropriate organization as defined

1 under Section 2 of the Charitable Games Act.

2 (c) The Attorney General, a State's Attorney, the sponsor
3 of an event for which tickets are being sold, or the owner or
4 operator of the facility at which an event is to be held may
5 seek an injunction restraining any person, firm or corporation
6 from selling or offering for sale tickets in violation of the
7 provisions of this Act. In addition, on motion of the Attorney
8 General, a State's Attorney, the sponsor of an event for which
9 tickets are being sold, or the owner or operator of the
10 facility at which an event is to be held, a court may
11 permanently enjoin a person, firm or corporation found guilty
12 of violating Section 101-1.5 of this Act from engaging in the
13 offer or sale of tickets.

14 Section 101-3. Civil action. Whoever, upon the purchase of
15 such admission tickets as herein provided, feels himself
16 aggrieved or injured by paying for such tickets any sum in
17 excess of the advertised price or printed rate, or any sum in
18 excess of the price originally charged at the box office or
19 place where such admission tickets usually are sold by the
20 management of any such place of entertainment or amusement,
21 has, irrespective of the penalties herein provided, a right of
22 action in his name and against such person, firm, corporation,
23 owner, lessee, manager, trustee, or any of their agents or
24 employees owning, conducting, managing or operating any such
25 theater, circus, baseball park or place of public entertainment

1 or amusement, to recover for each ticket for which an
2 overcharge was made contrary to the provisions of this Act, a
3 sum of \$100, which may be recovered in a civil action before
4 the circuit court in this State.

5 Section 101-4. Service charges.Nothing contained in this
6 Act was ever intended to prohibit nor shall ever be deemed to
7 prohibit a ticket seller, with consent of the sponsor of such
8 baseball game, football game, hockey game, theatre
9 entertainment or other amusement, from collecting a reasonable
10 service charge, in addition to the printed box office ticket
11 price, from a ticket purchaser in return for service actually
12 rendered.

13 ARTICLE 102. WILD PLANT CONSERVATION

14 Section 102-0.01. Short title. This Article may be cited as
15 the Wild Plant Conservation Act, and references in this Article
16 to "this Act" mean this Article.

17 Section 102-1. Buying, selling, offering, or exposing for
18 sale certain wild plants prohibited. Any person, firm or
19 corporation who knowingly buys, sells, offers or exposes for
20 sale any blood root (*Sanguinaria canadensis*), lady slipper
21 (*Cypripedium parviflorum* and *Cypripedium hirsutum*), columbine
22 (*Aquilegia canadensis*), trillium (*Trillium grandiflorum* and

1 Trillium sessile), lotus (Nelumbo lutes), or gentian (Gentiana
2 crinita and Gentiana andrewsii), or any part thereof, dug,
3 pulled up or gathered from any public or private land, unless
4 in the case of private land the owner or person lawfully
5 occupying such land gives his consent in writing thereto, is
6 guilty of a petty offense.

7 Section 102-2. Limitation. All prosecutions under this Act
8 shall be commenced within six months from the time such offense
9 was committed and not afterwards.

10 ARTICLE 102.5. EXCAVATION FENCE

11 Section 102.5-0.01. Short title. This Article may be cited
12 as the Excavation Fence Act, and references in this Article to
13 "this Act" mean this Article.

14 Section 102.5-1. Covering or surrounding such installation
15 with protective fencing. Any person, corporation or
16 partnership which either owns, or maintains, or uses, or
17 abandons any open well, cesspool, cistern, quarry, recharging
18 basin, catch basin, sump, excavation for the erection of any
19 building structure or excavation created by the razing or
20 removal of any building structure without covering or
21 surrounding such installation with protective fencing is
22 guilty of a Class C misdemeanor. The provisions of this Act

1 shall not apply during the course of repair, construction,
2 removal or filling of any of the structures or conditions
3 herein described while any worker is present at the location
4 thereof either performing services thereon or as a watchman to
5 guard such location.

6 ARTICLE 103.

7 Section 103-5. The Criminal Code of 1961 is amended by
8 adding headings for Subdivisions 1, 5, and 10 of Article 21, by
9 changing Sections 12-7.1, 12-36, 16-18, 18-1, 18-3, 18-4, 19-1,
10 19-2, 19-3, 19-4, 20-1, 20-2, 21-1, 21-1.2, 21-1.3, 21-1.4,
11 21-2, 21-3, 21-5, 21-7, 21-8, 21-9, 21-10, 21.1-2, 21.2-2,
12 25-1, 25-4, 25-5, 26-1, 26-2, 26-3, 28-1, 28-1.1, 30-2,
13 31A-1.1, 31A-1.2, 32-1, 32-2, 32-3, 32-4b, 32-4c, 32-4d, 32-7,
14 32-8, 32-9, 32-10, 33-1, 33E-11, 33E-14, 33E-15, 33E-16,
15 33E-18, by changing and renumbering Sections 12-11, 12-11.1,
16 21-4, and 26-5, by adding Sections 2-11.1, 18-6, 19-6, 21-1.01,
17 21-11, 24.8-0.1, 24.8-1, 24.8-2, 24.8-3, 24.8-4, 24.8-5,
18 24.8-6, 26-4.5, 26-7, 26.5-0.1, 26.5-1, 26.5-2, 26.5-3,
19 26.5-4, 26.5-5, 31A-0.1, 32-15, 33-8, 48-1, 48-2, 48-3, 48-4,
20 48-5, 48-6, 48-7, 48-8, 48-9, 48-10, 49-1, 49-1.5, 49-2, 49-3,
21 49-4, 49-5, 49-6, and by adding heading of Article 24.8, Art.
22 26.5, Art. 48, and Art. 49 as follows:

23 (720 ILCS 5/2-11.1 new)

1 Sec. 2-11.1. "Motor vehicle. "Motor vehicle" has the
2 meaning ascribed to it in the Illinois Vehicle Code.

3 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

4 Sec. 12-7.1. Hate crime.

5 (a) A person commits hate crime when, by reason of the
6 actual or perceived race, color, creed, religion, ancestry,
7 gender, sexual orientation, physical or mental disability, or
8 national origin of another individual or group of individuals,
9 regardless of the existence of any other motivating factor or
10 factors, he commits assault, battery, aggravated assault,
11 misdemeanor theft, criminal trespass to residence, misdemeanor
12 criminal damage to property, criminal trespass to vehicle,
13 criminal trespass to real property, mob action, ~~or~~ disorderly
14 conduct, harassment by telephone, or harassment through
15 electronic communications as these crimes are defined in
16 Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3,
17 25-1, ~~and~~ 26-1, 26.5-2, and paragraphs (a)(2) and (a)(5) of
18 Section 26.5-3 of this Code, respectively, ~~or harassment by~~
19 ~~telephone as defined in Section 1-1 of the Harassing and~~
20 ~~Obscene Communications Act, or harassment through electronic~~
21 ~~communications as defined in clauses (a)(2) and (a)(4) of~~
22 ~~Section 1-2 of the Harassing and Obscene Communications Act.~~

23 (b) Except as provided in subsection (b-5), hate crime is a
24 Class 4 felony for a first offense and a Class 2 felony for a
25 second or subsequent offense.

1 (b-5) Hate crime is a Class 3 felony for a first offense
2 and a Class 2 felony for a second or subsequent offense if
3 committed:

4 (1) in a church, synagogue, mosque, or other building,
5 structure, or place used for religious worship or other
6 religious purpose;

7 (2) in a cemetery, mortuary, or other facility used for
8 the purpose of burial or memorializing the dead;

9 (3) in a school or other educational facility,
10 including an administrative facility or public or private
11 dormitory facility of or associated with the school or
12 other educational facility;

13 (4) in a public park or an ethnic or religious
14 community center;

15 (5) on the real property comprising any location
16 specified in clauses (1) through (4) of this subsection
17 (b-5); or

18 (6) on a public way within 1,000 feet of the real
19 property comprising any location specified in clauses (1)
20 through (4) of this subsection (b-5).

21 (b-10) Upon imposition of any sentence, the trial court
22 shall also either order restitution paid to the victim or
23 impose a fine up to \$1,000. In addition, any order of probation
24 or conditional discharge entered following a conviction or an
25 adjudication of delinquency shall include a condition that the
26 offender perform public or community service of no less than

1 200 hours if that service is established in the county where
2 the offender was convicted of hate crime. In addition, any
3 order of probation or conditional discharge entered following a
4 conviction or an adjudication of delinquency shall include a
5 condition that the offender enroll in an educational program
6 discouraging hate crimes if the offender caused criminal damage
7 to property consisting of religious fixtures, objects, or
8 decorations. The educational program may be administered, as
9 determined by the court, by a university, college, community
10 college, non-profit organization, or the Holocaust and
11 Genocide Commission. Nothing in this subsection (b-10)
12 prohibits courses discouraging hate crimes from being made
13 available online. The court may also impose any other condition
14 of probation or conditional discharge under this Section.

15 (c) Independent of any criminal prosecution or the result
16 thereof, any person suffering injury to his person or damage to
17 his property as a result of hate crime may bring a civil action
18 for damages, injunction or other appropriate relief. The court
19 may award actual damages, including damages for emotional
20 distress, or punitive damages. A judgment may include
21 attorney's fees and costs. The parents or legal guardians,
22 other than guardians appointed pursuant to the Juvenile Court
23 Act or the Juvenile Court Act of 1987, of an unemancipated
24 minor shall be liable for the amount of any judgment for actual
25 damages rendered against such minor under this subsection (c)
26 in any amount not exceeding the amount provided under Section 5

1 of the Parental Responsibility Law.

2 (d) "Sexual orientation" means heterosexuality,
3 homosexuality, or bisexuality.

4 (Source: P.A. 96-1551, eff. 7-1-11; 97-161, eff. 1-1-12;
5 revised 9-19-11.)

6 (720 ILCS 5/12-36)

7 Sec. 12-36. Possession of unsterilized or vicious dogs by
8 felons prohibited.

9 (a) For a period of 10 years commencing upon the release of
10 a person from incarceration, it is unlawful for a person
11 convicted of a forcible felony, a felony violation of the
12 Humane Care for Animals Act, a felony violation of Section 26-5
13 or 48-1 of this Code, a felony violation of Article 24 of this
14 Code, a felony violation of Class 3 or higher of the Illinois
15 Controlled Substances Act, a felony violation of Class 3 or
16 higher of the Cannabis Control Act, or a felony violation of
17 Class 2 or higher of the Methamphetamine Control and Community
18 Protection Act, to knowingly own, possess, have custody of, or
19 reside in a residence with, either:

20 (1) an unspayed or unneutered dog or puppy older than
21 12 weeks of age; or

22 (2) irrespective of whether the dog has been spayed or
23 neutered, any dog that has been determined to be a vicious
24 dog under Section 15 of the Animal Control Act.

25 (b) Any dog owned, possessed by, or in the custody of a

1 person convicted of a felony, as described in subsection (a),
2 must be microchipped for permanent identification.

3 (c) Sentence. A person who violates this Section is guilty
4 of a Class A misdemeanor.

5 (d) It is an affirmative defense to prosecution under this
6 Section that the dog in question is neutered or spayed, or that
7 the dog in question was neutered or spayed within 7 days of the
8 defendant being charged with a violation of this Section.
9 Medical records from, or the certificate of, a doctor of
10 veterinary medicine licensed to practice in the State of
11 Illinois who has personally examined or operated upon the dog,
12 unambiguously indicating whether the dog in question has been
13 spayed or neutered, shall be prima facie true and correct, and
14 shall be sufficient evidence of whether the dog in question has
15 been spayed or neutered. This subsection (d) is not applicable
16 to any dog that has been determined to be a vicious dog under
17 Section 15 of the Animal Control Act.

18 (Source: P.A. 96-185, eff. 1-1-10.)

19 (720 ILCS 5/16-18)

20 Sec. 16-18. Tampering with communication services; theft
21 of communication services.

22 (a) Injury to wires or obtaining service with intent to
23 defraud. A person commits injury to wires or obtaining service
24 with intent to defraud when he or she knowingly:

25 (1) displaces, removes, injures or destroys any

1 telegraph or telephone line, wire, cable, pole or conduit,
2 belonging to another, or the material or property
3 appurtenant thereto; or

4 (2) cuts, breaks, taps, or makes any connection with
5 any telegraph or telephone line, wire, cable or instrument
6 belonging to another; or

7 (3) reads, takes or copies any message, communication
8 or report intended for another passing over any such
9 telegraph line, wire or cable in this State; or

10 (4) prevents, obstructs or delays by any means or
11 contrivance whatsoever, the sending, transmission,
12 conveyance or delivery in this State of any message,
13 communication or report by or through any telegraph or
14 telephone line, wire or cable; or

15 (5) uses any apparatus to unlawfully do or cause to be
16 done any of the acts described in subdivisions (a)(1)
17 through (a)(4) of this Section; or

18 (6) obtains, or attempts to obtain, any
19 telecommunications service with the intent to deprive any
20 person of the lawful charge, in whole or in part, for any
21 telecommunications service:

22 (A) by charging such service to an existing
23 telephone number without the authority of the
24 subscriber thereto; or

25 (B) by charging such service to a nonexistent,
26 false, fictitious, or counterfeit telephone number or

1 to a suspended, terminated, expired, canceled, or
2 revoked telephone number; or

3 (C) by use of a code, prearranged scheme, or other
4 similar stratagem or device whereby said person, in
5 effect, sends or receives information; or

6 (D) by publishing the number or code of an
7 existing, canceled, revoked or nonexistent telephone
8 number, credit number or other credit device or method
9 of numbering or coding which is employed in the
10 issuance of telephone numbers, credit numbers or other
11 credit devices which may be used to avoid the payment
12 of any lawful telephone toll charge; or

13 (E) by any other trick, stratagem, impersonation,
14 false pretense, false representation, false statement,
15 contrivance, device, or means.

16 (b) Theft of communication services. A person commits theft
17 of communication services when he or she knowingly:

18 (1) obtains or uses a communication service without the
19 authorization of, or compensation paid to, the
20 communication service provider;

21 (2) possesses, uses, manufactures, assembles,
22 distributes, leases, transfers, or sells, or offers,
23 promotes or advertises for sale, lease, use, or
24 distribution, an unlawful communication device:

25 (A) for the commission of a theft of a
26 communication service or to receive, disrupt,

1 transmit, decrypt, or acquire, or facilitate the
2 receipt, disruption, transmission, decryption or
3 acquisition, of any communication service without the
4 express consent or express authorization of the
5 communication service provider; or

6 (B) to conceal or to assist another to conceal from
7 any communication service provider or from any lawful
8 authority the existence or place of origin or
9 destination of any communication;

10 (3) modifies, alters, programs or reprograms a
11 communication device for the purposes described in
12 subdivision (2) (A) or (2) (B);

13 (4) possesses, uses, manufactures, assembles, leases,
14 distributes, sells, or transfers, or offers, promotes or
15 advertises for sale, use or distribution, any unlawful
16 access device; or

17 (5) possesses, uses, prepares, distributes, gives or
18 otherwise transfers to another or offers, promotes, or
19 advertises for sale, use or distribution, any:

20 (A) plans or instructions for making or assembling
21 an unlawful communication or access device, with the
22 intent to use or employ the unlawful communication or
23 access device, or to allow the same to be used or
24 employed, for a purpose prohibited by this subsection
25 (b), or knowing or having reason to know that the plans
26 or instructions are intended to be used for

1 manufacturing or assembling the unlawful communication
2 or access device for a purpose prohibited by this
3 subsection (b); or

4 (B) material, including hardware, cables, tools,
5 data, computer software or other information or
6 equipment, knowing that the purchaser or a third person
7 intends to use the material in the manufacture or
8 assembly of an unlawful communication or access device
9 for a purpose prohibited by this subsection (b).

10 (c) Sentence.

11 (1) A violation of subsection (a) is a Class A
12 misdemeanor; provided, however, that any of the following
13 is a Class 4 felony:

14 (A) a second or subsequent conviction for a
15 violation of subsection (a); or

16 (B) an offense committed for remuneration; or

17 (C) an offense involving damage or destruction of
18 property in an amount in excess of \$300 or defrauding
19 of services in excess of \$500.

20 (2) A violation of subsection (b) is a Class A
21 misdemeanor, except that:

22 (A) A violation of subsection (b) is a Class 4
23 felony if:

24 (i) the violation of subsection (b) involves
25 at least 10, but not more than 50, unlawful
26 communication or access devices; or

1 (ii) the defendant engages in conduct
2 identified in subdivision (b)(3) of this Section
3 with the intention of substantially disrupting and
4 impairing the ability of a communication service
5 provider to deliver communication services to its
6 lawful customers or subscribers; or

7 (iii) the defendant at the time of the
8 commission of the offense is a pre-trial detainee
9 at a penal institution or is serving a sentence at
10 a penal institution; or

11 (iv) the defendant at the time of the
12 commission of the offense is a pre-trial detainee
13 at a penal institution or is serving a sentence at
14 a penal institution and uses any means of
15 electronic communication as defined in Section
16 26.5-0.1 of this Code ~~the Harassing and Obscene~~
17 ~~Communications Act~~ for fraud, theft, theft by
18 deception, identity theft, or any other unlawful
19 purpose; or

20 (v) the aggregate value of the service
21 obtained is \$300 or more; or

22 (vi) the violation is for a wired
23 communication service or device and the defendant
24 has been convicted previously for an offense under
25 subsection (b) or for any other type of theft,
26 robbery, armed robbery, burglary, residential

1 burglary, possession of burglary tools, home
2 invasion, or fraud, including violations of the
3 Cable Communications Policy Act of 1984 in this or
4 any federal or other state jurisdiction.

5 (B) A violation of subsection (b) is a Class 3
6 felony if:

7 (i) the violation of subsection (b) involves
8 more than 50 unlawful communication or access
9 devices; or

10 (ii) the defendant at the time of the
11 commission of the offense is a pre-trial detainee
12 at a penal institution or is serving a sentence at
13 a penal institution and has been convicted
14 previously of an offense under subsection (b)
15 committed by the defendant while serving as a
16 pre-trial detainee in a penal institution or while
17 serving a sentence at a penal institution; or

18 (iii) the defendant at the time of the
19 commission of the offense is a pre-trial detainee
20 at a penal institution or is serving a sentence at
21 a penal institution and has been convicted
22 previously of an offense under subsection (b)
23 committed by the defendant while serving as a
24 pre-trial detainee in a penal institution or while
25 serving a sentence at a penal institution and uses
26 any means of electronic communication as defined

1 in Section 26.5-0.1 of this Code ~~the Harassing and~~
2 ~~Obscene Communications Act~~ for fraud, theft, theft
3 by deception, identity theft, or any other
4 unlawful purpose; or

5 (iv) the violation is for a wired
6 communication service or device and the defendant
7 has been convicted previously on 2 or more
8 occasions for offenses under subsection (b) or for
9 any other type of theft, robbery, armed robbery,
10 burglary, residential burglary, possession of
11 burglary tools, home invasion, or fraud, including
12 violations of the Cable Communications Policy Act
13 of 1984 in this or any federal or other state
14 jurisdiction.

15 (C) A violation of subsection (b) is a Class 2
16 felony if the violation is for a wireless communication
17 service or device and the defendant has been convicted
18 previously for an offense under subsection (b) or for
19 any other type of theft, robbery, armed robbery,
20 burglary, residential burglary, possession of burglary
21 tools, home invasion, or fraud, including violations
22 of the Cable Communications Policy Act of 1984 in this
23 or any federal or other state jurisdiction.

24 (3) Restitution. The court shall, in addition to any
25 other sentence authorized by law, sentence a person
26 convicted of violating subsection (b) to make restitution

1 in the manner provided in Article 5 of Chapter V of the
2 Unified Code of Corrections.

3 (d) Grading of offense based on prior convictions. For
4 purposes of grading an offense based upon a prior conviction
5 for an offense under subsection (b) or for any other type of
6 theft, robbery, armed robbery, burglary, residential burglary,
7 possession of burglary tools, home invasion, or fraud,
8 including violations of the Cable Communications Policy Act of
9 1984 in this or any federal or other state jurisdiction under
10 subdivisions (c) (2) (A) (i) and (c) (2) (B) (i) of this Section, a
11 prior conviction shall consist of convictions upon separate
12 indictments or criminal complaints for offenses under
13 subsection (b) or for any other type of theft, robbery, armed
14 robbery, burglary, residential burglary, possession of
15 burglary tools, home invasion, or fraud, including violations
16 of the Cable Communications Policy Act of 1984 in this or any
17 federal or other state jurisdiction.

18 (e) Separate offenses. For purposes of all criminal
19 penalties or fines established for violations of subsection
20 (b), the prohibited activity established in subsection (b) as
21 it applies to each unlawful communication or access device
22 shall be deemed a separate offense.

23 (f) Forfeiture of unlawful communication or access
24 devices. Upon conviction of a defendant under subsection (b),
25 the court may, in addition to any other sentence authorized by
26 law, direct that the defendant forfeit any unlawful

1 communication or access devices in the defendant's possession
2 or control which were involved in the violation for which the
3 defendant was convicted.

4 (g) Venue. An offense under subsection (b) may be deemed to
5 have been committed at either the place where the defendant
6 manufactured or assembled an unlawful communication or access
7 device, or assisted others in doing so, or the place where the
8 unlawful communication or access device was sold or delivered
9 to a purchaser or recipient. It is not a defense to a violation
10 of subsection (b) that some of the acts constituting the
11 offense occurred outside of the State of Illinois.

12 (h) Civil action. For purposes of subsection (b):

13 (1) Bringing a civil action. Any person aggrieved by a
14 violation may bring a civil action in any court of
15 competent jurisdiction.

16 (2) Powers of the court. The court may:

17 (A) grant preliminary and final injunctions to
18 prevent or restrain violations without a showing by the
19 plaintiff of special damages, irreparable harm or
20 inadequacy of other legal remedies;

21 (B) at any time while an action is pending, order
22 the impounding, on such terms as it deems reasonable,
23 of any unlawful communication or access device that is
24 in the custody or control of the violator and that the
25 court has reasonable cause to believe was involved in
26 the alleged violation;

1 (C) award damages as described in subdivision
2 (h) (3);

3 (D) award punitive damages;

4 (E) in its discretion, award reasonable attorney's
5 fees and costs, including, but not limited to, costs
6 for investigation, testing and expert witness fees, to
7 an aggrieved party who prevails; and

8 (F) as part of a final judgment or decree finding a
9 violation, order the remedial modification or
10 destruction of any unlawful communication or access
11 device involved in the violation that is in the custody
12 or control of the violator or has been impounded under
13 subdivision (h) (2) (B).

14 (3) Types of damages recoverable. Damages awarded by a
15 court under this Section shall be computed as either of the
16 following:

17 (A) Upon his or her election of such damages at any
18 time before final judgment is entered, the complaining
19 party may recover the actual damages suffered by him or
20 her as a result of the violation and any profits of the
21 violator that are attributable to the violation and are
22 not taken into account in computing the actual damages;
23 in determining the violator's profits, the complaining
24 party shall be required to prove only the violator's
25 gross revenue, and the violator shall be required to
26 prove his or her deductible expenses and the elements

1 of profit attributable to factors other than the
2 violation; or

3 (B) Upon election by the complaining party at any
4 time before final judgment is entered, that party may
5 recover in lieu of actual damages an award of statutory
6 damages of not less than \$250 and not more than \$10,000
7 for each unlawful communication or access device
8 involved in the action, with the amount of statutory
9 damages to be determined by the court, as the court
10 considers just. In any case, if the court finds that
11 any of the violations were committed with the intent to
12 obtain commercial advantage or private financial gain,
13 the court in its discretion may increase the award of
14 statutory damages by an amount of not more than \$50,000
15 for each unlawful communication or access device
16 involved in the action.

17 (4) Separate violations. For purposes of all civil
18 remedies established for violations, the prohibited
19 activity established in this Section applies to each
20 unlawful communication or access device and shall be deemed
21 a separate violation.

22 (Source: P.A. 97-597, eff. 1-1-12.)

23 (720 ILCS 5/18-1) (from Ch. 38, par. 18-1)

24 Sec. 18-1. Robbery; aggravated robbery.

25 (a) Robbery. A person commits robbery when he or she

1 knowingly takes property, except a motor vehicle covered by
2 Section 18-3 or 18-4, from the person or presence of another by
3 the use of force or by threatening the imminent use of force.

4 (b) Aggravated robbery.

5 (1) A person commits aggravated robbery when he or she
6 violates subsection (a) while indicating verbally or by his
7 or her actions to the victim that he or she is presently
8 armed with a firearm or other dangerous weapon, including a
9 knife, club, ax, or bludgeon. This offense shall be
10 applicable even though it is later determined that he or
11 she had no firearm or other dangerous weapon, including a
12 knife, club, ax, or bludgeon, in his or her possession when
13 he or she committed the robbery.

14 (2) A person commits aggravated robbery when he or she
15 knowingly takes property from the person or presence of
16 another by delivering (by injection, inhalation,
17 ingestion, transfer of possession, or any other means) to
18 the victim without his or her consent, or by threat or
19 deception, and for other than medical purposes, any
20 controlled substance.

21 (c) Sentence.

22 Robbery is a Class 2 felony. ~~However,~~ unless ~~if~~ the victim
23 is 60 years of age or over or is a physically handicapped
24 person, or ~~if~~ the robbery is committed in a school, day care
25 center, day care home, group day care home, or part day child
26 care facility, or place of worship, in which case robbery is a

1 Class 1 felony. Aggravated robbery is a Class 1 felony.

2 (d) ~~(e)~~ Regarding penalties prescribed in subsection (c)
3 ~~(b)~~ for violations committed in a day care center, day care
4 home, group day care home, or part day child care facility, the
5 time of day, time of year, and whether children under 18 years
6 of age were present in the day care center, day care home,
7 group day care home, or part day child care facility are
8 irrelevant.

9 (Source: P.A. 96-556, eff. 1-1-10.)

10 (720 ILCS 5/18-3)

11 Sec. 18-3. Vehicular hijacking.

12 (a) A person commits vehicular hijacking when he or she
13 knowingly takes a motor vehicle from the person or the
14 immediate presence of another by the use of force or by
15 threatening the imminent use of force.

16 ~~(b) For the purposes of this Article, the term "motor~~
17 ~~vehicle" shall have the meaning ascribed to it in the Illinois~~
18 ~~Vehicle Code.~~

19 ~~(e)~~ Sentence. Vehicular hijacking is a Class 1 felony.

20 (Source: P.A. 88-351; 88-670, eff. 12-2-94.)

21 (720 ILCS 5/18-4)

22 Sec. 18-4. Aggravated vehicular hijacking.

23 (a) A person commits aggravated vehicular hijacking when he
24 or she violates Section 18-3; and

1 (1) the person from whose immediate presence the motor
2 vehicle is taken is a physically handicapped person or a
3 person 60 years of age or over; or

4 (2) a person under 16 years of age is a passenger in
5 the motor vehicle at the time of the offense; or

6 (3) he or she carries on or about his or her person, or
7 is otherwise armed with a dangerous weapon, other than a
8 firearm; or

9 (4) he or she carries on or about his or her person or
10 is otherwise armed with a firearm; or

11 (5) he or she, during the commission of the offense,
12 personally discharges a firearm; or

13 (6) he or she, during the commission of the offense,
14 personally discharges a firearm that proximately causes
15 great bodily harm, permanent disability, permanent
16 disfigurement, or death to another person.

17 (b) Sentence. Aggravated vehicular hijacking in violation
18 of subsections (a)(1) or (a)(2) is a Class X felony. A
19 ~~Aggravated vehicular hijacking in~~ violation of subsection
20 (a)(3) is a Class X felony for which a term of imprisonment of
21 not less than 7 years shall be imposed. A ~~Aggravated vehicular~~
22 ~~hijacking in~~ violation of subsection (a)(4) is a Class X felony
23 for which 15 years shall be added to the term of imprisonment
24 imposed by the court. A ~~Aggravated vehicular hijacking in~~
25 violation of subsection (a)(5) is a Class X felony for which 20
26 years shall be added to the term of imprisonment imposed by the

1 court. ~~A Aggravated vehicular hijacking in~~ violation of
2 subsection (a) (6) is a Class X felony for which 25 years or up
3 to a term of natural life shall be added to the term of
4 imprisonment imposed by the court.

5 (Source: P.A. 91-404, eff. 1-1-00.)

6 (720 ILCS 5/18-6 new)

7 Sec. 18-6 ~~12-11.1~~. Vehicular invasion.

8 (a) A person commits vehicular invasion when he or she ~~who~~
9 knowingly, by force and without lawful justification, enters or
10 reaches into the interior of a motor vehicle ~~as defined in The~~
11 ~~Illinois Vehicle Code~~ while the ~~such~~ motor vehicle is occupied
12 by another person or persons, with the intent to commit therein
13 a theft or felony.

14 (b) Sentence. Vehicular invasion is a Class 1 felony.

15 (Source: P.A. 86-1392.)

16 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

17 Sec. 19-1. Burglary.

18 (a) A person commits burglary when without authority he or
19 she knowingly enters or without authority remains within a
20 building, housetrailer, watercraft, aircraft, motor vehicle ~~as~~
21 ~~defined in the Illinois Vehicle Code~~, railroad car, or any part
22 thereof, with intent to commit therein a felony or theft. This
23 offense shall not include the offenses set out in Section 4-102
24 of the Illinois Vehicle Code.

1 (b) Sentence.

2 Burglary is a Class 2 felony. A burglary committed in a
3 school, day care center, day care home, group day care home, or
4 part day child care facility, or place of worship is a Class 1
5 felony, except that this provision does not apply to a day care
6 center, day care home, group day care home, or part day child
7 care facility operated in a private residence used as a
8 dwelling.

9 (c) Regarding penalties prescribed in subsection (b) for
10 violations committed in a day care center, day care home, group
11 day care home, or part day child care facility, the time of
12 day, time of year, and whether children under 18 years of age
13 were present in the day care center, day care home, group day
14 care home, or part day child care facility are irrelevant.

15 (Source: P.A. 96-556, eff. 1-1-10.)

16 (720 ILCS 5/19-2) (from Ch. 38, par. 19-2)

17 Sec. 19-2. Possession of burglary tools.

18 (a) A person commits ~~the offense of~~ possession of burglary
19 tools when he or she possesses any key, tool, instrument,
20 device, or any explosive, suitable for use in breaking into a
21 building, housetrailer, watercraft, aircraft, motor vehicle ~~as~~
22 ~~defined in The Illinois Vehicle Code~~, railroad car, or any
23 depository designed for the safekeeping of property, or any
24 part thereof, with intent to enter that ~~any such~~ place and with
25 intent to commit therein a felony or theft. The trier of fact

1 may infer from the possession of a key designed for lock
2 bumping an intent to commit a felony or theft; however, this
3 inference does not apply to any peace officer or other employee
4 of a law enforcement agency, or to any person or agency
5 licensed under the Private Detective, Private Alarm, Private
6 Security, Fingerprint Vendor, and Locksmith Act of 2004. For
7 the purposes of this Section, "lock bumping" means a lock
8 picking technique for opening a pin tumbler lock using a
9 specially-crafted bumpkey.

10 (b) Sentence.

11 Possession of burglary tools ~~in violation of this Section~~
12 is a Class 4 felony.

13 (Source: P.A. 95-883, eff. 1-1-09.)

14 (720 ILCS 5/19-3) (from Ch. 38, par. 19-3)

15 Sec. 19-3. Residential burglary.

16 (a) A person commits residential burglary when he or she
17 ~~who~~ knowingly and without authority enters or knowingly and
18 without authority remains within the dwelling place of another,
19 or any part thereof, with the intent to commit therein a felony
20 or theft. This offense includes the offense of burglary as
21 defined in Section 19-1.

22 (a-5) A person commits residential burglary when he or she
23 ~~who~~ falsely represents himself or herself, including but not
24 limited to falsely representing himself or herself to be a
25 representative of any unit of government or a construction,

1 telecommunications, or utility company, for the purpose of
2 gaining entry to the dwelling place of another, with the intent
3 to commit therein a felony or theft or to facilitate the
4 commission therein of a felony or theft by another.

5 (b) Sentence. Residential burglary is a Class 1 felony.

6 (Source: P.A. 96-1113, eff. 1-1-11.)

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

8 Sec. 19-4. Criminal trespass to a residence.

9 (a) (1) A person commits ~~the offense of~~ criminal trespass
10 to a residence when, without authority, he or she knowingly
11 enters or remains within any residence, including a house
12 trailer that is the dwelling place of another.

13 (2) A person commits ~~the offense of~~ criminal trespass to a
14 residence when, without authority, he or she knowingly enters
15 the residence of another and knows or has reason to know that
16 one or more persons is present or he or she knowingly enters
17 the residence of another and remains in the residence after he
18 or she knows or has reason to know that one or more persons is
19 present.

20 (3) For purposes of this Section, in the case of a
21 multi-unit residential building or complex, "residence" shall
22 only include the portion of the building or complex which is
23 the actual dwelling place of any person and shall not include
24 such places as common recreational areas or lobbies.

25 (b) Sentence.

1 (1) Criminal trespass to a residence under paragraph
2 (1) of subsection (a) is a Class A misdemeanor.

3 (2) Criminal trespass to a residence under paragraph
4 (2) of subsection (a) is a Class 4 felony.

5 (Source: P.A. 91-895, eff. 7-6-00.)

6 (720 ILCS 5/19-6 new)

7 Sec. 19-6 ~~12-11~~. Home Invasion.

8 (a) A person who is not a peace officer acting in the line
9 of duty commits home invasion when without authority he or she
10 knowingly enters the dwelling place of another when he or she
11 knows or has reason to know that one or more persons is present
12 or he or she knowingly enters the dwelling place of another and
13 remains in the ~~such~~ dwelling place until he or she knows or has
14 reason to know that one or more persons is present or who
15 falsely represents himself or herself, including but not
16 limited to, falsely representing himself or herself to be a
17 representative of any unit of government or a construction,
18 telecommunications, or utility company, for the purpose of
19 gaining entry to the dwelling place of another when he or she
20 knows or has reason to know that one or more persons are
21 present and

22 (1) While armed with a dangerous weapon, other than a
23 firearm, uses force or threatens the imminent use of force
24 upon any person or persons within the ~~such~~ dwelling place
25 whether or not injury occurs, or

1 (2) Intentionally causes any injury, except as
2 provided in subsection (a)(5), to any person or persons
3 within the ~~such~~ dwelling place, or

4 (3) While armed with a firearm uses force or threatens
5 the imminent use of force upon any person or persons within
6 the ~~such~~ dwelling place whether or not injury occurs, or

7 (4) Uses force or threatens the imminent use of force
8 upon any person or persons within the ~~such~~ dwelling place
9 whether or not injury occurs and during the commission of
10 the offense personally discharges a firearm, or

11 (5) Personally discharges a firearm that proximately
12 causes great bodily harm, permanent disability, permanent
13 disfigurement, or death to another person within the ~~such~~
14 dwelling place, or

15 (6) Commits, against any person or persons within that
16 dwelling place, a violation of Section 11-1.20, 11-1.30,
17 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15,
18 or 12-16 of the Criminal Code of 1961.

19 (b) It is an affirmative defense to a charge of home
20 invasion that the accused who knowingly enters the dwelling
21 place of another and remains in the ~~such~~ dwelling place until
22 he or she knows or has reason to know that one or more persons
23 is present either immediately leaves the ~~such~~ premises or
24 surrenders to the person or persons lawfully present therein
25 without either attempting to cause or causing serious bodily
26 injury to any person present therein.

1 (c) Sentence. Home invasion in violation of subsection
2 (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of
3 subsection (a) (3) is a Class X felony for which 15 years shall
4 be added to the term of imprisonment imposed by the court. A
5 violation of subsection (a) (4) is a Class X felony for which 20
6 years shall be added to the term of imprisonment imposed by the
7 court. A violation of subsection (a) (5) is a Class X felony for
8 which 25 years or up to a term of natural life shall be added to
9 the term of imprisonment imposed by the court.

10 (d) For purposes of this Section, "dwelling place of
11 another" includes a dwelling place where the defendant
12 maintains a tenancy interest but from which the defendant has
13 been barred by a divorce decree, judgment of dissolution of
14 marriage, order of protection, or other court order.

15 (Source: P.A. 96-1113, eff. 1-1-11; 96-1551, eff. 7-1-11.)

16 (720 ILCS 5/20-1) (from Ch. 38, par. 20-1)

17 Sec. 20-1. Arson; residential arson; place of worship
18 arson.

19 (a) A person commits arson when, by means of fire or
20 explosive, he or she knowingly:

21 (1) ~~(a)~~ Damages any real property, or any personal property
22 having a value of \$150 or more, of another without his or her
23 consent; or

24 (2) ~~(b)~~ With intent to defraud an insurer, damages any
25 property or any personal property having a value of \$150 or

1 more.

2 Property "of another" means a building or other property,
3 whether real or personal, in which a person other than the
4 offender has an interest which the offender has no authority to
5 defeat or impair, even though the offender may also have an
6 interest in the building or property.

7 (b) A person commits residential arson when he or she, in
8 the course of committing arson, knowingly damages, partially or
9 totally, any building or structure that is the dwelling place
10 of another.

11 (b-5) A person commits place of worship arson when he or
12 she, in the course of committing arson, knowingly damages,
13 partially or totally, any place of worship.

14 (c) Sentence.

15 Arson is a Class 2 felony. Residential arson or place of
16 worship arson is a Class 1 felony.

17 (Source: P.A. 77-2638.)

18 (720 ILCS 5/20-2) (from Ch. 38, par. 20-2)

19 Sec. 20-2. Possession of explosives or explosive or
20 incendiary devices.

21 (a) A person commits ~~the offense of~~ possession of
22 explosives or explosive or incendiary devices in violation of
23 this Section when he or she possesses, manufactures or
24 transports any explosive compound, timing or detonating device
25 for use with any explosive compound or incendiary device and

1 either intends to use the ~~such~~ explosive or device to commit
2 any offense or knows that another intends to use the ~~such~~
3 explosive or device to commit a felony.

4 (b) Sentence.

5 Possession of explosives or explosive or incendiary
6 devices ~~in violation of this Section~~ is a Class 1 felony for
7 which a person, if sentenced to a term of imprisonment, shall
8 be sentenced to not less than 4 years and not more than 30
9 years.

10 (c) (Blank).

11 (Source: P.A. 93-594, eff. 1-1-04; 94-556, eff. 9-11-05.)

12 (720 ILCS 5/Art. 21, Subdiv. 1 heading new)

13
14 SUBDIVISION 1. DAMAGE TO PROPERTY

15 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

16 Sec. 21-1. Criminal damage to property.

17 (a) ~~(1)~~ A person commits criminal damage to property ~~an~~
18 ~~illegal act~~ when he or she:

19 (1) ~~(a)~~ knowingly damages any property of another; ~~or~~

20 (2) ~~(b)~~ recklessly by means of fire or explosive
21 damages property of another; ~~or~~

22 (3) ~~(c)~~ knowingly starts a fire on the land of another;
23 ~~or~~

24 (4) ~~(d)~~ knowingly injures a domestic animal of another

1 without his or her consent; ~~or~~

2 (5) ~~(e)~~ knowingly deposits on the land or in the
3 building of another any stink bomb or any offensive
4 smelling compound and thereby intends to interfere with the
5 use by another of the land or building; ~~or~~

6 (6) knowingly ~~(f)~~ damages any property, other than as
7 described in paragraph (2) of subsection (a) ~~(b)~~ of Section
8 20-1, with intent to defraud an insurer; ~~or~~

9 (7) ~~(g)~~ knowingly shoots a firearm at any portion of a
10 railroad train; or

11 (8) knowingly cuts, injures, damages, defaces,
12 destroys, or tampers with any fire hydrant or any public or
13 private fire fighting equipment, or any apparatus
14 appertaining to fire fighting equipment, or intentionally
15 opens any fire hydrant without proper authorization.

16 (b) When the charge of criminal damage to property
17 exceeding a specified value is brought, the extent of the
18 damage is an element of the offense to be resolved by the trier
19 of fact as either exceeding or not exceeding the specified
20 value.

21 (c) It is an affirmative defense to a violation of
22 paragraph (1), (3), or (5) of subsection (a) ~~item (a), (c), or~~
23 ~~(e)~~ of this Section that the owner of the property or land
24 damaged consented to the ~~such~~ damage.

25 (d) Sentence. ~~(2)~~

26 (1) A violation of subsection (a) shall have the

1 following penalties:

2 (A) A violation of paragraph (8) is a Class B
3 misdemeanor.

4 (B) A violation of paragraph (1), (2), (3), (5), or
5 (6) is a ~~The acts described in items (a), (b), (c),~~
6 ~~(e), and (f) are Class A~~ misdemeanor ~~misdemeanors~~ when
7 ~~if~~ the damage to property does not exceed \$300.

8 (C) A violation of paragraph (1), (2), (3), (5),
9 or (6) is a ~~The acts described in items (a), (b), (c),~~
10 ~~(e), and (f) are Class 4~~ felony when ~~felonies~~ ~~if~~ the
11 damage to property does not exceed \$300 and ~~if~~ the
12 damage occurs to property of a school or place of
13 worship or to farm equipment or immovable items of
14 agricultural production, including but not limited to
15 grain elevators, grain bins, and barns.

16 (D) A violation of paragraph (4) ~~The act described~~
17 ~~in item (d)~~ is a Class 4 felony when ~~if~~ the damage to
18 property does not exceed \$10,000.

19 (E) A violation of paragraph (7) ~~The act described~~
20 ~~in item (g)~~ is a Class 4 felony.

21 (F) A violation of paragraph (1), (2), (3), (5) or
22 (6) is a ~~The acts described in items (a), (b), (c),~~
23 ~~(e), and (f) are Class 4~~ felony when ~~felonies~~ ~~if~~ the
24 damage to property exceeds \$300 but does not exceed
25 \$10,000.

26 (G) A violation of paragraphs (1) through (6) is a

1 ~~The acts described in items (a) through (f) are~~ Class 3
2 felony when felonies ~~if~~ the damage to property exceeds
3 \$300 but does not exceed \$10,000 and ~~if~~ the damage
4 occurs to property of a school or place of worship or
5 to farm equipment or immovable items of agricultural
6 production, including but not limited to grain
7 elevators, grain bins, and barns.

8 (H) A violation of paragraphs (1) through (6) is a
9 ~~The acts described in items (a) through (f) are~~ Class 3
10 felony when felonies ~~if~~ the damage to property exceeds
11 \$10,000 but does not exceed \$100,000.

12 (I) A violation of paragraphs (1) through (6) is a
13 ~~The acts described in items (a) through (f) are~~ Class 2
14 felony when felonies ~~if~~ the damage to property exceeds
15 \$10,000 but does not exceed \$100,000 and ~~if~~ the damage
16 occurs to property of a school or place of worship or
17 to farm equipment or immovable items of agricultural
18 production, including but not limited to grain
19 elevators, grain bins, and barns.

20 (J) A violation of paragraphs (1) through (6) is a
21 ~~The acts described in items (a) through (f) are~~ Class 2
22 felony when felonies ~~if~~ the damage to property exceeds
23 \$100,000. A violation of paragraphs (1) through (6) The
24 ~~acts described in items (a) through (f) is a~~ are Class
25 1 felony when felonies ~~if~~ the damage to property
26 exceeds \$100,000 and the damage occurs to property of a

1 school or place of worship or to farm equipment or
2 immovable items of agricultural production, including
3 but not limited to grain elevators, grain bins, and
4 barns.

5 (2) When ~~If~~ the damage to property exceeds \$10,000, the
6 court shall impose upon the offender a fine equal to the
7 value of the damages to the property.

8 ~~For the purposes of this subsection (2), "farm equipment"~~
9 ~~means machinery or other equipment used in farming.~~

10 (3) In addition to any other sentence that may be
11 imposed, a court shall order any person convicted of
12 criminal damage to property to perform community service
13 for not less than 30 and not more than 120 hours, if
14 community service is available in the jurisdiction and is
15 funded and approved by the county board of the county where
16 the offense was committed. In addition, whenever any person
17 is placed on supervision for an alleged offense under this
18 Section, the supervision shall be conditioned upon the
19 performance of the community service.

20 The community service requirement ~~This subsection~~ does
21 not apply when the court imposes a sentence of
22 incarceration.

23 (4) In addition to any criminal penalties imposed for a
24 violation of this Section, if a person is convicted of or
25 placed on supervision for knowingly damaging or destroying
26 crops of another, including crops intended for personal,

1 commercial, research, or developmental purposes, the
2 person is liable in a civil action to the owner of any
3 crops damaged or destroyed for money damages up to twice
4 the market value of the crops damaged or destroyed.

5 (5) For the purposes of this subsection (d), "farm
6 equipment" means machinery or other equipment used in
7 farming.

8 (Source: P.A. 95-553, eff. 6-1-08; 96-529, eff. 8-14-09.)

9 (720 ILCS 5/21-1.01 new)

10 Sec. 21-1.01 ~~21-4~~. Criminal Damage to Government Supported
11 Property.

12 (a) ~~(1)~~ A person commits criminal damage to government
13 supported property when he or she knowingly ~~Any of the~~
14 ~~following acts is a Class 4 felony when the damage to property~~
15 ~~is \$500 or less, and any such act is a Class 3 felony when the~~
16 ~~damage to property exceeds \$500 but does not exceed \$10,000; a~~
17 ~~Class 2 felony when the damage to property exceeds \$10,000 but~~
18 ~~does not exceed \$100,000 and a Class 1 felony when the damage~~
19 ~~to property exceeds \$100,000:~~

20 (1) ~~(a)~~ Knowingly damages any government supported
21 property supported in whole or in part with State funds,
22 funds of a unit of local government or school district, or
23 Federal funds administered or granted through State
24 agencies without the consent of the State; or

25 (2) ~~(b)~~ Knowingly, by means of fire or explosive

1 damages government supported property ~~supported in whole~~
2 ~~or in part with State funds, funds of a unit of local~~
3 ~~government or school district, or Federal funds~~
4 ~~administered or granted through State agencies; or~~

5 (3) (c) ~~Knowingly~~ starts a fire on government supported
6 property ~~supported in whole or in part with State funds,~~
7 ~~funds of a unit of local government or school district, or~~
8 ~~Federal funds administered or granted through State~~
9 ~~agencies~~ without the consent of the State; or

10 (4) (d) ~~Knowingly~~ deposits on government supported
11 land or in a government supported building, ~~supported in~~
12 ~~whole or in part with State funds, funds of a unit of local~~
13 ~~government or school district, or Federal funds~~
14 ~~administered or granted through State agencies~~ without the
15 consent of the State, any stink bomb or any offensive
16 smelling compound and thereby intends to interfere with the
17 use by another of the land or building.

18 (b) (2) ~~For the purposes of this Section, "government~~
19 ~~supported"~~ means any property supported in whole or in part
20 with State funds, funds of a unit of local government or school
21 district, or Federal funds administered or granted through
22 State agencies.

23 (c) Sentence. A violation of this Section is a Class 4
24 felony when the damage to property is \$500 or less; a Class 3
25 felony when the damage to property exceeds \$500 but does not
26 exceed \$10,000; a Class 2 felony when the damage to property

1 exceeds \$10,000 but does not exceed \$100,000; and a Class 1
2 felony when the damage to property exceeds \$100,000. When the
3 damage to property exceeds \$10,000, the court shall impose upon
4 the offender a fine equal to the value of the damages to the
5 property.

6
7 (Source: P.A. 89-30, eff. 1-1-96.)

8 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

9 Sec. 21-1.2. Institutional vandalism.

10 (a) A person commits institutional vandalism when, by
11 reason of the actual or perceived race, color, creed, religion
12 or national origin of another individual or group of
13 individuals, regardless of the existence of any other
14 motivating factor or factors, he or she knowingly and without
15 consent inflicts damage to any of the following properties:

16 (1) A church, synagogue, mosque, or other building,
17 structure or place used for religious worship or other
18 religious purpose;

19 (2) A cemetery, mortuary, or other facility used for
20 the purpose of burial or memorializing the dead;

21 (3) A school, educational facility or community
22 center;

23 (4) The grounds adjacent to, and owned or rented by,
24 any institution, facility, building, structure or place
25 described in paragraphs (1), (2) or (3) of this subsection

1 (a); or

2 (5) Any personal property contained in any
3 institution, facility, building, structure or place
4 described in paragraphs (1), (2) or (3) of this subsection

5 (a).

6 (b) Sentence.

7 (1) Institutional vandalism is a Class 3 felony when
8 ~~if~~ the damage to the property does not exceed \$300.

9 Institutional vandalism is a Class 2 felony when ~~if~~ the
10 damage to the property exceeds \$300. Institutional
11 vandalism is a Class 2 felony for any second or subsequent
12 offense.

13 (2) ~~(b-5)~~ Upon imposition of any sentence, the trial
14 court shall also either order restitution paid to the
15 victim or impose a fine up to \$1,000. In addition, any
16 order of probation or conditional discharge entered
17 following a conviction or an adjudication of delinquency
18 shall include a condition that the offender perform public
19 or community service of no less than 200 hours if that
20 service is established in the county where the offender was
21 convicted of institutional vandalism. The court may also
22 impose any other condition of probation or conditional
23 discharge under this Section.

24 (c) Independent of any criminal prosecution or the result
25 of that prosecution, a person suffering damage to property or
26 injury to his or her person as a result of institutional

1 vandalism may bring a civil action for damages, injunction or
2 other appropriate relief. The court may award actual damages,
3 including damages for emotional distress, or punitive damages.
4 A judgment may include attorney's fees and costs. The parents
5 or legal guardians of an unemancipated minor, other than
6 guardians appointed under the Juvenile Court Act or the
7 Juvenile Court Act of 1987, shall be liable for the amount of
8 any judgment for actual damages rendered against the minor
9 under this subsection in an amount not exceeding the amount
10 provided under Section 5 of the Parental Responsibility Law.

11 (Source: P.A. 92-830, eff. 1-1-03.)

12 (720 ILCS 5/21-1.3)

13 Sec. 21-1.3. Criminal defacement of property.

14 (a) A person commits criminal defacement of property when
15 the person knowingly damages the property of another by
16 defacing, deforming, or otherwise damaging the property by the
17 use of paint or any other similar substance, or by the use of a
18 writing instrument, etching tool, or any other similar device.
19 It is an affirmative defense to a violation of this Section
20 that the owner of the property damaged consented to such
21 damage.

22 (b) Sentence.

23 (1) Criminal defacement of property is a Class A
24 misdemeanor for a first offense when ~~if~~ the aggregate value of
25 the damage to the property does not exceed \$300. Criminal

1 defacement of property is a Class 4 felony when ~~if~~ the
2 aggregate value of the damage to property does not exceed \$300
3 and the property damaged is a school building or place of
4 worship. Criminal defacement of property is a Class 4 felony
5 for a second or subsequent conviction or when ~~if~~ the aggregate
6 value of the damage to the property exceeds \$300. Criminal
7 defacement of property is a Class 3 felony when ~~if~~ the
8 aggregate value of the damage to property exceeds \$300 and the
9 property damaged is a school building or place of worship.

10 (2) In addition to any other sentence that may be imposed
11 for a violation of this Section that is chargeable as a Class 3
12 or Class 4 felony, a person convicted of criminal defacement of
13 property shall be subject to a mandatory minimum fine of \$500
14 plus the actual costs incurred by the property owner or the
15 unit of government to abate, remediate, repair, or remove the
16 effect of the damage to the property. To the extent permitted
17 by law, reimbursement for the costs of abatement, remediation,
18 repair, or removal shall be payable to the person who incurred
19 the costs.

20 (3) In addition to any other sentence that may be imposed,
21 a court shall order any person convicted of criminal defacement
22 of property to perform community service for not less than 30
23 and not more than 120 hours, if community service is available
24 in the jurisdiction. The community service shall include, but
25 need not be limited to, the cleanup and repair of the damage to
26 property that was caused by the offense, or similar damage to

1 property located in the municipality or county in which the
2 offense occurred. When ~~If~~ the property damaged is a school
3 building, the community service may include cleanup, removal,
4 or painting over the defacement. In addition, whenever any
5 person is placed on supervision for an alleged offense under
6 this Section, the supervision shall be conditioned upon the
7 performance of the community service.

8 (4) For the purposes of this subsection (b), aggregate
9 value shall be determined by adding the value of the damage to
10 one or more properties if the offenses were committed as part
11 of a single course of conduct.

12 (Source: P.A. 95-553, eff. 6-1-08; 96-499, eff. 8-14-09.)

13 (720 ILCS 5/21-1.4)

14 Sec. 21-1.4. Jackrocks violation.

15 (a) A person commits a jackrocks violation when he or she
16 ~~who~~ knowingly:

17 (1) sells, gives away, manufactures, purchases, or
18 possesses a jackrock; or

19 (2) ~~who knowingly~~ places, tosses, or throws a jackrock
20 on public or private property ~~commits a Class A misdemeanor~~.

21 (b) As used in this Section, "jackrock" means a caltrop or
22 other object manufactured with one or more rounded or sharpened
23 points, which when placed or thrown present at least one point
24 at such an angle that it is peculiar to and designed for use in
25 puncturing or damaging vehicle tires. It does not include a

1 device designed to puncture or damage the tires of a vehicle
2 driven over it in a particular direction, if a conspicuous and
3 clearly visible warning is posted at the device's location,
4 alerting persons to its presence.

5 (c) This Section does not apply to the possession,
6 transfer, or use of jackrocks by any law enforcement officer in
7 the course of his or her official duties.

8 (d) Sentence. A jackrocks violation is a Class A
9 misdemeanor.

10 (Source: P.A. 89-130, eff. 7-14-95.)

11 (720 ILCS 5/Art. 21, Subdiv. 5 heading new)

12

13

SUBDIVISION 5. TRESPASS

14 (720 ILCS 5/21-2) (from Ch. 38, par. 21-2)

15 Sec. 21-2. Criminal trespass to vehicles.

16 (a) A person commits criminal trespass to vehicles when he
17 or she ~~whoever~~ knowingly and without authority enters any part
18 of or operates any vehicle, aircraft, watercraft or snowmobile
19 ~~commits a Class A misdemeanor.~~

20 (b) Sentence. Criminal trespass to vehicles is a Class A
21 misdemeanor.

22 (Source: P.A. 83-488.)

23 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

1 Sec. 21-3. Criminal trespass to real property.

2 (a) A person commits criminal trespass to real property
3 when he or she ~~Except as provided in subsection (a-5), whoever:~~

4 (1) knowingly and without lawful authority enters or
5 remains within or on a building; ~~or~~

6 (2) enters upon the land of another, after receiving,
7 prior to the ~~such~~ entry, notice from the owner or occupant
8 that the ~~such~~ entry is forbidden; ~~or~~

9 (3) remains upon the land of another, after receiving
10 notice from the owner or occupant to depart; ~~or~~

11 (3.5) presents false documents or falsely represents
12 his or her identity orally to the owner or occupant of a
13 building or land in order to obtain permission from the
14 owner or occupant to enter or remain in the building or on
15 the land; or

16 (4) enters a field used or capable of being used for
17 growing crops, an enclosed area containing livestock, an
18 agricultural building containing livestock, or an orchard
19 in or on a motor vehicle (including an off-road vehicle,
20 motorcycle, moped, or any other powered two-wheel vehicle)
21 after receiving, prior to the entry, notice from the owner
22 or occupant that the entry is forbidden or remains upon or
23 in the area after receiving notice from the owner or
24 occupant to depart ~~commits a Class B misdemeanor.~~

25 For purposes of item (1) of this subsection, this Section
26 shall not apply to being in a building which is open to the

1 public while the building is open to the public during its
2 normal hours of operation; nor shall this Section apply to a
3 person who enters a public building under the reasonable belief
4 that the building is still open to the public.

5 ~~(a 5) Except as otherwise provided in this subsection,~~
6 ~~whoever enters upon any of the following areas in or on a motor~~
7 ~~vehicle (including an off road vehicle, motorcycle, moped, or~~
8 ~~any other powered two wheel vehicle) after receiving, prior to~~
9 ~~that entry, notice from the owner or occupant that the entry is~~
10 ~~forbidden or remains upon or in the area after receiving notice~~
11 ~~from the owner or occupant to depart commits a Class A~~
12 ~~misdemeanor:~~

13 ~~(1) A field that is used for growing crops or that is~~
14 ~~capable of being used for growing crops.~~

15 ~~(2) An enclosed area containing livestock.~~

16 ~~(3) An orchard.~~

17 ~~(4) A barn or other agricultural building containing~~
18 ~~livestock.~~

19 (b) A person has received notice from the owner or occupant
20 within the meaning of Subsection (a) if he or she has been
21 notified personally, either orally or in writing including a
22 valid court order as defined by subsection (7) of Section
23 112A-3 of the Code of Criminal Procedure of 1963 granting
24 remedy (2) of subsection (b) of Section 112A-14 of that Code,
25 or if a printed or written notice forbidding such entry has
26 been conspicuously posted or exhibited at the main entrance to

1 the ~~such~~ land or the forbidden part thereof.

2 (b-5) Subject to the provisions of subsection (b-10), as an
3 alternative to the posting of real property as set forth in
4 subsection (b), the owner or lessee of any real property may
5 post the property by placing identifying purple marks on trees
6 or posts around the area to be posted. Each purple mark shall
7 be:

8 (1) A vertical line of at least 8 inches in length and
9 the bottom of the mark shall be no less than 3 feet nor
10 more than 5 feet high. Such marks shall be placed no more
11 than 100 feet apart and shall be readily visible to any
12 person approaching the property; or

13 (2) A post capped or otherwise marked on at least its
14 top 2 inches. The bottom of the cap or mark shall be not
15 less than 3 feet but not more than 5 feet 6 inches high.
16 Posts so marked shall be placed not more than 36 feet apart
17 and shall be readily visible to any person approaching the
18 property. Prior to applying a cap or mark which is visible
19 from both sides of a fence shared by different property
20 owners or lessees, all such owners or lessees shall concur
21 in the decision to post their own property.

22 Nothing in this subsection (b-5) shall be construed to
23 authorize the owner or lessee of any real property to place any
24 purple marks on any tree or post or to install any post or
25 fence if doing so would violate any applicable law, rule,
26 ordinance, order, covenant, bylaw, declaration, regulation,

1 restriction, contract, or instrument.

2 (b-10) Any owner or lessee who marks his or her real
3 property using the method described in subsection (b-5) must
4 also provide notice as described in subsection (b) of this
5 Section. The public of this State shall be informed of the
6 provisions of subsection (b-5) of this Section by the Illinois
7 Department of Agriculture and the Illinois Department of
8 Natural Resources. These Departments shall conduct an
9 information campaign for the general public concerning the
10 interpretation and implementation of subsection (b-5). The
11 information shall inform the public about the marking
12 requirements and the applicability of subsection (b-5)
13 including information regarding the size requirements of the
14 markings as well as the manner in which the markings shall be
15 displayed. The Departments shall also include information
16 regarding the requirement that, until the date this subsection
17 becomes inoperative, any owner or lessee who chooses to mark
18 his or her property using paint, must also comply with one of
19 the notice requirements listed in subsection (b). The
20 Departments may prepare a brochure or may disseminate the
21 information through agency websites. Non-governmental
22 organizations including, but not limited to, the Illinois
23 Forestry Association, Illinois Tree Farm and the Walnut Council
24 may help to disseminate the information regarding the
25 requirements and applicability of subsection (b-5) based on
26 materials provided by the Departments. This subsection (b-10)

1 is inoperative on and after January 1, 2013.

2 (b-15) Subsections (b-5) and (b-10) do not apply to real
3 property located in a municipality of over 2,000,000
4 inhabitants.

5 (c) This Section does not apply to any person, whether a
6 migrant worker or otherwise, living on the land with permission
7 of the owner or of his or her agent having apparent authority
8 to hire workers on this ~~such~~ land and assign them living
9 quarters or a place of accommodations for living thereon, nor
10 to anyone living on the ~~such~~ land at the request of, or by
11 occupancy, leasing or other agreement or arrangement with the
12 owner or his or her agent, nor to anyone invited by the ~~such~~
13 migrant worker or other person so living on the ~~such~~ land to
14 visit him or her at the place he is so living upon the land.

15 (d) A person shall be exempt from prosecution under this
16 Section if he or she beautifies unoccupied and abandoned
17 residential and industrial properties located within any
18 municipality. For the purpose of this subsection, "unoccupied
19 and abandoned residential and industrial property" means any
20 real estate (1) in which the taxes have not been paid for a
21 period of at least 2 years; and (2) which has been left
22 unoccupied and abandoned for a period of at least one year; and
23 "beautifies" means to landscape, clean up litter, or to repair
24 dilapidated conditions on or to board up windows and doors.

25 (e) No person shall be liable in any civil action for money
26 damages to the owner of unoccupied and abandoned residential

1 and industrial property which that person beautifies pursuant
2 to subsection (d) of this Section.

3 (f) This Section does not prohibit a person from entering a
4 building or upon the land of another for emergency purposes.
5 For purposes of this subsection (f), "emergency" means a
6 condition or circumstance in which an individual is or is
7 reasonably believed by the person to be in imminent danger of
8 serious bodily harm or in which property is or is reasonably
9 believed to be in imminent danger of damage or destruction.

10 (g) Paragraph (3.5) of subsection (a) does not apply to a
11 peace officer or other official of a unit of government who
12 enters a building or land in the performance of his or her
13 official duties.

14 (h) Sentence. A violation of subdivision (a)(1), (a)(2),
15 (a)(3), or (a)(3.5) is a Class B misdemeanor. A violation of
16 subdivision (a)(4) is a Class A misdemeanor.

17 (i) Civil liability. A person may be liable in any civil
18 action for money damages to the owner of the land he or she
19 entered upon with a motor vehicle as prohibited under
20 subdivision (a)(4) ~~subsection (a-5)~~ of this Section. A person
21 may also be liable to the owner for court costs and reasonable
22 attorney's fees. The measure of damages shall be: (i) the
23 actual damages, but not less than \$250, if the vehicle is
24 operated in a nature preserve or registered area as defined in
25 Sections 3.11 and 3.14 of the Illinois Natural Areas
26 Preservation Act; (ii) twice the actual damages if the owner

1 has previously notified the person to cease trespassing; or
2 (iii) in any other case, the actual damages, but not less than
3 \$50. If the person operating the vehicle is under the age of
4 16, the owner of the vehicle and the parent or legal guardian
5 of the minor are jointly and severally liable. For the purposes
6 of this subsection (i) ~~(h)~~:

7 "Land" includes, but is not limited to, land used for
8 crop land, fallow land, orchard, pasture, feed lot, timber
9 land, prairie land, mine spoil nature preserves and
10 registered areas. "Land" does not include driveways or
11 private roadways upon which the owner allows the public to
12 drive.

13 "Owner" means the person who has the right to
14 possession of the land, including the owner, operator or
15 tenant.

16 "Vehicle" has the same meaning as provided under
17 Section 1-217 of the Illinois Vehicle Code.

18 (j) ~~(i)~~ This Section does not apply to the following persons
19 while serving process:

20 (1) a person authorized to serve process under Section
21 2-202 of the Code of Civil Procedure; or

22 (2) a special process server appointed by the circuit
23 court.

24 (Source: P.A. 97-184, eff. 7-22-11; 97-477, eff. 8-22-11;
25 revised 9-14-11.)

1 (720 ILCS 5/21-5) (from Ch. 38, par. 21-5)

2 Sec. 21-5. Criminal Trespass to State Supported Land.

3 (a) A person commits criminal trespass to State supported
4 land when he or she ~~Whoever~~ enters upon land supported in whole
5 or in part with State funds, or Federal funds administered or
6 granted through State agencies or any building on the such
7 land, after receiving, prior to ~~such~~ entry, notice from the
8 State or its representative that the such entry is forbidden,
9 or remains upon the such land or in the such building after
10 receiving notice from the State or its representative to
11 depart, and who thereby interferes with another person's lawful
12 use or enjoyment of the such building or land, ~~commits a Class~~
13 ~~A misdemeanor.~~

14 ~~(b)~~ A person has received notice from the State within the
15 meaning of this subsection ~~(a)~~ if he or she has been notified
16 personally, either orally or in writing, or if a printed or
17 written notice forbidding ~~such~~ entry to him or her or a group
18 of which he or she is a part, has been conspicuously posted or
19 exhibited at the main entrance to the such land or the
20 forbidden part thereof.

21 (b) ~~(c)~~ A person commits criminal trespass to State
22 supported land when he or she ~~Whoever~~ enters upon land
23 supported in whole or in part with State funds, or federal
24 funds administered or granted through State agencies or any
25 building on the such land by presenting false documents or
26 falsely representing his or her identity orally to the State or

1 its representative in order to obtain permission from the State
2 or its representative to enter the building or land; or remains
3 upon the ~~such~~ land or in the ~~such~~ building by presenting false
4 documents or falsely representing his or her identity orally to
5 the State or its representative in order to remain upon the
6 ~~such~~ land or in the ~~such~~ building, and who thereby interferes
7 with another person's lawful use or enjoyment of the ~~such~~
8 building or land, ~~commits a Class A misdemeanor.~~

9 This subsection ~~Subsection (c)~~ does not apply to a peace
10 officer or other official of a unit of government who enters
11 upon land supported in whole or in part with State funds, or
12 federal funds administered or granted through State agencies or
13 any building on the ~~such~~ land in the performance of his or her
14 official duties.

15 (c) Sentence. Criminal trespass to State supported land is
16 a Class A misdemeanor.

17 (Source: P.A. 94-263, eff. 1-1-06.)

18 (720 ILCS 5/21-7) (from Ch. 38, par. 21-7)

19 Sec. 21-7. Criminal trespass to restricted areas and
20 restricted landing areas at airports; aggravated criminal
21 trespass to restricted areas and restricted landing areas at
22 airports.

23 (a) A person commits criminal trespass to restricted areas
24 and restricted landing areas at airports when he or she enters
25 upon, or remains in, any:

1 (1) Whoever enters upon, or remains in, any restricted
2 area or restricted landing area used in connection with an
3 airport facility, or part thereof, in this State, after the
4 ~~such~~ person has received notice from the airport authority
5 that the ~~such~~ entry is forbidden; ~~commits a Class 4 felony~~

6 (2) restricted area or restricted landing area used in
7 connection with an airport facility, or part thereof, in
8 this State by presenting false documents or falsely
9 representing his or her identity orally to the airport
10 authority;

11 (3) restricted area or restricted landing area as
12 prohibited in paragraph (1) of this subsection, while
13 dressed in the uniform of, improperly wearing the
14 identification of, presenting false credentials of, or
15 otherwise physically impersonating an airman, employee of
16 an airline, employee of an airport, or contractor at an
17 airport.

18 (b) A person commits aggravated criminal trespass to
19 restricted areas and restricted landing areas at airports when
20 he or she ~~Whoever~~ enters upon, or remains in, any restricted
21 area or restricted landing area used in connection with an
22 airport facility, or part thereof, in this State, while in
23 possession of a weapon, replica of a weapon, or ammunition,
24 after the person has received notice from the airport authority
25 that the entry is forbidden ~~commits a Class 3 felony.~~

26 (c) Notice that the area is "restricted" and entry thereto

1 "forbidden", for purposes of this Section, means that the
2 person or persons have been notified personally, either orally
3 or in writing, or by a printed or written notice forbidding
4 ~~such~~ entry to him or a group or an organization of which he is a
5 member, which has been conspicuously posted or exhibited at
6 every usable entrance to the ~~such~~ area or the forbidden part
7 thereof.

8 (d) (Blank). ~~Whoever enters upon, or remains in, any~~
9 ~~restricted area or restricted landing area used in connection~~
10 ~~with an airport facility, or part thereof, in this State by~~
11 ~~presenting false documents or falsely representing his or her~~
12 ~~identity orally to the airport authority commits a Class A~~
13 ~~misdemeanor.~~

14 (e) (Blank). ~~Whoever enters upon, or remains in, any~~
15 ~~restricted area or restricted landing area as prohibited in~~
16 ~~subsection (a) of this Section, while dressed in the uniform~~
17 ~~of, improperly wearing the identification of, presenting false~~
18 ~~credentials of, or otherwise physically impersonating an~~
19 ~~airman, employee of an airline, employee of an airport, or~~
20 ~~contractor at an airport commits a Class 4 felony.~~

21 (f) The terms "Restricted area" or "Restricted landing
22 area" in this Section are defined to incorporate the meaning
23 ascribed to those terms in Section 8 of the "Illinois
24 Aeronautics Act", approved July 24, 1945, as amended, and also
25 include any other area of the airport that has been designated
26 such by the airport authority.

1 The terms "airman" and "airport" in this Section are
2 defined to incorporate the meaning ascribed to those terms in
3 Sections 6 and 12 of the Illinois Aeronautics Act.

4 (g) Paragraph (2) of subsection (a) ~~Subsection (d)~~ does not
5 apply to a peace officer or other official of a unit of
6 government who enters a restricted area or a restricted landing
7 area used in connection with an airport facility, or part
8 thereof, in the performance of his or her official duties.

9 (h) Sentence.

10 (1) A violation of paragraph (2) of subsection (a) is a
11 Class A misdemeanor.

12 (2) A violation of paragraph (1) or (3) of subsection (a)
13 is a Class 4 felony.

14 (3) A violation of subsection (b) is a Class 3 felony.

15 (Source: P.A. 94-263, eff. 1-1-06; 94-547, eff. 1-1-06; 94-548,
16 eff. 8-11-05; 95-331, eff. 8-21-07.)

17 (720 ILCS 5/21-8)

18 Sec. 21-8. Criminal trespass to a nuclear facility.

19 (a) A person commits ~~the offense of~~ criminal trespass to a
20 nuclear facility when ~~if~~ he or she knowingly and without lawful
21 authority:

22 (1) enters or remains within a nuclear facility or on
23 the grounds of a nuclear facility, after receiving notice
24 before entry that entry to the nuclear facility is
25 forbidden; ~~or~~

1 (2) remains within the facility or on the grounds of
2 the facility after receiving notice from the owner or
3 manager of the facility or other person authorized by the
4 owner or manager of the facility to give that notice to
5 depart from the facility or grounds of the facility; or

6 (3) enters or remains within a nuclear facility or on
7 the grounds of a nuclear facility, by presenting false
8 documents or falsely representing his or her identity
9 orally to the owner or manager of the facility. This
10 paragraph (3) does not apply to a peace officer or other
11 official of a unit of government who enters or remains in
12 the facility in the performance of his or her official
13 duties.

14 (b) A person has received notice from the owner or manager
15 of the facility or other person authorized by the owner or
16 manager of the facility within the meaning of paragraphs (1)
17 and (2) of subsection (a) if he or she has been notified
18 personally, either orally or in writing, or if a printed or
19 written notice forbidding the entry has been conspicuously
20 posted or exhibited at the main entrance to the facility or
21 grounds of the facility or the forbidden part of the facility.

22 (c) In this Section, "nuclear facility" has the meaning
23 ascribed to it in Section 3 of the Illinois Nuclear Safety
24 Preparedness Act.

25 (d) Sentence. Criminal trespass to a nuclear facility is a
26 Class 4 felony.

1 (Source: P.A. 94-263, eff. 1-1-06.)

2 (720 ILCS 5/21-9)

3 Sec. 21-9. Criminal trespass to a place of public
4 amusement.

5 (a) A person commits ~~the offense of~~ criminal trespass to a
6 place of public amusement when ~~if~~ he or she knowingly and
7 without lawful authority enters or remains on any portion of a
8 place of public amusement after having received notice that the
9 general public is restricted from access to that portion of the
10 place of public amusement. These ~~Such~~ areas may include, but
11 are not limited to: a playing field, an athletic surface, a
12 stage, a locker room, or a dressing room located at the place
13 of public amusement.

14 (a-5) A person commits the offense of criminal trespass to
15 a place of public amusement when ~~if~~ he or she knowingly and
16 without lawful authority gains access to or remains on any
17 portion of a place of public amusement by presenting false
18 documents or falsely representing his or her identity orally to
19 the property owner, a lessee, an agent of either the owner or
20 lessee, or a performer or participant. This subsection (a-5)
21 does not apply to a peace officer or other official of a unit
22 of government who enters or remains in the place of public
23 amusement in the performance of his or her official duties.

24 (b) A property owner, a lessee, an agent of either the
25 owner or lessee, or a performer or participant may use

1 reasonable force to restrain a trespasser and remove him or her
2 from the restricted area; however, any use of force beyond
3 reasonable force may subject that person to any applicable
4 criminal penalty.

5 (c) A person has received notice within the meaning of
6 subsection (a) if he or she has been notified personally,
7 either orally or in writing, or if a printed or written notice
8 forbidding such entry has been conspicuously posted or
9 exhibited at the entrance to the portion of the place of public
10 amusement that is restricted or an oral warning has been
11 broadcast over the public address system of the place of public
12 amusement.

13 (d) In this Section, "place of public amusement" means a
14 stadium, a theater, or any other facility of any kind, whether
15 licensed or not, where a live performance, a sporting event, or
16 any other activity takes place for other entertainment and
17 where access to the facility is made available to the public,
18 regardless of whether admission is charged.

19 (e) Sentence. Criminal trespass to a place of public
20 amusement is a Class 4 felony. Upon imposition of any sentence,
21 the court shall also impose a fine of not less than \$1,000. In
22 addition, any order of probation or conditional discharge
23 entered following a conviction shall include a condition that
24 the offender perform public or community service of not less
25 than 30 and not more than 120 hours, if community service is
26 available in the jurisdiction and is funded and approved by the

1 county board of the county where the offender was convicted.
2 The court may also impose any other condition of probation or
3 conditional discharge under this Section.

4 (Source: P.A. 93-407, eff. 1-1-04; 94-263, eff. 1-1-06.)

5 (720 ILCS 5/Art. 21, Subdiv. 10 heading new)

6
7 SUBDIVISION 10. MISCELLANEOUS OFFENSES

8 (720 ILCS 5/21-10)

9 Sec. 21-10. Criminal use of a motion picture exhibition
10 facility.

11 (a) A person commits criminal use of a motion picture
12 exhibition facility, when he or she, Any person, where a motion
13 picture is being exhibited, ~~who~~ knowingly operates an
14 audiovisual recording function of a device without the consent
15 of the owner or lessee of that exhibition facility and of the
16 licensor of the motion picture being exhibited ~~is guilty of~~
17 ~~criminal use of a motion picture exhibition facility.~~

18 (b) Sentence. Criminal use of a motion picture exhibition
19 facility is a Class 4 felony.

20 (c) The owner or lessee of a facility where a motion
21 picture is being exhibited, the authorized agent or employee of
22 that owner or lessee, or the licensor of the motion picture
23 being exhibited or his or her agent or employee, who alerts law
24 enforcement authorities of an alleged violation of this Section

1 is not liable in any civil action arising out of measures taken
2 by that owner, lessee, licensor, agent, or employee in the
3 course of subsequently detaining a person that the owner,
4 lessee, licensor, agent, or employee, in good faith believed to
5 have violated this Section while awaiting the arrival of law
6 enforcement authorities, unless the plaintiff in such an action
7 shows by clear and convincing evidence that such measures were
8 manifestly unreasonable or the period of detention was
9 unreasonably long.

10 (d) This Section does not prevent any lawfully authorized
11 investigative, law enforcement, protective, or intelligence
12 gathering employee or agent of the State or federal government
13 from operating any audiovisual recording device in any facility
14 where a motion picture is being exhibited as part of lawfully
15 authorized investigative, protective, law enforcement, or
16 intelligence gathering activities.

17 (e) This Section does not apply to a person who operates an
18 audiovisual recording function of a device in a retail
19 establishment solely to demonstrate the use of that device for
20 sales and display purposes.

21 (f) Nothing in this Section prevents the prosecution for
22 conduct that constitutes a violation of this Section under any
23 other provision of law providing for a greater penalty.

24 (g) In this Section, "audiovisual recording function"
25 means the capability of a device to record or transmit a motion
26 picture or any part of a motion picture by means of any

1 technology now known or later developed and "facility" does not
2 include a personal residence.

3 (Source: P.A. 93-804, eff. 7-24-04.)

4 (720 ILCS 5/21-11 new)

5 Sec. 21-11. Distributing or delivering written or printed
6 solicitation on school property.

7 (a) Distributing or delivering written or printed
8 solicitation on school property or within 1,000 feet of school
9 property, for the purpose of inviting students to any event
10 when a significant purpose of the event is to commit illegal
11 acts or to solicit attendees to commit illegal acts, or to be
12 held in or around abandoned buildings, is prohibited.

13 (b) For the purposes of this Section, "school property" is
14 defined as the buildings or grounds of any public or private
15 elementary or secondary school.

16 (c) Sentence. A violation of this Section is a Class C
17 misdemeanor.

18 (720 ILCS 5/21.1-2) (from Ch. 38, par. 21.1-2)

19 Sec. 21.1-2. Residential picketing. A person commits
20 residential picketing when he or she pickets ~~It is unlawful to~~
21 ~~picket~~ before or about the residence or dwelling of any person,
22 except when the residence or dwelling is used as a place of
23 business. This ~~However, this~~ Article does not apply to a person
24 peacefully picketing his own residence or dwelling and does not

1 prohibit the peaceful picketing of the place of holding a
2 meeting or assembly on premises commonly used to discuss
3 subjects of general public interest.

4 (Source: P.A. 81-1270.)

5 (720 ILCS 5/21.2-2) (from Ch. 38, par. 21.2-2)

6 Sec. 21.2-2. Interference with a public institution of
7 education. A person commits interference with a public
8 institution of education when he or she, on the campus of a
9 public institution of education, or at or in any building or
10 other facility owned, operated or controlled by the
11 institution, without authority from the institution he or she,
12 through force or violence, actual or threatened:

13 (1) knowingly ~~(a) willfully~~ denies to a trustee, school
14 board member, superintendent, principal, employee, student or
15 invitee of the institution:

16 (A) ~~(1)~~ Freedom of movement at that ~~such~~ place; or

17 (B) ~~(2)~~ Use of the property or facilities of the
18 institution; or

19 (C) ~~(3)~~ The right of ingress or egress to the property
20 or facilities of the institution; or

21 (2) knowingly ~~(b) willfully~~ impedes, obstructs, interferes
22 with or disrupts:

23 (A) ~~(1)~~ the performance of institutional duties by a
24 trustee, school board member, superintendent, principal,
25 or employee of the institution; or

1 (B) ~~(2)~~ the pursuit of educational activities, as
2 determined or prescribed by the institution, by a trustee,
3 school board member, superintendent, principal, employee,
4 student or invitee of the institution; or

5 (3) ~~(e)~~ knowingly occupies or remains in or at any
6 building, property or other facility owned, operated or
7 controlled by the institution after due notice to depart.

8 (Source: P.A. 96-807, eff. 1-1-10.)

9 (720 ILCS 5/Art. 24.8 heading new)

10 ARTICLE 24.8. AIR RIFLES

11 (720 ILCS 5/24.8-0.1 new)

12 Sec. 24.8-0.1. Definitions. As used in this Article:

13 "Air rifle" means and includes any air gun, air pistol,
14 spring gun, spring pistol, B-B gun, paint ball gun, pellet gun
15 or any implement that is not a firearm which impels a breakable
16 paint ball containing washable marking colors or, a pellet
17 constructed of hard plastic, steel, lead or other hard
18 materials with a force that reasonably is expected to cause
19 bodily harm.

20 "Dealer" means any person, copartnership, association or
21 corporation engaged in the business of selling at retail or
22 renting any of the articles included in the definition of "air
23 rifle".

24 "Municipalities" include cities, villages, incorporated

1 towns and townships.

2 (720 ILCS 5/24.8-1 new)

3 Sec. 24.8-1. Selling, renting, or transferring air rifles
4 to children.

5 (a) A dealer commits selling, renting, or transferring air
6 rifles to children when he or she sells, lends, rents, gives or
7 otherwise transfers an air rifle to any person under the age of
8 13 years where the dealer knows or has cause to believe the
9 person to be under 13 years of age or where the dealer has
10 failed to make reasonable inquiry relative to the age of the
11 person and the person is under 13 years of age.

12 (b) A person commits selling, renting, or transferring air
13 rifles to children when he or she sells, gives, lends, or
14 otherwise transfers any air rifle to any person under 13 years
15 of age except where the relationship of parent and child,
16 guardian and ward or adult instructor and pupil, exists between
17 this person and the person under 13 years of age, or where the
18 person stands in loco parentis to the person under 13 years of
19 age.

20 (720 ILCS 5/24.8-2 new)

21 Sec. 24.8-2. Carrying or discharging air rifles on public
22 streets.

23 (a) A person under 13 years of age commits carrying or
24 discharging air rifles on public streets when he or she carries

1 any air rifle on the public streets, roads, highways or public
2 lands within this State, unless the person under 13 years of
3 age carries the air rifle unloaded.

4 (b) A person commits carrying or discharging air rifles on
5 public streets when he or she discharges any air rifle from or
6 across any street, sidewalk, road, highway or public land or
7 any public place except on a safely constructed target range.

8 (720 ILCS 5/24.8-3 new)

9 Sec. 24.8-3. Permissive possession of an air rifle by a
10 person under 13 years of age. Notwithstanding any provision of
11 this Article, it is lawful for any person under 13 years of age
12 to have in his or her possession any air rifle if it is:

13 (1) Kept within his or her house of residence or other
14 private enclosure;

15 (2) Used by the person and he or she is a duly enrolled
16 member of any club, team or society organized for educational
17 purposes and maintaining as part of its facilities or having
18 written permission to use an indoor or outdoor rifle range
19 under the supervision guidance and instruction of a responsible
20 adult and then only if the air rifle is actually being used in
21 connection with the activities of the club team or society
22 under the supervision of a responsible adult; or

23 (3) Used in or on any private grounds or residence under
24 circumstances when the air rifle is fired, discharged or
25 operated in a manner as not to endanger persons or property and

1 then only if it is used in a manner as to prevent the
2 projectile from passing over any grounds or space outside the
3 limits of the grounds or residence.

4 (720 ILCS 5/24.8-4 new)

5 Sec. 24.8-4. Permissive sales. The provisions of this
6 Article do not prohibit sales of air rifles:

7 (1) By wholesale dealers or jobbers;

8 (2) To be shipped out of the State; or

9 (3) To be used at a target range operated in accordance
10 with Section 24.8-3 of this Article or by members of the Armed
11 Services of the United States or Veterans' organizations.

12 (720 ILCS 5/24.8-5 new)

13 Sec. 24.8-5. Sentence. A violation of this Article is a
14 petty offense. The State Police or any sheriff or police
15 officer shall seize, take, remove or cause to be removed at the
16 expense of the owner, any air rifle sold or used in any manner
17 in violation of this Article.

18 (720 ILCS 5/24.8-6 new)

19 Sec. 24.8-6. Municipal regulation. The provisions of any
20 ordinance enacted by any municipality which impose greater
21 restrictions or limitations in respect to the sale and
22 purchase, use or possession of air rifles as herein defined
23 than are imposed by this Article, are not invalidated nor

1 affected by this Article.

2 (720 ILCS 5/25-1) (from Ch. 38, par. 25-1)

3 Sec. 25-1. Mob action.

4 (a) A person commits ~~the offense of~~ mob action when he or
5 she engages in any of the following:

6 (1) the knowing or reckless use of force or violence
7 disturbing the public peace by 2 or more persons acting
8 together and without authority of law;

9 (2) the knowing assembly of 2 or more persons with the
10 intent to commit or facilitate the commission of a felony
11 or misdemeanor; or

12 (3) the knowing assembly of 2 or more persons, without
13 authority of law, for the purpose of doing violence to the
14 person or property of anyone supposed to have been guilty
15 of a violation of the law, or for the purpose of exercising
16 correctional powers or regulative powers over any person by
17 violence.

18 (b) Sentence.

19 (1) Mob action in violation of ~~as defined in~~ paragraph
20 (1) of subsection (a) is a Class 4 felony.

21 (2) ~~(e)~~ Mob action in violation of ~~as defined in~~
22 paragraphs (2) and (3) of subsection (a) is a Class C
23 misdemeanor.

24 (3) ~~(d)~~ A ~~Any~~ participant in a mob action that by
25 violence inflicts injury to the person or property of

1 another commits a Class 4 felony.

2 (4) ~~(e)~~ A ~~Any~~ participant in a mob action who does not
3 withdraw when ~~on being~~ commanded to do so by a ~~any~~ peace
4 officer commits a Class A misdemeanor.

5 (5) ~~(f)~~ In addition to any other sentence that may be
6 imposed, a court shall order any person convicted of mob
7 action to perform community service for not less than 30
8 and not more than 120 hours, if community service is
9 available in the jurisdiction and is funded and approved by
10 the county board of the county where the offense was
11 committed. In addition, whenever any person is placed on
12 supervision for an alleged offense under this Section, the
13 supervision shall be conditioned upon the performance of
14 the community service. This paragraph ~~subsection~~ does not
15 apply when the court imposes a sentence of incarceration.

16 (Source: P.A. 96-710, eff. 1-1-10.)

17 (720 ILCS 5/25-4)

18 Sec. 25-4. Looting by individuals.

19 (a) A person commits ~~the offense of~~ looting when he or she
20 knowingly without authority of law or the owner enters any home
21 or dwelling or upon any premises of another, or enters any
22 commercial, mercantile, business, or industrial building,
23 plant, or establishment, in which normal security of property
24 is not present by virtue of a hurricane, fire, or vis major of
25 any kind or by virtue of a riot, mob, or other human agency,

1 and obtains or exerts control over property of the owner.

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

8 (Source: P.A. 96-710, eff. 1-1-10.)

9 (720 ILCS 5/25-5) (was 720 ILCS 5/25-1.1)

10 Sec. 25-5. Unlawful contact with streetgang members.

11 (a) A person commits ~~the offense of~~ unlawful contact with
12 streetgang members when he or she knowingly has direct or
13 indirect contact with a streetgang member as defined in Section
14 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act
15 after having been:

16 (1) ~~he or she knowingly has direct or indirect contact~~
17 ~~with a streetgang member as defined in Section 10 of the~~
18 ~~Illinois Streetgang Terrorism Omnibus Prevention Act after~~
19 ~~having been~~ sentenced to probation, conditional discharge,
20 or supervision for a criminal offense with a condition of
21 that sentence being to refrain from direct or indirect
22 contact with a streetgang member or members;

23 (2) ~~he or she knowingly has direct or indirect contact~~
24 ~~with a streetgang member as defined in Section 10 of the~~
25 ~~Illinois Streetgang Terrorism Omnibus Prevention Act after~~

1 ~~having been~~ released on bond for any criminal offense with
2 a condition of that bond being to refrain from direct or
3 indirect contact with a streetgang member or members;

4 (3) ~~he or she knowingly has direct or indirect contact~~
5 ~~with a streetgang member as defined in Section 10 of the~~
6 ~~Illinois Streetgang Terrorism Omnibus Prevention Act after~~
7 ~~having been~~ ordered by a judge in any non-criminal
8 proceeding to refrain from direct or indirect contact with
9 a streetgang member or members; or

10 (4) ~~he or she knowingly has direct or indirect contact~~
11 ~~with a streetgang member as defined in Section 10 of the~~
12 ~~Streetgang Terrorism Omnibus Prevention Act after having~~
13 ~~been~~ released from the Illinois Department of Corrections
14 on a condition of parole or mandatory supervised release
15 that he or she refrain from direct or indirect contact with
16 a streetgang member or members.

17 (b) Unlawful contact with streetgang members is a Class A
18 misdemeanor.

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

25 (Source: P.A. 96-710, eff. 1-1-10; incorporates P.A. 95-45,
26 eff. 1-1-08; 96-1000, eff. 7-2-10.)

1 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

2 Sec. 26-1. Disorderly conduct ~~Elements of the Offense.~~

3 (a) A person commits disorderly conduct when he or she
4 knowingly:

5 (1) Does any act in such unreasonable manner as to
6 alarm or disturb another and to provoke a breach of the
7 peace; ~~or~~

8 (2) Transmits or causes to be transmitted in any manner
9 to the fire department of any city, town, village or fire
10 protection district a false alarm of fire, knowing at the
11 time of the ~~such~~ transmission that there is no reasonable
12 ground for believing that the ~~such~~ fire exists; ~~or~~

13 (3) Transmits or causes to be transmitted in any manner
14 to another a false alarm to the effect that a bomb or other
15 explosive of any nature or a container holding poison gas,
16 a deadly biological or chemical contaminant, or
17 radioactive substance is concealed in a ~~such~~ place where
18 ~~that~~ its explosion or release would endanger human life,
19 knowing at the time of the ~~such~~ transmission that there is
20 no reasonable ground for believing that the ~~such~~ bomb,
21 explosive or a container holding poison gas, a deadly
22 biological or chemical contaminant, or radioactive
23 substance is concealed in the ~~such~~ place; ~~or~~

24 (3.5) Transmits or causes to be transmitted a threat of
25 destruction of a school building or school property, or a

1 threat of violence, death, or bodily harm directed against
2 persons at a school, school function, or school event,
3 whether or not school is in session;

4 (4) Transmits or causes to be transmitted in any manner
5 to any peace officer, public officer or public employee a
6 report to the effect that an offense will be committed, is
7 being committed, or has been committed, knowing at the time
8 of ~~the~~ ~~such~~ transmission that there is no reasonable ground
9 for believing that ~~the~~ ~~such an~~ offense will be committed,
10 is being committed, or has been committed; ~~or~~

11 (5) Transmits or causes to be transmitted a false
12 report to any public safety agency without the reasonable
13 grounds necessary to believe that transmitting the report
14 is necessary for the safety and welfare of the public; or
15 ~~Enters upon the property of another and for a lewd or~~
16 ~~unlawful purpose deliberately looks into a dwelling on the~~
17 ~~property through any window or other opening in it; or~~

18 (6) Calls the number "911" for the purpose of making or
19 transmitting a false alarm or complaint and reporting
20 information when, at the time the call or transmission is
21 made, the person knows there is no reasonable ground for
22 making the call or transmission and further knows that the
23 call or transmission could result in the emergency response
24 of any public safety agency; ~~While acting as a collection~~
25 ~~agency as defined in the "Collection Agency Act" or as an~~
26 ~~employee of such collection agency, and while attempting to~~

1 ~~collect an alleged debt, makes a telephone call to the~~
2 ~~alleged debtor which is designed to harass, annoy or~~
3 ~~intimidate the alleged debtor; or~~

4 (7) Transmits or causes to be transmitted a false
5 report to the Department of Children and Family Services
6 under Section 4 of the "Abused and Neglected Child
7 Reporting Act"; ~~or~~

8 (8) Transmits or causes to be transmitted a false
9 report to the Department of Public Health under the Nursing
10 Home Care Act, the Specialized Mental Health
11 Rehabilitation Act, or the ID/DD Community Care Act; ~~or~~

12 (9) Transmits or causes to be transmitted in any manner
13 to the police department or fire department of any
14 municipality or fire protection district, or any privately
15 owned and operated ambulance service, a false request for
16 an ambulance, emergency medical technician-ambulance or
17 emergency medical technician-paramedic knowing at the time
18 there is no reasonable ground for believing that the ~~such~~
19 assistance is required; ~~or~~

20 (10) Transmits or causes to be transmitted a false
21 report under Article II of "An Act in relation to victims
22 of violence and abuse", approved September 16, 1984, as
23 amended; ~~or~~

24 (11) Enters upon the property of another and for a lewd
25 or unlawful purpose deliberately looks into a dwelling on
26 the property through any window or other opening in it

1 ~~Transmits or causes to be transmitted a false report to any~~
2 ~~public safety agency without the reasonable grounds~~
3 ~~necessary to believe that transmitting such a report is~~
4 ~~necessary for the safety and welfare of the public; or~~

5 (12) While acting as a collection agency as defined in
6 the "Collection Agency Act" or as an employee of such
7 collection agency, and while attempting to collect an
8 alleged debt, makes a telephone call to the alleged debtor
9 which is designed to harass, annoy or intimidate the
10 alleged debtor. Calls the number "911" for the purpose of
11 making or transmitting a false alarm or complaint and
12 reporting information when, at the time the call or
13 transmission is made, the person knows there is no
14 reasonable ground for making the call or transmission and
15 further knows that the call or transmission could result in
16 the emergency response of any public safety agency; or

17 ~~(13) Transmits or causes to be transmitted a threat of~~
18 ~~destruction of a school building or school property, or a~~
19 ~~threat of violence, death, or bodily harm directed against~~
20 ~~persons at a school, school function, or school event,~~
21 ~~whether or not school is in session.~~

22 (b) Sentence. A violation of subsection (a)(1) of this
23 Section is a Class C misdemeanor. A violation of subsection
24 (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A
25 violation of subsection (a)(8) or (a)(10) of this Section is a
26 Class B misdemeanor. A violation of subsection (a)(2),

1 (a) (3.5), (a) (4), (a) (6), (a) (7), or (a) (9), ~~(a) (12), or~~
2 ~~(a) (13)~~ of this Section is a Class 4 felony. A violation of
3 subsection (a) (3) of this Section is a Class 3 felony, for
4 which a fine of not less than \$3,000 and no more than \$10,000
5 shall be assessed in addition to any other penalty imposed.

6 A violation of subsection (a) (12) ~~(a) (6)~~ of this Section is
7 a Business Offense and shall be punished by a fine not to
8 exceed \$3,000. A second or subsequent violation of subsection
9 (a) (7) or (a) (5) ~~(a) (11)~~ of this Section is a Class 4 felony. A
10 third or subsequent violation of subsection (a) (11) ~~(a) (5)~~ of
11 this Section is a Class 4 felony.

12 (c) In addition to any other sentence that may be imposed,
13 a court shall order any person convicted of disorderly conduct
14 to perform community service for not less than 30 and not more
15 than 120 hours, if community service is available in the
16 jurisdiction and is funded and approved by the county board of
17 the county where the offense was committed. In addition,
18 whenever any person is placed on supervision for an alleged
19 offense under this Section, the supervision shall be
20 conditioned upon the performance of the community service.

21 This subsection does not apply when the court imposes a
22 sentence of incarceration.

23 (d) In addition to any other sentence that may be imposed,
24 the court shall order any person convicted of disorderly
25 conduct under paragraph (3) of subsection (a) involving a false
26 alarm of a threat that a bomb or explosive device has been

1 placed in a school to reimburse the unit of government that
2 employs the emergency response officer or officers that were
3 dispatched to the school for the cost of the search for a bomb
4 or explosive device. For the purposes of this Section,
5 "emergency response" means any incident requiring a response by
6 a police officer, a firefighter, a State Fire Marshal employee,
7 or an ambulance.

8 (Source: P.A. 96-339, eff. 7-1-10; 96-413, eff. 8-13-09;
9 96-772, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1261, eff.
10 1-1-11; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised
11 9-14-11.)

12 (720 ILCS 5/26-2) (from Ch. 38, par. 26-2)

13 Sec. 26-2. Interference with emergency communication.

14 (a) A person commits ~~the offense of~~ interference with
15 emergency communication when he or she knowingly,
16 intentionally and without lawful justification interrupts,
17 disrupts, impedes, or otherwise interferes with the
18 transmission of a communication over a citizens band radio
19 channel, the purpose of which communication is to inform or
20 inquire about an emergency.

21 (b) For the purpose of this Section, "emergency" means a
22 condition or circumstance in which an individual is or is
23 reasonably believed by the person transmitting the
24 communication to be in imminent danger of serious bodily injury
25 or in which property is or is reasonably believed by the person

1 transmitting the communication to be in imminent danger of
2 damage or destruction.

3 (c) Sentence.

4 (1) Interference with emergency communication is a
5 Class B misdemeanor, except as otherwise provided in
6 paragraph (2).

7 (2) Interference with emergency communication, where
8 serious bodily injury or property loss in excess of \$1,000
9 results, is a Class A misdemeanor.

10 (Source: P.A. 82-418.)

11 (720 ILCS 5/26-3) (from Ch. 38, par. 26-3)

12 Sec. 26-3. Use of a facsimile machine in unsolicited
13 advertising or fund-raising.

14 (a) Definitions:

15 (1) "Facsimile machine" means a device which is capable of
16 sending or receiving facsimiles of documents through
17 connection with a telecommunications network.

18 (2) "Person" means an individual, public or private
19 corporation, unit of government, partnership or unincorporated
20 association.

21 (b) A No person commits use of a facsimile machine in
22 unsolicited advertising or fund-raising when he or she shall
23 knowingly uses use a facsimile machine to send or cause to be
24 sent to another person a facsimile of a document containing
25 unsolicited advertising or fund-raising material, except to a

1 person which the sender knows or under all of the circumstances
2 reasonably believes has given the sender permission, either on
3 a case by case or continuing basis, for the sending of the such
4 material.

5 (c) Sentence. Any person who violates subsection (b) is
6 guilty of a petty offense and shall be fined an amount not to
7 exceed \$500.

8 (Source: P.A. 86-555.)

9 (720 ILCS 5/26-4.5 new)

10 Sec. 26-4.5. Consumer communications privacy.

11 (a) For purposes of this Section, "communications company"
12 means any person or organization which owns, controls, operates
13 or manages any company which provides information or
14 entertainment electronically to a household, including but not
15 limited to a cable or community antenna television system.

16 (b) It shall be unlawful for a communications company to:

17 (1) install and use any equipment which would allow a
18 communications company to visually observe or listen to
19 what is occurring in an individual subscriber's household
20 without the knowledge or permission of the subscriber;

21 (2) provide any person or public or private
22 organization with a list containing the name of a
23 subscriber, unless the communications company gives notice
24 thereof to the subscriber;

25 (3) disclose the television viewing habits of any

1 individual subscriber without the subscriber's consent; or

2 (4) install or maintain a home-protection scanning
3 device in a dwelling as part of a communication service
4 without the express written consent of the occupant.

5 (c) Sentence. A violation of this Section is a business
6 offense, punishable by a fine not to exceed \$10,000 for each
7 violation.

8 (d) Civil liability. Any person who has been injured by a
9 violation of this Section may commence an action in the circuit
10 court for damages against any communications company which has
11 committed a violation. If the court awards damages, the
12 plaintiff shall be awarded costs.

13 (720 ILCS 5/26-7 new)

14 Sec. 26-7. Disorderly conduct with a laser or laser
15 pointer.

16 (a) Definitions. For the purposes of this Section:

17 "Aircraft" means any contrivance now known or
18 hereafter invented, used, or designed for navigation of or
19 flight in the air, but excluding parachutes.

20 "Laser" means both of the following:

21 (1) any device that utilizes the natural
22 oscillations of atoms or molecules between energy
23 levels for generating coherent electromagnetic
24 radiation in the ultraviolet, visible, or infrared
25 region of the spectrum and when discharged exceeds one

1 milliwatt continuous wave;

2 (2) any device designed or used to amplify
3 electromagnetic radiation by simulated emission that
4 is visible to the human eye.

5 "Laser pointer" means a hand-held device that emits
6 light amplified by the stimulated emission of radiation
7 that is visible to the human eye.

8 "Laser sight" means a laser pointer that can be
9 attached to a firearm and can be used to improve the
10 accuracy of the firearm.

11 (b) A person commits disorderly conduct with a laser or
12 laser pointer when he or she intentionally or knowingly:

13 (1) aims an operating laser pointer at a person he or
14 she knows or reasonably should know to be a peace officer;
15 or

16 (2) aims and discharges a laser or other device that
17 creates visible light into the cockpit of an aircraft that
18 is in the process of taking off, landing, or is in flight.

19 (c) Paragraph (2) of subsection (b) does not apply to the
20 following individuals who aim and discharge a laser or other
21 device at an aircraft:

22 (1) an authorized individual in the conduct of research
23 and development or flight test operations conducted by an
24 aircraft manufacturer, the Federal Aviation
25 Administration, or any other person authorized by the
26 Federal Aviation Administration to conduct this research

1 and development or flight test operations; or

2 (2) members or elements of the Department of Defense or
3 Department of Homeland Security acting in an official
4 capacity for the purpose of research, development,
5 operations, testing, or training.

6 (d) Sentence. Disorderly conduct with a laser or laser
7 pointer is a Class A misdemeanor.

8 (720 ILCS 5/Art. 26.5 heading new)

9 ARTICLE 26.5. HARASSING AND OBSCENE COMMUNICATIONS

10 (720 ILCS 5/26.5-0.1 new)

11 Sec. 26.5-0.1. Definitions. As used in this Article:

12 "Electronic communication" means any transfer of signs,
13 signals, writings, images, sounds, data or intelligence of any
14 nature transmitted in whole or in part by a wire, radio,
15 electromagnetic, photoelectric or photo-optical system.

16 "Electronic communication" includes transmissions through an
17 electronic device including, but not limited to, a telephone,
18 cellular phone, computer, or pager, which communication
19 includes, but is not limited to, e-mail, instant message, text
20 message, or voice mail.

21 "Harass" or "harassing" means knowing conduct which is not
22 necessary to accomplish a purpose that is reasonable under the
23 circumstances, that would cause a reasonable person emotional
24 distress and does cause emotional distress to another.

1 "Family or household member" includes spouses, former
2 spouses, parents, children, stepchildren and other persons
3 related by blood or by present or prior marriage, persons who
4 share or formerly shared a common dwelling, persons who have or
5 allegedly share a blood relationship through a child, persons
6 who have or have had a dating or engagement relationship, and
7 persons with disabilities and their personal assistants. For
8 purposes of this Article, neither a casual acquaintanceship nor
9 ordinary fraternization between 2 individuals in business or
10 social contexts shall be deemed to constitute a dating
11 relationship.

12
13 (720 ILCS 5/26.5-1 new)

14 Sec. 26.5-1. Transmission of obscene messages.

15 (a) A person commits transmission of obscene messages when
16 he or she sends messages or uses language or terms which are
17 obscene, lewd or immoral with the intent to offend by means of
18 or while using a telephone or telegraph facilities, equipment
19 or wires of any person, firm or corporation engaged in the
20 transmission of news or messages between states or within the
21 State of Illinois.

22 (b) The trier of fact may infer intent to offend from the
23 use of language or terms which are obscene, lewd or immoral.

24 (720 ILCS 5/26.5-2 new)

1 Sec. 26.5-2. Harassment by telephone.

2 (a) A person commits harassment by telephone when he or she
3 uses telephone communication for any of the following purposes:

4 (1) Making any comment, request, suggestion or
5 proposal which is obscene, lewd, lascivious, filthy or
6 indecent with an intent to offend;

7 (2) Making a telephone call, whether or not
8 conversation ensues, with intent to abuse, threaten or
9 harass any person at the called number;

10 (3) Making or causing the telephone of another
11 repeatedly to ring, with intent to harass any person at the
12 called number;

13 (4) Making repeated telephone calls, during which
14 conversation ensues, solely to harass any person at the
15 called number;

16 (5) Making a telephone call or knowingly inducing a
17 person to make a telephone call for the purpose of
18 harassing another person who is under 13 years of age,
19 regardless of whether the person under 13 years of age
20 consents to the harassment, if the defendant is at least 16
21 years of age at the time of the commission of the offense;

22 or

23 (6) Knowingly permitting any telephone under one's
24 control to be used for any of the purposes mentioned
25 herein.

26 (b) Every telephone directory published for distribution

1 to members of the general public shall contain a notice setting
2 forth a summary of the provisions of this Section. The notice
3 shall be printed in type which is no smaller than any other
4 type on the same page and shall be preceded by the word
5 "WARNING". All telephone companies in this State shall
6 cooperate with law enforcement agencies in using their
7 facilities and personnel to detect and prevent violations of
8 this Article.

9 (720 ILCS 5/26.5-3 new)

10 Sec. 26.5-3. Harassment through electronic communications.

11 (a) A person commits harassment through electronic
12 communications when he or she uses electronic communication for
13 any of the following purposes:

14 (1) Making any comment, request, suggestion or
15 proposal which is obscene with an intent to offend;

16 (2) Interrupting, with the intent to harass, the
17 telephone service or the electronic communication service
18 of any person;

19 (3) Transmitting to any person, with the intent to
20 harass and regardless of whether the communication is read
21 in its entirety or at all, any file, document, or other
22 communication which prevents that person from using his or
23 her telephone service or electronic communications device;

24 (4) Transmitting an electronic communication or
25 knowingly inducing a person to transmit an electronic

1 communication for the purpose of harassing another person
2 who is under 13 years of age, regardless of whether the
3 person under 13 years of age consents to the harassment, if
4 the defendant is at least 16 years of age at the time of
5 the commission of the offense;

6 (5) Threatening injury to the person or to the property
7 of the person to whom an electronic communication is
8 directed or to any of his or her family or household
9 members; or

10 (6) Knowingly permitting any electronic communications
11 device to be used for any of the purposes mentioned in this
12 subsection (a).

13 (b) Telecommunications carriers, commercial mobile service
14 providers, and providers of information services, including,
15 but not limited to, Internet service providers and hosting
16 service providers, are not liable under this Section, except
17 for willful and wanton misconduct, by virtue of the
18 transmission, storage, or caching of electronic communications
19 or messages of others or by virtue of the provision of other
20 related telecommunications, commercial mobile services, or
21 information services used by others in violation of this
22 Section.

23 (720 ILCS 5/26.5-4 new)

24 Sec. 26.5-4. Evidence inference. Evidence that a defendant
25 made additional telephone calls or engaged in additional

1 electronic communications after having been requested by a
2 named complainant or by a family or household member of the
3 complainant to stop may be considered as evidence of an intent
4 to harass unless disproved by evidence to the contrary.

5 (720 ILCS 5/26.5-5 new)

6 Sec. 26.5-5. Sentence.

7 (a) Except as provided in subsection (b), a person who
8 violates any of the provisions of Section 26.5-1, 26.5-2, or
9 26.5-3 of this Article is guilty of a Class B misdemeanor.
10 Except as provided in subsection (b), a second or subsequent
11 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
12 is a Class A misdemeanor, for which the court shall impose a
13 minimum of 14 days in jail or, if public or community service
14 is established in the county in which the offender was
15 convicted, 240 hours of public or community service.

16 (b) In any of the following circumstances, a person who
17 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article
18 shall be guilty of a Class 4 felony:

19 (1) The person has 3 or more prior violations in the
20 last 10 years of harassment by telephone under Section
21 26.5-2 of this Article, harassment through electronic
22 communications under Section 26.5-3 of this Article, or any
23 similar offense of any state;

24 (2) The person has previously violated the harassment
25 by telephone provisions of Section 26.5-2 of this Article

1 or the harassment through electronic communications
2 provisions of Section 26.5-3 of this Article or committed
3 any similar offense in any state with the same victim or a
4 member of the victim's family or household;

5 (3) At the time of the offense, the offender was under
6 conditions of bail, probation, conditional discharge,
7 mandatory supervised release or was the subject of an order
8 of protection, in this or any other state, prohibiting
9 contact with the victim or any member of the victim's
10 family or household;

11 (4) In the course of the offense, the offender
12 threatened to kill the victim or any member of the victim's
13 family or household;

14 (5) The person has been convicted in the last 10 years
15 of a forcible felony as defined in Section 2-8 of the
16 Criminal Code of 1961;

17 (6) The person violates paragraph (5) of Section 26.5-2
18 or paragraph (4) of Section 26.5-3; or

19 (7) The person was at least 18 years of age at the time
20 of the commission of the offense and the victim was under
21 18 years of age at the time of the commission of the
22 offense.

23 (c) The court may order any person convicted under this
24 Article to submit to a psychiatric examination.

1 Sec. 28-1. Gambling.

2 (a) A person commits gambling when he or she:

3 (1) knowingly plays ~~Plays~~ a game of chance or skill for
4 money or other thing of value, unless excepted in
5 subsection (b) of this Section; ~~or~~

6 (2) knowingly makes ~~Makes~~ a wager upon the result of
7 any game, contest, or any political nomination,
8 appointment or election; ~~or~~

9 (3) knowingly operates ~~Operates~~, keeps, owns, uses,
10 purchases, exhibits, rents, sells, bargains for the sale or
11 lease of, manufactures or distributes any gambling device;
12 ~~or~~

13 (4) contracts ~~Contracts~~ to have or give himself or
14 herself or another the option to buy or sell, or contracts
15 to buy or sell, at a future time, any grain or other
16 commodity whatsoever, or any stock or security of any
17 company, where it is at the time of making such contract
18 intended by both parties thereto that the contract to buy
19 or sell, or the option, whenever exercised, or the contract
20 resulting therefrom, shall be settled, not by the receipt
21 or delivery of such property, but by the payment only of
22 differences in prices thereof; however, the issuance,
23 purchase, sale, exercise, endorsement or guarantee, by or
24 through a person registered with the Secretary of State
25 pursuant to Section 8 of the Illinois Securities Law of
26 1953, or by or through a person exempt from such

1 registration under said Section 8, of a put, call, or other
2 option to buy or sell securities which have been registered
3 with the Secretary of State or which are exempt from such
4 registration under Section 3 of the Illinois Securities Law
5 of 1953 is not gambling within the meaning of this
6 paragraph (4); ~~or~~

7 (5) knowingly ~~Knowingly~~ owns or possesses any book,
8 instrument or apparatus by means of which bets or wagers
9 have been, or are, recorded or registered, or knowingly
10 possesses any money which he has received in the course of
11 a bet or wager; ~~or~~

12 (6) knowingly sells ~~Sells~~ pools upon the result of any
13 game or contest of skill or chance, political nomination,
14 appointment or election; ~~or~~

15 (7) knowingly sets ~~Sets~~ up or promotes any lottery or
16 sells, offers to sell or transfers any ticket or share for
17 any lottery; ~~or~~

18 (8) knowingly sets ~~Sets~~ up or promotes any policy game
19 or sells, offers to sell or knowingly possesses or
20 transfers any policy ticket, slip, record, document or
21 other similar device; ~~or~~

22 (9) knowingly ~~Knowingly~~ drafts, prints or publishes
23 any lottery ticket or share, or any policy ticket, slip,
24 record, document or similar device, except for such
25 activity related to lotteries, bingo games and raffles
26 authorized by and conducted in accordance with the laws of

1 Illinois or any other state or foreign government; ~~or~~

2 (10) knowingly ~~Knowingly~~ advertises any lottery or
3 policy game, except for such activity related to lotteries,
4 bingo games and raffles authorized by and conducted in
5 accordance with the laws of Illinois or any other state; ~~or~~

6 (11) knowingly ~~Knowingly~~ transmits information as to
7 wagers, betting odds, or changes in betting odds by
8 telephone, telegraph, radio, semaphore or similar means;
9 or knowingly installs or maintains equipment for the
10 transmission or receipt of such information; except that
11 nothing in this subdivision (11) prohibits transmission or
12 receipt of such information for use in news reporting of
13 sporting events or contests; or

14 (12) knowingly ~~Knowingly~~ establishes, maintains, or
15 operates an Internet site that permits a person to play a
16 game of chance or skill for money or other thing of value
17 by means of the Internet or to make a wager upon the result
18 of any game, contest, political nomination, appointment,
19 or election by means of the Internet. This item (12) does
20 not apply to activities referenced in items (6) and (6.1)
21 of subsection (b) of this Section.

22 (b) Participants in any of the following activities shall
23 not be convicted of gambling ~~therefor~~:

24 (1) Agreements to compensate for loss caused by the
25 happening of chance including without limitation contracts
26 of indemnity or guaranty and life or health or accident

1 insurance.

2 (2) Offers of prizes, award or compensation to the
3 actual contestants in any bona fide contest for the
4 determination of skill, speed, strength or endurance or to
5 the owners of animals or vehicles entered in such contest.

6 (3) Pari-mutuel betting as authorized by the law of
7 this State.

8 (4) Manufacture of gambling devices, including the
9 acquisition of essential parts therefor and the assembly
10 thereof, for transportation in interstate or foreign
11 commerce to any place outside this State when such
12 transportation is not prohibited by any applicable Federal
13 law; or the manufacture, distribution, or possession of
14 video gaming terminals, as defined in the Video Gaming Act,
15 by manufacturers, distributors, and terminal operators
16 licensed to do so under the Video Gaming Act.

17 (5) The game commonly known as "bingo", when conducted
18 in accordance with the Bingo License and Tax Act.

19 (6) Lotteries when conducted by the State of Illinois
20 in accordance with the Illinois Lottery Law. This exemption
21 includes any activity conducted by the Department of
22 Revenue to sell lottery tickets pursuant to the provisions
23 of the Illinois Lottery Law and its rules.

24 (6.1) The purchase of lottery tickets through the
25 Internet for a lottery conducted by the State of Illinois
26 under the program established in Section 7.12 of the

1 Illinois Lottery Law.

2 (7) Possession of an antique slot machine that is
3 neither used nor intended to be used in the operation or
4 promotion of any unlawful gambling activity or enterprise.
5 For the purpose of this subparagraph (b)(7), an antique
6 slot machine is one manufactured 25 years ago or earlier.

7 (8) Raffles when conducted in accordance with the
8 Raffles Act.

9 (9) Charitable games when conducted in accordance with
10 the Charitable Games Act.

11 (10) Pull tabs and jar games when conducted under the
12 Illinois Pull Tabs and Jar Games Act.

13 (11) Gambling games conducted on riverboats when
14 authorized by the Riverboat Gambling Act.

15 (12) Video gaming terminal games at a licensed
16 establishment, licensed truck stop establishment, licensed
17 fraternal establishment, or licensed veterans
18 establishment when conducted in accordance with the Video
19 Gaming Act.

20 (13) Games of skill or chance where money or other
21 things of value can be won but no payment or purchase is
22 required to participate.

23 (c) Sentence.

24 Gambling ~~under subsection (a)(1) or (a)(2) of this Section~~
25 is a Class A misdemeanor. ~~Gambling under any of subsections~~
26 ~~(a)(3) through (a)(11) of this Section is a Class A~~

1 ~~misdemeanor.~~ A second or subsequent conviction under ~~any of~~
2 subsections (a) (3) through (a) (12) ~~(a) (11)~~, is a Class 4
3 felony. ~~Gambling under subsection (a) (12) of this Section is a~~
4 ~~Class A misdemeanor. A second or subsequent conviction under~~
5 ~~subsection (a) (12) is a Class 4 felony.~~

6 (d) Circumstantial evidence.

7 In prosecutions under ~~subsection (a) (1) through (a) (12) of~~
8 this Section circumstantial evidence shall have the same
9 validity and weight as in any criminal prosecution.

10 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
11 96-1203, eff. 7-22-10.)

12 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

13 Sec. 28-1.1. Syndicated gambling.

14 (a) Declaration of Purpose. Recognizing the close
15 relationship between professional gambling and other organized
16 crime, it is declared to be the policy of the legislature to
17 restrain persons from engaging in the business of gambling for
18 profit in this State. This Section shall be liberally construed
19 and administered with a view to carrying out this policy.

20 (b) A person commits syndicated gambling when he or she
21 operates a "policy game" or engages in the business of
22 bookmaking.

23 (c) A person "operates a policy game" when he or she
24 knowingly uses any premises or property for the purpose of
25 receiving or knowingly does receive from what is commonly

1 called "policy":

2 (1) money from a person other than the bettor ~~better~~ or
3 player whose bets or plays are represented by the ~~such~~
4 money; or

5 (2) written "policy game" records, made or used over
6 any period of time, from a person other than the bettor
7 ~~better~~ or player whose bets or plays are represented by the
8 ~~such~~ written record.

9 (d) A person engages in bookmaking when he or she knowingly
10 receives or accepts more than five bets or wagers upon the
11 result of any trials or contests of skill, speed or power of
12 endurance or upon any lot, chance, casualty, unknown or
13 contingent event whatsoever, which bets or wagers shall be of
14 such size that the total of the amounts of money paid or
15 promised to be paid to the ~~such~~ bookmaker on account thereof
16 shall exceed \$2,000. Bookmaking is the receiving or accepting
17 of ~~such~~ bets or wagers regardless of the form or manner in
18 which the bookmaker records them.

19 (e) Participants in any of the following activities shall
20 not be convicted of syndicated gambling:

21 (1) Agreements to compensate for loss caused by the
22 happening of chance including without limitation contracts
23 of indemnity or guaranty and life or health or accident
24 insurance; ~~and~~

25 (2) Offers of prizes, award or compensation to the
26 actual contestants in any bona fide contest for the

1 determination of skill, speed, strength or endurance or to
2 the owners of animals or vehicles entered in the ~~such~~
3 contest; ~~and~~

4 (3) Pari-mutuel betting as authorized by law of this
5 State; ~~and~~

6 (4) Manufacture of gambling devices, including the
7 acquisition of essential parts therefor and the assembly
8 thereof, for transportation in interstate or foreign
9 commerce to any place outside this State when the ~~such~~
10 transportation is not prohibited by any applicable Federal
11 law; ~~and~~

12 (5) Raffles when conducted in accordance with the
13 Raffles Act; ~~and~~

14 (6) Gambling games conducted on riverboats when
15 authorized by the Riverboat Gambling Act; and

16 (7) Video gaming terminal games at a licensed
17 establishment, licensed truck stop establishment, licensed
18 fraternal establishment, or licensed veterans
19 establishment when conducted in accordance with the Video
20 Gaming Act.

21 (f) Sentence. Syndicated gambling is a Class 3 felony.

22 (Source: P.A. 96-34, eff. 7-13-09.)

23 (720 ILCS 5/30-2) (from Ch. 38, par. 30-2)

24 Sec. 30-2. Misprision of treason.

25 (a) A person owing allegiance to this State commits

1 misprision of treason when he or she knowingly conceals or
2 withholds his or her knowledge that another has committed
3 treason against this State.

4 (b) Sentence.

5 Misprision of treason is a Class 4 felony.

6 (Source: P.A. 77-2638.)

7 (720 ILCS 5/31A-0.1 new)

8 Sec. 31A-0.1. Definitions. For the purposes of this
9 Article:

10 "Deliver" or "delivery" means the actual, constructive or
11 attempted transfer of possession of an item of contraband, with
12 or without consideration, whether or not there is an agency
13 relationship.

14 "Employee" means any elected or appointed officer, trustee
15 or employee of a penal institution or of the governing
16 authority of the penal institution, or any person who performs
17 services for the penal institution pursuant to contract with
18 the penal institution or its governing authority.

19 "Item of contraband" means any of the following:

20 (i) "Alcoholic liquor" as that term is defined in
21 Section 1-3.05 of the Liquor Control Act of 1934.

22 (ii) "Cannabis" as that term is defined in subsection
23 (a) of Section 3 of the Cannabis Control Act.

24 (iii) "Controlled substance" as that term is defined in
25 the Illinois Controlled Substances Act.

1 (iii-a) "Methamphetamine" as that term is defined in
2 the Illinois Controlled Substances Act or the
3 Methamphetamine Control and Community Protection Act.

4 (iv) "Hypodermic syringe" or hypodermic needle, or any
5 instrument adapted for use of controlled substances or
6 cannabis by subcutaneous injection.

7 (v) "Weapon" means any knife, dagger, dirk, billy,
8 razor, stiletto, broken bottle, or other piece of glass
9 which could be used as a dangerous weapon. This term
10 includes any of the devices or implements designated in
11 subsections (a) (1), (a) (3) and (a) (6) of Section 24-1 of
12 this Code, or any other dangerous weapon or instrument of
13 like character.

14 (vi) "Firearm" means any device, by whatever name
15 known, which is designed to expel a projectile or
16 projectiles by the action of an explosion, expansion of gas
17 or escape of gas, including but not limited to:

18 (A) any pneumatic gun, spring gun, or B-B gun which
19 expels a single globular projectile not exceeding .18
20 inch in diameter; or

21 (B) any device used exclusively for signaling or
22 safety and required as recommended by the United States
23 Coast Guard or the Interstate Commerce Commission; or

24 (C) any device used exclusively for the firing of
25 stud cartridges, explosive rivets or industrial
26 ammunition; or

1 (D) any device which is powered by electrical
2 charging units, such as batteries, and which fires one
3 or several barbs attached to a length of wire and
4 which, upon hitting a human, can send out current
5 capable of disrupting the person's nervous system in
6 such a manner as to render him or her incapable of
7 normal functioning, commonly referred to as a stun gun
8 or taser.

9 (vii) "Firearm ammunition" means any self-contained
10 cartridge or shotgun shell, by whatever name known, which
11 is designed to be used or adaptable to use in a firearm,
12 including but not limited to:

13 (A) any ammunition exclusively designed for use
14 with a device used exclusively for signaling or safety
15 and required or recommended by the United States Coast
16 Guard or the Interstate Commerce Commission; or

17 (B) any ammunition designed exclusively for use
18 with a stud or rivet driver or other similar industrial
19 ammunition.

20 (viii) "Explosive" means, but is not limited to, bomb,
21 bombshell, grenade, bottle or other container containing
22 an explosive substance of over one-quarter ounce for like
23 purposes such as black powder bombs and Molotov cocktails
24 or artillery projectiles.

25 (ix) "Tool to defeat security mechanisms" means, but is
26 not limited to, handcuff or security restraint key, tool

1 designed to pick locks, popper, or any device or instrument
2 used to or capable of unlocking or preventing from locking
3 any handcuff or security restraints, doors to cells, rooms,
4 gates or other areas of the penal institution.

5 (x) "Cutting tool" means, but is not limited to,
6 hacksaw blade, wirecutter, or device, instrument or file
7 capable of cutting through metal.

8 (xi) "Electronic contraband" for the purposes of
9 Section 31A-1.1 of this Article means, but is not limited
10 to, any electronic, video recording device, computer, or
11 cellular communications equipment, including, but not
12 limited to, cellular telephones, cellular telephone
13 batteries, videotape recorders, pagers, computers, and
14 computer peripheral equipment brought into or possessed in
15 a penal institution without the written authorization of
16 the Chief Administrative Officer. "Electronic contraband"
17 for the purposes of Section 31A-1.2 of this Article, means,
18 but is not limited to, any electronic, video recording
19 device, computer, or cellular communications equipment,
20 including, but not limited to, cellular telephones,
21 cellular telephone batteries, videotape recorders, pagers,
22 computers, and computer peripheral equipment.

23 "Penal institution" means any penitentiary, State farm,
24 reformatory, prison, jail, house of correction, police
25 detention area, half-way house or other institution or place
26 for the incarceration or custody of persons under sentence for

1 offenses awaiting trial or sentence for offenses, under arrest
2 for an offense, a violation of probation, a violation of
3 parole, or a violation of mandatory supervised release, or
4 awaiting a bail setting hearing or preliminary hearing;
5 provided that where the place for incarceration or custody is
6 housed within another public building this Act shall not apply
7 to that part of such building unrelated to the incarceration or
8 custody of persons.

9 (720 ILCS 5/31A-1.1) (from Ch. 38, par. 31A-1.1)

10 Sec. 31A-1.1. Bringing Contraband into a Penal
11 Institution; Possessing Contraband in a Penal Institution.

12 (a) A person commits ~~the offense of~~ bringing contraband
13 into a penal institution when he or she knowingly and without
14 authority of any person designated or authorized to grant this
15 ~~such~~ authority (1) brings an item of contraband into a penal
16 institution or (2) causes another to bring an item of
17 contraband into a penal institution or (3) places an item of
18 contraband in such proximity to a penal institution as to give
19 an inmate access to the contraband.

20 (b) A person commits ~~the offense of~~ possessing contraband
21 in a penal institution when he or she knowingly possesses
22 contraband in a penal institution, regardless of the intent
23 with which he or she possesses it.

24 (c) (Blank). ~~For the purposes of this Section, the words~~
25 ~~and phrases listed below shall be defined as follows:~~

1 ~~(1) "Penal institution" means any penitentiary, State~~
2 ~~farm, reformatory, prison, jail, house of correction,~~
3 ~~police detention area, half-way house or other institution~~
4 ~~or place for the incarceration or custody of persons under~~
5 ~~sentence for offenses awaiting trial or sentence for~~
6 ~~offenses, under arrest for an offense, a violation of~~
7 ~~probation, a violation of parole, or a violation of~~
8 ~~mandatory supervised release, or awaiting a bail setting~~
9 ~~hearing or preliminary hearing; provided that where the~~
10 ~~place for incarceration or custody is housed within another~~
11 ~~public building this Act shall not apply to that part of~~
12 ~~such building unrelated to the incarceration or custody of~~
13 ~~persons.~~

14 ~~(2) "Item of contraband" means any of the following:~~

15 ~~(i) "Alcoholic liquor" as such term is defined in~~
16 ~~Section 1-3.05 of the Liquor Control Act of 1934.~~

17 ~~(ii) "Cannabis" as such term is defined in~~
18 ~~subsection (a) of Section 3 of the Cannabis Control~~
19 ~~Act.~~

20 ~~(iii) "Controlled substance" as such term is~~
21 ~~defined in the Illinois Controlled Substances Act.~~

22 ~~(iii-a) "Methamphetamine" as such term is defined~~
23 ~~in the Illinois Controlled Substances Act or the~~
24 ~~Methamphetamine Control and Community Protection Act.~~

25 ~~(iv) "Hypodermic syringe" or hypodermic needle, or~~
26 ~~any instrument adapted for use of controlled~~

1 ~~substances or cannabis by subcutaneous injection.~~

2 ~~(v) "Weapon" means any knife, dagger, dirk, billy,~~
3 ~~razor, stiletto, broken bottle, or other piece of glass~~
4 ~~which could be used as a dangerous weapon. Such term~~
5 ~~includes any of the devices or implements designated in~~
6 ~~subsections (a)(1), (a)(3) and (a)(6) of Section 24-1~~
7 ~~of this Act, or any other dangerous weapon or~~
8 ~~instrument of like character.~~

9 ~~(vi) "Firearm" means any device, by whatever name~~
10 ~~known, which is designed to expel a projectile or~~
11 ~~projectiles by the action of an explosion, expansion of~~
12 ~~gas or escape of gas, including but not limited to:~~

13 ~~(A) any pneumatic gun, spring gun, or B-B gun~~
14 ~~which expels a single globular projectile not~~
15 ~~exceeding .18 inch in diameter, or,~~

16 ~~(B) any device used exclusively for signaling~~
17 ~~or safety and required as recommended by the United~~
18 ~~States Coast Guard or the Interstate Commerce~~
19 ~~Commission; or~~

20 ~~(C) any device used exclusively for the firing~~
21 ~~of stud cartridges, explosive rivets or industrial~~
22 ~~ammunition; or~~

23 ~~(D) any device which is powered by electrical~~
24 ~~charging units, such as batteries, and which fires~~
25 ~~one or several barbs attached to a length of wire~~
26 ~~and which, upon hitting a human, can send out~~

1 ~~current capable of disrupting the person's nervous~~
2 ~~system in such a manner as to render him incapable~~
3 ~~of normal functioning, commonly referred to as a~~
4 ~~stun gun or taser.~~

5 ~~(vii) "Firearm ammunition" means any~~
6 ~~self contained cartridge or shotgun shell, by whatever~~
7 ~~name known, which is designed to be used or adaptable~~
8 ~~to use in a firearm, including but not limited to:~~

9 ~~(A) any ammunition exclusively designed for~~
10 ~~use with a device used exclusively for signaling or~~
11 ~~safety and required or recommended by the United~~
12 ~~States Coast Guard or the Interstate Commerce~~
13 ~~Commission; or~~

14 ~~(B) any ammunition designed exclusively for~~
15 ~~use with a stud or rivet driver or other similar~~
16 ~~industrial ammunition.~~

17 ~~(viii) "Explosive" means, but is not limited to,~~
18 ~~bomb, bombshell, grenade, bottle or other container~~
19 ~~containing an explosive substance of over one quarter~~
20 ~~ounce for like purposes such as black powder bombs and~~
21 ~~Molotov cocktails or artillery projectiles.~~

22 ~~(ix) "Tool to defeat security mechanisms" means,~~
23 ~~but is not limited to, handcuff or security restraint~~
24 ~~key, tool designed to pick locks, popper, or any device~~
25 ~~or instrument used to or capable of unlocking or~~
26 ~~preventing from locking any handcuff or security~~

1 ~~restraints, doors to cells, rooms, gates or other areas~~
2 ~~of the penal institution.~~

3 ~~(x) "Cutting tool" means, but is not limited to,~~
4 ~~hacksaw blade, wirecutter, or device, instrument or~~
5 ~~file capable of cutting through metal.~~

6 ~~(xi) "Electronic contraband" means, but is not~~
7 ~~limited to, any electronic, video recording device,~~
8 ~~computer, or cellular communications equipment,~~
9 ~~including, but not limited to, cellular telephones,~~
10 ~~cellular telephone batteries, videotape recorders,~~
11 ~~paggers, computers, and computer peripheral equipment~~
12 ~~brought into or possessed in a penal institution~~
13 ~~without the written authorization of the Chief~~
14 ~~Administrative Officer.~~

15 (d) Sentence.

16 (1) Bringing into or possessing alcoholic liquor in
17 ~~into~~ a penal institution is a Class 4 felony. ~~Possessing~~
18 ~~alcoholic liquor in a penal institution is a Class 4~~
19 ~~felony.~~

20 (2) ~~(e)~~ Bringing into or possessing cannabis in ~~into~~ a
21 penal institution is a Class 3 felony. ~~Possessing cannabis~~
22 ~~in a penal institution is a Class 3 felony.~~

23 (3) ~~(f)~~ Bringing into or possessing any amount of a
24 controlled substance classified in Schedules III, IV or V
25 of Article II of the Controlled Substance Act in ~~into~~ a
26 penal institution is a Class 2 felony. ~~Possessing any~~

1 ~~amount of a controlled substance classified in Schedule~~
2 ~~III, IV, or V of Article II of the Controlled Substance Act~~
3 ~~in a penal institution is a Class 2 felony.~~

4 (4) (g) Bringing into or possessing any amount of a
5 controlled substance classified in Schedules I or II of
6 Article II of the Controlled Substance Act in ~~into~~ a penal
7 institution is a Class 1 felony. ~~Possessing any amount of a~~
8 ~~controlled substance classified in Schedules I or II of~~
9 ~~Article II of the Controlled Substance Act in a penal~~
10 ~~institution is a Class 1 felony.~~

11 (5) (h) Bringing into or possessing a hypodermic
12 syringe in an item of contraband listed in paragraph (iv)
13 ~~of subsection (c)(2) into~~ a penal institution is a Class 1
14 felony. ~~Possessing an item of contraband listed in~~
15 ~~paragraph (iv) of subsection (c)(2) in a penal institution~~
16 ~~is a Class 1 felony.~~

17 (6) (i) Bringing into or possessing a weapon, tool to
18 defeat security mechanisms, cutting tool, or electronic
19 contraband in an item of contraband listed in paragraph
20 ~~(v), (ix), (x), or (xi) of subsection (c)(2) into~~ a penal
21 institution is a Class 1 felony. ~~Possessing an item of~~
22 ~~contraband listed in paragraph (v), (ix), (x), or (xi) of~~
23 ~~subsection (c)(2) in a penal institution is a Class 1~~
24 ~~felony.~~

25 (7) (j) Bringing into or possessing a firearm, firearm
26 ammunition, or explosive ~~an item of contraband listed in~~

1 ~~paragraphs (vi), (vii) or (viii) of subsection (c)(2) in a~~
2 ~~penal institution is a Class X felony. Possessing an item~~
3 ~~of contraband listed in paragraphs (vi), (vii), or (viii)~~
4 ~~of subsection (c)(2) in a penal institution is a Class X~~
5 ~~felony.~~

6 (e) ~~(k)~~ It shall be an affirmative defense to subsection
7 (b) ~~hereof~~, that the ~~such~~ possession was specifically
8 authorized by rule, regulation, or directive of the governing
9 authority of the penal institution or order issued under it
10 ~~pursuant thereto.~~

11 (f) ~~(l)~~ It shall be an affirmative defense to subsection
12 (a)(1) and subsection (b) ~~hereof~~ that the person bringing into
13 or possessing contraband in a penal institution had been
14 arrested, and that ~~that~~ person possessed the ~~such~~ contraband at
15 the time of his or her arrest, and that the ~~such~~ contraband was
16 brought into or possessed in the penal institution by that
17 person as a direct and immediate result of his or her arrest.

18 (g) ~~(m)~~ Items confiscated may be retained for use by the
19 Department of Corrections or disposed of as deemed appropriate
20 by the Chief Administrative Officer in accordance with
21 Department rules or disposed of as required by law.

22 (Source: P.A. 96-1112, eff. 1-1-11.)

23 (720 ILCS 5/31A-1.2) (from Ch. 38, par. 31A-1.2)

24 Sec. 31A-1.2. Unauthorized bringing of contraband into a
25 penal institution by an employee; unauthorized possessing of

1 contraband in a penal institution by an employee; unauthorized
2 delivery of contraband in a penal institution by an employee.

3 (a) A person commits ~~the offense of~~ unauthorized bringing
4 of contraband into a penal institution by an employee when a
5 person who is an employee knowingly and without authority of
6 any person designated or authorized to grant this ~~such~~
7 authority:

8 (1) brings or attempts to bring an item of contraband
9 ~~listed in subsection (d)(4)~~ into a penal institution, or

10 (2) causes or permits another to bring an item of
11 contraband ~~listed in subsection (d)(4)~~ into a penal
12 institution.

13 (b) A person commits ~~the offense of~~ unauthorized possession
14 of contraband in a penal institution by an employee when a
15 person who is an employee knowingly and without authority of
16 any person designated or authorized to grant this ~~such~~
17 authority possesses an item of contraband ~~listed in subsection~~
18 ~~(d)(4)~~ in a penal institution, regardless of the intent with
19 which he or she possesses it.

20 (c) A person commits ~~the offense of~~ unauthorized delivery
21 of contraband in a penal institution by an employee when a
22 person who is an employee knowingly and without authority of
23 any person designated or authorized to grant this ~~such~~
24 authority:

25 (1) delivers or possesses with intent to deliver an
26 item of contraband to any inmate of a penal institution, or

1 (2) conspires to deliver or solicits the delivery of an
2 item of contraband to any inmate of a penal institution, or

3 (3) causes or permits the delivery of an item of
4 contraband to any inmate of a penal institution, or

5 (4) permits another person to attempt to deliver an
6 item of contraband to any inmate of a penal institution.

7 ~~(d) For purpose of this Section, the words and phrases~~
8 ~~listed below shall be defined as follows:~~

9 ~~(1) "Penal Institution" shall have the meaning~~
10 ~~ascribed to it in subsection (c) (1) of Section 31A-1.1 of~~
11 ~~this Code;~~

12 ~~(2) "Employee" means any elected or appointed officer,~~
13 ~~trustee or employee of a penal institution or of the~~
14 ~~governing authority of the penal institution, or any person~~
15 ~~who performs services for the penal institution pursuant to~~
16 ~~contract with the penal institution or its governing~~
17 ~~authority.~~

18 ~~(3) "Deliver" or "delivery" means the actual,~~
19 ~~constructive or attempted transfer of possession of an item~~
20 ~~of contraband, with or without consideration, whether or~~
21 ~~not there is an agency relationship;~~

22 ~~(4) "Item of contraband" means any of the following:~~

23 ~~(i) "Alcoholic liquor" as such term is defined in~~
24 ~~Section 1-3.05 of the Liquor Control Act of 1934.~~

25 ~~(ii) "Cannabis" as such term is defined in~~
26 ~~subsection (a) of Section 3 of the Cannabis Control~~

1 ~~Act.~~

2 ~~(iii) "Controlled substance" as such term is~~
3 ~~defined in the Illinois Controlled Substances Act.~~

4 ~~(iii-a) "Methamphetamine" as such term is defined~~
5 ~~in the Illinois Controlled Substances Act or the~~
6 ~~Methamphetamine Control and Community Protection Act.~~

7 ~~(iv) "Hypodermic syringe" or hypodermic needle, or~~
8 ~~any instrument adapted for use of controlled~~
9 ~~substances or cannabis by subcutaneous injection.~~

10 ~~(v) "Weapon" means any knife, dagger, dirk, billy,~~
11 ~~razor, stiletto, broken bottle, or other piece of glass~~
12 ~~which could be used as a dangerous weapon. Such term~~
13 ~~includes any of the devices or implements designated in~~
14 ~~subsections (a) (1), (a) (3) and (a) (6) of Section 24-1~~
15 ~~of this Act, or any other dangerous weapon or~~
16 ~~instrument of like character.~~

17 ~~(vi) "Firearm" means any device, by whatever name~~
18 ~~known, which is designed to expel a projectile or~~
19 ~~projectiles by the action of an explosion, expansion of~~
20 ~~gas or escape of gas, including but not limited to:~~

21 ~~(A) any pneumatic gun, spring gun, or B-B gun~~
22 ~~which expels a single globular projectile not~~
23 ~~exceeding .18 inch in diameter; or~~

24 ~~(B) any device used exclusively for signaling~~
25 ~~or safety and required or recommended by the United~~
26 ~~States Coast Guard or the Interstate Commerce~~

1 ~~Commission; or~~

2 ~~(C) any device used exclusively for the firing~~
3 ~~of stud cartridges, explosive rivets or industrial~~
4 ~~ammunition; or~~

5 ~~(D) any device which is powered by electrical~~
6 ~~charging units, such as batteries, and which fires~~
7 ~~one or several barbs attached to a length of wire~~
8 ~~and which, upon hitting a human, can send out~~
9 ~~current capable of disrupting the person's nervous~~
10 ~~system in such a manner as to render him incapable~~
11 ~~of normal functioning, commonly referred to as a~~
12 ~~stun gun or taser.~~

13 ~~(vii) "Firearm ammunition" means any~~
14 ~~self contained cartridge or shotgun shell, by whatever~~
15 ~~name known, which is designed to be used or adaptable~~
16 ~~to use in a firearm, including but not limited to:~~

17 ~~(A) any ammunition exclusively designed for~~
18 ~~use with a device used exclusively for signaling or~~
19 ~~safety and required or recommended by the United~~
20 ~~States Coast Guard or the Interstate Commerce~~
21 ~~Commission; or~~

22 ~~(B) any ammunition designed exclusively for~~
23 ~~use with a stud or rivet driver or other similar~~
24 ~~industrial ammunition.~~

25 ~~(viii) "Explosive" means, but is not limited to,~~
26 ~~bomb, bombshell, grenade, bottle or other container~~

1 ~~containing an explosive substance of over one quarter~~
2 ~~ounce for like purposes such as black powder bombs and~~
3 ~~Molotov cocktails or artillery projectiles.~~

4 ~~(ix) "Tool to defeat security mechanisms" means,~~
5 ~~but is not limited to, handcuff or security restraint~~
6 ~~key, tool designed to pick locks, popper, or any device~~
7 ~~or instrument used to or capable of unlocking or~~
8 ~~preventing from locking any handcuff or security~~
9 ~~restraints, doors to cells, rooms, gates or other areas~~
10 ~~of the penal institution.~~

11 ~~(x) "Cutting tool" means, but is not limited to,~~
12 ~~hacksaw blade, wirecutter, or device, instrument or~~
13 ~~file capable of cutting through metal.~~

14 ~~(xi) "Electronic contraband" means, but is not~~
15 ~~limited to, any electronic, video recording device,~~
16 ~~computer, or cellular communications equipment,~~
17 ~~including, but not limited to, cellular telephones,~~
18 ~~cellular telephone batteries, videotape recorders,~~
19 ~~paggers, computers, and computer peripheral equipment.~~

20 For a violation of subsection (a) or (b) involving a
21 cellular telephone or cellular telephone battery, the
22 defendant must intend to provide the cellular telephone or
23 cellular telephone battery to any inmate in a penal
24 institution, or to use the cellular telephone or cellular
25 telephone battery at the direction of an inmate or for the
26 benefit of any inmate of a penal institution.

1 (e) Sentence.

2 (1) A violation of paragraphs (a) or (b) of this
3 Section involving alcohol is a Class 4 felony. A violation
4 of paragraph (a) or (b) of this Section involving cannabis
5 is a Class 2 felony. A violation of paragraph (a) or (b)
6 involving any amount of a controlled substance classified
7 in Schedules III, IV or V of Article II of the Illinois
8 Controlled Substances Act is a Class 1 felony. A violation
9 of paragraph (a) or (b) of this Section involving any
10 amount of a controlled substance classified in Schedules I
11 or II of Article II of the Illinois Controlled Substances
12 Act is a Class X felony. A violation of paragraph (a) or
13 (b) involving a hypodermic syringe ~~an item of contraband~~
14 ~~listed in paragraph (iv) of subsection (d)(4)~~ is a Class X
15 felony. A violation of paragraph (a) or (b) involving a
16 weapon, tool to defeat security mechanisms, cutting tool,
17 or electronic contraband ~~an item of contraband listed in~~
18 ~~paragraph (v), (ix), (x), or (xi) of subsection (d)(4)~~ is a
19 Class 1 felony. A violation of paragraph (a) or (b)
20 involving a firearm, firearm ammunition, or explosive ~~an~~
21 ~~item of contraband listed in paragraphs (vi), (vii) or~~
22 ~~(viii) of subsection (d)(4)~~ is a Class X felony.

23 (2) ~~(f)~~ A violation of paragraph (c) of this Section
24 involving alcoholic liquor is a Class 3 felony. A violation
25 of paragraph (c) involving cannabis is a Class 1 felony. A
26 violation of paragraph (c) involving any amount of a

1 controlled substance classified in Schedules III, IV or V
2 of Article II of the Illinois Controlled Substances Act is
3 a Class X felony. A violation of paragraph (c) involving
4 any amount of a controlled substance classified in
5 Schedules I or II of Article II of the Illinois Controlled
6 Substances Act is a Class X felony for which the minimum
7 term of imprisonment shall be 8 years. A violation of
8 paragraph (c) involving a hypodermic syringe ~~an item of~~
9 ~~contraband listed in paragraph (iv) of subsection (d)(4)~~ is
10 a Class X felony for which the minimum term of imprisonment
11 shall be 8 years. A violation of paragraph (c) involving a
12 weapon, tool to defeat security mechanisms, cutting tool,
13 or electronic contraband ~~an item of contraband listed in~~
14 ~~paragraph (v), (ix), (x), or (xi) of subsection (d)(4)~~ is a
15 Class X felony for which the minimum term of imprisonment
16 shall be 10 years. A violation of paragraph (c) involving a
17 firearm, firearm ammunition, or explosive ~~an item of~~
18 ~~contraband listed in paragraphs (vi), (vii) or (viii) of~~
19 ~~subsection (d)(4)~~ is a Class X felony for which the minimum
20 term of imprisonment shall be 12 years.

21 (f) ~~(g)~~ Items confiscated may be retained for use by the
22 Department of Corrections or disposed of as deemed appropriate
23 by the Chief Administrative Officer in accordance with
24 Department rules or disposed of as required by law.

25 (g) ~~(h)~~ For a violation of subsection (a) or (b) involving
26 alcoholic liquor, a weapon, firearm, firearm ammunition, tool

1 to defeat security mechanisms, cutting tool, or electronic
2 contraband items described in clause (i), (v), (vi), (vii),
3 (ix), (x), or (xi) of paragraph (4) of subsection (d), the such
4 items shall not be considered to be in a penal institution when
5 they are secured in an employee's locked, private motor vehicle
6 parked on the grounds of a penal institution.

7 (Source: P.A. 96-328, eff. 8-11-09; 96-1112, eff. 1-1-11;
8 96-1325, eff. 7-27-10; 97-333, eff. 8-12-11.)

9 (720 ILCS 5/32-1) (from Ch. 38, par. 32-1)

10 Sec. 32-1. Compounding a crime.

11 (a) A person commits compounding ~~compounds~~ a crime when he
12 or she knowingly receives or offers to another any
13 consideration for a promise not to prosecute or aid in the
14 prosecution of an offender.

15 (b) Sentence. Compounding a crime is a petty offense.

16 (Source: P.A. 77-2638.)

17 (720 ILCS 5/32-2) (from Ch. 38, par. 32-2)

18 Sec. 32-2. Perjury.

19 (a) A person commits perjury when, under oath or
20 affirmation, in a proceeding or in any other matter where by
21 law the such oath or affirmation is required, he or she makes a
22 false statement, material to the issue or point in question,
23 knowing the statement is false ~~which he does not believe to be~~
24 ~~true.~~

1 (b) Proof of Falsity.

2 An indictment or information for perjury alleging that the
3 offender, under oath, has knowingly made contradictory
4 statements, material to the issue or point in question, in the
5 same or in different proceedings, where the ~~such~~ oath or
6 affirmation is required, need not specify which statement is
7 false. At the trial, the prosecution need not establish which
8 statement is false.

9 (c) Admission of Falsity.

10 Where the contradictory statements are made in the same
11 continuous trial, hearing, deposition, or other formal
12 proceeding an admission by the offender in that same continuous
13 proceeding ~~trial~~ of the falsity of a contradictory statement
14 shall bar prosecution ~~therefor~~ under any provisions of this
15 Code.

16 (d) A person shall be exempt from prosecution under
17 subsection (a) of this Section if he or she is a peace officer
18 who uses a false or fictitious name in the enforcement of the
19 criminal laws, and this ~~such~~ use is approved in writing as
20 provided in Section 10-1 of "The Liquor Control Act of 1934",
21 as amended, Section 5 of "An Act in relation to the use of an
22 assumed name in the conduct or transaction of business in this
23 State", approved July 17, 1941, as amended, or Section 2605-200
24 of the Department of State Police Law ~~(20 ILCS 2605/2605-200)~~.
25 However, this exemption shall not apply to testimony in
26 judicial proceedings where the identity of the peace officer is

1 material to the issue, and he or she is ordered by the court to
2 disclose his or her identity.

3 (e) Sentence.

4 Perjury is a Class 3 felony.

5 (Source: P.A. 91-239, eff. 1-1-00.)

6 (720 ILCS 5/32-3) (from Ch. 38, par. 32-3)

7 Sec. 32-3. Subornation of perjury.

8 (a) A person commits subornation of perjury when he or she
9 knowingly procures or induces another to make a statement in
10 violation of Section 32-2 which the person knows to be false.

11 (b) Sentence.

12 Subornation of perjury is a Class 4 felony.

13 (Source: P.A. 77-2638.)

14 (720 ILCS 5/32-4b) (from Ch. 38, par. 32-4b)

15 Sec. 32-4b. Bribery for excuse from jury duty.

16 (a) A jury commissioner~~r~~ or any other person acting on
17 behalf of a jury commissioner~~r~~ commits bribery for excuse from
18 jury duty, when he or she knowingly ~~who~~ requests, solicits,
19 suggests, or accepts financial compensation or any other form
20 of consideration in exchange for a promise to excuse or for
21 excusing any person from jury duty.

22 (b) Sentence. Bribery for excuse from jury duty is ~~commits~~
23 a Class 3 felony. In addition to any other penalty provided by
24 law, ~~a any~~ jury commissioner convicted under this Section shall

1 forfeit the performance bond required by Section 1 of "An Act
2 in relation to jury commissioners and authorizing judges to
3 appoint such commissioners and to make rules concerning their
4 powers and duties", approved June 15, 1887, as amended, and
5 shall be excluded from further service as a jury commissioner.

6 (Source: P.A. 84-1428.)

7 (720 ILCS 5/32-4c)

8 Sec. 32-4c. Witnesses; prohibition on accepting payments
9 before judgment or verdict.

10 (a) A person who, after the commencement of a criminal
11 prosecution, has been identified in the criminal discovery
12 process as a person who may be called as a witness in a
13 criminal proceeding shall not knowingly accept or receive,
14 directly or indirectly, any payment or benefit in consideration
15 for providing information obtained as a result of witnessing an
16 event or occurrence or having personal knowledge of certain
17 facts in relation to the criminal proceeding.

18 (b) Sentence. A violation of this Section is a Class B
19 misdemeanor for which the court may impose a fine not to exceed
20 3 times the amount of compensation requested, accepted, or
21 received.

22 (c) This Section remains applicable until the judgment of
23 the court in the action if the defendant is tried by the court
24 without a jury or the rendering of the verdict by the jury if
25 the defendant is tried by jury in the action.

1 (d) This Section does not apply to any of the following
2 circumstances:

3 (1) Lawful ~~To the lawful~~ compensation paid to expert
4 witnesses, investigators, employees, or agents by a
5 prosecutor, law enforcement agency, or an attorney
6 employed to represent a person in a criminal matter.

7 (2) Lawful ~~To the lawful~~ compensation or benefits
8 provided to an informant by a prosecutor or law enforcement
9 agency.

10 (2.5) Lawful ~~To the lawful~~ compensation or benefits, or
11 both, provided to an informant under a local anti-crime
12 program, such as Crime Stoppers, We-Tip, and similar
13 programs designed to solve crimes or that foster the
14 detection of crime and encourage persons through the
15 programs and otherwise to come forward with information
16 about criminal activity.

17 (2.6) Lawful ~~To the lawful~~ compensation or benefits, or
18 both, provided by a private individual to another private
19 individual as a reward for information leading to the
20 arrest and conviction of specified offenders.

21 (3) Lawful ~~To the lawful~~ compensation paid to a
22 publisher, editor, reporter, writer, or other person
23 connected with or employed by a newspaper, magazine,
24 television or radio station or any other publishing or
25 media outlet for disclosing information obtained from
26 another person relating to an offense.

1 (e) For purposes of this Section, "publishing or media
2 outlet" means a news gathering organization that sells or
3 distributes news to newspapers, television, or radio stations,
4 or a cable or broadcast television or radio network that
5 disseminates news and information.

6 (f) The person identified as a witness ~~referred to in~~
7 ~~subsection (a) of this Section~~ may receive written notice from
8 counsel for either the prosecution or defense of the fact that
9 he or she has been identified ~~as a person who may be called~~ as a
10 witness who may be called in a criminal proceeding and his or
11 her responsibilities and possible penalties under this
12 Section. This Section shall be applicable only if the witness
13 ~~person referred to in subsection (a) of this Section~~ received
14 the written notice referred to in this subsection ~~(f)~~.

15 (Source: P.A. 90-506, eff. 8-19-97.)

16 (720 ILCS 5/32-4d)

17 Sec. 32-4d. Payment of jurors by parties prohibited.

18 (a) After a verdict has been rendered in a civil or
19 criminal case, a person who was a plaintiff or defendant in the
20 case may not knowingly offer or pay an award or other fee to a
21 juror who was a member of the jury that rendered the verdict in
22 the case.

23 (b) After a verdict has been rendered in a civil or
24 criminal case, a member of the jury that rendered the verdict
25 may not knowingly accept an award or fee from the plaintiff or

1 defendant in that case.

2 (c) Sentence. A violation of this Section is a Class A
3 misdemeanor.

4 (d) This Section does not apply to the payment of a fee or
5 award to a person who was a juror for purposes unrelated to the
6 jury's verdict or to the outcome of the case.

7 (Source: P.A. 91-879, eff. 1-1-01.)

8 (720 ILCS 5/32-7) (from Ch. 38, par. 32-7)

9 Sec. 32-7. Simulating legal process.

10 (a) A person commits simulating legal process when he or
11 she ~~who~~ issues or delivers any document which he or she knows
12 falsely purports to be or simulates any civil or criminal
13 process ~~commits a Class B misdemeanor.~~

14 (b) Sentence. Simulating legal process is commits a Class B
15 misdemeanor.

16 (Source: P.A. 77-2638.)

17 (720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

18 Sec. 32-8. Tampering with public records.

19 (a) A person commits tampering with public records when he
20 or she ~~who~~ knowingly, without lawful authority, and with the
21 intent to defraud any party, public officer or entity, alters,
22 destroys, defaces, removes or conceals any public record
23 ~~commits a Class 4 felony.~~

24 (b) (Blank). ~~"Public record" expressly includes, but is not~~

1 ~~limited to, court records, or documents, evidence, or exhibits~~
2 ~~filed with the clerk of the court and which have become a part~~
3 ~~of the official court record, pertaining to any civil or~~
4 ~~criminal proceeding in any court.~~

5 (c) A ~~Any~~ judge, circuit clerk or clerk of court, public
6 official or employee, court reporter, or other person commits
7 tampering with public records when he or she ~~who~~ knowingly,
8 without lawful authority, and with the intent to defraud any
9 party, public officer or entity, alters, destroys, defaces,
10 removes, or conceals any public record received or held by any
11 judge or by a clerk of any court ~~commits a Class 3 felony.~~

12 (c-5) "Public record" expressly includes, but is not
13 limited to, court records, or documents, evidence, or exhibits
14 filed with the clerk of the court and which have become a part
15 of the official court record, pertaining to any civil or
16 criminal proceeding in any court.

17 (d) Sentence. A violation of subsection (a) is a Class 4
18 felony. A violation of subsection (c) is a Class 3 felony. Any
19 person convicted under subsection (c) who at the time of the
20 violation was responsible for making, keeping, storing, or
21 reporting the record for which the tampering occurred:

22 (1) shall forfeit his or her public office or public
23 employment, if any, and shall thereafter be ineligible for
24 both State and local public office and public employment in
25 this State for a period of 5 years after completion of any
26 term of probation, conditional discharge, or incarceration

1 in a penitentiary including the period of mandatory
2 supervised release;

3 (2) shall forfeit all retirement, pension, and other
4 benefits arising out of public office or public employment
5 as may be determined by the court in accordance with the
6 applicable provisions of the Illinois Pension Code;

7 (3) shall be subject to termination of any professional
8 licensure or registration in this State as may be
9 determined by the court in accordance with the provisions
10 of the applicable professional licensing or registration
11 laws;

12 (4) may be ordered by the court, after a hearing in
13 accordance with applicable law and in addition to any other
14 penalty or fine imposed by the court, to forfeit to the
15 State an amount equal to any financial gain or the value of
16 any advantage realized by the person as a result of the
17 offense; and

18 (5) may be ordered by the court, after a hearing in
19 accordance with applicable law and in addition to any other
20 penalty or fine imposed by the court, to pay restitution to
21 the victim in an amount equal to any financial loss or the
22 value of any advantage lost by the victim as a result of
23 the offense.

24 For the purposes of this subsection (d), an offense under
25 subsection (c) committed by a person holding public office or
26 public employment shall be rebuttably presumed to relate to or

1 arise out of or in connection with that public office or public
2 employment.

3 (e) Any party litigant who believes a violation of this
4 Section has occurred may seek the restoration of the court
5 record as provided in the Court Records Restoration Act. Any
6 order of the court denying the restoration of the court record
7 may be appealed as any other civil judgment.

8 (f) When the sheriff or local law enforcement agency having
9 jurisdiction declines to investigate, or inadequately
10 investigates, the court or any interested party, shall notify
11 the State Police of a suspected violation of subsection (a) or
12 (c), who shall have the authority to investigate, and may
13 investigate, the same, without regard to whether the ~~such~~ local
14 law enforcement agency has requested the State Police to do so.

15 (g) If the State's Attorney having jurisdiction declines to
16 prosecute a violation of subsection (a) or (c), the court or
17 interested party shall notify the Attorney General of the ~~such~~
18 refusal. The Attorney General shall, thereafter, have the
19 authority to prosecute, and may prosecute, the violation ~~same~~,
20 without a referral from the ~~such~~ State's Attorney.

21 (h) Prosecution of a violation of subsection (c) shall be
22 commenced within 3 years after the act constituting the
23 violation is discovered or reasonably should have been
24 discovered.

25 (Source: P.A. 96-1217, eff. 1-1-11; 96-1508, eff. 6-1-11.)

1 (720 ILCS 5/32-9) (from Ch. 38, par. 32-9)

2 Sec. 32-9. Tampering with public notice.

3 (a) A person commits tampering with public notice when he
4 or she ~~who~~ knowingly and without lawful authority alters,
5 destroys, defaces, removes or conceals any public notice,
6 posted according to law, during the time for which the notice
7 was to remain posted, ~~commits a petty offense.~~

8 (b) Sentence. Tampering with public notice is a petty
9 offense.

10 (Source: P.A. 77-2638.)

11 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

12 Sec. 32-10. Violation of bail bond.

13 (a) Whoever, having been admitted to bail for appearance
14 before any court of this State, incurs a forfeiture of the bail
15 and knowingly ~~willfully~~ fails to surrender himself or herself
16 within 30 days following the date of the ~~such~~ forfeiture,
17 commits, if the bail was given in connection with a charge of
18 felony or pending appeal or certiorari after conviction of any
19 offense, a felony of the next lower Class or a Class A
20 misdemeanor if the underlying offense was a Class 4 felony; or,
21 if the bail was given in connection with a charge of committing
22 a misdemeanor, or for appearance as a witness, commits a
23 misdemeanor of the next lower Class, but not less than a Class
24 C misdemeanor.

25 (a-5) Any person who knowingly violates a condition of bail

1 bond by possessing a firearm in violation of his or her
2 conditions of bail commits a Class 4 felony for a first
3 violation and a Class 3 felony for a second or subsequent
4 violation.

5 (b) Whoever, having been admitted to bail for appearance
6 before any court of this State, while charged with a criminal
7 offense in which the victim is a family or household member as
8 defined in Article 112A of the Code of Criminal Procedure of
9 1963, knowingly violates a condition of that release as set
10 forth in Section 110-10, subsection (d) of the Code of Criminal
11 Procedure of 1963, commits a Class A misdemeanor.

12 (c) Whoever, having been admitted to bail for appearance
13 before any court of this State for a felony, Class A
14 misdemeanor or a criminal offense in which the victim is a
15 family or household member as defined in Article 112A of the
16 Code of Criminal Procedure of 1963, is charged with any other
17 felony, Class A misdemeanor, or a criminal offense in which the
18 victim is a family or household member as defined in Article
19 112A of the Code of Criminal Procedure of 1963 while on this
20 ~~such~~ release, must appear before the court before bail is
21 statutorily set.

22 (d) Nothing in this Section shall interfere with or prevent
23 the exercise by any court of its power to punishment for
24 contempt. Any sentence imposed for violation of this Section
25 shall be served consecutive to the sentence imposed for the
26 charge for which bail had been granted and with respect to

1 which the defendant has been convicted.

2 (Source: P.A. 91-696, eff. 4-13-00.)

3 (720 ILCS 5/32-15 new)

4 Sec. 32-15. Bail bond false statement. Any person who in
5 any affidavit, document, schedule or other application to
6 become surety or bail for another on any bail bond or
7 recognizance in any civil or criminal proceeding then pending
8 or about to be started against the other person, having taken a
9 lawful oath or made affirmation, shall swear or affirm
10 wilfully, corruptly and falsely as to the ownership or liens or
11 incumbrances upon or the value of any real or personal property
12 alleged to be owned by the person proposed as surety or bail,
13 the financial worth or standing of the person proposed as
14 surety or bail, or as to the number or total penalties of all
15 other bonds or recognizances signed by and standing against the
16 proposed surety or bail, or any person who, having taken a
17 lawful oath or made affirmation, shall testify wilfully,
18 corruptly and falsely as to any of said matters for the purpose
19 of inducing the approval of any such bail bond or recognizance;
20 or for the purpose of justifying on any such bail bond or
21 recognizance, or who shall suborn any other person to so swear,
22 affirm or testify as aforesaid, shall be deemed and adjudged
23 guilty of perjury or subornation of perjury (as the case may
24 be) and punished accordingly.

1 (720 ILCS 5/33-1) (from Ch. 38, par. 33-1)

2 Sec. 33-1. Bribery.) A person commits bribery when:

3 (a) With intent to influence the performance of any act
4 related to the employment or function of any public officer,
5 public employee, juror or witness, he or she promises or
6 tenders to that person any property or personal advantage which
7 he or she is not authorized by law to accept; or

8 (b) With intent to influence the performance of any act
9 related to the employment or function of any public officer,
10 public employee, juror or witness, he or she promises or
11 tenders to one whom he or she believes to be a public officer,
12 public employee, juror or witness, any property or personal
13 advantage which a public officer, public employee, juror or
14 witness would not be authorized by law to accept; or

15 (c) With intent to cause any person to influence the
16 performance of any act related to the employment or function of
17 any public officer, public employee, juror or witness, he or
18 she promises or tenders to that person any property or personal
19 advantage which he or she is not authorized by law to accept;
20 or

21 (d) He or she receives, retains or agrees to accept any
22 property or personal advantage which he or she is not
23 authorized by law to accept knowing that the ~~such~~ property or
24 personal advantage was promised or tendered with intent to
25 cause him or her to influence the performance of any act
26 related to the employment or function of any public officer,

1 public employee, juror or witness; or

2 (e) He or she solicits, receives, retains, or agrees to
3 accept any property or personal advantage pursuant to an
4 understanding that he or she shall improperly influence or
5 attempt to influence the performance of any act related to the
6 employment or function of any public officer, public employee,
7 juror or witness.

8 (f) As used in this Section, "tenders" means any delivery
9 or proffer made with the requisite intent.

10 (g) Sentence. Bribery is a Class 2 felony.

11 (Source: P.A. 84-761.)

12 (720 ILCS 5/33-8 new)

13 Sec. 33-8. Legislative misconduct.

14 (a) A member of the General Assembly commits legislative
15 misconduct when he or she knowingly accepts or receives,
16 directly or indirectly, any money or other valuable thing, from
17 any corporation, company or person, for any vote or influence
18 he or she may give or withhold on any bill, resolution or
19 appropriation, or for any other official act.

20 (b) Sentence. Legislative misconduct is a Class 3 felony.

21 (720 ILCS 5/33E-11) (from Ch. 38, par. 33E-11)

22 Sec. 33E-11. (a) Every bid submitted to and public contract
23 executed pursuant to such bid by the State or a unit of local
24 government shall contain a certification by the prime

1 contractor that the prime contractor is not barred from
2 contracting with any unit of State or local government as a
3 result of a violation of either Section 33E-3 or 33E-4 of this
4 Article. The State and units of local government shall provide
5 the appropriate forms for such certification.

6 (b) A contractor who knowingly makes a false statement,
7 material to the certification, commits a Class 3 felony.

8 (Source: P.A. 86-150.)

9 (720 ILCS 5/33E-14)

10 Sec. 33E-14. False statements on vendor applications.

11 (a) A person commits false statements on vendor
12 applications when he or she ~~whoever~~ knowingly makes any false
13 statement or report, with the intent to influence ~~for the~~
14 ~~purpose of influencing~~ in any way the action of any unit of
15 local government or school district in considering a vendor
16 application, ~~is guilty of a Class 3 felony.~~

17 (b) Sentence. False statements on vendor applications is a
18 Class 3 felony.

19 (Source: P.A. 90-800, eff. 1-1-99.)

20 (720 ILCS 5/33E-15)

21 Sec. 33E-15. False entries.

22 (a) An ~~Any~~ officer, agent, or employee of, or anyone who is
23 affiliated in any capacity with any unit of local government or
24 school district commits false entries when he or she ~~and~~ makes

1 a false entry in any book, report, or statement of any unit of
2 local government or school district with the intent to defraud
3 the unit of local government or school district, ~~is guilty of a~~
4 ~~Class 3 felony.~~

5 (b) Sentence. False entries is a Class 3 felony.

6 (Source: P.A. 90-800, eff. 1-1-99.)

7 (720 ILCS 5/33E-16)

8 Sec. 33E-16. Misapplication of funds.

9 (a) An ~~Whoever, being an~~ officer, director, agent, or
10 employee of, or affiliated in any capacity with any unit of
11 local government or school district commits misapplication of
12 funds when he or she knowingly, ~~willfully~~ misapplies any of the
13 moneys, funds, or credits of the unit of local government or
14 school district ~~is guilty of a Class 3 felony.~~

15 (b) Sentence. Misapplication of funds is a Class 3 felony.

16 (Source: P.A. 90-800, eff. 1-1-99.)

17 (720 ILCS 5/33E-18)

18 Sec. 33E-18. Unlawful stringing of bids.

19 (a) A person commits unlawful stringing of bids when he or
20 she, with the intent to evade ~~No person for the purpose of~~
21 ~~evading~~ the bidding requirements of any unit of local
22 government or school district, ~~shall~~ knowingly strings ~~string~~
23 or assists ~~assist~~ in stringing, or attempts ~~attempt~~ to string
24 any contract or job order with the unit of local government or

1 school district.

2 (b) Sentence. Unlawful stringing of bids ~~A person who~~
3 ~~violates this Section~~ is guilty of a Class 4 felony.

4 (Source: P.A. 90-800, eff. 1-1-99.)

5 (720 ILCS 5/Art. 48 heading new)

6 ARTICLE 48. ANIMALS

7 (720 ILCS 5/48-1 new)

8 Sec. 48-1 ~~26-5~~. Dog fighting. (For other provisions that
9 may apply to dog fighting, see the Humane Care for Animals Act.
10 For provisions similar to this Section that apply to animals
11 other than dogs, see in particular Section 4.01 of the Humane
12 Care for Animals Act.)

13 (a) No person may own, capture, breed, train, or lease any
14 dog which he or she knows is intended for use in any show,
15 exhibition, program, or other activity featuring or otherwise
16 involving a fight between the dog and any other animal or
17 human, or the intentional killing of any dog for the purpose of
18 sport, wagering, or entertainment.

19 (b) No person may promote, conduct, carry on, advertise,
20 collect money for or in any other manner assist or aid in the
21 presentation for purposes of sport, wagering, or entertainment
22 of any show, exhibition, program, or other activity involving a
23 fight between 2 or more dogs or any dog and human, or the
24 intentional killing of any dog.

1 (c) No person may sell or offer for sale, ship, transport,
2 or otherwise move, or deliver or receive any dog which he or
3 she knows has been captured, bred, or trained, or will be used,
4 to fight another dog or human or be intentionally killed for
5 purposes of sport, wagering, or entertainment.

6 (c-5) No person may solicit a minor to violate this
7 Section.

8 (d) No person may manufacture for sale, shipment,
9 transportation, or delivery any device or equipment which he or
10 she knows or should know is intended for use in any show,
11 exhibition, program, or other activity featuring or otherwise
12 involving a fight between 2 or more dogs, or any human and dog,
13 or the intentional killing of any dog for purposes of sport,
14 wagering, or entertainment.

15 (e) No person may own, possess, sell or offer for sale,
16 ship, transport, or otherwise move any equipment or device
17 which he or she knows or should know is intended for use in
18 connection with any show, exhibition, program, or activity
19 featuring or otherwise involving a fight between 2 or more
20 dogs, or any dog and human, or the intentional killing of any
21 dog for purposes of sport, wagering or entertainment.

22 (f) No person may knowingly make available any site,
23 structure, or facility, whether enclosed or not, that he or she
24 knows is intended to be used for the purpose of conducting any
25 show, exhibition, program, or other activity involving a fight
26 between 2 or more dogs, or any dog and human, or the

1 intentional killing of any dog or knowingly manufacture,
2 distribute, or deliver fittings to be used in a fight between 2
3 or more dogs or a dog and human.

4 (g) No person may knowingly attend or otherwise patronize
5 any show, exhibition, program, or other activity featuring or
6 otherwise involving a fight between 2 or more dogs, or any dog
7 and human, or the intentional killing of any dog for purposes
8 of sport, wagering, or entertainment.

9 (h) No person may tie or attach or fasten any live animal
10 to any machine or device propelled by any power for the purpose
11 of causing the animal to be pursued by a dog or dogs. This
12 subsection (h) applies only when the dog is intended to be used
13 in a dog fight.

14 (i) Sentence. ~~Penalties for violations of this Section~~
15 ~~shall be as follows:~~

16 (1) Any person convicted of violating subsection (a),
17 (b), (c), or (h) of this Section is guilty of a Class 4
18 felony for a first violation and a Class 3 felony for a
19 second or subsequent violation, and may be fined an amount
20 not to exceed \$50,000.

21 (1.5) A person who knowingly owns a dog for fighting
22 purposes or for producing a fight between 2 or more dogs or
23 a dog and human or who knowingly offers for sale or sells a
24 dog bred for fighting is guilty of a Class 3 felony and may
25 be fined an amount not to exceed \$50,000, if the dog
26 participates in a dogfight and any of the following factors

1 is present:

2 (i) the dogfight is performed in the presence of a
3 person under 18 years of age;

4 (ii) the dogfight is performed for the purpose of
5 or in the presence of illegal wagering activity; or

6 (iii) the dogfight is performed in furtherance of
7 streetgang related activity as defined in Section 10 of
8 the Illinois Streetgang Terrorism Omnibus Prevention
9 Act.

10 (1.7) A person convicted of violating subsection (c-5)
11 of this Section is guilty of a Class 4 felony.

12 (2) Any person convicted of violating subsection (d) or
13 (e) of this Section is guilty of a Class 4 felony for a
14 first violation. A second or subsequent violation of
15 subsection (d) or (e) of this Section is a Class 3 felony.

16 (2.5) Any person convicted of violating subsection (f)
17 of this Section is guilty of a Class 4 felony. Any person
18 convicted of violating subsection (f) of this Section in
19 which the site, structure, or facility made available to
20 violate subsection (f) is located within 1,000 feet of a
21 school, public park, playground, child care institution,
22 day care center, part day child care facility, day care
23 home, group day care home, or a facility providing programs
24 or services exclusively directed toward persons under 18
25 years of age is guilty of a Class 3 felony for a first
26 violation and a Class 2 felony for a second or subsequent

1 violation.

2 (3) Any person convicted of violating subsection (g) of
3 this Section is guilty of a Class 4 felony for a first
4 violation. A second or subsequent violation of subsection
5 (g) of this Section is a Class 3 felony. If a person under
6 13 years of age is present at any show, exhibition,
7 program, or other activity prohibited in subsection (g),
8 the parent, legal guardian, or other person who is 18 years
9 of age or older who brings that person under 13 years of
10 age to that show, exhibition, program, or other activity is
11 guilty of a Class 3 felony for a first violation and a
12 Class 2 felony for a second or subsequent violation.

13 (i-5) A person who commits a felony violation of this
14 Section is subject to the property forfeiture provisions set
15 forth in Article 124B of the Code of Criminal Procedure of
16 1963.

17 (j) Any dog or equipment involved in a violation of this
18 Section shall be immediately seized and impounded under Section
19 12 of the Humane Care for Animals Act when located at any show,
20 exhibition, program, or other activity featuring or otherwise
21 involving a dog fight for the purposes of sport, wagering, or
22 entertainment.

23 (k) Any vehicle or conveyance other than a common carrier
24 that is used in violation of this Section shall be seized,
25 held, and offered for sale at public auction by the sheriff's
26 department of the proper jurisdiction, and the proceeds from

1 the sale shall be remitted to the general fund of the county
2 where the violation took place.

3 (l) Any veterinarian in this State who is presented with a
4 dog for treatment of injuries or wounds resulting from fighting
5 where there is a reasonable possibility that the dog was
6 engaged in or utilized for a fighting event for the purposes of
7 sport, wagering, or entertainment shall file a report with the
8 Department of Agriculture and cooperate by furnishing the
9 owners' names, dates, and descriptions of the dog or dogs
10 involved. Any veterinarian who in good faith complies with the
11 requirements of this subsection has immunity from any
12 liability, civil, criminal, or otherwise, that may result from
13 his or her actions. For the purposes of any proceedings, civil
14 or criminal, the good faith of the veterinarian shall be
15 rebuttably presumed.

16 (m) In addition to any other penalty provided by law, upon
17 conviction for violating this Section, the court may order that
18 the convicted person and persons dwelling in the same household
19 as the convicted person who conspired, aided, or abetted in the
20 unlawful act that was the basis of the conviction, or who knew
21 or should have known of the unlawful act, may not own, harbor,
22 or have custody or control of any dog or other animal for a
23 period of time that the court deems reasonable.

24 (n) A violation of subsection (a) of this Section may be
25 inferred from evidence that the accused possessed any device or
26 equipment described in subsection (d), (e), or (h) of this

1 Section, and also possessed any dog.

2 (o) When no longer required for investigations or court
3 proceedings relating to the events described or depicted
4 therein, evidence relating to convictions for violations of
5 this Section shall be retained and made available for use in
6 training peace officers in detecting and identifying
7 violations of this Section. Such evidence shall be made
8 available upon request to other law enforcement agencies and to
9 schools certified under the Illinois Police Training Act.

10 (p) For the purposes of this Section, "school" has the
11 meaning ascribed to it in Section 11-9.3 of this Code; and
12 "public park", "playground", "child care institution", "day
13 care center", "part day child care facility", "day care home",
14 "group day care home", and "facility providing programs or
15 services exclusively directed toward persons under 18 years of
16 age" have the meanings ascribed to them in Section 11-9.4 of
17 this Code.

18 (Source: P.A. 96-226, eff. 8-11-09; 96-712, eff. 1-1-10;
19 96-1000, eff. 7-2-10; 96-1091, eff. 1-1-11.)

20 (720 ILCS 5/48-2 new)

21 Sec. 48-2. Animal research and production facilities
22 protection.

23 (a) Definitions.

24 "Animal" means every living creature, domestic or
25 wild, but does not include man.

1 "Animal facility" means any facility engaging in legal
2 scientific research or agricultural production of or
3 involving the use of animals including any organization
4 with a primary purpose of representing livestock
5 production or processing, any organization with a primary
6 purpose of promoting or marketing livestock or livestock
7 products, any person licensed to practice veterinary
8 medicine, any institution as defined in the Impounding and
9 Disposition of Stray Animals Act, and any organization with
10 a primary purpose of representing any such person,
11 organization, or institution. "Animal facility" shall
12 include the owner, operator, and employees of any animal
13 facility and any premises where animals are located.

14 "Director" means the Director of the Illinois
15 Department of Agriculture or the Director's authorized
16 representative.

17 (b) Legislative Declaration. There has been an increasing
18 number of illegal acts committed against animal research and
19 production facilities involving injury or loss of life to
20 humans or animals, criminal trespass and damage to property.
21 These actions not only abridge the property rights of the owner
22 of the facility, they may also damage the public interest by
23 jeopardizing crucial scientific, biomedical, or agricultural
24 research or production. These actions can also threaten the
25 public safety by possibly exposing communities to serious
26 public health concerns and creating traffic hazards. These

1 actions may substantially disrupt or damage publicly funded
2 research and can result in the potential loss of physical and
3 intellectual property. Therefore, it is in the interest of the
4 people of the State of Illinois to protect the welfare of
5 humans and animals as well as productive use of public funds to
6 require regulation to prevent unauthorized possession,
7 alteration, destruction, or transportation of research
8 records, test data, research materials, equipment, research
9 and agricultural production animals.

10 (c) It shall be unlawful for any person,

11 (1) to release, steal, or otherwise intentionally
12 cause the death, injury, or loss of any animal at or from
13 an animal facility and not authorized by that facility;

14 (2) to damage, vandalize, or steal any property in or
15 on an animal facility;

16 (3) to obtain access to an animal facility by false
17 pretenses for the purpose of performing acts not authorized
18 by that facility;

19 (4) to enter into an animal facility with an intent to
20 destroy, alter, duplicate, or obtain unauthorized
21 possession of records, data, materials, equipment, or
22 animals;

23 (5) by theft or deception knowingly to obtain control
24 or to exert control over records, data, material,
25 equipment, or animals of any animal facility for the
26 purpose of depriving the rightful owner or animal facility

1 of the records, material, data, equipment, or animals or
2 for the purpose of concealing, abandoning, or destroying
3 these records, material, data, equipment, or animals; or

4 (6) to enter or remain on an animal facility with the
5 intent to commit an act prohibited under this Section.

6 (d) Sentence.

7 (1) Any person who violates any provision of subsection
8 (c) shall be guilty of a Class 4 felony for each violation,
9 unless the loss, theft, or damage to the animal facility
10 property exceeds \$300 in value.

11 (2) If the loss, theft, or damage to the animal
12 facility property exceeds \$300 in value but does not exceed
13 \$10,000 in value, the person is guilty of a Class 3 felony.

14 (3) If the loss, theft, or damage to the animal
15 facility property exceeds \$10,000 in value but does not
16 exceed \$100,000 in value, the person is guilty of a Class 2
17 felony.

18 (4) If the loss, theft, or damage to the animal
19 facility property exceeds \$100,000 in value, the person is
20 guilty of a Class 1 felony.

21 (5) Any person who, with the intent that any violation
22 of any provision of subsection (c) be committed, agrees
23 with another to the commission of the violation and commits
24 an act in furtherance of this agreement is guilty of the
25 same class of felony as provided in paragraphs (1) through
26 (4) of this subsection for that violation.

1 (6) Restitution.

2 (A) The court shall conduct a hearing to determine
3 the reasonable cost of replacing materials, data,
4 equipment, animals and records that may have been
5 damaged, destroyed, lost or cannot be returned, and the
6 reasonable cost of repeating any experimentation that
7 may have been interrupted or invalidated as a result of
8 a violation of subsection (c).

9 (B) Any persons convicted of a violation shall be
10 ordered jointly and severally to make restitution to
11 the owner, operator, or both, of the animal facility in
12 the full amount of the reasonable cost determined under
13 paragraph (A).

14 (e) Private right of action. Nothing in this Section shall
15 preclude any animal facility injured in its business or
16 property by a violation of this Section from seeking
17 appropriate relief under any other provision of law or remedy
18 including the issuance of a permanent injunction against any
19 person who violates any provision of this Section. The animal
20 facility owner or operator may petition the court to
21 permanently enjoin the person from violating this Section and
22 the court shall provide this relief.

23 (f) The Director shall have authority to investigate any
24 alleged violation of this Section, along with any other law
25 enforcement agency, and may take any action within the
26 Director's authority necessary for the enforcement of this

1 Section. State's Attorneys, State police and other law
2 enforcement officials shall provide any assistance required in
3 the conduct of an investigation and prosecution. Before the
4 Director reports a violation for prosecution he or she may give
5 the owner or operator of the animal facility and the alleged
6 violation an opportunity to present his or her views at an
7 administrative hearing. The Director may adopt any rules and
8 regulations necessary for the enforcement of this Section.

9 (720 ILCS 5/48-3 new)

10 Sec. 48-3. Hunter or fisherman interference.

11 (a) Definitions. As used in this Section:

12 "Aquatic life" means all fish, reptiles, amphibians,
13 crayfish, and mussels the taking of which is authorized by
14 the Fish and Aquatic Life Code.

15 "Interfere with" means to take any action that
16 physically impedes, hinders, or obstructs the lawful
17 taking of wildlife or aquatic life.

18 "Taking" means the capture or killing of wildlife or
19 aquatic life and includes travel, camping, and other acts
20 preparatory to taking which occur on lands or waters upon
21 which the affected person has the right or privilege to
22 take such wildlife or aquatic life.

23 "Wildlife" means any wildlife the taking of which is
24 authorized by the Wildlife Code and includes those species
25 that are lawfully released by properly licensed permittees

1 of the Department of Natural Resources.

2 (b) A person commits hunter or fisherman interference when
3 he or she intentionally or knowingly:

4 (1) obstructs or interferes with the lawful taking of
5 wildlife or aquatic life by another person with the
6 specific intent to prevent that lawful taking;

7 (2) drives or disturbs wildlife or aquatic life for the
8 purpose of disrupting a lawful taking of wildlife or
9 aquatic life;

10 (3) blocks, impedes, or physically harasses another
11 person who is engaged in the process of lawfully taking
12 wildlife or aquatic life;

13 (4) uses natural or artificial visual, aural,
14 olfactory, gustatory, or physical stimuli to affect
15 wildlife or aquatic life behavior in order to hinder or
16 prevent the lawful taking of wildlife or aquatic life;

17 (5) erects barriers with the intent to deny ingress or
18 egress to or from areas where the lawful taking of wildlife
19 or aquatic life may occur;

20 (6) intentionally interjects himself or herself into
21 the line of fire or fishing lines of a person lawfully
22 taking wildlife or aquatic life;

23 (7) affects the physical condition or placement of
24 personal or public property intended for use in the lawful
25 taking of wildlife or aquatic life in order to impair the
26 usefulness of the property or prevent the use of the

1 property;

2 (8) enters or remains upon or over private lands
3 without the permission of the owner or the owner's agent,
4 with the intent to violate this subsection; or

5 (9) fails to obey the order of a peace officer to
6 desist from conduct in violation of this subsection if the
7 officer observes the conduct, or has reasonable grounds to
8 believe that the person has engaged in the conduct that day
9 or that the person plans or intends to engage in the
10 conduct that day on a specific premises.

11 (c) Exemptions; defenses.

12 (1) This Section does not apply to actions performed by
13 authorized employees of the Department of Natural
14 Resources, duly accredited officers of the U.S. Fish and
15 Wildlife Service, sheriffs, deputy sheriffs, or other
16 peace officers if the actions are authorized by law and are
17 necessary for the performance of their official duties.

18 (2) This Section does not apply to landowners, tenants,
19 or lease holders exercising their legal rights to the
20 enjoyment of land, including, but not limited to, farming
21 and restricting trespass.

22 (3) It is an affirmative defense to a prosecution for a
23 violation of this Section that the defendant's conduct is
24 protected by his or her right to freedom of speech under
25 the constitution of this State or the United States.

26 (4) Any interested parties may engage in protests or

1 other free speech activities adjacent to or on the
2 perimeter of the location where the lawful taking of
3 wildlife or aquatic life is taking place, provided that
4 none of the provisions of this Section are being violated.

5 (d) Sentence. A first violation of paragraphs (1) through
6 (8) of subsection (b) is a Class B misdemeanor. A second or
7 subsequent violation of paragraphs (1) through (8) of
8 subsection (b) is a Class A misdemeanor for which imprisonment
9 for not less than 7 days shall be imposed. A person guilty of a
10 second or subsequent violation of paragraphs (1) through (8) of
11 subsection (b) is not eligible for court supervision. A
12 violation of paragraph (9) of subsection (b) is a Class A
13 misdemeanor. A court shall revoke, for a period of one year to
14 5 years, any Illinois hunting, fishing, or trapping privilege,
15 license or permit of any person convicted of violating any
16 provision of this Section. For purposes of this subsection, a
17 "second or subsequent violation" means a conviction under this
18 Section within 2 years of a prior violation arising from a
19 separate set of circumstances.

20 (e) Injunctions; damages.

21 (1) Any court may enjoin conduct which would be in
22 violation of paragraphs (1) through (8) of subsection (b)
23 upon petition by a person affected or who reasonably may be
24 affected by the conduct, upon a showing that the conduct is
25 threatened or that it has occurred on a particular premises
26 in the past and that it is not unreasonable to expect that

1 under similar circumstances it will be repeated.

2 (2) A court shall award all resulting costs and damages
3 to any person adversely affected by a violation of
4 paragraphs (1) through (8) of subsection (b), which may
5 include an award for punitive damages. In addition to other
6 items of special damage, the measure of damages may include
7 expenditures of the affected person for license and permit
8 fees, travel, guides, special equipment and supplies, to
9 the extent that these expenditures were rendered futile by
10 prevention of the taking of wildlife or aquatic life.

11 (720 ILCS 5/48-4 new)

12 Sec. 48-4. Obtaining certificate of registration by false
13 pretenses.

14 (a) Offenses:

15 (1) A person commits obtaining certificate of
16 registration by false pretenses when he or she, by any
17 false pretense, obtains from any club, association,
18 society or company for improving the breed of cattle,
19 horses, sheep, swine, or other domestic animals, a
20 certificate of registration of any animal in the herd
21 register, or other register of any club, association,
22 society or company, or a transfer of the registration; or

23 (2) A person commits obtaining certificate of
24 registration by false pretenses when he or she knowingly
25 gives a false pedigree of any animal.

1 (b) Sentence. Obtaining certificate of registration by
2 false pretenses is a Class A misdemeanor.

3 (720 ILCS 5/48-5 new)

4 Sec. 48-5. Horse mutilation.

5 (a) A person commits horse mutilation when he or she cuts
6 the solid part of the tail of any horse in the operation known
7 as docking, or by any other operation performed for the purpose
8 of shortening the tail, and whoever shall cause the same to be
9 done, or assist in doing this cutting, unless the same is
10 proved to be a benefit to the horse.

11 (b) Sentence. Horse mutilation is a Class A misdemeanor.

12 (720 ILCS 5/48-6 new)

13 Sec. 48-6. Horse racing false entry.

14 (a) That in order to encourage the breeding of and
15 improvement in trotting, running and pacing horses in the
16 State, it is hereby made unlawful for any person or persons
17 knowingly to enter or cause to be entered for competition, or
18 knowingly to compete with any horse, mare, gelding, colt or
19 filly under any other than its true name or out of its proper
20 class for any purse, prize, premium, stake or sweepstakes
21 offered or given by any agricultural or other society,
22 association, person or persons in the State where the prize,
23 purse, premium, stake or sweepstakes is to be decided by a
24 contest of speed.

1 (b) The name of any horse, mare, gelding, colt or filly,
2 for the purpose of entry for competition or performance in any
3 contest of speed, shall be the name under which the horse has
4 publicly performed, and shall not be changed after having once
5 so performed or contested for a prize, purse, premium, stake or
6 sweepstakes, except as provided by the code of printed rules of
7 the society or association under which the contest is
8 advertised to be conducted.

9 (c) Sentence. A violation of subsection (a) is a Class 4
10 felony.

11 (d) The official records shall be received in all courts as
12 evidence upon the trial of any person under the provisions of
13 this Section.

14 (720 ILCS 5/48-7 new)

15 Sec. 48-7. Feeding garbage to animals.

16 (a) Definitions. As used in this Section:

17 "Department" means the Department of Agriculture of
18 the State of Illinois.

19 "Garbage" means putrescible vegetable waste, animal,
20 poultry, or fish carcasses or parts thereof resulting from
21 the handling, preparation, cooking, or consumption of
22 food, but does not include the contents of the bovine
23 digestive tract. "Garbage" also means the bodies or parts
24 of bodies of animals, poultry or fish.

25 "Person" means any person, firm, partnership,

1 association, corporation, or other legal entity, any
2 public or private institution, the State, or any municipal
3 corporation or political subdivision of the State.

4 (b) A person commits feeding garbage to animals when he or
5 she feeds or permits the feeding of garbage to swine or any
6 animals or poultry on any farm or any other premises where
7 swine are kept.

8 (c) Establishments licensed under the Illinois Dead Animal
9 Disposal Act or under similar laws in other states are exempt
10 from the provisions of this Section.

11 (d) Nothing in this Section shall be construed to apply to
12 any person who feeds garbage produced in his or her own
13 household to animals or poultry kept on the premises where he
14 or she resides except this garbage if fed to swine shall not
15 contain particles of meat.

16 (e) Sentence. Feeding garbage to animals is a Class B
17 misdemeanor, and for the first offense shall be fined not less
18 than \$100 nor more than \$500 and for a second or subsequent
19 offense shall be fined not less than \$200 nor more than \$500 or
20 imprisoned in a penal institution other than the penitentiary
21 for not more than 6 months, or both.

22 (f) A person violating this Section may be enjoined by the
23 Department from continuing the violation.

24 (g) The Department may make reasonable inspections
25 necessary for the enforcement of this Section, and is
26 authorized to enforce, and administer the provisions of this

1 Section.

2 (720 ILCS 5/48-8 new)

3 Sec. 48-8. Guide dog access.

4 (a) When a blind, hearing impaired or physically
5 handicapped person or a person who is subject to epilepsy or
6 other seizure disorders is accompanied by a dog which serves as
7 a guide, leader, seizure-alert, or seizure-response dog for the
8 person or when a trainer of a guide, leader, seizure-alert, or
9 seizure-response dog is accompanied by a guide, leader,
10 seizure-alert, or seizure-response dog or a dog that is being
11 trained to be a guide, leader, seizure-alert, or
12 seizure-response dog, neither the person nor the dog shall be
13 denied the right of entry and use of facilities of any public
14 place of accommodation as defined in Section 5-101 of the
15 "Illinois Human Rights Act", if the dog is wearing a harness
16 and the person presents credentials for inspection issued by a
17 school for training guide, leader, seizure-alert, or
18 seizure-response dogs.

19 (b) A person who knowingly violates of this Section commits
20 a Class C misdemeanor.

21 (720 ILCS 5/48-9 new)

22 Sec. 48-9. Misrepresentation of stallion and jack
23 pedigree.

24 (a) The owner or keeper of any stallion or jack kept for

1 public service commits misrepresentation of stallion and jack
2 pedigree when he or she misrepresents the pedigree or breeding
3 of the stallion or jack, or represents that the animal, so kept
4 for public service, is registered, when in fact it is not
5 registered in a published volume of a society for the registry
6 of standard and purebred animals, or who shall post or publish,
7 or cause to be posted or published, any false pedigree or
8 breeding of this animal.

9 (b) Sentence. Misrepresentation of stallion and jack
10 pedigree is a petty offense, and for a second or subsequent
11 offense is a Class B misdemeanor.

12
13 (720 ILCS 5/48-10 new)

14 Sec. 48-10. Dangerous animals.

15 (a) Definitions. As used in this Section, unless the
16 context otherwise requires:

17 "Dangerous animal" means a lion, tiger, leopard,
18 ocelot, jaguar, cheetah, margay, mountain lion, lynx,
19 bobcat, jaguarundi, bear, hyena, wolf or coyote, or any
20 poisonous or life-threatening reptile.

21 "Owner" means any person who (1) has a right of
22 property in a dangerous animal or primate, (2) keeps or
23 harbors a dangerous animal or primate, (3) has a dangerous
24 animal or primate in his or her care, or (4) acts as
25 custodian of a dangerous animal or primate.

1 "Person" means any individual, firm, association,
2 partnership, corporation, or other legal entity, any
3 public or private institution, the State, or any municipal
4 corporation or political subdivision of the State.

5 "Primate" means a nonhuman member of the order primate,
6 including but not limited to chimpanzee, gorilla,
7 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,
8 and tarsier.

9 (b) Dangerous animal or primate offense. No person shall
10 have a right of property in, keep, harbor, care for, act as
11 custodian of or maintain in his or her possession any dangerous
12 animal or primate except at a properly maintained zoological
13 park, federally licensed exhibit, circus, college or
14 university, scientific institution, research laboratory,
15 veterinary hospital, hound running area, or animal refuge in an
16 escape-proof enclosure.

17 (c) Exemptions.

18 (1) This Section does not prohibit a person who had
19 lawful possession of a primate before January 1, 2011, from
20 continuing to possess that primate if the person registers
21 the animal by providing written notification to the local
22 animal control administrator on or before April 1, 2011.
23 The notification shall include:

24 (A) the person's name, address, and telephone
25 number; and

26 (B) the type of primate, the age, a photograph, a

1 description of any tattoo, microchip, or other
2 identifying information, and a list of current
3 inoculations.

4 (2) This Section does not prohibit a person who is
5 permanently disabled with a severe mobility impairment
6 from possessing a single capuchin monkey to assist the
7 person in performing daily tasks if:

8 (A) the capuchin monkey was obtained from and
9 trained at a licensed nonprofit organization described
10 in Section 501(c)(3) of the Internal Revenue Code of
11 1986, the nonprofit tax status of which was obtained on
12 the basis of a mission to improve the quality of life
13 of severely mobility-impaired individuals; and

14 (B) the person complies with the notification
15 requirements as described in paragraph (1) of this
16 subsection (c).

17 (d) A person who registers a primate shall notify the local
18 animal control administrator within 30 days of a change of
19 address. If the person moves to another locality within the
20 State, the person shall register the primate with the new local
21 animal control administrator within 30 days of moving by
22 providing written notification as provided in paragraph (1) of
23 subsection (c) and shall include proof of the prior
24 registration.

25 (e) A person who registers a primate shall notify the local
26 animal control administrator immediately if the primate dies,

1 escapes, or bites, scratches, or injures a person.

2 (f) It is no defense to a violation of subsection (b) that
3 the person violating subsection (b) has attempted to
4 domesticate the dangerous animal. If there appears to be
5 imminent danger to the public, any dangerous animal found not
6 in compliance with the provisions of this Section shall be
7 subject to seizure and may immediately be placed in an approved
8 facility. Upon the conviction of a person for a violation of
9 subsection (b), the animal with regard to which the conviction
10 was obtained shall be confiscated and placed in an approved
11 facility, with the owner responsible for all costs connected
12 with the seizure and confiscation of the animal. Approved
13 facilities include, but are not limited to, a zoological park,
14 federally licensed exhibit, humane society, veterinary
15 hospital or animal refuge.

16 (g) Sentence. Any person violating this Section is guilty
17 of a Class C misdemeanor. Any corporation or partnership, any
18 officer, director, manager or managerial agent of the
19 partnership or corporation who violates this Section or causes
20 the partnership or corporation to violate this Section is
21 guilty of a Class C misdemeanor. Each day of violation
22 constitutes a separate offense.

23 (720 ILCS 5/Art. 49 heading new)

24 ARTICLE 49. MISCELLANEOUS OFFENSES

1 (720 ILCS 5/49-1 new)

2 Sec. 49-1. Flag desecration.

3 (a) Definition. As used in this Section:

4 "Flag", "standard", "color" or "ensign" shall include
5 any flag, standard, color, ensign or any picture or
6 representation of either thereof, made of any substance or
7 represented on any substance and of any size evidently
8 purporting to be either of said flag, standard, color or
9 ensign of the United States of America, or a picture or a
10 representation of either thereof, upon which shall be shown
11 the colors, the stars, and the stripes, in any number of
12 either thereof, of the flag, colors, standard, or ensign of
13 the United States of America.

14 (b) A person commits flag desecration when he or she
15 knowingly:

16 (1) for exhibition or display, places or causes to be
17 placed any word, figure, mark, picture, design, drawing, or
18 any advertisement of any nature, upon any flag, standard,
19 color or ensign of the United States or State flag of this
20 State or ensign;

21 (2) exposes or causes to be exposed to public view any
22 such flag, standard, color or ensign, upon which has been
23 printed, painted or otherwise placed, or to which has been
24 attached, appended, affixed, or annexed, any word, figure,
25 mark, picture, design or drawing or any advertisement of
26 any nature;

1 (3) exposes to public view, manufactures, sells,
2 exposes for sale, gives away, or has in possession for sale
3 or to give away or for use for any purpose, any article or
4 substance, being an article of merchandise, or a receptacle
5 of merchandise or article or thing for carrying or
6 transporting merchandise upon which has been printed,
7 painted, attached, or otherwise placed a representation of
8 any such flag, standard, color, or ensign, to advertise,
9 call attention to, decorate, mark or distinguish the
10 article or substance on which so placed; or

11 (4) publicly mutilates, defaces, defiles, tramples, or
12 intentionally displays on the ground or floor any such
13 flag, standard, color or ensign.

14 (c) All prosecutions under this Section shall be brought by
15 any person in the name of the People of the State of Illinois,
16 against any person or persons violating any of the provisions
17 of this Section, before any circuit court. The State's
18 Attorneys shall see that this Section is enforced in their
19 respective counties, and shall prosecute all offenders on
20 receiving information of the violation of this Section.
21 Sheriffs, deputy sheriffs, and police officers shall inform
22 against and prosecute all persons whom there is probable cause
23 to believe are guilty of violating this Section. One-half of
24 the amount recovered in any penal action under this Section
25 shall be paid to the person making and filing the complaint in
26 the action, and the remaining 1/2 to the school fund of the

1 county in which the conviction is obtained.

2 (d) All prosecutions under this Section shall be commenced
3 within six months from the time the offense was committed, and
4 not afterwards.

5 (e) Sentence. A violation of paragraphs (1) through (3) of
6 subsection (b) is a Class C misdemeanor. A violation of
7 paragraph (4) of subsection (b) is a Class 4 felony

8 (720 ILCS 5/49-1.5 new)

9 Sec. 49-1.5. Draft card mutilation.

10 (a) A person commits draft card mutilation when he or she
11 knowingly destroys or mutilates a valid registration
12 certificate or any other valid certificate issued under the
13 federal "Military Selective Service Act of 1967".

14 (b) Sentence. Draft card mutilation is a Class 4 felony.

15 (720 ILCS 5/49-2 new)

16 Sec. 49-2. Business use of military terms.

17 (a) It is unlawful for any person, concern, firm or
18 corporation to use in the name, or description of the name, of
19 any privately operated mercantile establishment which may or
20 may not be engaged principally in the buying and selling of
21 equipment or materials of the Government of the United States
22 or any of its departments, agencies or military services, the
23 terms "Army", "Navy", "Marine", "Coast Guard", "Government",
24 "GI", "PX" or any terms denoting a branch of the government,

1 either independently or in connection or conjunction with any
2 other word or words, letter or insignia which import or imply
3 that the products so described are or were made for the United
4 States government or in accordance with government
5 specifications or requirements, or of government materials, or
6 that these products have been disposed of by the United States
7 government as surplus or rejected stock.

8 (b) Sentence. A violation of this Section is a petty
9 offense with a fine of not less than \$25.00 nor more than \$500
10 for the first conviction, and not less than \$500 or more than
11 \$1000 for each subsequent conviction.

12 (720 ILCS 5/49-3 new)

13 Sec. 49-3. Governmental uneconomic practices.

14 (a) It is unlawful for the State of Illinois, any political
15 subdivision thereof, or any municipality therein, or any
16 officer, agent or employee of the State of Illinois, any
17 political subdivision thereof or any municipality therein, to
18 sell to or procure for sale or have in its or his possession or
19 under its or his control for sale to any officer, agent or
20 employee of the State or any political subdivision thereof or
21 municipality therein any article, material, product or
22 merchandise of whatsoever nature, excepting meals, public
23 services and such specialized appliances and paraphernalia as
24 may be required for the safety or health of such officers,
25 agents or employees.

1 (b) The provisions of this Section shall not apply to the
2 State, any political subdivision thereof or municipality
3 therein, nor to any officer, agent or employee of the State, or
4 of any such subdivision or municipality while engaged in any
5 recreational, health, welfare, relief, safety or educational
6 activities furnished by the State, or any such political
7 subdivision or municipality.

8 (c) Sentence. A violation of this Section is a Class B
9 misdemeanor.

10 (720 ILCS 5/49-4 new)

11 Sec. 49-4. Sale of maps.

12 (a) The sale of current Illinois publications or highway
13 maps published by the Secretary of State is prohibited except
14 where provided by law.

15 (b) Sentence. A violation of this Section is a Class B
16 misdemeanor.

17 (720 ILCS 5/49-5 new)

18 Sec. 49-5. Video movie sales and rentals rating violation.

19 (a) Definitions. As used in this Section, unless the
20 context otherwise requires:

21 "Person" means an individual, corporation,
22 partnership, or any other legal or commercial entity.

23 "Official rating" means an official rating of the
24 Motion Picture Association of America.

1 "Video movie" means a videotape or video disc copy of a
2 motion picture film.

3 (b) A person may not sell at retail or rent, or attempt to
4 sell at retail or rent, a video movie in this State unless the
5 official rating of the motion picture from which it is copied
6 is clearly displayed on the outside of any cassette, case,
7 jacket, or other covering of the video movie.

8 (c) This Section does not apply to any video movie of a
9 motion picture which:

10 (1) has not been given an official rating; or

11 (2) has been altered in any way subsequent to receiving
12 an official rating.

13 (d) Sentence. A violation of this Section is a Class C
14 misdemeanor.

15 (720 ILCS 5/49-6 new)

16 Sec. 49-6. Container label obliteration prohibited.

17 (a) No person shall sell or offer for sale any product,
18 article or substance in a container on which any statement of
19 weight, quantity, quality, grade, ingredients or
20 identification of the manufacturer, supplier or processor is
21 obliterated by any other labeling unless the other labeling
22 correctly restates the obliterated statement.

23 (b) This Section does not apply to any obliteration which
24 is done in order to comply with subsection (c) of this Section.

25 (c) No person shall utilize any used container for the

1 purpose of sale of any product, article or substance unless the
2 original marks of identification, weight, grade, quality and
3 quantity have first been obliterated.

4 (d) Sentence. A violation of this Section is a business
5 offense for which a fine shall be imposed not to exceed \$1,000.

6 (e) This Section shall not be construed as permitting the
7 use of any containers or labels in a manner prohibited by any
8 other law.

9 (720 ILCS 5/18-5 rep.)

10 (720 ILCS 5/20-1.2 rep.)

11 (720 ILCS 5/20-1.3 rep.)

12 (720 ILCS 5/21-1.1 rep.)

13 (720 ILCS Art. 21.3 rep.)

14 (720 ILCS Art. 24.6 rep.)

15 Section 103-10. The Criminal Code of 1961 is amended by
16 repealing Articles 21.3 and 24.6, and Sections 18-5, 20-1.2,
17 20-1.3, and 21-1.1.

18 ARTICLE 104.

19 Section 104-1. The Department of Natural Resources
20 (Conservation) Law is amended by changing Section 805-540 as
21 follows:

22 (20 ILCS 805/805-540) (was 20 ILCS 805/63b2.6)

1 Sec. 805-540. Enforcement of adjoining state's laws. The
2 Director may grant authority to the officers of any adjoining
3 state who are authorized and directed to enforce the laws of
4 that state relating to the protection of flora and fauna to
5 take any of the following actions and have the following powers
6 within the State of Illinois:

7 (1) To follow, seize, and return to the adjoining state
8 any flora or fauna or part thereof shipped or taken from
9 the adjoining state in violation of the laws of that state
10 and brought into this State.

11 (2) To dispose of any such flora or fauna or part
12 thereof under the supervision of an Illinois Conservation
13 Police Officer.

14 (3) To enforce as an agent of this State, with the same
15 powers as an Illinois Conservation Police Officer, each of
16 the following laws of this State:

17 (i) The Illinois Endangered Species Protection
18 Act.

19 (ii) The Fish and Aquatic Life Code.

20 (iii) The Wildlife Code.

21 (iv) The Wildlife Habitat Management Areas Act.

22 (v) Section 48-3 of the Criminal Code of 1961
23 (hunter or fisherman interference) ~~The Hunter and~~
24 ~~Fishermen Interference Prohibition Act.~~

25 (vi) The Illinois Non-Game Wildlife Protection
26 Act.

- 1 (vii) The Ginseng Harvesting Act.
2 (viii) The State Forest Act.
3 (ix) The Forest Products Transportation Act.
4 (x) The Timber Buyers Licensing Act.

5 Any officer of an adjoining state acting under a power or
6 authority granted by the Director pursuant to this Section
7 shall act without compensation or other benefits from this
8 State and without this State having any liability for the acts
9 or omissions of that officer.

10 (Source: P.A. 96-397, eff. 1-1-10.)

11 Section 104-5. The Criminal Identification Act is amended
12 by changing Section 5.2 as follows:

13 (20 ILCS 2630/5.2)

14 Sec. 5.2. Expungement and sealing.

15 (a) General Provisions.

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

19 (A) The following terms shall have the meanings
20 ascribed to them in the Unified Code of Corrections,
21 730 ILCS 5/5-1-2 through 5/5-1-22:

- 22 (i) Business Offense (730 ILCS 5/5-1-2),
23 (ii) Charge (730 ILCS 5/5-1-3),
24 (iii) Court (730 ILCS 5/5-1-6),

- 1 (iv) Defendant (730 ILCS 5/5-1-7),
2 (v) Felony (730 ILCS 5/5-1-9),
3 (vi) Imprisonment (730 ILCS 5/5-1-10),
4 (vii) Judgment (730 ILCS 5/5-1-12),
5 (viii) Misdemeanor (730 ILCS 5/5-1-14),
6 (ix) Offense (730 ILCS 5/5-1-15),
7 (x) Parole (730 ILCS 5/5-1-16),
8 (xi) Petty Offense (730 ILCS 5/5-1-17),
9 (xii) Probation (730 ILCS 5/5-1-18),
10 (xiii) Sentence (730 ILCS 5/5-1-19),
11 (xiv) Supervision (730 ILCS 5/5-1-21), and
12 (xv) Victim (730 ILCS 5/5-1-22).

13 (B) As used in this Section, "charge not initiated
14 by arrest" means a charge (as defined by 730 ILCS
15 5/5-1-3) brought against a defendant where the
16 defendant is not arrested prior to or as a direct
17 result of the charge.

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

1 conviction. An order of supervision or an order of
2 qualified probation that is terminated
3 unsatisfactorily is a conviction, unless the
4 unsatisfactory termination is reversed, vacated, or
5 modified and the judgment of conviction, if any, is
6 reversed or vacated.

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

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

22 (F) As used in this Section, "last sentence" means
23 the sentence, order of supervision, or order of
24 qualified probation (as defined by subsection
25 (a)(1)(J)), for a criminal offense (as defined by
26 subsection (a)(1)(D)) that terminates last in time in

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

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

14 (H) "Municipal ordinance violation" means an
15 offense defined by a municipal or local ordinance that
16 is criminal in nature and with which the petitioner was
17 charged or for which the petitioner was arrested and
18 released without charging.

19 (I) "Petitioner" means an adult or a minor
20 prosecuted as an adult who has applied for relief under
21 this Section.

22 (J) "Qualified probation" means an order of
23 probation under Section 10 of the Cannabis Control Act,
24 Section 410 of the Illinois Controlled Substances Act,
25 Section 70 of the Methamphetamine Control and
26 Community Protection Act, Section 12-4.3(b) (1) and (2)

1 of the Criminal Code of 1961 (as those provisions
2 existed before their deletion by Public Act 89-313),
3 Section 10-102 of the Illinois Alcoholism and Other
4 Drug Dependency Act, Section 40-10 of the Alcoholism
5 and Other Drug Abuse and Dependency Act, or Section 10
6 of the Steroid Control Act. For the purpose of this
7 Section, "successful completion" of an order of
8 qualified probation under Section 10-102 of the
9 Illinois Alcoholism and Other Drug Dependency Act and
10 Section 40-10 of the Alcoholism and Other Drug Abuse
11 and Dependency Act means that the probation was
12 terminated satisfactorily and the judgment of
13 conviction was vacated.

14 (K) "Seal" means to physically and electronically
15 maintain the records, unless the records would
16 otherwise be destroyed due to age, but to make the
17 records unavailable without a court order, subject to
18 the exceptions in Sections 12 and 13 of this Act. The
19 petitioner's name shall also be obliterated from the
20 official index required to be kept by the circuit court
21 clerk under Section 16 of the Clerks of Courts Act, but
22 any index issued by the circuit court clerk before the
23 entry of the order to seal shall not be affected.

24 (L) "Sexual offense committed against a minor"
25 includes but is not limited to the offenses of indecent
26 solicitation of a child or criminal sexual abuse when

1 the victim of such offense is under 18 years of age.

2 (M) "Terminate" as it relates to a sentence or
3 order of supervision or qualified probation includes
4 either satisfactory or unsatisfactory termination of
5 the sentence, unless otherwise specified in this
6 Section.

7 (2) Minor Traffic Offenses. Orders of supervision or
8 convictions for minor traffic offenses shall not affect a
9 petitioner's eligibility to expunge or seal records
10 pursuant to this Section.

11 (3) Exclusions. Except as otherwise provided in
12 subsections (b) (5), (b) (6), and (e) of this Section, the
13 court shall not order:

14 (A) the sealing or expungement of the records of
15 arrests or charges not initiated by arrest that result
16 in an order of supervision for or conviction of: (i)
17 any sexual offense committed against a minor; (ii)
18 Section 11-501 of the Illinois Vehicle Code or a
19 similar provision of a local ordinance; or (iii)
20 Section 11-503 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance.

22 (B) the sealing or expungement of records of minor
23 traffic offenses (as defined in subsection (a) (1) (G)),
24 unless the petitioner was arrested and released
25 without charging.

26 (C) the sealing of the records of arrests or

1 charges not initiated by arrest which result in an
2 order of supervision, an order of qualified probation
3 (as defined in subsection (a)(1)(J)), or a conviction
4 for the following offenses:

5 (i) offenses included in Article 11 of the
6 Criminal Code of 1961 or a similar provision of a
7 local ordinance, except Section 11-14 of the
8 Criminal Code of 1961 or a similar provision of a
9 local ordinance;

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

13 (iii) offenses defined as "crimes of violence"
14 in Section 2 of the Crime Victims Compensation Act
15 or a similar provision of a local ordinance;

16 (iv) offenses which are Class A misdemeanors
17 under the Humane Care for Animals Act; or

18 (v) any offense or attempted offense that
19 would subject a person to registration under the
20 Sex Offender Registration Act.

21 (D) the sealing of the records of an arrest which
22 results in the petitioner being charged with a felony
23 offense or records of a charge not initiated by arrest
24 for a felony offense unless:

25 (i) the charge is amended to a misdemeanor and
26 is otherwise eligible to be sealed pursuant to

1 subsection (c);

2 (ii) the charge is brought along with another
3 charge as a part of one case and the charge results
4 in acquittal, dismissal, or conviction when the
5 conviction was reversed or vacated, and another
6 charge brought in the same case results in a
7 disposition for a misdemeanor offense that is
8 eligible to be sealed pursuant to subsection (c) or
9 a disposition listed in paragraph (i), (iii), or
10 (iv) of this subsection;

11 (iii) the charge results in first offender
12 probation as set forth in subsection (c)(2)(E);

13 (iv) the charge is for a Class 4 felony offense
14 listed in subsection (c)(2)(F) or the charge is
15 amended to a Class 4 felony offense listed in
16 subsection (c)(2)(F). Records of arrests which
17 result in the petitioner being charged with a Class
18 4 felony offense listed in subsection (c)(2)(F),
19 records of charges not initiated by arrest for
20 Class 4 felony offenses listed in subsection
21 (c)(2)(F), and records of charges amended to a
22 Class 4 felony offense listed in (c)(2)(F) may be
23 sealed, regardless of the disposition, subject to
24 any waiting periods set forth in subsection
25 (c)(3);

26 (v) the charge results in acquittal,

1 dismissal, or the petitioner's release without
2 conviction; or

3 (vi) the charge results in a conviction, but
4 the conviction was reversed or vacated.

5 (b) Expungement.

6 (1) A petitioner may petition the circuit court to
7 expunge the records of his or her arrests and charges not
8 initiated by arrest when:

9 (A) He or she has never been convicted of a
10 criminal offense; and

11 (B) Each arrest or charge not initiated by arrest
12 sought to be expunged resulted in: (i) acquittal,
13 dismissal, or the petitioner's release without
14 charging, unless excluded by subsection (a)(3)(B);
15 (ii) a conviction which was vacated or reversed, unless
16 excluded by subsection (a)(3)(B); (iii) an order of
17 supervision and such supervision was successfully
18 completed by the petitioner, unless excluded by
19 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
20 qualified probation (as defined in subsection
21 (a)(1)(J)) and such probation was successfully
22 completed by the petitioner.

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

24 (A) When the arrest or charge not initiated by
25 arrest sought to be expunged resulted in an acquittal,
26 dismissal, the petitioner's release without charging,

1 or the reversal or vacation of a conviction, there is
2 no waiting period to petition for the expungement of
3 such records.

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

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

17 (ii) Those arrests or charges that resulted in
18 orders of supervision for any other offenses shall
19 not be eligible for expungement until 2 years have
20 passed following the satisfactory termination of
21 the supervision.

22 (C) When the arrest or charge not initiated by
23 arrest sought to be expunged resulted in an order of
24 qualified probation, successfully completed by the
25 petitioner, such records shall not be eligible for
26 expungement until 5 years have passed following the

1 satisfactory termination of the probation.

2 (3) Those records maintained by the Department for
3 persons arrested prior to their 17th birthday shall be
4 expunged as provided in Section 5-915 of the Juvenile Court
5 Act of 1987.

6 (4) Whenever a person has been arrested for or
7 convicted of any offense, in the name of a person whose
8 identity he or she has stolen or otherwise come into
9 possession of, the aggrieved person from whom the identity
10 was stolen or otherwise obtained without authorization,
11 upon learning of the person having been arrested using his
12 or her identity, may, upon verified petition to the chief
13 judge of the circuit wherein the arrest was made, have a
14 court order entered nunc pro tunc by the Chief Judge to
15 correct the arrest record, conviction record, if any, and
16 all official records of the arresting authority, the
17 Department, other criminal justice agencies, the
18 prosecutor, and the trial court concerning such arrest, if
19 any, by removing his or her name from all such records in
20 connection with the arrest and conviction, if any, and by
21 inserting in the records the name of the offender, if known
22 or ascertainable, in lieu of the aggrieved's name. The
23 records of the circuit court clerk shall be sealed until
24 further order of the court upon good cause shown and the
25 name of the aggrieved person obliterated on the official
26 index required to be kept by the circuit court clerk under

1 Section 16 of the Clerks of Courts Act, but the order shall
2 not affect any index issued by the circuit court clerk
3 before the entry of the order. Nothing in this Section
4 shall limit the Department of State Police or other
5 criminal justice agencies or prosecutors from listing
6 under an offender's name the false names he or she has
7 used.

8 (5) Whenever a person has been convicted of criminal
9 sexual assault, aggravated criminal sexual assault,
10 predatory criminal sexual assault of a child, criminal
11 sexual abuse, or aggravated criminal sexual abuse, the
12 victim of that offense may request that the State's
13 Attorney of the county in which the conviction occurred
14 file a verified petition with the presiding trial judge at
15 the petitioner's trial to have a court order entered to
16 seal the records of the circuit court clerk in connection
17 with the proceedings of the trial court concerning that
18 offense. However, the records of the arresting authority
19 and the Department of State Police concerning the offense
20 shall not be sealed. The court, upon good cause shown,
21 shall make the records of the circuit court clerk in
22 connection with the proceedings of the trial court
23 concerning the offense available for public inspection.

24 (6) If a conviction has been set aside on direct review
25 or on collateral attack and the court determines by clear
26 and convincing evidence that the petitioner was factually

1 innocent of the charge, the court shall enter an
2 expungement order as provided in subsection (b) of Section
3 5-5-4 of the Unified Code of Corrections.

4 (7) Nothing in this Section shall prevent the
5 Department of State Police from maintaining all records of
6 any person who is admitted to probation upon terms and
7 conditions and who fulfills those terms and conditions
8 pursuant to Section 10 of the Cannabis Control Act, Section
9 410 of the Illinois Controlled Substances Act, Section 70
10 of the Methamphetamine Control and Community Protection
11 Act, Section 12-4.3 or subdivision (b)(1) of Section
12 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
13 Illinois Alcoholism and Other Drug Dependency Act, Section
14 40-10 of the Alcoholism and Other Drug Abuse and Dependency
15 Act, or Section 10 of the Steroid Control Act.

16 (c) Sealing.

17 (1) Applicability. Notwithstanding any other provision
18 of this Act to the contrary, and cumulative with any rights
19 to expungement of criminal records, this subsection
20 authorizes the sealing of criminal records of adults and of
21 minors prosecuted as adults.

22 (2) Eligible Records. The following records may be
23 sealed:

24 (A) All arrests resulting in release without
25 charging;

26 (B) Arrests or charges not initiated by arrest

1 resulting in acquittal, dismissal, or conviction when
2 the conviction was reversed or vacated, except as
3 excluded by subsection (a) (3) (B);

4 (C) Arrests or charges not initiated by arrest
5 resulting in orders of supervision successfully
6 completed by the petitioner, unless excluded by
7 subsection (a) (3);

8 (D) Arrests or charges not initiated by arrest
9 resulting in convictions unless excluded by subsection
10 (a) (3);

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

17 (F) Arrests or charges not initiated by arrest
18 resulting in Class 4 felony convictions for the
19 following offenses:

20 (i) Section 11-14 of the Criminal Code of 1961;

21 (ii) Section 4 of the Cannabis Control Act;

22 (iii) Section 402 of the Illinois Controlled
23 Substances Act;

24 (iv) the Methamphetamine Precursor Control
25 Act; and

26 (v) the Steroid Control Act.

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

4 (A) Records identified as eligible under
5 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
6 time.

7 (B) Records identified as eligible under
8 subsection (c)(2)(C) may be sealed (i) 3 years after
9 the termination of petitioner's last sentence (as
10 defined in subsection (a)(1)(F)) if the petitioner has
11 never been convicted of a criminal offense (as defined
12 in subsection (a)(1)(D)); or (ii) 4 years after the
13 termination of the petitioner's last sentence (as
14 defined in subsection (a)(1)(F)) if the petitioner has
15 ever been convicted of a criminal offense (as defined
16 in subsection (a)(1)(D)).

17 (C) Records identified as eligible under
18 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be
19 sealed 4 years after the termination of the
20 petitioner's last sentence (as defined in subsection
21 (a)(1)(F)).

22 (4) Subsequent felony convictions. A person may not
23 have subsequent felony conviction records sealed as
24 provided in this subsection (c) if he or she is convicted
25 of any felony offense after the date of the sealing of
26 prior felony convictions as provided in this subsection

1 (c). The court may, upon conviction for a subsequent felony
2 offense, order the unsealing of prior felony conviction
3 records previously ordered sealed by the court.

4 (5) Notice of eligibility for sealing. Upon entry of a
5 disposition for an eligible record under this subsection
6 (c), the petitioner shall be informed by the court of the
7 right to have the records sealed and the procedures for the
8 sealing of the records.

9 (d) Procedure. The following procedures apply to
10 expungement under subsections (b) and (e), and sealing under
11 subsection (c):

12 (1) Filing the petition. Upon becoming eligible to
13 petition for the expungement or sealing of records under
14 this Section, the petitioner shall file a petition
15 requesting the expungement or sealing of records with the
16 clerk of the court where the arrests occurred or the
17 charges were brought, or both. If arrests occurred or
18 charges were brought in multiple jurisdictions, a petition
19 must be filed in each such jurisdiction. The petitioner
20 shall pay the applicable fee, if not waived.

21 (2) Contents of petition. The petition shall be
22 verified and shall contain the petitioner's name, date of
23 birth, current address and, for each arrest or charge not
24 initiated by arrest sought to be sealed or expunged, the
25 case number, the date of arrest (if any), the identity of
26 the arresting authority, and such other information as the

1 court may require. During the pendency of the proceeding,
2 the petitioner shall promptly notify the circuit court
3 clerk of any change of his or her address.

4 (3) Drug test. The petitioner must attach to the
5 petition proof that the petitioner has passed a test taken
6 within 30 days before the filing of the petition showing
7 the absence within his or her body of all illegal
8 substances as defined by the Illinois Controlled
9 Substances Act, the Methamphetamine Control and Community
10 Protection Act, and the Cannabis Control Act if he or she
11 is petitioning to seal felony records pursuant to clause
12 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is
13 petitioning to expunge felony records of a qualified
14 probation pursuant to clause (b) (1) (B) (iv).

15 (4) Service of petition. The circuit court clerk shall
16 promptly serve a copy of the petition on the State's
17 Attorney or prosecutor charged with the duty of prosecuting
18 the offense, the Department of State Police, the arresting
19 agency and the chief legal officer of the unit of local
20 government effecting the arrest.

21 (5) Objections.

22 (A) Any party entitled to notice of the petition
23 may file an objection to the petition. All objections
24 shall be in writing, shall be filed with the circuit
25 court clerk, and shall state with specificity the basis
26 of the objection.

1 (B) Objections to a petition to expunge or seal
2 must be filed within 60 days of the date of service of
3 the petition.

4 (6) Entry of order.

5 (A) The Chief Judge of the circuit wherein the
6 charge was brought, any judge of that circuit
7 designated by the Chief Judge, or in counties of less
8 than 3,000,000 inhabitants, the presiding trial judge
9 at the petitioner's trial, if any, shall rule on the
10 petition to expunge or seal as set forth in this
11 subsection (d) (6).

12 (B) Unless the State's Attorney or prosecutor, the
13 Department of State Police, the arresting agency, or
14 the chief legal officer files an objection to the
15 petition to expunge or seal within 60 days from the
16 date of service of the petition, the court shall enter
17 an order granting or denying the petition.

18 (7) Hearings. If an objection is filed, the court shall
19 set a date for a hearing and notify the petitioner and all
20 parties entitled to notice of the petition of the hearing
21 date at least 30 days prior to the hearing, and shall hear
22 evidence on whether the petition should or should not be
23 granted, and shall grant or deny the petition to expunge or
24 seal the records based on the evidence presented at the
25 hearing.

26 (8) Service of order. After entering an order to

1 expunge or seal records, the court must provide copies of
2 the order to the Department, in a form and manner
3 prescribed by the Department, to the petitioner, to the
4 State's Attorney or prosecutor charged with the duty of
5 prosecuting the offense, to the arresting agency, to the
6 chief legal officer of the unit of local government
7 effecting the arrest, and to such other criminal justice
8 agencies as may be ordered by the court.

9 (9) Effect of order.

10 (A) Upon entry of an order to expunge records
11 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

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

19 (ii) the records of the circuit court clerk
20 shall be impounded until further order of the court
21 upon good cause shown and the name of the
22 petitioner obliterated on the official index
23 required to be kept by the circuit court clerk
24 under Section 16 of the Clerks of Courts Act, but
25 the order shall not affect any index issued by the
26 circuit court clerk before the entry of the order;

1 and

2 (iii) in response to an inquiry for expunged
3 records, the court, the Department, or the agency
4 receiving such inquiry, shall reply as it does in
5 response to inquiries when no records ever
6 existed.

7 (B) Upon entry of an order to expunge records
8 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

9 (i) the records shall be expunged (as defined
10 in subsection (a) (1) (E)) by the arresting agency
11 and any other agency as ordered by the court,
12 within 60 days of the date of service of the order,
13 unless a motion to vacate, modify, or reconsider
14 the order is filed pursuant to paragraph (12) of
15 subsection (d) of this Section;

16 (ii) the records of the circuit court clerk
17 shall be impounded until further order of the court
18 upon good cause shown and the name of the
19 petitioner obliterated on the official index
20 required to be kept by the circuit court clerk
21 under Section 16 of the Clerks of Courts Act, but
22 the order shall not affect any index issued by the
23 circuit court clerk before the entry of the order;

24 (iii) the records shall be impounded by the
25 Department within 60 days of the date of service of
26 the order as ordered by the court, unless a motion

1 to vacate, modify, or reconsider the order is filed
2 pursuant to paragraph (12) of subsection (d) of
3 this Section;

4 (iv) records impounded by the Department may
5 be disseminated by the Department only as required
6 by law or to the arresting authority, the State's
7 Attorney, and the court upon a later arrest for the
8 same or a similar offense or for the purpose of
9 sentencing for any subsequent felony, and to the
10 Department of Corrections upon conviction for any
11 offense; and

12 (v) in response to an inquiry for such records
13 from anyone not authorized by law to access such
14 records the court, the Department, or the agency
15 receiving such inquiry shall reply as it does in
16 response to inquiries when no records ever
17 existed.

18 (C) Upon entry of an order to seal records under
19 subsection (c), the arresting agency, any other agency
20 as ordered by the court, the Department, and the court
21 shall seal the records (as defined in subsection
22 (a) (1) (K)). In response to an inquiry for such records
23 from anyone not authorized by law to access such
24 records the court, the Department, or the agency
25 receiving such inquiry shall reply as it does in
26 response to inquiries when no records ever existed.

1 (10) Fees. The Department may charge the petitioner a
2 fee equivalent to the cost of processing any order to
3 expunge or seal records. Notwithstanding any provision of
4 the Clerks of Courts Act to the contrary, the circuit court
5 clerk may charge a fee equivalent to the cost associated
6 with the sealing or expungement of records by the circuit
7 court clerk. From the total filing fee collected for the
8 petition to seal or expunge, the circuit court clerk shall
9 deposit \$10 into the Circuit Court Clerk Operation and
10 Administrative Fund, to be used to offset the costs
11 incurred by the circuit court clerk in performing the
12 additional duties required to serve the petition to seal or
13 expunge on all parties. The circuit court clerk shall
14 collect and forward the Department of State Police portion
15 of the fee to the Department and it shall be deposited in
16 the State Police Services Fund.

17 (11) Final Order. No court order issued under the
18 expungement or sealing provisions of this Section shall
19 become final for purposes of appeal until 30 days after
20 service of the order on the petitioner and all parties
21 entitled to notice of the petition.

22 (12) Motion to Vacate, Modify, or Reconsider. The
23 petitioner or any party entitled to notice may file a
24 motion to vacate, modify, or reconsider the order granting
25 or denying the petition to expunge or seal within 60 days
26 of service of the order.

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

1 shall promptly mail a copy of the order to the person who was
2 pardoned.

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

15 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;
16 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.
17 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,
18 eff. 8-19-11; revised 9-6-11.)

19 Section 104-6. The Public Utilities Act is amended by
20 changing Section 22-501 as follows:

21 (220 ILCS 5/22-501)

22 Sec. 22-501. Customer service and privacy protection. All
23 cable or video providers in this State shall comply with the
24 following customer service requirements and privacy

1 protections. The provisions of this Act shall not apply to an
2 incumbent cable operator prior to January 1, 2008. For purposes
3 of this paragraph, an incumbent cable operator means a person
4 or entity that provided cable services in a particular area
5 under a franchise agreement with a local unit of government
6 pursuant to Section 11-42-11 of the Illinois Municipal Code or
7 Section 5-1095 of the Counties Code on January 1, 2007. A
8 master antenna television, satellite master antenna
9 television, direct broadcast satellite, multipoint
10 distribution service, and other provider of video programming
11 shall only be subject to the provisions of this Article to the
12 extent permitted by federal law.

13 The following definitions apply to the terms used in this
14 Article:

15 "Basic cable or video service" means any service offering
16 or tier that includes the retransmission of local television
17 broadcast signals.

18 "Cable or video provider" means any person or entity
19 providing cable service or video service pursuant to
20 authorization under (i) the Cable and Video Competition Law of
21 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;
22 (iii) Section 5-1095 of the Counties Code; or (iv) a master
23 antenna television, satellite master antenna television,
24 direct broadcast satellite, multipoint distribution services,
25 and other providers of video programming, whatever their
26 technology. A cable or video provider shall not include a

1 landlord providing only broadcast video programming to a
2 single-family home or other residential dwelling consisting of
3 4 units or less.

4 "Franchise" has the same meaning as found in 47 U.S.C.
5 522(9).

6 "Local unit of government" means a city, village,
7 incorporated town, or a county.

8 "Normal business hours" means those hours during which most
9 similar businesses in the geographic area of the local unit of
10 government are open to serve customers. In all cases, "normal
11 business hours" must include some evening hours at least one
12 night per week or some weekend hours.

13 "Normal operating conditions" means those service
14 conditions that are within the control of cable or video
15 providers. Those conditions that are not within the control of
16 cable or video providers include, but are not limited to,
17 natural disasters, civil disturbances, power outages,
18 telephone network outages, and severe or unusual weather
19 conditions. Those conditions that are ordinarily within the
20 control of cable or video providers include, but are not
21 limited to, special promotions, pay-per-view events, rate
22 increases, regular peak or seasonal demand periods, and
23 maintenance or upgrade of the cable service or video service
24 network.

25 "Service interruption" means the loss of picture or sound
26 on one or more cable service or video service on one or more

1 cable or video channels.

2 "Service line drop" means the point of connection between a
3 premises and the cable or video network that enables the
4 premises to receive cable service or video service.

5 (a) General customer service standards:

6 (1) Cable or video providers shall establish general
7 standards related to customer service, which shall
8 include, but not be limited to, installation,
9 disconnection, service and repair obligations; appointment
10 hours and employee ID requirements; customer service
11 telephone numbers and hours; procedures for billing,
12 charges, deposits, refunds, and credits; procedures for
13 termination of service; notice of deletion of programming
14 service; changes related to transmission of programming;
15 changes or increases in rates; the use and availability of
16 parental control or lock-out devices; the use and
17 availability of an A/B switch if applicable; complaint
18 procedures and procedures for bill dispute resolution; a
19 description of the rights and remedies available to
20 consumers if the cable or video provider does not
21 materially meet its customer service standards; and
22 special services for customers with visual, hearing, or
23 mobility disabilities.

24 (2) Cable or video providers' rates for each level of
25 service, rules, regulations, and policies related to its
26 cable service or video service described in paragraph (1)

1 of this subsection (a) must be made available to the public
2 and displayed clearly and conspicuously on the cable or
3 video provider's site on the Internet. If a promotional
4 price or a price for a specified period of time is offered,
5 the cable or video provider shall display the price at the
6 end of the promotional period or specified period of time
7 clearly and conspicuously with the display of the
8 promotional price or price for a specified period of time.
9 The cable or video provider shall provide this information
10 upon request.

11 (3) Cable or video providers shall provide notice
12 concerning their general customer service standards to all
13 customers. This notice shall be offered when service is
14 first activated and annually thereafter. The information
15 in the notice shall include all of the information
16 specified in paragraph (1) of this subsection (a), as well
17 as the following: a listing of services offered by the
18 cable or video providers, which shall clearly describe
19 programming for all services and all levels of service; the
20 rates for all services and levels of service; a telephone
21 number through which customers may subscribe to, change, or
22 terminate service, request customer service, or seek
23 general or billing information; instructions on the use of
24 the cable or video services; and a description of rights
25 and remedies that the cable or video providers shall make
26 available to their customers if they do not materially meet

1 the general customer service standards described in this
2 Act.

3 (b) General customer service obligations:

4 (1) Cable or video providers shall render reasonably
5 efficient service, promptly make repairs, and interrupt
6 service only as necessary and for good cause, during
7 periods of minimum use of the system and for no more than
8 24 hours.

9 (2) All service representatives or any other person who
10 contacts customers or potential customers on behalf of the
11 cable or video provider shall have a visible identification
12 card with their name and photograph and shall orally
13 identify themselves upon first contact with the customer.
14 Customer service representatives shall orally identify
15 themselves to callers immediately following the greeting
16 during each telephone contact with the public.

17 (3) The cable or video providers shall: (i) maintain a
18 customer service facility within the boundaries of a local
19 unit of government staffed by customer service
20 representatives that have the capacity to accept payment,
21 adjust bills, and respond to repair, installation,
22 reconnection, disconnection, or other service calls and
23 distribute or receive converter boxes, remote control
24 units, digital stereo units, or other equipment related to
25 the provision of cable or video service; (ii) provide
26 customers with bill payment facilities through retail,

1 financial, or other commercial institutions located within
2 the boundaries of a local unit of government; (iii) provide
3 an address, toll-free telephone number or electronic
4 address to accept bill payments and correspondence and
5 provide secure collection boxes for the receipt of bill
6 payments and the return of equipment, provided that if a
7 cable or video provider provides secure collection boxes,
8 it shall provide a printed receipt when items are
9 deposited; or (iv) provide an address, toll-free telephone
10 number, or electronic address to accept bill payments and
11 correspondence and provide a method for customers to return
12 equipment to the cable or video provider at no cost to the
13 customer.

14 (4) In each contact with a customer, the service
15 representatives or any other person who contacts customers
16 or potential customers on behalf of the cable or video
17 provider shall state the estimated cost of the service,
18 repair, or installation orally prior to delivery of the
19 service or before any work is performed, shall provide the
20 customer with an oral statement of the total charges before
21 terminating the telephone call or other contact in which a
22 service is ordered, whether in-person or over the Internet,
23 and shall provide a written statement of the total charges
24 before leaving the location at which the work was
25 performed. In the event that the cost of service is a
26 promotional price or is for a limited period of time, the

1 cost of service at the end of the promotion or limited
2 period of time shall be disclosed.

3 (5) Cable or video providers shall provide customers a
4 minimum of 30 days' written notice before increasing rates
5 or eliminating transmission of programming and shall
6 submit the notice to the local unit of government in
7 advance of distribution to customers, provided that the
8 cable or video provider is not in violation of this
9 provision if the elimination of transmission of
10 programming was outside the control of the provider, in
11 which case the provider shall use reasonable efforts to
12 provide as much notice as possible, and any rate decrease
13 related to the elimination of transmission of programming
14 shall be applied to the date of the change.

15 (6) Cable or video providers shall provide clear visual
16 and audio reception that meets or exceeds applicable
17 Federal Communications Commission technical standards. If
18 a customer experiences poor video or audio reception due to
19 the equipment of the cable or video provider, the cable or
20 video provider shall promptly repair the problem at its own
21 expense.

22 (c) Bills, payment, and termination:

23 (1) Cable or video providers shall render monthly bills
24 that are clear, accurate, and understandable.

25 (2) Every residential customer who pays bills directly
26 to the cable or video provider shall have at least 28 days

1 from the date of the bill to pay the listed charges.

2 (3) Customer payments shall be posted promptly. When
3 the payment is sent by United States mail, payment is
4 considered paid on the date it is postmarked.

5 (4) Cable or video providers may not terminate
6 residential service for nonpayment of a bill unless the
7 cable or video provider furnishes notice of the delinquency
8 and impending termination at least 21 days prior to the
9 proposed termination. Notice of proposed termination shall
10 be mailed, postage prepaid, to the customer to whom service
11 is billed. Notice of proposed termination shall not be
12 mailed until the 29th day after the date of the bill for
13 services. Notice of delinquency and impending termination
14 may be part of a billing statement only if the notice is
15 presented in a different color than the bill and is
16 designed to be conspicuous. The cable or video providers
17 may not assess a late fee prior to the 29th day after the
18 date of the bill for service.

19 (5) Every notice of impending termination shall
20 include all of the following: the name and address of
21 customer; the amount of the delinquency; the date on which
22 payment is required to avoid termination; and the telephone
23 number of the cable or video provider's service
24 representative to make payment arrangements and to provide
25 additional information about the charges for failure to
26 return equipment and for reconnection, if any. No customer

1 may be charged a fee for termination or disconnection of
2 service, irrespective of whether the customer initiated
3 termination or disconnection or the cable or video provider
4 initiated termination or disconnection.

5 (6) Service may only be terminated on days when the
6 customer is able to reach a service representative of the
7 cable or video providers, either in person or by telephone.

8 (7) Any service terminated by a cable or video provider
9 without good cause shall be restored without any
10 reconnection fee, charge, or penalty; good cause for
11 termination includes, but is not limited to, failure to pay
12 a bill by the date specified in the notice of impending
13 termination, payment by check for which there are
14 insufficient funds, theft of service, abuse of equipment or
15 personnel, or other similar subscriber actions.

16 (8) Cable or video providers shall cease charging a
17 customer for any or all services within one business day
18 after it receives a request to immediately terminate
19 service or on the day requested by the customer if such a
20 date is at least 5 days from the date requested by the
21 customer. Nothing in this subsection (c) shall prohibit the
22 provider from billing for charges that the customer incurs
23 prior to the date of termination. Cable or video providers
24 shall issue a credit or a refund or return a deposit within
25 10 business days after the close of the customer's billing
26 cycle following the request for termination or the return

1 of equipment, if any, whichever is later.

2 (9) The customers or subscribers of a cable or video
3 provider shall be allowed to disconnect their service at
4 any time within the first 60 days after subscribing to or
5 upgrading the service. Within this 60-day period, cable or
6 video providers shall not charge or impose any fees or
7 penalties on the customer for disconnecting service,
8 including, but not limited to, any installation charge or
9 the imposition of an early termination charge, except the
10 cable or video provider may impose a charge or fee to
11 offset any rebates or credits received by the customer and
12 may impose monthly service or maintenance charges,
13 including pay-per-view and premium services charges,
14 during such 60-day period.

15 (10) Cable and video providers shall guarantee
16 customer satisfaction for new or upgraded service and the
17 customer shall receive a pro-rata credit in an amount equal
18 to the pro-rata charge for the remaining days of service
19 being disconnected or replaced upon the customers request
20 if the customer is dissatisfied with the service and
21 requests to discontinue the service within the first 60
22 days after subscribing to the upgraded service.

23 (d) Response to customer inquiries:

24 (1) Cable or video providers will maintain a toll-free
25 telephone access line that is available to customers 24
26 hours a day, 7 days a week to accept calls regarding

1 installation, termination, service, and complaints.
2 Trained, knowledgeable, qualified service representatives
3 of the cable or video providers will be available to
4 respond to customer telephone inquiries during normal
5 business hours. Customer service representatives shall be
6 able to provide credit, waive fees, schedule appointments,
7 and change billing cycles. Any difficulties that cannot be
8 resolved by the customer service representatives shall be
9 referred to a supervisor who shall make his or her best
10 efforts to resolve the issue immediately. If the supervisor
11 does not resolve the issue to the customer's satisfaction,
12 the customer shall be informed of the cable or video
13 provider's complaint procedures and procedures for billing
14 dispute resolution and given a description of the rights
15 and remedies available to customers to enforce the terms of
16 this Article, including the customer's rights to have the
17 complaint reviewed by the local unit of government, to
18 request mediation, and to review in a court of competent
19 jurisdiction.

20 (2) After normal business hours, the access line may be
21 answered by a service or an automated response system,
22 including an answering machine. Inquiries received by
23 telephone or e-mail after normal business hours shall be
24 responded to by a trained service representative on the
25 next business day. The cable or video provider shall
26 respond to a written billing inquiry within 10 days of

1 receipt of the inquiry.

2 (3) Cable or video providers shall provide customers
3 seeking non-standard installations with a total
4 installation cost estimate and an estimated date of
5 completion. The actual charge to the customer shall not
6 exceed 10% of the estimated cost without the written
7 consent of the customer.

8 (4) If the cable or video provider receives notice that
9 an unsafe condition exists with respect to its equipment,
10 it shall investigate such condition immediately and shall
11 take such measures as are necessary to remove or eliminate
12 the unsafe condition. The cable or video provider shall
13 inform the local unit of government promptly, but no later
14 than 2 hours after it receives notification of an unsafe
15 condition that it has not remedied.

16 (5) Under normal operating conditions, telephone
17 answer time by the cable or video provider's customer
18 representative, including wait time, shall not exceed 30
19 seconds when the connection is made. If the call needs to
20 be transferred, transfer time shall not exceed 30 seconds.
21 These standards shall be met no less than 90% of the time
22 under normal operating conditions, measured on a quarterly
23 basis.

24 (6) Under normal operating conditions, the cable or
25 video provider's customers will receive a busy signal less
26 than 3% of the time.

1 (e) Under normal operating conditions, each of the
2 following standards related to installations, outages, and
3 service calls will be met no less than 95% of the time measured
4 on a quarterly basis:

5 (1) Standard installations will be performed within 7
6 business days after an order has been placed. "Standard"
7 installations are those that are located up to 125 feet
8 from the existing distribution system.

9 (2) Excluding conditions beyond the control of the
10 cable or video providers, the cable or video providers will
11 begin working on "service interruptions" promptly and in no
12 event later than 24 hours after the interruption is
13 reported by the customer or otherwise becomes known to the
14 cable or video providers. Cable or video providers must
15 begin actions to correct other service problems the next
16 business day after notification of the service problem and
17 correct the problem within 48 hours after the interruption
18 is reported by the customer 95% of the time, measured on a
19 quarterly basis.

20 (3) The "appointment window" alternatives for
21 installations, service calls, and other installation
22 activities will be either a specific time or, at a maximum,
23 a 4-hour time block during evening, weekend, and normal
24 business hours. The cable or video provider may schedule
25 service calls and other installation activities outside of
26 these hours for the express convenience of the customer.

1 (4) Cable or video providers may not cancel an
2 appointment with a customer after 5:00 p.m. on the business
3 day prior to the scheduled appointment. If the cable or
4 video provider's representative is running late for an
5 appointment with a customer and will not be able to keep
6 the appointment as scheduled, the customer will be
7 contacted. The appointment will be rescheduled, as
8 necessary, at a time that is convenient for the customer,
9 even if the rescheduled appointment is not within normal
10 business hours.

11 (f) Public benefit obligation:

12 (1) All cable or video providers offering service
13 pursuant to the Cable and Video Competition Law of 2007,
14 the Illinois Municipal Code, or the Counties Code shall
15 provide a free service line drop and free basic service to
16 all current and future public buildings within their
17 footprint, including, but not limited to, all local unit of
18 government buildings, public libraries, and public primary
19 and secondary schools, whether owned or leased by that
20 local unit of government ("eligible buildings"). Such
21 service shall be used in a manner consistent with the
22 government purpose for the eligible building and shall not
23 be resold.

24 (2) This obligation only applies to those cable or
25 video service providers whose cable service or video
26 service systems pass eligible buildings and its cable or

1 video service is generally available to residential
2 subscribers in the same local unit of government in which
3 the eligible building is located. The burden of providing
4 such service at each eligible building shall be shared by
5 all cable and video providers whose systems pass the
6 eligible buildings in an equitable and competitively
7 neutral manner, and nothing herein shall require
8 duplicative installations by more than one cable or video
9 provider at each eligible building. Cable or video
10 providers operating in a local unit of government shall
11 meet as necessary and determine who will provide service to
12 eligible buildings under this subsection (f). If the cable
13 or video providers are unable to reach an agreement, they
14 shall meet with the local unit of government, which shall
15 determine which cable or video providers will serve each
16 eligible building. The local unit of government shall bear
17 the costs of any inside wiring or video equipment costs not
18 ordinarily provided as part of the cable or video
19 provider's basic offering.

20 (g) After the cable or video providers have offered service
21 for one year, the cable or video providers shall make an annual
22 report to the Commission, to the local unit of government, and
23 to the Attorney General that it is meeting the standards
24 specified in this Article, identifying the number of complaints
25 it received over the prior year in the State and specifying the
26 number of complaints related to each of the following: (1)

1 billing, charges, refunds, and credits; (2) installation or
2 termination of service; (3) quality of service and repair; (4)
3 programming; and (5) miscellaneous complaints that do not fall
4 within these categories. Thereafter, the cable or video
5 providers shall also provide, upon request by the local unit of
6 government where service is offered and to the Attorney
7 General, an annual public report that includes performance data
8 described in subdivisions (5) and (6) of subsection (d) and
9 subdivisions (1) and (2) of subsection (e) of this Section for
10 cable services or video services. The performance data shall be
11 disaggregated for each requesting local unit of government or
12 local exchange, as that term is defined in Section 13-206 of
13 this Act, in which the cable or video providers have customers.

14 (h) To the extent consistent with federal law, cable or
15 video providers shall offer the lowest-cost basic cable or
16 video service as a stand-alone service to residential customers
17 at reasonable rates. Cable or video providers shall not require
18 the subscription to any service other than the lowest-cost
19 basic service or to any telecommunications or information
20 service, as a condition of access to cable or video service,
21 including programming offered on a per channel or per program
22 basis. Cable or video providers shall not discriminate between
23 subscribers to the lowest-cost basic service, subscribers to
24 other cable services or video services, and other subscribers
25 with regard to the rates charged for cable or video programming
26 offered on a per channel or per program basis.

1 (i) To the extent consistent with federal law, cable or
2 video providers shall ensure that charges for changes in the
3 subscriber's selection of services or equipment shall be based
4 on the cost of such change and shall not exceed nominal amounts
5 when the system's configuration permits changes in service tier
6 selection to be effected solely by coded entry on a computer
7 terminal or by other similarly simple method.

8 (j) To the extent consistent with federal law, cable or
9 video providers shall have a rate structure for the provision
10 of cable or video service that is uniform throughout the area
11 within the boundaries of the local unit of government. This
12 subsection (j) is not intended to prohibit bulk discounts to
13 multiple dwelling units or to prohibit reasonable discounts to
14 senior citizens or other economically disadvantaged groups.

15 (k) To the extent consistent with federal law, cable or
16 video providers shall not charge a subscriber for any service
17 or equipment that the subscriber has not affirmatively
18 requested by name. For purposes of this subsection (k), a
19 subscriber's failure to refuse a cable or video provider's
20 proposal to provide service or equipment shall not be deemed to
21 be an affirmative request for such service or equipment.

22 (l) No contract or service agreement containing an early
23 termination clause offering residential cable or video
24 services or any bundle including such services shall be for a
25 term longer than 2 years. Any contract or service offering with
26 a term of service that contains an early termination fee shall

1 limit the early termination fee to not more than the value of
2 any additional goods or services provided with the cable or
3 video services, the amount of the discount reflected in the
4 price for cable services or video services for the period
5 during which the consumer benefited from the discount, or a
6 declining fee based on the remainder of the contract term.

7 (m) Cable or video providers shall not discriminate in the
8 provision of services for the hearing and visually impaired,
9 and shall comply with the accessibility requirements of 47
10 U.S.C. 613. Cable or video providers shall deliver and pick-up
11 or provide customers with pre-paid shipping and packaging for
12 the return of converters and other necessary equipment at the
13 home of customers with disabilities. Cable or video providers
14 shall provide free use of a converter or remote control unit to
15 mobility impaired customers.

16 (n) (1) To the extent consistent with federal law, cable or
17 video providers shall comply with the provisions of 47 U.S.C.
18 532(h) and (j). The cable or video providers shall not exercise
19 any editorial control over any video programming provided
20 pursuant to this Section, or in any other way consider the
21 content of such programming, except that a cable or video
22 provider may refuse to transmit any leased access program or
23 portion of a leased access program that contains obscenity,
24 indecency, or nudity and may consider such content to the
25 minimum extent necessary to establish a reasonable price for
26 the commercial use of designated channel capacity by an

1 unaffiliated person. This subsection (n) shall permit cable or
2 video providers to enforce prospectively a written and
3 published policy of prohibiting programming that the cable or
4 video provider reasonably believes describes or depicts sexual
5 or excretory activities or organs in a patently offensive
6 manner as measured by contemporary community standards.

7 (2) Upon customer request, the cable or video provider
8 shall, without charge, fully scramble or otherwise fully
9 block the audio and video programming of each channel
10 carrying such programming so that a person who is not a
11 subscriber does not receive the channel or programming.

12 (3) In providing sexually explicit adult programming
13 or other programming that is indecent on any channel of its
14 service primarily dedicated to sexually oriented
15 programming, the cable or video provider shall fully
16 scramble or otherwise fully block the video and audio
17 portion of such channel so that a person who is not a
18 subscriber to such channel or programming does not receive
19 it.

20 (4) Scramble means to rearrange the content of the
21 signal of the programming so that the programming cannot be
22 viewed or heard in an understandable manner.

23 (o) Cable or video providers will maintain a listing,
24 specific to the level of street address, of the areas where its
25 cable or video services are available. Customers who inquire
26 about purchasing cable or video service shall be informed about

1 whether the cable or video provider's cable or video services
2 are currently available to them at their specific location.

3 (p) Cable or video providers shall not disclose the name,
4 address, telephone number or other personally identifying
5 information of a cable service or video service customer to be
6 used in mailing lists or to be used for other commercial
7 purposes not reasonably related to the conduct of its business
8 unless the cable or video provider has provided to the customer
9 a notice, separately or included in any other customer service
10 notice, that clearly and conspicuously describes the
11 customer's ability to prohibit the disclosure. Cable or video
12 providers shall provide an address and telephone number for a
13 customer to use without a toll charge to prevent disclosure of
14 the customer's name and address in mailing lists or for other
15 commercial purposes not reasonably related to the conduct of
16 its business to other businesses or affiliates of the cable or
17 video provider. Cable or video providers shall comply with the
18 consumer privacy requirements of Section 26-4.5 of the Criminal
19 Code of 1961 ~~the Communications Consumer Privacy Act~~, the
20 Restricted Call Registry Act, and 47 U.S.C. 551 that are in
21 effect as of June 30, 2007 (the effective date of Public Act
22 95-9) and as amended thereafter.

23 (q) Cable or video providers shall implement an informal
24 process for handling inquiries from local units of government
25 and customers concerning billing issues, service issues,
26 privacy concerns, and other consumer complaints. In the event

1 that an issue is not resolved through this informal process, a
2 local unit of government or the customer may request nonbinding
3 mediation with the cable or video provider, with each party to
4 bear its own costs of such mediation. Selection of the mediator
5 will be by mutual agreement, and preference will be given to
6 mediation services that do not charge the consumer for their
7 services. In the event that the informal process does not
8 produce a satisfactory result to the customer or the local unit
9 of government, enforcement may be pursued as provided in
10 subdivision (4) of subsection (r) of this Section.

11 (r) The Attorney General and the local unit of government
12 may enforce all of the customer service and privacy protection
13 standards of this Section with respect to complaints received
14 from residents within the local unit of government's
15 jurisdiction, but it may not adopt or seek to enforce any
16 additional or different customer service or performance
17 standards under any other authority or provision of law.

18 (1) The local unit of government may, by ordinance,
19 provide a schedule of penalties for any material breach of
20 this Section by cable or video providers in addition to the
21 penalties provided herein. No monetary penalties shall be
22 assessed for a material breach if it is out of the
23 reasonable control of the cable or video providers or its
24 affiliate. Monetary penalties adopted in an ordinance
25 pursuant to this Section shall apply on a competitively
26 neutral basis to all providers of cable service or video

1 service within the local unit of government's
2 jurisdiction. In no event shall the penalties imposed under
3 this subsection (r) exceed \$750 for each day of the
4 material breach, and these penalties shall not exceed
5 \$25,000 for each occurrence of a material breach per
6 customer.

7 (2) For purposes of this Section, "material breach"
8 means any substantial failure of a cable or video service
9 provider to comply with service quality and other standards
10 specified in any provision of this Act. The Attorney
11 General or the local unit of government shall give the
12 cable or video provider written notice of any alleged
13 material breaches of this Act and allow such provider at
14 least 30 days from receipt of the notice to remedy the
15 specified material breach.

16 (3) A material breach, for the purposes of assessing
17 penalties, shall be deemed to have occurred for each day
18 that a material breach has not been remedied by the cable
19 service or video service provider after the expiration of
20 the period specified in subdivision (2) of this subsection
21 (r) in each local unit of government's jurisdiction,
22 irrespective of the number of customers affected.

23 (4) Any customer, the Attorney General, or a local unit
24 of government may pursue alleged violations of this Act by
25 the cable or video provider in a court of competent
26 jurisdiction. A cable or video provider may seek judicial

1 review of a decision of a local unit of government imposing
2 penalties in a court of competent jurisdiction. No local
3 unit of government shall be subject to suit for damages or
4 other relief based upon its action in connection with its
5 enforcement or review of any of the terms, conditions, and
6 rights contained in this Act except a court may require the
7 return of any penalty it finds was not properly assessed or
8 imposed.

9 (s) Cable or video providers shall credit customers for
10 violations in the amounts stated herein. The credits shall be
11 applied on the statement issued to the customer for the next
12 monthly billing cycle following the violation or following the
13 discovery of the violation. Cable or video providers are
14 responsible for providing the credits described herein and the
15 customer is under no obligation to request the credit. If the
16 customer is no longer taking service from the cable or video
17 provider, the credit amount will be refunded to the customer by
18 check within 30 days of the termination of service. A local
19 unit of government may, by ordinance, adopt a schedule of
20 credits payable directly to customers for breach of the
21 customer service standards and obligations contained in this
22 Article, provided the schedule of customer credits applies on a
23 competitively neutral basis to all providers of cable service
24 or video service in the local unit of government's jurisdiction
25 and the credits are not greater than the credits provided in
26 this Section.

1 (1) Failure to provide notice of customer service
2 standards upon initiation of service: \$25.00.

3 (2) Failure to install service within 7 days: Waiver of
4 50% of the installation fee or the monthly fee for the
5 lowest-cost basic service, whichever is greater. Failure
6 to install service within 14 days: Waiver of 100% of the
7 installation fee or the monthly fee for the lowest-cost
8 basic service, whichever is greater.

9 (3) Failure to remedy service interruptions or poor
10 video or audio service quality within 48 hours: Pro-rata
11 credit of total regular monthly charges equal to the number
12 of days of the service interruption.

13 (4) Failure to keep an appointment or to notify the
14 customer prior to the close of business on the business day
15 prior to the scheduled appointment: \$25.00.

16 (5) Violation of privacy protections: \$150.00.

17 (6) Failure to comply with scrambling requirements:
18 \$50.00 per month.

19 (7) Violation of customer service and billing
20 standards in subsections (c) and (d) of this Section:
21 \$25.00 per occurrence.

22 (8) Violation of the bundling rules in subsection (h)
23 of this Section: \$25.00 per month.

24 (t) The enforcement powers granted to the Attorney General
25 in Article XXI of this Act shall apply to this Article, except
26 that the Attorney General may not seek penalties for violation

1 of this Article other than in the amounts specified herein.
2 Nothing in this Section shall limit or affect the powers of the
3 Attorney General to enforce the provisions of Article XXI of
4 this Act or the Consumer Fraud and Deceptive Business Practices
5 Act.

6 (u) This Article applies to all cable and video providers
7 in the State, including but not limited to those operating
8 under a local franchise as that term is used in 47 U.S.C.
9 522(9), those operating under authorization pursuant to
10 Section 11-42-11 of the Illinois Municipal Code, those
11 operating under authorization pursuant to Section 5-1095 of the
12 Counties Code, and those operating under a State-issued
13 authorization pursuant to Article XXI of this Act.

14 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08; 96-927,
15 eff. 6-15-10.)

16 Section 104-10. The Veterinary Medicine and Surgery
17 Practice Act of 2004 is amended by changing Sections 25 and
18 25.19 as follows:

19 (225 ILCS 115/25) (from Ch. 111, par. 7025)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 25. Disciplinary actions.

22 1. The Department may refuse to issue or renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary action as the Department may deem appropriate,

1 including fines not to exceed \$1,000 for each violation, with
2 regard to any license or certificate for any one or combination
3 of the following:

4 A. Material misstatement in furnishing information to
5 the Department.

6 B. Violations of this Act, or of the rules adopted
7 pursuant to this Act.

8 C. Conviction of any crime under the laws of the United
9 States or any state or territory of the United States that
10 is a felony or that is a misdemeanor, an essential element
11 of which is dishonesty, or of any crime that is directly
12 related to the practice of the profession.

13 D. Making any misrepresentation for the purpose of
14 obtaining licensure or certification, or violating any
15 provision of this Act or the rules adopted pursuant to this
16 Act pertaining to advertising.

17 E. Professional incompetence.

18 F. Gross malpractice.

19 G. Aiding or assisting another person in violating any
20 provision of this Act or rules.

21 H. Failing, within 60 days, to provide information in
22 response to a written request made by the Department.

23 I. Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 J. Habitual or excessive use or addiction to alcohol,

1 narcotics, stimulants, or any other chemical agent or drug
2 that results in the inability to practice with reasonable
3 judgment, skill, or safety.

4 K. Discipline by another state, District of Columbia,
5 territory, or foreign nation, if at least one of the
6 grounds for the discipline is the same or substantially
7 equivalent to those set forth herein.

8 L. Directly or indirectly giving to or receiving from
9 any person, firm, corporation, partnership or association
10 any fee, commission, rebate, or other form of compensation
11 for professional services not actually or personally
12 rendered.

13 M. A finding by the Board that the licensee or
14 certificate holder, after having his license or
15 certificate placed on probationary status, has violated
16 the terms of probation.

17 N. Willfully making or filing false records or reports
18 in his practice, including but not limited to false records
19 filed with State agencies or departments.

20 O. Physical illness, including but not limited to,
21 deterioration through the aging process, or loss of motor
22 skill which results in the inability to practice the
23 profession with reasonable judgment, skill, or safety.

24 P. Solicitation of professional services other than
25 permitted advertising.

26 Q. Having professional connection with or lending

1 one's name, directly or indirectly, to any illegal
2 practitioner of veterinary medicine and surgery and the
3 various branches thereof.

4 R. Conviction of or cash compromise of a charge or
5 violation of the Harrison Act or the Illinois Controlled
6 Substances Act, regulating narcotics.

7 S. Fraud or dishonesty in applying, treating, or
8 reporting on tuberculin or other biological tests.

9 T. Failing to report, as required by law, or making
10 false report of any contagious or infectious diseases.

11 U. Fraudulent use or misuse of any health certificate,
12 shipping certificate, brand inspection certificate, or
13 other blank forms used in practice that might lead to the
14 dissemination of disease or the transportation of diseased
15 animals dead or alive; or dilatory methods, willful
16 neglect, or misrepresentation in the inspection of milk,
17 meat, poultry, and the by-products thereof.

18 V. Conviction on a charge of cruelty to animals.

19 W. Failure to keep one's premises and all equipment
20 therein in a clean and sanitary condition.

21 X. Failure to provide satisfactory proof of having
22 participated in approved continuing education programs.

23 Y. Failure to (i) file a return, (ii) pay the tax,
24 penalty, or interest shown in a filed return, or (iii) pay
25 any final assessment of tax, penalty, or interest, as
26 required by any tax Act administered by the Illinois

1 Department of Revenue, until the requirements of that tax
2 Act are satisfied.

3 Z. Conviction by any court of competent jurisdiction,
4 either within or outside this State, of any violation of
5 any law governing the practice of veterinary medicine, if
6 the Department determines, after investigation, that the
7 person has not been sufficiently rehabilitated to warrant
8 the public trust.

9 AA. Promotion of the sale of drugs, devices,
10 appliances, or goods provided for a patient in any manner
11 to exploit the client for financial gain of the
12 veterinarian.

13 BB. Gross, willful, or continued overcharging for
14 professional services, including filing false statements
15 for collection of fees for which services are not rendered.

16 CC. Practicing under a false or, except as provided by
17 law, an assumed name.

18 DD. Fraud or misrepresentation in applying for, or
19 procuring, a license under this Act or in connection with
20 applying for renewal of a license under this Act.

21 EE. Cheating on or attempting to subvert the licensing
22 examination administered under this Act.

23 FF. Using, prescribing, or selling a prescription drug
24 or the extra-label use of a prescription drug by any means
25 in the absence of a valid veterinarian-client-patient
26 relationship.

1 GG. Failing to report a case of suspected aggravated
2 cruelty, torture, or animal fighting pursuant to Section
3 3.07 or 4.01 of the Humane Care for Animals Act or Section
4 26-5 or 48-1 of the Criminal Code of 1961.

5 2. The determination by a circuit court that a licensee or
6 certificate holder is subject to involuntary admission or
7 judicial admission as provided in the Mental Health and
8 Developmental Disabilities Code operates as an automatic
9 suspension. The suspension will end only upon a finding by a
10 court that the patient is no longer subject to involuntary
11 admission or judicial admission and issues an order so finding
12 and discharging the patient; and upon the recommendation of the
13 Board to the Secretary that the licensee or certificate holder
14 be allowed to resume his practice.

15 3. All proceedings to suspend, revoke, place on
16 probationary status, or take any other disciplinary action as
17 the Department may deem proper, with regard to a license or
18 certificate on any of the foregoing grounds, must be commenced
19 within 3 years after receipt by the Department of a complaint
20 alleging the commission of or notice of the conviction order
21 for any of the acts described in this Section. Except for
22 proceedings brought for violations of items (CC), (DD), or
23 (EE), no action shall be commenced more than 5 years after the
24 date of the incident or act alleged to have violated this
25 Section. In the event of the settlement of any claim or cause
26 of action in favor of the claimant or the reduction to final

1 judgment of any civil action in favor of the plaintiff, the
2 claim, cause of action, or civil action being grounded on the
3 allegation that a person licensed or certified under this Act
4 was negligent in providing care, the Department shall have an
5 additional period of one year from the date of the settlement
6 or final judgment in which to investigate and begin formal
7 disciplinary proceedings under Section 25.2 of this Act, except
8 as otherwise provided by law. The time during which the holder
9 of the license or certificate was outside the State of Illinois
10 shall not be included within any period of time limiting the
11 commencement of disciplinary action by the Department.

12 4. The Department may refuse to issue or take disciplinary
13 action concerning the license of any person who fails to file a
14 return, to pay the tax, penalty, or interest shown in a filed
15 return, or to pay any final assessment of tax, penalty, or
16 interest as required by any tax Act administered by the
17 Department of Revenue, until such time as the requirements of
18 any such tax Act are satisfied as determined by the Department
19 of Revenue.

20 5. In enforcing this Section, the Board, upon a showing of
21 a possible violation, may compel a licensee or applicant to
22 submit to a mental or physical examination, or both, as
23 required by and at the expense of the Department. The examining
24 physicians or clinical psychologists shall be those
25 specifically designated by the Board. The Board or the
26 Department may order (i) the examining physician to present

1 testimony concerning the mental or physical examination of a
2 licensee or applicant or (ii) the examining clinical
3 psychologist to present testimony concerning the mental
4 examination of a licensee or applicant. No information shall be
5 excluded by reason of any common law or statutory privilege
6 relating to communications between a licensee or applicant and
7 the examining physician or clinical psychologist. An
8 individual to be examined may have, at his or her own expense,
9 another physician or clinical psychologist of his or her choice
10 present during all aspects of the examination. Failure of an
11 individual to submit to a mental or physical examination, when
12 directed, is grounds for suspension of his or her license. The
13 license must remain suspended until the person submits to the
14 examination or the Board finds, after notice and hearing, that
15 the refusal to submit to the examination was with reasonable
16 cause.

17 If the Board finds an individual unable to practice because
18 of the reasons set forth in this Section, the Board must
19 require the individual to submit to care, counseling, or
20 treatment by a physician or clinical psychologist approved by
21 the Board, as a condition, term, or restriction for continued,
22 reinstated, or renewed licensure to practice. In lieu of care,
23 counseling, or treatment, the Board may recommend that the
24 Department file a complaint to immediately suspend or revoke
25 the license of the individual or otherwise discipline the
26 licensee.

1 Any individual whose license was granted, continued,
2 reinstated, or renewed subject to conditions, terms, or
3 restrictions, as provided for in this Section, or any
4 individual who was disciplined or placed on supervision
5 pursuant to this Section must be referred to the Secretary for
6 a determination as to whether the person shall have his or her
7 license suspended immediately, pending a hearing by the Board.
8 (Source: P.A. 96-1322, eff. 7-27-10.)

9 (225 ILCS 115/25.19)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 25.19. Mandatory reporting. Nothing in this Act
12 exempts a licensee from the mandatory reporting requirements
13 regarding suspected acts of aggravated cruelty, torture, and
14 animal fighting imposed under Sections 3.07 and 4.01 of the
15 Humane Care for Animals Act and Section 26-5 or 48-1 of the
16 Criminal Code of 1961.

17 (Source: P.A. 93-281, eff. 12-31-03.)

18 Section 104-15. The Humane Care for Animals Act is amended
19 by changing Sections 3.03-1, 3.04, 3.05, 4.01, and 4.02 as
20 follows:

21 (510 ILCS 70/3.03-1)

22 Sec. 3.03-1. Depiction of animal cruelty.

23 (a) "Depiction of animal cruelty" means any visual or

1 auditory depiction, including any photograph, motion-picture
2 film, video recording, electronic image, or sound recording,
3 that would constitute a violation of Section 3.01, 3.02, 3.03,
4 or 4.01 of the Humane Care for Animals Act or Section 26-5 or
5 48-1 of the Criminal Code of 1961.

6 (b) No person may knowingly create, sell, market, offer to
7 market or sell, or possess a depiction of animal cruelty. No
8 person may place that depiction in commerce for commercial gain
9 or entertainment. This Section does not apply when the
10 depiction has religious, political, scientific, educational,
11 law enforcement or humane investigator training, journalistic,
12 artistic, or historical value; or involves rodeos, sanctioned
13 livestock events, or normal husbandry practices.

14 The creation, sale, marketing, offering to sell or market,
15 or possession of the depiction of animal cruelty is illegal
16 regardless of whether the maiming, mutilation, torture,
17 wounding, abuse, killing, or any other conduct took place in
18 this State.

19 (c) Any person convicted of violating this Section is
20 guilty of a Class A misdemeanor. A second or subsequent
21 violation is a Class 4 felony. In addition to any other penalty
22 provided by law, upon conviction for violating this Section,
23 the court may order the convicted person to undergo a
24 psychological or psychiatric evaluation and to undergo any
25 treatment at the convicted person's expense that the court
26 determines to be appropriate after due consideration of the

1 evaluation. If the convicted person is a juvenile, the court
2 shall order the convicted person to undergo a psychological or
3 psychiatric evaluation and to undergo treatment that the court
4 determines to be appropriate after due consideration of the
5 evaluation.

6 (Source: P.A. 92-776, eff. 1-1-03.)

7 (510 ILCS 70/3.04)

8 Sec. 3.04. Arrests and seizures; penalties.

9 (a) Any law enforcement officer making an arrest for an
10 offense involving one or more companion animals under Section
11 3.01, 3.02, or 3.03 of this Act may lawfully take possession of
12 some or all of the companion animals in the possession of the
13 person arrested. The officer, after taking possession of the
14 companion animals, must file with the court before whom the
15 complaint is made against any person so arrested an affidavit
16 stating the name of the person charged in the complaint, a
17 description of the condition of the companion animal or
18 companion animals taken, and the time and place the companion
19 animal or companion animals were taken, together with the name
20 of the person from whom the companion animal or companion
21 animals were taken and name of the person who claims to own the
22 companion animal or companion animals if different from the
23 person from whom the companion animal or companion animals were
24 seized. He or she must at the same time deliver an inventory of
25 the companion animal or companion animals taken to the court of

1 competent jurisdiction. The officer must place the companion
2 animal or companion animals in the custody of an animal control
3 or animal shelter and the agency must retain custody of the
4 companion animal or companion animals subject to an order of
5 the court adjudicating the charges on the merits and before
6 which the person complained against is required to appear for
7 trial. The State's Attorney may, within 14 days after the
8 seizure, file a "petition for forfeiture prior to trial" before
9 the court having criminal jurisdiction over the alleged
10 charges, asking for permanent forfeiture of the companion
11 animals seized. The petition shall be filed with the court,
12 with copies served on the impounding agency, the owner, and
13 anyone claiming an interest in the animals. In a "petition for
14 forfeiture prior to trial", the burden is on the prosecution to
15 prove by a preponderance of the evidence that the person
16 arrested violated Section 3.01, 3.02, 3.03, or 4.01 of this Act
17 or Section 26-5 or 48-1 of the Criminal Code of 1961.

18 (b) An owner whose companion animal or companion animals
19 are removed by a law enforcement officer under this Section
20 must be given written notice of the circumstances of the
21 removal and of any legal remedies available to him or her. The
22 notice must be posted at the place of seizure, or delivered to
23 a person residing at the place of seizure or, if the address of
24 the owner is different from the address of the person from whom
25 the companion animal or companion animals were seized,
26 delivered by registered mail to his or her last known address.

1 (c) In addition to any other penalty provided by law, upon
2 conviction for violating Sections 3, 3.01, 3.02, or 3.03 the
3 court may order the convicted person to forfeit to an animal
4 control or animal shelter the animal or animals that are the
5 basis of the conviction. Upon an order of forfeiture, the
6 convicted person is deemed to have permanently relinquished all
7 rights to the animal or animals that are the basis of the
8 conviction. The forfeited animal or animals shall be adopted or
9 humanely euthanized. In no event may the convicted person or
10 anyone residing in his or her household be permitted to adopt
11 the forfeited animal or animals. The court, additionally, may
12 order that the convicted person and persons dwelling in the
13 same household as the convicted person who conspired, aided, or
14 abetted in the unlawful act that was the basis of the
15 conviction, or who knew or should have known of the unlawful
16 act, may not own, harbor, or have custody or control of any
17 other animals for a period of time that the court deems
18 reasonable.

19 (Source: P.A. 95-560, eff. 8-30-07.)

20 (510 ILCS 70/3.05)

21 Sec. 3.05. Security for companion animals and animals used
22 for fighting purposes.

23 (a) In the case of companion animals as defined in Section
24 2.01a or animals used for fighting purposes in violation of
25 Section 4.01 of this Act or Section 26-5 or 48-1 of the

1 Criminal Code of 1961, the animal control or animal shelter
2 having custody of the animal or animals may file a petition
3 with the court requesting that the person from whom the animal
4 or animals are seized, or the owner of the animal or animals,
5 be ordered to post security. The security must be in an amount
6 sufficient to secure payment of all reasonable expenses
7 expected to be incurred by the animal control or animal shelter
8 in caring for and providing for the animal or animals pending
9 the disposition of the charges. Reasonable expenses include,
10 but are not limited to, estimated medical care and boarding of
11 the animal or animals for 30 days. The amount of the security
12 shall be determined by the court after taking into
13 consideration all of the facts and circumstances of the case,
14 including, but not limited to, the recommendation of the
15 impounding organization having custody and care of the seized
16 animal or animals and the cost of caring for the animal or
17 animals. If security has been posted in accordance with this
18 Section, the animal control or animal shelter may draw from the
19 security the actual costs incurred by the agency in caring for
20 the seized animal or animals.

21 (b) Upon receipt of a petition, the court must set a
22 hearing on the petition, to be conducted within 5 business days
23 after the petition is filed. The petitioner must serve a true
24 copy of the petition upon the defendant and the State's
25 Attorney for the county in which the animal or animals were
26 seized. The petitioner must also serve a true copy of the

1 petition on any interested person. For the purposes of this
2 subsection, "interested person" means an individual,
3 partnership, firm, joint stock company, corporation,
4 association, trust, estate, or other legal entity that the
5 court determines may have a pecuniary interest in the animal or
6 animals that are the subject of the petition. The court must
7 set a hearing date to determine any interested parties. The
8 court may waive for good cause shown the posting of security.

9 (c) If the court orders the posting of security, the
10 security must be posted with the clerk of the court within 5
11 business days after the hearing. If the person ordered to post
12 security does not do so, the animal or animals are forfeited by
13 operation of law and the animal control or animal shelter
14 having control of the animal or animals must dispose of the
15 animal or animals through adoption or must humanely euthanize
16 the animal. In no event may the defendant or any person
17 residing in the defendant's household adopt the animal or
18 animals.

19 (d) The impounding organization may file a petition with
20 the court upon the expiration of the 30-day period requesting
21 the posting of additional security. The court may order the
22 person from whom the animal or animals were seized, or the
23 owner of the animal or animals, to post additional security
24 with the clerk of the court to secure payment of reasonable
25 expenses for an additional period of time pending a
26 determination by the court of the charges against the person

1 from whom the animal or animals were seized.

2 (e) In no event may the security prevent the impounding
3 organization having custody and care of the animal or animals
4 from disposing of the animal or animals before the expiration
5 of the 30-day period covered by the security if the court makes
6 a final determination of the charges against the person from
7 whom the animal or animals were seized. Upon the adjudication
8 of the charges, the person who posted the security is entitled
9 to a refund of the security, in whole or in part, for any
10 expenses not incurred by the impounding organization.

11 (f) Notwithstanding any other provision of this Section to
12 the contrary, the court may order a person charged with any
13 violation of this Act to provide necessary food, water,
14 shelter, and care for any animal or animals that are the basis
15 of the charge without the removal of the animal or animals from
16 their existing location and until the charges against the
17 person are adjudicated. Until a final determination of the
18 charges is made, any law enforcement officer, animal control
19 officer, Department investigator, or an approved humane
20 investigator may be authorized by an order of the court to make
21 regular visits to the place where the animal or animals are
22 being kept to ascertain if the animal or animals are receiving
23 necessary food, water, shelter, and care. Nothing in this
24 Section prevents any law enforcement officer, Department
25 investigator, or approved humane investigator from applying
26 for a warrant under this Section to seize any animal or animals

1 being held by the person charged pending the adjudication of
2 the charges if it is determined that the animal or animals are
3 not receiving the necessary food, water, shelter, or care.

4 (g) Nothing in this Act shall be construed to prevent the
5 voluntary, permanent relinquishment of any animal by its owner
6 to an animal control or animal shelter in lieu of posting
7 security or proceeding to a forfeiture hearing. Voluntary
8 relinquishment shall have no effect on the criminal charges
9 that may be pursued by the appropriate authorities.

10 (h) If an owner of a companion animal is acquitted by the
11 court of charges made pursuant to this Act, the court shall
12 further order that any security that has been posted for the
13 animal shall be returned to the owner by the impounding
14 organization.

15 (i) The provisions of this Section only pertain to
16 companion animals and animals used for fighting purposes.

17 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02.)

18 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

19 Sec. 4.01. Animals in entertainment. This Section does not
20 apply when the only animals involved are dogs. (Section 48-1
21 ~~26-5~~ of the Criminal Code of 1961, rather than this Section,
22 applies when the only animals involved are dogs.)

23 (a) No person may own, capture, breed, train, or lease any
24 animal which he or she knows or should know is intended for use
25 in any show, exhibition, program, or other activity featuring

1 or otherwise involving a fight between such animal and any
2 other animal or human, or the intentional killing of any animal
3 for the purpose of sport, wagering, or entertainment.

4 (b) No person shall promote, conduct, carry on, advertise,
5 collect money for or in any other manner assist or aid in the
6 presentation for purposes of sport, wagering, or
7 entertainment, any show, exhibition, program, or other
8 activity involving a fight between 2 or more animals or any
9 animal and human, or the intentional killing of any animal.

10 (c) No person shall sell or offer for sale, ship,
11 transport, or otherwise move, or deliver or receive any animal
12 which he or she knows or should know has been captured, bred,
13 or trained, or will be used, to fight another animal or human
14 or be intentionally killed, for the purpose of sport, wagering,
15 or entertainment.

16 (d) No person shall manufacture for sale, shipment,
17 transportation or delivery any device or equipment which that
18 person knows or should know is intended for use in any show,
19 exhibition, program, or other activity featuring or otherwise
20 involving a fight between 2 or more animals, or any human and
21 animal, or the intentional killing of any animal for purposes
22 of sport, wagering or entertainment.

23 (e) No person shall own, possess, sell or offer for sale,
24 ship, transport, or otherwise move any equipment or device
25 which such person knows or should know is intended for use in
26 connection with any show, exhibition, program, or activity

1 featuring or otherwise involving a fight between 2 or more
2 animals, or any animal and human, or the intentional killing of
3 any animal for purposes of sport, wagering or entertainment.

4 (f) No person shall make available any site, structure, or
5 facility, whether enclosed or not, which he or she knows or
6 should know is intended to be used for the purpose of
7 conducting any show, exhibition, program, or other activity
8 involving a fight between 2 or more animals, or any animal and
9 human, or the intentional killing of any animal.

10 (g) No person shall knowingly attend or otherwise patronize
11 any show, exhibition, program, or other activity featuring or
12 otherwise involving a fight between 2 or more animals, or any
13 animal and human, or the intentional killing of any animal for
14 the purposes of sport, wagering or entertainment.

15 (h) (Blank).

16 (i) Any animals or equipment involved in a violation of
17 this Section shall be immediately seized and impounded under
18 Section 12 by the Department when located at any show,
19 exhibition, program, or other activity featuring or otherwise
20 involving an animal fight for the purposes of sport, wagering,
21 or entertainment.

22 (j) Any vehicle or conveyance other than a common carrier
23 that is used in violation of this Section shall be seized,
24 held, and offered for sale at public auction by the sheriff's
25 department of the proper jurisdiction, and the proceeds from
26 the sale shall be remitted to the general fund of the county

1 where the violation took place.

2 (k) Any veterinarian in this State who is presented with an
3 animal for treatment of injuries or wounds resulting from
4 fighting where there is a reasonable possibility that the
5 animal was engaged in or utilized for a fighting event for the
6 purposes of sport, wagering, or entertainment shall file a
7 report with the Department and cooperate by furnishing the
8 owners' names, dates, and descriptions of the animal or animals
9 involved. Any veterinarian who in good faith complies with the
10 requirements of this subsection has immunity from any
11 liability, civil, criminal, or otherwise, that may result from
12 his or her actions. For the purposes of any proceedings, civil
13 or criminal, the good faith of the veterinarian shall be
14 rebuttably presumed.

15 (l) No person shall solicit a minor to violate this
16 Section.

17 (m) The penalties for violations of this Section shall be
18 as follows:

19 (1) A person convicted of violating subsection (a),
20 (b), or (c) of this Section or any rule, regulation, or
21 order of the Department pursuant thereto is guilty of a
22 Class 4 felony for the first offense. A second or
23 subsequent offense involving the violation of subsection
24 (a), (b), or (c) of this Section or any rule, regulation,
25 or order of the Department pursuant thereto is a Class 3
26 felony.

1 (2) A person convicted of violating subsection (d),
2 (e), or (f) of this Section or any rule, regulation, or
3 order of the Department pursuant thereto is guilty of a
4 Class 4 felony for the first offense. A second or
5 subsequent violation is a Class 3 felony.

6 (3) A person convicted of violating subsection (g) of
7 this Section or any rule, regulation, or order of the
8 Department pursuant thereto is guilty of a Class 4 felony
9 for the first offense. A second or subsequent violation is
10 a Class 3 felony.

11 (4) A person convicted of violating subsection (l) of
12 this Section is guilty of a Class 4 felony for the first
13 offense. A second or subsequent violation is a Class 3
14 felony.

15 (n) A person who commits a felony violation of this Section
16 is subject to the property forfeiture provisions set forth in
17 Article 124B of the Code of Criminal Procedure of 1963.

18 (Source: P.A. 95-331, eff. 8-21-07; 95-560, eff. 8-30-07;
19 96-226, eff. 8-11-09; 96-712, eff. 1-1-10; 96-1000, eff.
20 7-2-10.)

21 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)
22 Sec. 4.02. Arrests; reports.

23 (a) Any law enforcement officer making an arrest for an
24 offense involving one or more animals under Section 4.01 of
25 this Act or Section 48-1 ~~26-5~~ of the Criminal Code of 1961

1 shall lawfully take possession of all animals and all
2 paraphernalia, implements, or other property or things used or
3 employed, or about to be employed, in the violation of any of
4 the provisions of Section 4.01 of this Act or Section 48-1 ~~26-5~~
5 of the Criminal Code of 1961. When a law enforcement officer
6 has taken possession of such animals, paraphernalia,
7 implements or other property or things, he or she shall file
8 with the court before whom the complaint is made against any
9 person so arrested an affidavit stating therein the name of the
10 person charged in the complaint, a description of the property
11 so taken and the time and place of the taking thereof together
12 with the name of the person from whom the same was taken and
13 name of the person who claims to own such property, if
14 different from the person from whom the animals were seized and
15 if known, and that the affiant has reason to believe and does
16 believe, stating the ground of the belief, that the animals and
17 property so taken were used or employed, or were about to be
18 used or employed, in a violation of Section 4.01 of this Act or
19 Section 48-1 ~~26-5~~ of the Criminal Code of 1961. He or she shall
20 thereupon deliver an inventory of the property so taken to the
21 court of competent jurisdiction. A law enforcement officer may
22 humanely euthanize animals that are severely injured.

23 An owner whose animals are removed for a violation of
24 Section 4.01 of this Act or Section 48-1 ~~26-5~~ of the Criminal
25 Code of 1961 must be given written notice of the circumstances
26 of the removal and of any legal remedies available to him or

1 her. The notice must be posted at the place of seizure or
2 delivered to a person residing at the place of seizure or, if
3 the address of the owner is different from the address of the
4 person from whom the animals were seized, delivered by
5 registered mail to his or her last known address.

6 The animal control or animal shelter having custody of the
7 animals may file a petition with the court requesting that the
8 person from whom the animals were seized or the owner of the
9 animals be ordered to post security pursuant to Section 3.05 of
10 this Act.

11 Upon the conviction of the person so charged, all animals
12 shall be adopted or humanely euthanized and property so seized
13 shall be adjudged by the court to be forfeited. Any outstanding
14 costs incurred by the impounding facility in boarding and
15 treating the animals pending the disposition of the case and
16 disposing of the animals upon a conviction must be borne by the
17 person convicted. In no event may the animals be adopted by the
18 defendant or anyone residing in his or her household. If the
19 court finds that the State either failed to prove the criminal
20 allegations or failed to prove that the animals were used in
21 fighting, the court must direct the delivery of the animals and
22 the other property not previously forfeited to the owner of the
23 animals and property.

24 Any person authorized by this Section to care for an
25 animal, to treat an animal, or to attempt to restore an animal
26 to good health and who is acting in good faith is immune from

1 any civil or criminal liability that may result from his or her
2 actions.

3 An animal control warden, animal control administrator,
4 animal shelter employee, or approved humane investigator may
5 humanely euthanize severely injured, diseased, or suffering
6 animal in exigent circumstances.

7 (b) Any veterinarian in this State who is presented with an
8 animal for treatment of injuries or wounds resulting from
9 fighting where there is a reasonable possibility that the
10 animal was engaged in or utilized for a fighting event shall
11 file a report with the Department and cooperate by furnishing
12 the owners' names, date of receipt of the animal or animals and
13 treatment administered, and descriptions of the animal or
14 animals involved. Any veterinarian who in good faith makes a
15 report, as required by this subsection (b), is immune from any
16 liability, civil, criminal, or otherwise, resulting from his or
17 her actions. For the purposes of any proceedings, civil or
18 criminal, the good faith of any such veterinarian shall be
19 presumed.

20 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,
21 eff. 7-11-02; 92-651, eff. 7-11-02.)

22 Section 104-20. The Clerks of Courts Act is amended by
23 changing Sections 27.3a, 27.5 and 27.6 as follows:

24 (705 ILCS 105/27.3a)

1 (Text of Section before amendment by P.A. 97-46)

2 Sec. 27.3a. Fees for automated record keeping and State
3 Police operations.

4 1. The expense of establishing and maintaining automated
5 record keeping systems in the offices of the clerks of the
6 circuit court shall be borne by the county. To defray such
7 expense in any county having established such an automated
8 system or which elects to establish such a system, the county
9 board may require the clerk of the circuit court in their
10 county to charge and collect a court automation fee of not less
11 than \$1 nor more than \$15 to be charged and collected by the
12 clerk of the court. Such fee shall be paid at the time of
13 filing the first pleading, paper or other appearance filed by
14 each party in all civil cases or by the defendant in any
15 felony, traffic, misdemeanor, municipal ordinance, or
16 conservation case upon a judgment of guilty or grant of
17 supervision, provided that the record keeping system which
18 processes the case category for which the fee is charged is
19 automated or has been approved for automation by the county
20 board, and provided further that no additional fee shall be
21 required if more than one party is presented in a single
22 pleading, paper or other appearance. Such fee shall be
23 collected in the manner in which all other fees or costs are
24 collected.

25 1.5. Starting on the effective date of this amendatory Act
26 of the 96th General Assembly, a clerk of the circuit court in

1 any county that imposes a fee pursuant to subsection 1 of this
2 Section, shall charge and collect an additional fee in an
3 amount equal to the amount of the fee imposed pursuant to
4 subsection 1 of this Section. This additional fee shall be paid
5 by the defendant in any felony, traffic, misdemeanor, local
6 ordinance, or conservation case upon a judgment of guilty or
7 grant of supervision.

8 2. With respect to the fee imposed under subsection 1 of
9 this Section, each clerk shall commence such charges and
10 collections upon receipt of written notice from the chairman of
11 the county board together with a certified copy of the board's
12 resolution, which the clerk shall file of record in his office.

13 3. With respect to the fee imposed under subsection 1 of
14 this Section, such fees shall be in addition to all other fees
15 and charges of such clerks, and assessable as costs, and may be
16 waived only if the judge specifically provides for the waiver
17 of the court automation fee. The fees shall be remitted monthly
18 by such clerk to the county treasurer, to be retained by him in
19 a special fund designated as the court automation fund. The
20 fund shall be audited by the county auditor, and the board
21 shall make expenditure from the fund in payment of any cost
22 related to the automation of court records, including hardware,
23 software, research and development costs and personnel related
24 thereto, provided that the expenditure is approved by the clerk
25 of the court and by the chief judge of the circuit court or his
26 designate.

1 4. With respect to the fee imposed under subsection 1 of
2 this Section, such fees shall not be charged in any matter
3 coming to any such clerk on change of venue, nor in any
4 proceeding to review the decision of any administrative
5 officer, agency or body.

6 5. With respect to the additional fee imposed under
7 subsection 1.5 of this Section, the fee shall be remitted by
8 the circuit clerk to the State Treasurer within one month after
9 receipt for deposit into the State Police Operations Assistance
10 Fund.

11 6. With respect to the additional fees imposed under
12 subsection 1.5 of this Section, the Director of State Police
13 may direct the use of these fees for homeland security purposes
14 by transferring these fees on a quarterly basis from the State
15 Police Operations Assistance Fund into the Illinois Law
16 Enforcement Alarm Systems (ILEAS) Fund for homeland security
17 initiatives programs. The transferred fees shall be allocated,
18 subject to the approval of the ILEAS Executive Board, as
19 follows: (i) 66.6% shall be used for homeland security
20 initiatives and (ii) 33.3% shall be used for airborne
21 operations. The ILEAS Executive Board shall annually supply the
22 Director of State Police with a report of the use of these
23 fees.

24 (Source: P.A. 96-1029, eff. 7-13-10; 97-453, eff. 8-19-11.)

25 (Text of Section after amendment by P.A. 97-46)

1 Sec. 27.3a. Fees for automated record keeping and State and
2 Conservation Police operations.

3 1. The expense of establishing and maintaining automated
4 record keeping systems in the offices of the clerks of the
5 circuit court shall be borne by the county. To defray such
6 expense in any county having established such an automated
7 system or which elects to establish such a system, the county
8 board may require the clerk of the circuit court in their
9 county to charge and collect a court automation fee of not less
10 than \$1 nor more than \$15 to be charged and collected by the
11 clerk of the court. Such fee shall be paid at the time of
12 filing the first pleading, paper or other appearance filed by
13 each party in all civil cases or by the defendant in any
14 felony, traffic, misdemeanor, municipal ordinance, or
15 conservation case upon a judgment of guilty or grant of
16 supervision, provided that the record keeping system which
17 processes the case category for which the fee is charged is
18 automated or has been approved for automation by the county
19 board, and provided further that no additional fee shall be
20 required if more than one party is presented in a single
21 pleading, paper or other appearance. Such fee shall be
22 collected in the manner in which all other fees or costs are
23 collected.

24 1.5. Starting on the effective date of this amendatory Act
25 of the 96th General Assembly, a clerk of the circuit court in
26 any county that imposes a fee pursuant to subsection 1 of this

1 Section, shall charge and collect an additional fee in an
2 amount equal to the amount of the fee imposed pursuant to
3 subsection 1 of this Section. This additional fee shall be paid
4 by the defendant in any felony, traffic, misdemeanor, or local
5 ordinance case upon a judgment of guilty or grant of
6 supervision. This fee shall not be paid by the defendant for
7 any conservation violation listed in subsection 1.6 of this
8 Section.

9 1.6. Starting on July 1, 2012 (the effective date of Public
10 Act 97-46) ~~this amendatory Act of the 97th General Assembly~~, a
11 clerk of the circuit court in any county that imposes a fee
12 pursuant to subsection 1 of this Section shall charge and
13 collect an additional fee in an amount equal to the amount of
14 the fee imposed pursuant to subsection 1 of this Section. This
15 additional fee shall be paid by the defendant upon a judgment
16 of guilty or grant of supervision for a conservation violation
17 under the State Parks Act, the Recreational Trails of Illinois
18 Act, the Illinois Explosives Act, the Timber Buyers Licensing
19 Act, the Forest Products Transportation Act, the Firearm Owners
20 Identification Card Act, the Environmental Protection Act, the
21 Fish and Aquatic Life Code, the Wildlife Code, the Cave
22 Protection Act, the Illinois Exotic Weed Act, the Illinois
23 Forestry Development Act, the Ginseng Harvesting Act, the
24 Illinois Lake Management Program Act, the Illinois Natural
25 Areas Preservation Act, the Illinois Open Land Trust Act, the
26 Open Space Lands Acquisition and Development Act, the Illinois

1 Prescribed Burning Act, the State Forest Act, the Water Use Act
2 of 1983, the Illinois Youth and Young Adult Employment Act of
3 1986, the Snowmobile Registration and Safety Act, the Boat
4 Registration and Safety Act, the Illinois Dangerous Animals
5 Act, the Hunter and Fishermen Interference Prohibition Act, the
6 Wrongful Tree Cutting Act, or Section 11-1426.1, 11-1426.2,
7 11-1427, 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or
8 11-1427.5 of the Illinois Vehicle Code, or Section 48-3 or
9 48-10 of the Criminal Code of 1961.

10 2. With respect to the fee imposed under subsection 1 of
11 this Section, each clerk shall commence such charges and
12 collections upon receipt of written notice from the chairman of
13 the county board together with a certified copy of the board's
14 resolution, which the clerk shall file of record in his office.

15 3. With respect to the fee imposed under subsection 1 of
16 this Section, such fees shall be in addition to all other fees
17 and charges of such clerks, and assessable as costs, and may be
18 waived only if the judge specifically provides for the waiver
19 of the court automation fee. The fees shall be remitted monthly
20 by such clerk to the county treasurer, to be retained by him in
21 a special fund designated as the court automation fund. The
22 fund shall be audited by the county auditor, and the board
23 shall make expenditure from the fund in payment of any cost
24 related to the automation of court records, including hardware,
25 software, research and development costs and personnel related
26 thereto, provided that the expenditure is approved by the clerk

1 of the court and by the chief judge of the circuit court or his
2 designate.

3 4. With respect to the fee imposed under subsection 1 of
4 this Section, such fees shall not be charged in any matter
5 coming to any such clerk on change of venue, nor in any
6 proceeding to review the decision of any administrative
7 officer, agency or body.

8 5. With respect to the additional fee imposed under
9 subsection 1.5 of this Section, the fee shall be remitted by
10 the circuit clerk to the State Treasurer within one month after
11 receipt for deposit into the State Police Operations Assistance
12 Fund.

13 6. With respect to the additional fees imposed under
14 subsection 1.5 of this Section, the Director of State Police
15 may direct the use of these fees for homeland security purposes
16 by transferring these fees on a quarterly basis from the State
17 Police Operations Assistance Fund into the Illinois Law
18 Enforcement Alarm Systems (ILEAS) Fund for homeland security
19 initiatives programs. The transferred fees shall be allocated,
20 subject to the approval of the ILEAS Executive Board, as
21 follows: (i) 66.6% shall be used for homeland security
22 initiatives and (ii) 33.3% shall be used for airborne
23 operations. The ILEAS Executive Board shall annually supply the
24 Director of State Police with a report of the use of these
25 fees.

26 7. ~~6.~~ With respect to the additional fee imposed under

1 subsection 1.6 of this Section, the fee shall be remitted by
2 the circuit clerk to the State Treasurer within one month after
3 receipt for deposit into the Conservation Police Operations
4 Assistance Fund.

5 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
6 97-453, eff. 8-19-11; revised 10-4-11.)

7 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

8 Sec. 27.5. (a) All fees, fines, costs, additional
9 penalties, bail balances assessed or forfeited, and any other
10 amount paid by a person to the circuit clerk that equals an
11 amount less than \$55, except restitution under Section 5-5-6 of
12 the Unified Code of Corrections, reimbursement for the costs of
13 an emergency response as provided under Section 11-501 of the
14 Illinois Vehicle Code, any fees collected for attending a
15 traffic safety program under paragraph (c) of Supreme Court
16 Rule 529, any fee collected on behalf of a State's Attorney
17 under Section 4-2002 of the Counties Code or a sheriff under
18 Section 4-5001 of the Counties Code, or any cost imposed under
19 Section 124A-5 of the Code of Criminal Procedure of 1963, for
20 convictions, orders of supervision, or any other disposition
21 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, and except as otherwise
25 provided in this Section, shall be disbursed within 60 days

1 after receipt by the circuit clerk as follows: 47% shall be
2 disbursed to the entity authorized by law to receive the fine
3 imposed in the case; 12% shall be disbursed to the State
4 Treasurer; and 41% shall be disbursed to the county's general
5 corporate fund. Of the 12% disbursed to the State Treasurer,
6 1/6 shall be deposited by the State Treasurer into the Violent
7 Crime Victims Assistance Fund, 1/2 shall be deposited into the
8 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
9 be deposited into the Drivers Education Fund. For fiscal years
10 1992 and 1993, amounts deposited into the Violent Crime Victims
11 Assistance Fund, the Traffic and Criminal Conviction Surcharge
12 Fund, or the Drivers Education Fund shall not exceed 110% of
13 the amounts deposited into those funds in fiscal year 1991. Any
14 amount that exceeds the 110% limit shall be distributed as
15 follows: 50% shall be disbursed to the county's general
16 corporate fund and 50% shall be disbursed to the entity
17 authorized by law to receive the fine imposed in the case. Not
18 later than March 1 of each year the circuit clerk shall submit
19 a report of the amount of funds remitted to the State Treasurer
20 under this Section during the preceding year based upon
21 independent verification of fines and fees. All counties shall
22 be subject to this Section, except that counties with a
23 population under 2,000,000 may, by ordinance, elect not to be
24 subject to this Section. For offenses subject to this Section,
25 judges shall impose one total sum of money payable for
26 violations. The circuit clerk may add on no additional amounts

1 except for amounts that are required by Sections 27.3a and
2 27.3c of this Act, Section 16-104c of the Illinois Vehicle
3 Code, and subsection (a) of Section 5-1101 of the Counties
4 Code, unless those amounts are specifically waived by the
5 judge. With respect to money collected by the circuit clerk as
6 a result of forfeiture of bail, ex parte judgment or guilty
7 plea pursuant to Supreme Court Rule 529, the circuit clerk
8 shall first deduct and pay amounts required by Sections 27.3a
9 and 27.3c of this Act. Unless a court ordered payment schedule
10 is implemented or fee requirements are waived pursuant to a
11 court order, the circuit clerk may add to any unpaid fees and
12 costs a delinquency amount equal to 5% of the unpaid fees that
13 remain unpaid after 30 days, 10% of the unpaid fees that remain
14 unpaid after 60 days, and 15% of the unpaid fees that remain
15 unpaid after 90 days. Notice to those parties may be made by
16 signage posting or publication. The additional delinquency
17 amounts collected under this Section shall be deposited in the
18 Circuit Court Clerk Operation and Administrative Fund to be
19 used to defray administrative costs incurred by the circuit
20 clerk in performing the duties required to collect and disburse
21 funds. This Section is a denial and limitation of home rule
22 powers and functions under subsection (h) of Section 6 of
23 Article VII of the Illinois Constitution.

24 (b) The following amounts must be remitted to the State
25 Treasurer for deposit into the Illinois Animal Abuse Fund:

26 (1) 50% of the amounts collected for felony offenses

1 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
2 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
3 Animals Act and Section 26-5 or 48-1 of the Criminal Code
4 of 1961;

5 (2) 20% of the amounts collected for Class A and Class
6 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
7 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
8 for Animals Act and Section 26-5 or 48-1 of the Criminal
9 Code of 1961; and

10 (3) 50% of the amounts collected for Class C
11 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
12 for Animals Act and Section 26-5 or 48-1 of the Criminal
13 Code of 1961.

14 (c) Any person who receives a disposition of court
15 supervision for a violation of the Illinois Vehicle Code or a
16 similar provision of a local ordinance shall, in addition to
17 any other fines, fees, and court costs, pay an additional fee
18 of \$29, to be disbursed as provided in Section 16-104c of the
19 Illinois Vehicle Code. In addition to the fee of \$29, the
20 person shall also pay a fee of \$6, if not waived by the court.
21 If this \$6 fee is collected, \$5.50 of the fee shall be
22 deposited into the Circuit Court Clerk Operation and
23 Administrative Fund created by the Clerk of the Circuit Court
24 and 50 cents of the fee shall be deposited into the Prisoner
25 Review Board Vehicle and Equipment Fund in the State treasury.

26 (d) Any person convicted of, pleading guilty to, or placed

1 on supervision for a serious traffic violation, as defined in
2 Section 1-187.001 of the Illinois Vehicle Code, a violation of
3 Section 11-501 of the Illinois Vehicle Code, or a violation of
4 a similar provision of a local ordinance shall pay an
5 additional fee of \$35, to be disbursed as provided in Section
6 16-104d of that Code.

7 This subsection (d) becomes inoperative 7 years after the
8 effective date of Public Act 95-154.

9 (e) In all counties having a population of 3,000,000 or
10 more inhabitants:

11 (1) A person who is found guilty of or pleads guilty to
12 violating subsection (a) of Section 11-501 of the Illinois
13 Vehicle Code, including any person placed on court
14 supervision for violating subsection (a), shall be fined
15 \$750 as provided for by subsection (f) of Section 11-501.01
16 of the Illinois Vehicle Code, payable to the circuit clerk,
17 who shall distribute the money pursuant to subsection (f)
18 of Section 11-501.01 of the Illinois Vehicle Code.

19 (2) When a crime laboratory DUI analysis fee of \$150,
20 provided for by Section 5-9-1.9 of the Unified Code of
21 Corrections is assessed, it shall be disbursed by the
22 circuit clerk as provided by subsection (f) of Section
23 5-9-1.9 of the Unified Code of Corrections.

24 (3) When a fine for a violation of subsection (a) of
25 Section 11-605 of the Illinois Vehicle Code is \$150 or
26 greater, the additional \$50 which is charged as provided

1 for by subsection (f) of Section 11-605 of the Illinois
2 Vehicle Code shall be disbursed by the circuit clerk to a
3 school district or districts for school safety purposes as
4 provided by subsection (f) of Section 11-605.

5 (4) When a fine for a violation of subsection (a) of
6 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
7 greater, the additional \$50 which is charged as provided
8 for by subsection (c) of Section 11-1002.5 of the Illinois
9 Vehicle Code shall be disbursed by the circuit clerk to a
10 school district or districts for school safety purposes as
11 provided by subsection (c) of Section 11-1002.5 of the
12 Illinois Vehicle Code.

13 (5) When a mandatory drug court fee of up to \$5 is
14 assessed as provided in subsection (f) of Section 5-1101 of
15 the Counties Code, it shall be disbursed by the circuit
16 clerk as provided in subsection (f) of Section 5-1101 of
17 the Counties Code.

18 (6) When a mandatory teen court, peer jury, youth
19 court, or other youth diversion program fee is assessed as
20 provided in subsection (e) of Section 5-1101 of the
21 Counties Code, it shall be disbursed by the circuit clerk
22 as provided in subsection (e) of Section 5-1101 of the
23 Counties Code.

24 (7) When a Children's Advocacy Center fee is assessed
25 pursuant to subsection (f-5) of Section 5-1101 of the
26 Counties Code, it shall be disbursed by the circuit clerk

1 as provided in subsection (f-5) of Section 5-1101 of the
2 Counties Code.

3 (8) When a victim impact panel fee is assessed pursuant
4 to subsection (b) of Section 11-501.01 of the Illinois
5 Vehicle Code, it shall be disbursed by the circuit clerk to
6 the victim impact panel to be attended by the defendant.

7 (9) When a new fee collected in traffic cases is
8 enacted after January 1, 2010 (the effective date of Public
9 Act 96-735), it shall be excluded from the percentage
10 disbursement provisions of this Section unless otherwise
11 indicated by law.

12 (f) Any person who receives a disposition of court
13 supervision for a violation of Section 11-501 of the Illinois
14 Vehicle Code shall, in addition to any other fines, fees, and
15 court costs, pay an additional fee of \$50, which shall be
16 collected by the circuit clerk and then remitted to the State
17 Treasurer for deposit into the Roadside Memorial Fund, a
18 special fund in the State treasury. However, the court may
19 waive the fee if full restitution is complied with. Subject to
20 appropriation, all moneys in the Roadside Memorial Fund shall
21 be used by the Department of Transportation to pay fees imposed
22 under subsection (f) of Section 20 of the Roadside Memorial
23 Act. The fee shall be remitted by the circuit clerk within one
24 month after receipt to the State Treasurer for deposit into the
25 Roadside Memorial Fund.

26 (g) For any conviction or disposition of court supervision

1 for a violation of Section 11-1429 of the Illinois Vehicle
2 Code, the circuit clerk shall distribute the fines paid by the
3 person as specified by subsection (h) of Section 11-1429 of the
4 Illinois Vehicle Code.

5 (Source: P.A. 96-286, eff. 8-11-09; 96-576, eff. 8-18-09;
6 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;
7 96-1000, eff. 7-2-10; 96-1175, eff. 9-20-10; 96-1342, eff.
8 1-1-11; 97-333, eff. 8-12-11.)

9 (705 ILCS 105/27.6)

10 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
11 96-667, 96-1175, 96-1342, and 97-434)

12 Sec. 27.6. (a) All fees, fines, costs, additional
13 penalties, bail balances assessed or forfeited, and any other
14 amount paid by a person to the circuit clerk equalling an
15 amount of \$55 or more, except the fine imposed by Section
16 5-9-1.15 of the Unified Code of Corrections, the additional fee
17 required by subsections (b) and (c), restitution under Section
18 5-5-6 of the Unified Code of Corrections, contributions to a
19 local anti-crime program ordered pursuant to Section
20 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
21 Corrections, reimbursement for the costs of an emergency
22 response as provided under Section 11-501 of the Illinois
23 Vehicle Code, any fees collected for attending a traffic safety
24 program under paragraph (c) of Supreme Court Rule 529, any fee
25 collected on behalf of a State's Attorney under Section 4-2002

1 of the Counties Code or a sheriff under Section 4-5001 of the
2 Counties Code, or any cost imposed under Section 124A-5 of the
3 Code of Criminal Procedure of 1963, for convictions, orders of
4 supervision, or any other disposition for a violation of
5 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
6 similar provision of a local ordinance, and any violation of
7 the Child Passenger Protection Act, or a similar provision of a
8 local ordinance, and except as otherwise provided in this
9 Section shall be disbursed within 60 days after receipt by the
10 circuit clerk as follows: 44.5% shall be disbursed to the
11 entity authorized by law to receive the fine imposed in the
12 case; 16.825% shall be disbursed to the State Treasurer; and
13 38.675% shall be disbursed to the county's general corporate
14 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
15 shall be deposited by the State Treasurer into the Violent
16 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
17 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
18 be deposited into the Drivers Education Fund, and 6.948/17
19 shall be deposited into the Trauma Center Fund. Of the 6.948/17
20 deposited into the Trauma Center Fund from the 16.825%
21 disbursed to the State Treasurer, 50% shall be disbursed to the
22 Department of Public Health and 50% shall be disbursed to the
23 Department of Healthcare and Family Services. For fiscal year
24 1993, amounts deposited into the Violent Crime Victims
25 Assistance Fund, the Traffic and Criminal Conviction Surcharge
26 Fund, or the Drivers Education Fund shall not exceed 110% of

1 the amounts deposited into those funds in fiscal year 1991. Any
2 amount that exceeds the 110% limit shall be distributed as
3 follows: 50% shall be disbursed to the county's general
4 corporate fund and 50% shall be disbursed to the entity
5 authorized by law to receive the fine imposed in the case. Not
6 later than March 1 of each year the circuit clerk shall submit
7 a report of the amount of funds remitted to the State Treasurer
8 under this Section during the preceding year based upon
9 independent verification of fines and fees. All counties shall
10 be subject to this Section, except that counties with a
11 population under 2,000,000 may, by ordinance, elect not to be
12 subject to this Section. For offenses subject to this Section,
13 judges shall impose one total sum of money payable for
14 violations. The circuit clerk may add on no additional amounts
15 except for amounts that are required by Sections 27.3a and
16 27.3c of this Act, unless those amounts are specifically waived
17 by the judge. With respect to money collected by the circuit
18 clerk as a result of forfeiture of bail, ex parte judgment or
19 guilty plea pursuant to Supreme Court Rule 529, the circuit
20 clerk shall first deduct and pay amounts required by Sections
21 27.3a and 27.3c of this Act. This Section is a denial and
22 limitation of home rule powers and functions under subsection
23 (h) of Section 6 of Article VII of the Illinois Constitution.

24 (b) In addition to any other fines and court costs assessed
25 by the courts, any person convicted or receiving an order of
26 supervision for driving under the influence of alcohol or drugs

1 shall pay an additional fee of \$100 to the clerk of the circuit
2 court. This amount, less 2 1/2% that shall be used to defray
3 administrative costs incurred by the clerk, shall be remitted
4 by the clerk to the Treasurer within 60 days after receipt for
5 deposit into the Trauma Center Fund. This additional fee of
6 \$100 shall not be considered a part of the fine for purposes of
7 any reduction in the fine for time served either before or
8 after sentencing. Not later than March 1 of each year the
9 Circuit Clerk shall submit a report of the amount of funds
10 remitted to the State Treasurer under this subsection during
11 the preceding calendar year.

12 (b-1) In addition to any other fines and court costs
13 assessed by the courts, any person convicted or receiving an
14 order of supervision for driving under the influence of alcohol
15 or drugs shall pay an additional fee of \$5 to the clerk of the
16 circuit court. This amount, less 2 1/2% that shall be used to
17 defray administrative costs incurred by the clerk, shall be
18 remitted by the clerk to the Treasurer within 60 days after
19 receipt for deposit into the Spinal Cord Injury Paralysis Cure
20 Research Trust Fund. This additional fee of \$5 shall not be
21 considered a part of the fine for purposes of any reduction in
22 the fine for time served either before or after sentencing. Not
23 later than March 1 of each year the Circuit Clerk shall submit
24 a report of the amount of funds remitted to the State Treasurer
25 under this subsection during the preceding calendar year.

26 (c) In addition to any other fines and court costs assessed

1 by the courts, any person convicted for a violation of Sections
2 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
3 person sentenced for a violation of the Cannabis Control Act,
4 the Illinois Controlled Substances Act, or the Methamphetamine
5 Control and Community Protection Act shall pay an additional
6 fee of \$100 to the clerk of the circuit court. This amount,
7 less 2 1/2% that shall be used to defray administrative costs
8 incurred by the clerk, shall be remitted by the clerk to the
9 Treasurer within 60 days after receipt for deposit into the
10 Trauma Center Fund. This additional fee of \$100 shall not be
11 considered a part of the fine for purposes of any reduction in
12 the fine for time served either before or after sentencing. Not
13 later than March 1 of each year the Circuit Clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this subsection during the preceding calendar year.

16 (c-1) In addition to any other fines and court costs
17 assessed by the courts, any person sentenced for a violation of
18 the Cannabis Control Act, the Illinois Controlled Substances
19 Act, or the Methamphetamine Control and Community Protection
20 Act shall pay an additional fee of \$5 to the clerk of the
21 circuit court. This amount, less 2 1/2% that shall be used to
22 defray administrative costs incurred by the clerk, shall be
23 remitted by the clerk to the Treasurer within 60 days after
24 receipt for deposit into the Spinal Cord Injury Paralysis Cure
25 Research Trust Fund. This additional fee of \$5 shall not be
26 considered a part of the fine for purposes of any reduction in

1 the fine for time served either before or after sentencing. Not
2 later than March 1 of each year the Circuit Clerk shall submit
3 a report of the amount of funds remitted to the State Treasurer
4 under this subsection during the preceding calendar year.

5 (d) The following amounts must be remitted to the State
6 Treasurer for deposit into the Illinois Animal Abuse Fund:

7 (1) 50% of the amounts collected for felony offenses
8 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
9 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
10 Animals Act and Section 26-5 or 48-1 of the Criminal Code
11 of 1961;

12 (2) 20% of the amounts collected for Class A and Class
13 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
14 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
15 for Animals Act and Section 26-5 or 48-1 of the Criminal
16 Code of 1961; and

17 (3) 50% of the amounts collected for Class C
18 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
19 for Animals Act and Section 26-5 or 48-1 of the Criminal
20 Code of 1961.

21 (e) Any person who receives a disposition of court
22 supervision for a violation of the Illinois Vehicle Code or a
23 similar provision of a local ordinance shall, in addition to
24 any other fines, fees, and court costs, pay an additional fee
25 of \$29, to be disbursed as provided in Section 16-104c of the
26 Illinois Vehicle Code. In addition to the fee of \$29, the

1 person shall also pay a fee of \$6, if not waived by the court.
2 If this \$6 fee is collected, \$5.50 of the fee shall be
3 deposited into the Circuit Court Clerk Operation and
4 Administrative Fund created by the Clerk of the Circuit Court
5 and 50 cents of the fee shall be deposited into the Prisoner
6 Review Board Vehicle and Equipment Fund in the State treasury.

7 (f) This Section does not apply to the additional child
8 pornography fines assessed and collected under Section
9 5-9-1.14 of the Unified Code of Corrections.

10 (g) (Blank).

11 (h) (Blank).

12 (i) Of the amounts collected as fines under subsection (b)
13 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
14 deposited into the Illinois Military Family Relief Fund and 1%
15 shall be deposited into the Circuit Court Clerk Operation and
16 Administrative Fund created by the Clerk of the Circuit Court
17 to be used to offset the costs incurred by the Circuit Court
18 Clerk in performing the additional duties required to collect
19 and disburse funds to entities of State and local government as
20 provided by law.

21 (j) Any person convicted of, pleading guilty to, or placed
22 on supervision for a serious traffic violation, as defined in
23 Section 1-187.001 of the Illinois Vehicle Code, a violation of
24 Section 11-501 of the Illinois Vehicle Code, or a violation of
25 a similar provision of a local ordinance shall pay an
26 additional fee of \$35, to be disbursed as provided in Section

1 16-104d of that Code.

2 This subsection (j) becomes inoperative 7 years after the
3 effective date of Public Act 95-154.

4 (k) For any conviction or disposition of court supervision
5 for a violation of Section 11-1429 of the Illinois Vehicle
6 Code, the circuit clerk shall distribute the fines paid by the
7 person as specified by subsection (h) of Section 11-1429 of the
8 Illinois Vehicle Code.

9 (l) Any person who receives a disposition of court
10 supervision for a violation of Section 11-501 of the Illinois
11 Vehicle Code or a similar provision of a local ordinance shall,
12 in addition to any other fines, fees, and court costs, pay an
13 additional fee of \$50, which shall be collected by the circuit
14 clerk and then remitted to the State Treasurer for deposit into
15 the Roadside Memorial Fund, a special fund in the State
16 treasury. However, the court may waive the fee if full
17 restitution is complied with. Subject to appropriation, all
18 moneys in the Roadside Memorial Fund shall be used by the
19 Department of Transportation to pay fees imposed under
20 subsection (f) of Section 20 of the Roadside Memorial Act. The
21 fee shall be remitted by the circuit clerk within one month
22 after receipt to the State Treasurer for deposit into the
23 Roadside Memorial Fund.

24 (m) Of the amounts collected as fines under subsection (c)
25 of Section 411.4 of the Illinois Controlled Substances Act or
26 subsection (c) of Section 90 of the Methamphetamine Control and

1 Community Protection Act, 99% shall be deposited to the law
2 enforcement agency or fund specified and 1% shall be deposited
3 into the Circuit Court Clerk Operation and Administrative Fund
4 to be used to offset the costs incurred by the Circuit Court
5 Clerk in performing the additional duties required to collect
6 and disburse funds to entities of State and local government as
7 provided by law.

8 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
9 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
10 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.
11 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-1175,
12 eff. 9-20-10; 96-1342, eff. 1-1-11; revised 9-16-10.)

13 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
14 96-735, 96-1175, 96-1342, and 97-434)

15 Sec. 27.6. (a) All fees, fines, costs, additional
16 penalties, bail balances assessed or forfeited, and any other
17 amount paid by a person to the circuit clerk equalling an
18 amount of \$55 or more, except the fine imposed by Section
19 5-9-1.15 of the Unified Code of Corrections, the additional fee
20 required by subsections (b) and (c), restitution under Section
21 5-5-6 of the Unified Code of Corrections, contributions to a
22 local anti-crime program ordered pursuant to Section
23 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
24 Corrections, reimbursement for the costs of an emergency
25 response as provided under Section 11-501 of the Illinois

1 Vehicle Code, any fees collected for attending a traffic safety
2 program under paragraph (c) of Supreme Court Rule 529, any fee
3 collected on behalf of a State's Attorney under Section 4-2002
4 of the Counties Code or a sheriff under Section 4-5001 of the
5 Counties Code, or any cost imposed under Section 124A-5 of the
6 Code of Criminal Procedure of 1963, for convictions, orders of
7 supervision, or any other disposition for a violation of
8 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
9 similar provision of a local ordinance, and any violation of
10 the Child Passenger Protection Act, or a similar provision of a
11 local ordinance, and except as otherwise provided in this
12 Section shall be disbursed within 60 days after receipt by the
13 circuit clerk as follows: 44.5% shall be disbursed to the
14 entity authorized by law to receive the fine imposed in the
15 case; 16.825% shall be disbursed to the State Treasurer; and
16 38.675% shall be disbursed to the county's general corporate
17 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
18 shall be deposited by the State Treasurer into the Violent
19 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
20 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
21 be deposited into the Drivers Education Fund, and 6.948/17
22 shall be deposited into the Trauma Center Fund. Of the 6.948/17
23 deposited into the Trauma Center Fund from the 16.825%
24 disbursed to the State Treasurer, 50% shall be disbursed to the
25 Department of Public Health and 50% shall be disbursed to the
26 Department of Healthcare and Family Services. For fiscal year

1 1993, amounts deposited into the Violent Crime Victims
2 Assistance Fund, the Traffic and Criminal Conviction Surcharge
3 Fund, or the Drivers Education Fund shall not exceed 110% of
4 the amounts deposited into those funds in fiscal year 1991. Any
5 amount that exceeds the 110% limit shall be distributed as
6 follows: 50% shall be disbursed to the county's general
7 corporate fund and 50% shall be disbursed to the entity
8 authorized by law to receive the fine imposed in the case. Not
9 later than March 1 of each year the circuit clerk shall submit
10 a report of the amount of funds remitted to the State Treasurer
11 under this Section during the preceding year based upon
12 independent verification of fines and fees. All counties shall
13 be subject to this Section, except that counties with a
14 population under 2,000,000 may, by ordinance, elect not to be
15 subject to this Section. For offenses subject to this Section,
16 judges shall impose one total sum of money payable for
17 violations. The circuit clerk may add on no additional amounts
18 except for amounts that are required by Sections 27.3a and
19 27.3c of this Act, Section 16-104c of the Illinois Vehicle
20 Code, and subsection (a) of Section 5-1101 of the Counties
21 Code, unless those amounts are specifically waived by the
22 judge. With respect to money collected by the circuit clerk as
23 a result of forfeiture of bail, ex parte judgment or guilty
24 plea pursuant to Supreme Court Rule 529, the circuit clerk
25 shall first deduct and pay amounts required by Sections 27.3a
26 and 27.3c of this Act. Unless a court ordered payment schedule

1 is implemented or fee requirements are waived pursuant to court
2 order, the clerk of the court may add to any unpaid fees and
3 costs a delinquency amount equal to 5% of the unpaid fees that
4 remain unpaid after 30 days, 10% of the unpaid fees that remain
5 unpaid after 60 days, and 15% of the unpaid fees that remain
6 unpaid after 90 days. Notice to those parties may be made by
7 signage posting or publication. The additional delinquency
8 amounts collected under this Section shall be deposited in the
9 Circuit Court Clerk Operation and Administrative Fund to be
10 used to defray administrative costs incurred by the circuit
11 clerk in performing the duties required to collect and disburse
12 funds. This Section is a denial and limitation of home rule
13 powers and functions under subsection (h) of Section 6 of
14 Article VII of the Illinois Constitution.

15 (b) In addition to any other fines and court costs assessed
16 by the courts, any person convicted or receiving an order of
17 supervision for driving under the influence of alcohol or drugs
18 shall pay an additional fee of \$100 to the clerk of the circuit
19 court. This amount, less 2 1/2% that shall be used to defray
20 administrative costs incurred by the clerk, shall be remitted
21 by the clerk to the Treasurer within 60 days after receipt for
22 deposit into the Trauma Center Fund. This additional fee of
23 \$100 shall not be considered a part of the fine for purposes of
24 any reduction in the fine for time served either before or
25 after sentencing. Not later than March 1 of each year the
26 Circuit Clerk shall submit a report of the amount of funds

1 remitted to the State Treasurer under this subsection during
2 the preceding calendar year.

3 (b-1) In addition to any other fines and court costs
4 assessed by the courts, any person convicted or receiving an
5 order of supervision for driving under the influence of alcohol
6 or drugs shall pay an additional fee of \$5 to the clerk of the
7 circuit court. This amount, less 2 1/2% that shall be used to
8 defray administrative costs incurred by the clerk, shall be
9 remitted by the clerk to the Treasurer within 60 days after
10 receipt for deposit into the Spinal Cord Injury Paralysis Cure
11 Research Trust Fund. This additional fee of \$5 shall not be
12 considered a part of the fine for purposes of any reduction in
13 the fine for time served either before or after sentencing. Not
14 later than March 1 of each year the Circuit Clerk shall submit
15 a report of the amount of funds remitted to the State Treasurer
16 under this subsection during the preceding calendar year.

17 (c) In addition to any other fines and court costs assessed
18 by the courts, any person convicted for a violation of Sections
19 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
20 person sentenced for a violation of the Cannabis Control Act,
21 the Illinois Controlled Substances Act, or the Methamphetamine
22 Control and Community Protection Act shall pay an additional
23 fee of \$100 to the clerk of the circuit court. This amount,
24 less 2 1/2% that shall be used to defray administrative costs
25 incurred by the clerk, shall be remitted by the clerk to the
26 Treasurer within 60 days after receipt for deposit into the

1 Trauma Center Fund. This additional fee of \$100 shall not be
2 considered a part of the fine for purposes of any reduction in
3 the fine for time served either before or after sentencing. Not
4 later than March 1 of each year the Circuit Clerk shall submit
5 a report of the amount of funds remitted to the State Treasurer
6 under this subsection during the preceding calendar year.

7 (c-1) In addition to any other fines and court costs
8 assessed by the courts, any person sentenced for a violation of
9 the Cannabis Control Act, the Illinois Controlled Substances
10 Act, or the Methamphetamine Control and Community Protection
11 Act shall pay an additional fee of \$5 to the clerk of the
12 circuit court. This amount, less 2 1/2% that shall be used to
13 defray administrative costs incurred by the clerk, shall be
14 remitted by the clerk to the Treasurer within 60 days after
15 receipt for deposit into the Spinal Cord Injury Paralysis Cure
16 Research Trust Fund. This additional fee of \$5 shall not be
17 considered a part of the fine for purposes of any reduction in
18 the fine for time served either before or after sentencing. Not
19 later than March 1 of each year the Circuit Clerk shall submit
20 a report of the amount of funds remitted to the State Treasurer
21 under this subsection during the preceding calendar year.

22 (d) The following amounts must be remitted to the State
23 Treasurer for deposit into the Illinois Animal Abuse Fund:

24 (1) 50% of the amounts collected for felony offenses
25 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
26 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for

1 Animals Act and Section 26-5 or 48-1 of the Criminal Code
2 of 1961;

3 (2) 20% of the amounts collected for Class A and Class
4 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
5 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
6 for Animals Act and Section 26-5 or 48-1 of the Criminal
7 Code of 1961; and

8 (3) 50% of the amounts collected for Class C
9 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
10 for Animals Act and Section 26-5 or 48-1 of the Criminal
11 Code of 1961.

12 (e) Any person who receives a disposition of court
13 supervision for a violation of the Illinois Vehicle Code or a
14 similar provision of a local ordinance shall, in addition to
15 any other fines, fees, and court costs, pay an additional fee
16 of \$29, to be disbursed as provided in Section 16-104c of the
17 Illinois Vehicle Code. In addition to the fee of \$29, the
18 person shall also pay a fee of \$6, if not waived by the court.
19 If this \$6 fee is collected, \$5.50 of the fee shall be
20 deposited into the Circuit Court Clerk Operation and
21 Administrative Fund created by the Clerk of the Circuit Court
22 and 50 cents of the fee shall be deposited into the Prisoner
23 Review Board Vehicle and Equipment Fund in the State treasury.

24 (f) This Section does not apply to the additional child
25 pornography fines assessed and collected under Section
26 5-9-1.14 of the Unified Code of Corrections.

1 (g) Any person convicted of or pleading guilty to a serious
2 traffic violation, as defined in Section 1-187.001 of the
3 Illinois Vehicle Code, shall pay an additional fee of \$35, to
4 be disbursed as provided in Section 16-104d of that Code. This
5 subsection (g) becomes inoperative 7 years after the effective
6 date of Public Act 95-154.

7 (h) In all counties having a population of 3,000,000 or
8 more inhabitants,

9 (1) A person who is found guilty of or pleads guilty to
10 violating subsection (a) of Section 11-501 of the Illinois
11 Vehicle Code, including any person placed on court
12 supervision for violating subsection (a), shall be fined
13 \$750 as provided for by subsection (f) of Section 11-501.01
14 of the Illinois Vehicle Code, payable to the circuit clerk,
15 who shall distribute the money pursuant to subsection (f)
16 of Section 11-501.01 of the Illinois Vehicle Code.

17 (2) When a crime laboratory DUI analysis fee of \$150,
18 provided for by Section 5-9-1.9 of the Unified Code of
19 Corrections is assessed, it shall be disbursed by the
20 circuit clerk as provided by subsection (f) of Section
21 5-9-1.9 of the Unified Code of Corrections.

22 (3) When a fine for a violation of Section 11-605.1 of
23 the Illinois Vehicle Code is \$250 or greater, the person
24 who violated that Section shall be charged an additional
25 \$125 as provided for by subsection (e) of Section 11-605.1
26 of the Illinois Vehicle Code, which shall be disbursed by

1 the circuit clerk to a State or county Transportation
2 Safety Highway Hire-back Fund as provided by subsection (e)
3 of Section 11-605.1 of the Illinois Vehicle Code.

4 (4) When a fine for a violation of subsection (a) of
5 Section 11-605 of the Illinois Vehicle Code is \$150 or
6 greater, the additional \$50 which is charged as provided
7 for by subsection (f) of Section 11-605 of the Illinois
8 Vehicle Code shall be disbursed by the circuit clerk to a
9 school district or districts for school safety purposes as
10 provided by subsection (f) of Section 11-605.

11 (5) When a fine for a violation of subsection (a) of
12 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
13 greater, the additional \$50 which is charged as provided
14 for by subsection (c) of Section 11-1002.5 of the Illinois
15 Vehicle Code shall be disbursed by the circuit clerk to a
16 school district or districts for school safety purposes as
17 provided by subsection (c) of Section 11-1002.5 of the
18 Illinois Vehicle Code.

19 (6) When a mandatory drug court fee of up to \$5 is
20 assessed as provided in subsection (f) of Section 5-1101 of
21 the Counties Code, it shall be disbursed by the circuit
22 clerk as provided in subsection (f) of Section 5-1101 of
23 the Counties Code.

24 (7) When a mandatory teen court, peer jury, youth
25 court, or other youth diversion program fee is assessed as
26 provided in subsection (e) of Section 5-1101 of the

1 Counties Code, it shall be disbursed by the circuit clerk
2 as provided in subsection (e) of Section 5-1101 of the
3 Counties Code.

4 (8) When a Children's Advocacy Center fee is assessed
5 pursuant to subsection (f-5) of Section 5-1101 of the
6 Counties Code, it shall be disbursed by the circuit clerk
7 as provided in subsection (f-5) of Section 5-1101 of the
8 Counties Code.

9 (9) When a victim impact panel fee is assessed pursuant
10 to subsection (b) of Section 11-501.01 of the Vehicle Code,
11 it shall be disbursed by the circuit clerk to the victim
12 impact panel to be attended by the defendant.

13 (10) When a new fee collected in traffic cases is
14 enacted after the effective date of this subsection (h), it
15 shall be excluded from the percentage disbursement
16 provisions of this Section unless otherwise indicated by
17 law.

18 (i) Of the amounts collected as fines under subsection (b)
19 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
20 deposited into the Illinois Military Family Relief Fund and 1%
21 shall be deposited into the Circuit Court Clerk Operation and
22 Administrative Fund created by the Clerk of the Circuit Court
23 to be used to offset the costs incurred by the Circuit Court
24 Clerk in performing the additional duties required to collect
25 and disburse funds to entities of State and local government as
26 provided by law.

1 (j) (Blank).

2 (k) For any conviction or disposition of court supervision
3 for a violation of Section 11-1429 of the Illinois Vehicle
4 Code, the circuit clerk shall distribute the fines paid by the
5 person as specified by subsection (h) of Section 11-1429 of the
6 Illinois Vehicle Code.

7 (l) Any person who receives a disposition of court
8 supervision for a violation of Section 11-501 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance shall,
10 in addition to any other fines, fees, and court costs, pay an
11 additional fee of \$50, which shall be collected by the circuit
12 clerk and then remitted to the State Treasurer for deposit into
13 the Roadside Memorial Fund, a special fund in the State
14 treasury. However, the court may waive the fee if full
15 restitution is complied with. Subject to appropriation, all
16 moneys in the Roadside Memorial Fund shall be used by the
17 Department of Transportation to pay fees imposed under
18 subsection (f) of Section 20 of the Roadside Memorial Act. The
19 fee shall be remitted by the circuit clerk within one month
20 after receipt to the State Treasurer for deposit into the
21 Roadside Memorial Fund.

22 (m) Of the amounts collected as fines under subsection (c)
23 of Section 411.4 of the Illinois Controlled Substances Act or
24 subsection (c) of Section 90 of the Methamphetamine Control and
25 Community Protection Act, 99% shall be deposited to the law
26 enforcement agency or fund specified and 1% shall be deposited

1 into the Circuit Court Clerk Operation and Administrative Fund
2 to be used to offset the costs incurred by the Circuit Court
3 Clerk in performing the additional duties required to collect
4 and disburse funds to entities of State and local government as
5 provided by law.

6 (Source: P.A. 96-576, eff. 8-18-09; 96-578, eff. 8-18-09;
7 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;
8 96-1175, eff. 9-20-10; 96-1342, eff. 1-1-11; 97-434, eff.
9 1-1-12.)

10 Section 104-25. The Juvenile Court Act of 1987 is amended
11 by changing Section 3-40 as follows:

12 (705 ILCS 405/3-40)

13 Sec. 3-40. Minors involved in electronic dissemination of
14 indecent visual depictions in need of supervision.

15 (a) For the purposes of this Section:

16 "Computer" has the meaning ascribed to it in Section 17-0.5
17 ~~16D-2~~ of the Criminal Code of 1961.

18 "Electronic communication device" means an electronic
19 device, including but not limited to a wireless telephone,
20 personal digital assistant, or a portable or mobile computer,
21 that is capable of transmitting images or pictures.

22 "Indecent visual depiction" means a depiction or portrayal
23 in any pose, posture, or setting involving a lewd exhibition of
24 the unclothed or transparently clothed genitals, pubic area,

1 buttocks, or, if such person is female, a fully or partially
2 developed breast of the person.

3 "Minor" means a person under 18 years of age.

4 (b) A minor shall not distribute or disseminate an indecent
5 visual depiction of another minor through the use of a computer
6 or electronic communication device.

7 (c) Adjudication. A minor who violates subsection (b) of
8 this Section may be subject to a petition for adjudication and
9 adjudged a minor in need of supervision.

10 (d) Kinds of dispositional orders. A minor found to be in
11 need of supervision under this Section may be:

12 (1) ordered to obtain counseling or other supportive
13 services to address the acts that led to the need for
14 supervision; or

15 (2) ordered to perform community service.

16 (e) Nothing in this Section shall be construed to prohibit
17 a prosecution for disorderly conduct, public indecency, child
18 pornography, a violation of Article 26.5 ~~the~~ Harassing and
19 Obscene Communications of the Criminal Code of 1961 ~~Act~~, or any
20 other applicable provision of law.

21 (Source: P.A. 96-1087, eff. 1-1-11.)

22 Section 104-30. The Code of Criminal Procedure of 1963 is
23 amended by changing Sections 111-8, 115-10, 124B-10, 124B-100,
24 124B-600, 124B-700, 124B-710, and 124B-905 as follows:

1 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

2 Sec. 111-8. Orders of protection to prohibit domestic
3 violence.

4 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
5 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
6 11-1.60, 11-14.3 that involves soliciting for a prostitute,
7 11-14.4 that involves soliciting for a juvenile prostitute,
8 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,
9 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,
10 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,
11 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1,
12 21-2, ~~or~~ 21-3, or 26.5-2 of the Criminal Code of 1961 or
13 Section 1-1 of the Harassing and Obscene Communications Act is
14 alleged in an information, complaint or indictment on file, and
15 the alleged offender and victim are family or household
16 members, as defined in the Illinois Domestic Violence Act, as
17 now or hereafter amended, the People through the respective
18 State's Attorneys may by separate petition and upon notice to
19 the defendant, except as provided in subsection (c) herein,
20 request the court to issue an order of protection.

21 (b) In addition to any other remedies specified in Section
22 208 of the Illinois Domestic Violence Act, as now or hereafter
23 amended, the order may direct the defendant to initiate no
24 contact with the alleged victim or victims who are family or
25 household members and to refrain from entering the residence,
26 school or place of business of the alleged victim or victims.

1 (c) The court may grant emergency relief without notice
2 upon a showing of immediate and present danger of abuse to the
3 victim or minor children of the victim and may enter a
4 temporary order pending notice and full hearing on the matter.

5 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
6 P.A. 96-1551, Article 2, Section 1040, eff. 7-1-11; revised
7 9-30-11.)

8 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

9 Sec. 115-10. Certain hearsay exceptions.

10 (a) In a prosecution for a physical or sexual act
11 perpetrated upon or against a child under the age of 13, or a
12 person who was a moderately, severely, or profoundly
13 intellectually disabled person as defined in this Code and in
14 Section 2-10.1 of the Criminal Code of 1961 at the time the act
15 was committed, including but not limited to prosecutions for
16 violations of Sections 11-1.20 through 11-1.60 or 12-13 through
17 12-16 of the Criminal Code of 1961 and prosecutions for
18 violations of Sections 10-1 (kidnapping), 10-2 (aggravated
19 kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated
20 unlawful restraint), 10-4 (forcible detention), 10-5 (child
21 abduction), 10-6 (harboring a runaway), 10-7 (aiding or
22 abetting child abduction), 11-9 (public indecency), 11-11
23 (sexual relations within families), 11-21 (harmful material),
24 12-1 (assault), 12-2 (aggravated assault), 12-3 (battery),
25 12-3.2 (domestic battery), 12-3.3 (aggravated domestic

1 battery), 12-3.05 or 12-4 (aggravated battery), 12-4.1
2 (heinous battery), 12-4.2 (aggravated battery with a firearm),
3 12-4.3 (aggravated battery of a child), 12-4.7 (drug induced
4 infliction of great bodily harm), 12-5 (reckless conduct), 12-6
5 (intimidation), 12-6.1 or 12-6.5 (compelling organization
6 membership of persons), 12-7.1 (hate crime), 12-7.3
7 (stalking), 12-7.4 (aggravated stalking), 12-10 (tattooing
8 body of minor), 12-11 or 19-6 (home invasion), 12-21.5 (child
9 abandonment), 12-21.6 (endangering the life or health of a
10 child) or 12-32 (ritual mutilation) of the Criminal Code of
11 1961 or any sex offense as defined in subsection (B) of Section
12 2 of the Sex Offender Registration Act, the following evidence
13 shall be admitted as an exception to the hearsay rule:

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

17 (2) testimony of an out of court statement made by the
18 victim describing any complaint of such act or matter or
19 detail pertaining to any act which is an element of an
20 offense which is the subject of a prosecution for a sexual
21 or physical act against that victim.

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

23 (1) The court finds in a hearing conducted outside the
24 presence of the jury that the time, content, and
25 circumstances of the statement provide sufficient
26 safeguards of reliability; and

1 (2) The child or moderately, severely, or profoundly
2 intellectually disabled person either:

3 (A) testifies at the proceeding; or

4 (B) is unavailable as a witness and there is
5 corroborative evidence of the act which is the subject
6 of the statement; and

7 (3) In a case involving an offense perpetrated against
8 a child under the age of 13, the out of court statement was
9 made before the victim attained 13 years of age or within 3
10 months after the commission of the offense, whichever
11 occurs later, but the statement may be admitted regardless
12 of the age of the victim at the time of the proceeding.

13 (c) If a statement is admitted pursuant to this Section,
14 the court shall instruct the jury that it is for the jury to
15 determine the weight and credibility to be given the statement
16 and that, in making the determination, it shall consider the
17 age and maturity of the child, or the intellectual capabilities
18 of the moderately, severely, or profoundly intellectually
19 disabled person, the nature of the statement, the circumstances
20 under which the statement was made, and any other relevant
21 factor.

22 (d) The proponent of the statement shall give the adverse
23 party reasonable notice of his intention to offer the statement
24 and the particulars of the statement.

25 (e) Statements described in paragraphs (1) and (2) of
26 subsection (a) shall not be excluded on the basis that they

1 were obtained as a result of interviews conducted pursuant to a
2 protocol adopted by a Child Advocacy Advisory Board as set
3 forth in subsections (c), (d), and (e) of Section 3 of the
4 Children's Advocacy Center Act or that an interviewer or
5 witness to the interview was or is an employee, agent, or
6 investigator of a State's Attorney's office.

7 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10;
8 96-1551, Article 1, Section 965, eff. 7-1-11; 96-1551, Article
9 2, Section 1040, eff. 7-1-11; 97-227, eff. 1-1-12; revised
10 9-14-11.)

11 (725 ILCS 5/124B-10)

12 Sec. 124B-10. Applicability; offenses. This Article
13 applies to forfeiture of property in connection with the
14 following:

15 (1) A violation of Section 10A-10 of the Criminal Code
16 of 1961 (involuntary servitude; involuntary servitude of a
17 minor; trafficking of persons for forced labor or
18 services).

19 (2) A violation of subdivision (a)(1) of Section
20 11-14.4 of the Criminal Code of 1961 (promoting juvenile
21 prostitution) or a violation of Section 11-17.1 of the
22 Criminal Code of 1961 (keeping a place of juvenile
23 prostitution).

24 (3) A violation of subdivision (a)(4) of Section
25 11-14.4 of the Criminal Code of 1961 (promoting juvenile

1 prostitution) or a violation of Section 11-19.2 of the
2 Criminal Code of 1961 (exploitation of a child).

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

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

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

9 (7) A violation of Section 17-50 ~~16D-5~~ of the Criminal
10 Code of 1961 (computer fraud).

11 (8) A felony violation of Section 17-6.3 ~~Article 17B~~ of
12 the Criminal Code of 1961 (WIC fraud).

13 (9) A felony violation of Section 48-1 ~~26-5~~ of the
14 Criminal Code of 1961 (dog fighting).

15 (10) A violation of Article 29D of the Criminal Code of
16 1961 (terrorism).

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

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

20 (725 ILCS 5/124B-100)

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

23 (1) In the case of forfeiture authorized under Section
24 10A-15 of the Criminal Code of 1961, "offense" means the
25 offense of involuntary servitude, involuntary servitude of

1 a minor, or trafficking of persons for forced labor or
2 services in violation of Section 10A-10 of that Code.

3 (2) In the case of forfeiture authorized under
4 subdivision (a)(1) of Section 11-14.4, or Section 11-17.1,
5 of the Criminal Code of 1961, "offense" means the offense
6 of promoting juvenile prostitution or keeping a place of
7 juvenile prostitution in violation of subdivision (a)(1)
8 of Section 11-14.4, or Section 11-17.1, of that Code.

9 (3) In the case of forfeiture authorized under
10 subdivision (a)(4) of Section 11-14.4, or Section 11-19.2,
11 of the Criminal Code of 1961, "offense" means the offense
12 of promoting juvenile prostitution or exploitation of a
13 child in violation of subdivision (a)(4) of Section
14 11-14.4, or Section 11-19.2, of that Code.

15 (4) In the case of forfeiture authorized under Section
16 11-20 of the Criminal Code of 1961, "offense" means the
17 offense of obscenity in violation of that Section.

18 (5) In the case of forfeiture authorized under Section
19 11-20.1 of the Criminal Code of 1961, "offense" means the
20 offense of child pornography in violation of Section
21 11-20.1 of that Code.

22 (6) In the case of forfeiture authorized under Section
23 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
24 means the offense of aggravated child pornography in
25 violation of Section 11-20.1B or 11-20.3 of that Code.

26 (7) In the case of forfeiture authorized under Section

1 17-50 ~~16D-6~~ of the Criminal Code of 1961, "offense" means
2 the offense of computer fraud in violation of Section 17-50
3 ~~16D-5~~ of that Code.

4 (8) In the case of forfeiture authorized under Section
5 17-6.3 ~~17B-25~~ of the Criminal Code of 1961, "offense" means
6 any felony violation of Section 17-6.3 ~~Article 17B~~ of that
7 Code.

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

11 (10) In the case of forfeiture authorized under Section
12 4.01 of the Humane Care for Animals Act or Section 48-1
13 ~~26-5~~ of the Criminal Code of 1961, "offense" means any
14 felony offense under either of those Sections.

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

16 (725 ILCS 5/124B-600)

17 Sec. 124B-600. Persons and property subject to forfeiture.
18 A person who commits the offense of computer fraud as set forth
19 in Section 17-50 ~~16D-5~~ of the Criminal Code of 1961 shall
20 forfeit any property that the sentencing court determines,
21 after a forfeiture hearing under this Article, the person has
22 acquired or maintained, directly or indirectly, in whole or in
23 part, as a result of that offense. The person shall also
24 forfeit any interest in, securities of, claim against, or
25 contractual right of any kind that affords the person a source

1 of influence over any enterprise that the person has
2 established, operated, controlled, conducted, or participated
3 in conducting, if the person's relationship to or connection
4 with any such thing or activity directly or indirectly, in
5 whole or in part, is traceable to any item or benefit that the
6 person has obtained or acquired through computer fraud.

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

8 (725 ILCS 5/124B-700)

9 Sec. 124B-700. Persons and property subject to forfeiture.
10 A person who commits a felony violation of Article 17-6.3 ~~17B~~
11 of the Criminal Code of 1961 shall forfeit any property that
12 the sentencing court determines, after a forfeiture hearing
13 under this Article, (i) the person has acquired, in whole or in
14 part, as a result of committing the violation or (ii) the
15 person has maintained or used, in whole or in part, to
16 facilitate, directly or indirectly, the commission of the
17 violation. The person shall also forfeit any interest in,
18 securities of, claim against, or contractual right of any kind
19 that affords the person a source of influence over any
20 enterprise that the person has established, operated,
21 controlled, conducted, or participated in conducting, if the
22 person's relationship to or connection with any such thing or
23 activity directly or indirectly, in whole or in part, is
24 traceable to any item or benefit that the person has obtained
25 or acquired as a result of a felony violation of Article 17-6.3

1 ~~17B~~ of the Criminal Code of 1961. Property subject to
2 forfeiture under this Part 700 includes the following:

3 (1) All moneys, things of value, books, records, and
4 research products and materials that are used or intended
5 to be used in committing a felony violation of Article
6 17-6.3 ~~17B~~ of the Criminal Code of 1961.

7 (2) Everything of value furnished, or intended to be
8 furnished, in exchange for a substance in violation of
9 Article 17-6.3 ~~17B~~ of the Criminal Code of 1961; all
10 proceeds traceable to that exchange; and all moneys,
11 negotiable instruments, and securities used or intended to
12 be used to commit or in any manner to facilitate the
13 commission of a felony violation of Article 17-6.3 ~~17B~~ of
14 the Criminal Code of 1961.

15 (3) All real property, including any right, title, and
16 interest (including, but not limited to, any leasehold
17 interest or the beneficial interest in a land trust) in the
18 whole of any lot or tract of land and any appurtenances or
19 improvements, that is used or intended to be used, in any
20 manner or part, to commit or in any manner to facilitate
21 the commission of a felony violation of Article 17-6.3 ~~17B~~
22 of the Criminal Code of 1961 or that is the proceeds of any
23 act that constitutes a felony violation of Article 17-6.3
24 ~~17B~~ of the Criminal Code of 1961.

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

1 (725 ILCS 5/124B-710)

2 Sec. 124B-710. Sale of forfeited property by Director of
3 State Police; return to seizing agency or prosecutor.

4 (a) The court shall authorize the Director of State Police
5 to seize any property declared forfeited under this Article on
6 terms and conditions the court deems proper.

7 (b) When property is forfeited under this Part 700, the
8 Director of State Police shall sell the property unless the
9 property is required by law to be destroyed or is harmful to
10 the public. The Director shall distribute the proceeds of the
11 sale, together with any moneys forfeited or seized, in
12 accordance with Section 124B-715.

13 (c) On the application of the seizing agency or prosecutor
14 who was responsible for the investigation, arrest, and
15 prosecution that lead to the forfeiture, however, the Director
16 may return any item of forfeited property to the seizing agency
17 or prosecutor for official use in the enforcement of laws
18 relating to Article 17-6.3 ~~17B~~ of the Criminal Code of 1961 if
19 the agency or prosecutor can demonstrate that the item
20 requested would be useful to the agency or prosecutor in their
21 enforcement efforts. When any real property returned to the
22 seizing agency is sold by the agency or its unit of government,
23 the proceeds of the sale shall be delivered to the Director and
24 distributed in accordance with Section 124B-715.

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

1 (725 ILCS 5/124B-905)

2 Sec. 124B-905. Persons and property subject to forfeiture.
3 A person who commits a felony violation of Section 4.01 of the
4 Humane Care for Animals Act or a felony violation of Section
5 48-1 ~~26-5~~ of the Criminal Code of 1961 shall forfeit the
6 following:

7 (1) Any moneys, profits, or proceeds the person
8 acquired, in whole or in part, as a result of committing
9 the violation.

10 (2) Any real property or interest in real property that
11 the sentencing court determines, after a forfeiture
12 hearing under this Article, (i) the person has acquired, in
13 whole or in part, as a result of committing the violation
14 or (ii) the person has maintained or used, in whole or in
15 part, to facilitate, directly or indirectly, the
16 commission of the violation. Real property subject to
17 forfeiture under this Part 900 includes property that
18 belongs to any of the following:

19 (A) The person organizing the show, exhibition,
20 program, or other activity described in subsections
21 (a) through (g) of Section 4.01 of the Humane Care for
22 Animals Act or Section 48-1 ~~26-5~~ of the Criminal Code
23 of 1961.

24 (B) Any other person participating in the activity
25 described in subsections (a) through (g) of Section
26 4.01 of the Humane Care for Animals Act or Section 48-1

1 ~~26-5~~ of the Criminal Code of 1961 who is related to the
2 organization and operation of the activity.

3 (C) Any person who knowingly allowed the
4 activities to occur on his or her premises.

5 The person shall also forfeit any interest in, securities
6 of, claim against, or contractual right of any kind that
7 affords the person a source of influence over any enterprise
8 that the person has established, operated, controlled,
9 conducted, or participated in conducting, if the person's
10 relationship to or connection with any such thing or activity
11 directly or indirectly, in whole or in part, is traceable to
12 any item or benefit that the person has obtained or acquired as
13 a result of a felony violation of Section 4.01 of the Humane
14 Care for Animals Act or a felony violation of Section 48-1 ~~26-5~~
15 of the Criminal Code of 1961.

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

17 Section 104-35. The Unified Code of Corrections is amended
18 by changing Sections 5-5-3, 5-5-3.2, and 5-5-5 as follows:

19 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

20 Sec. 5-5-3. Disposition.

21 (a) (Blank).

22 (b) (Blank).

23 (c) (1) (Blank).

24 (2) A period of probation, a term of periodic

1 imprisonment or conditional discharge shall not be imposed
2 for the following offenses. The court shall sentence the
3 offender to not less than the minimum term of imprisonment
4 set forth in this Code for the following offenses, and may
5 order a fine or restitution or both in conjunction with
6 such term of imprisonment:

7 (A) First degree murder where the death penalty is
8 not imposed.

9 (B) Attempted first degree murder.

10 (C) A Class X felony.

11 (D) A violation of Section 401.1 or 407 of the
12 Illinois Controlled Substances Act, or a violation of
13 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
14 of that Act which relates to more than 5 grams of a
15 substance containing heroin, cocaine, fentanyl, or an
16 analog thereof.

17 (E) A violation of Section 5.1 or 9 of the Cannabis
18 Control Act.

19 (F) A Class 2 or greater felony if the offender had
20 been convicted of a Class 2 or greater felony,
21 including any state or federal conviction for an
22 offense that contained, at the time it was committed,
23 the same elements as an offense now (the date of the
24 offense committed after the prior Class 2 or greater
25 felony) classified as a Class 2 or greater felony,
26 within 10 years of the date on which the offender

1 committed the offense for which he or she is being
2 sentenced, except as otherwise provided in Section
3 40-10 of the Alcoholism and Other Drug Abuse and
4 Dependency Act.

5 (F-5) A violation of Section 24-1, 24-1.1, or
6 24-1.6 of the Criminal Code of 1961 for which
7 imprisonment is prescribed in those Sections.

8 (G) Residential burglary, except as otherwise
9 provided in Section 40-10 of the Alcoholism and Other
10 Drug Abuse and Dependency Act.

11 (H) Criminal sexual assault.

12 (I) Aggravated battery of a senior citizen as
13 described in Section 12-4.6 or subdivision (a)(4) of
14 Section 12-3.05.

15 (J) A forcible felony if the offense was related to
16 the activities of an organized gang.

17 Before July 1, 1994, for the purposes of this
18 paragraph, "organized gang" means an association of 5
19 or more persons, with an established hierarchy, that
20 encourages members of the association to perpetrate
21 crimes or provides support to the members of the
22 association who do commit crimes.

23 Beginning July 1, 1994, for the purposes of this
24 paragraph, "organized gang" has the meaning ascribed
25 to it in Section 10 of the Illinois Streetgang
26 Terrorism Omnibus Prevention Act.

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the
3 offense of hate crime when the underlying offense upon
4 which the hate crime is based is felony aggravated
5 assault or felony mob action.

6 (M) A second or subsequent conviction for the
7 offense of institutional vandalism if the damage to the
8 property exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of
10 subsection (a) of Section 2 of the Firearm Owners
11 Identification Card Act.

12 (O) A violation of Section 12-6.1 or 12-6.5 of the
13 Criminal Code of 1961.

14 (P) A violation of paragraph (1), (2), (3), (4),
15 (5), or (7) of subsection (a) of Section 11-20.1 of the
16 Criminal Code of 1961.

17 (Q) A violation of subsection (b) or (b-5) of
18 Section 20-1, Section 20-1.2 or 20-1.3 of the Criminal
19 Code of 1961.

20 (R) A violation of Section 24-3A of the Criminal
21 Code of 1961.

22 (S) (Blank).

23 (T) A second or subsequent violation of the
24 Methamphetamine Control and Community Protection Act.

25 (U) A second or subsequent violation of Section
26 6-303 of the Illinois Vehicle Code committed while his

1 or her driver's license, permit, or privilege was
2 revoked because of a violation of Section 9-3 of the
3 Criminal Code of 1961, relating to the offense of
4 reckless homicide, or a similar provision of a law of
5 another state.

6 (V) A violation of paragraph (4) of subsection (c)
7 of Section 11-20.1B or paragraph (4) of subsection (c)
8 of Section 11-20.3 of the Criminal Code of 1961.

9 (W) A violation of Section 24-3.5 of the Criminal
10 Code of 1961.

11 (X) A violation of subsection (a) of Section 31-1a
12 of the Criminal Code of 1961.

13 (Y) A conviction for unlawful possession of a
14 firearm by a street gang member when the firearm was
15 loaded or contained firearm ammunition.

16 (Z) A Class 1 felony committed while he or she was
17 serving a term of probation or conditional discharge
18 for a felony.

19 (AA) Theft of property exceeding \$500,000 and not
20 exceeding \$1,000,000 in value.

21 (BB) Laundering of criminally derived property of
22 a value exceeding \$500,000.

23 (CC) Knowingly selling, offering for sale, holding
24 for sale, or using 2,000 or more counterfeit items or
25 counterfeit items having a retail value in the
26 aggregate of \$500,000 or more.

1 (DD) A conviction for aggravated assault under
2 paragraph (6) of subsection (c) of Section 12-2 of the
3 Criminal Code of 1961 if the firearm is aimed toward
4 the person against whom the firearm is being used.

5 (3) (Blank).

6 (4) A minimum term of imprisonment of not less than 10
7 consecutive days or 30 days of community service shall be
8 imposed for a violation of paragraph (c) of Section 6-303
9 of the Illinois Vehicle Code.

10 (4.1) (Blank).

11 (4.2) Except as provided in paragraphs (4.3) and (4.8)
12 of this subsection (c), a minimum of 100 hours of community
13 service shall be imposed for a second violation of Section
14 6-303 of the Illinois Vehicle Code.

15 (4.3) A minimum term of imprisonment of 30 days or 300
16 hours of community service, as determined by the court,
17 shall be imposed for a second violation of subsection (c)
18 of Section 6-303 of the Illinois Vehicle Code.

19 (4.4) Except as provided in paragraphs (4.5), (4.6),
20 and (4.9) of this subsection (c), a minimum term of
21 imprisonment of 30 days or 300 hours of community service,
22 as determined by the court, shall be imposed for a third or
23 subsequent violation of Section 6-303 of the Illinois
24 Vehicle Code.

25 (4.5) A minimum term of imprisonment of 30 days shall
26 be imposed for a third violation of subsection (c) of

1 Section 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this
3 subsection (c), a minimum term of imprisonment of 180 days
4 shall be imposed for a fourth or subsequent violation of
5 subsection (c) of Section 6-303 of the Illinois Vehicle
6 Code.

7 (4.7) A minimum term of imprisonment of not less than
8 30 consecutive days, or 300 hours of community service,
9 shall be imposed for a violation of subsection (a-5) of
10 Section 6-303 of the Illinois Vehicle Code, as provided in
11 subsection (b-5) of that Section.

12 (4.8) A mandatory prison sentence shall be imposed for
13 a second violation of subsection (a-5) of Section 6-303 of
14 the Illinois Vehicle Code, as provided in subsection (c-5)
15 of that Section. The person's driving privileges shall be
16 revoked for a period of not less than 5 years from the date
17 of his or her release from prison.

18 (4.9) A mandatory prison sentence of not less than 4
19 and not more than 15 years shall be imposed for a third
20 violation of subsection (a-5) of Section 6-303 of the
21 Illinois Vehicle Code, as provided in subsection (d-2.5) of
22 that Section. The person's driving privileges shall be
23 revoked for the remainder of his or her life.

24 (4.10) A mandatory prison sentence for a Class 1 felony
25 shall be imposed, and the person shall be eligible for an
26 extended term sentence, for a fourth or subsequent

1 violation of subsection (a-5) of Section 6-303 of the
2 Illinois Vehicle Code, as provided in subsection (d-3.5) of
3 that Section. The person's driving privileges shall be
4 revoked for the remainder of his or her life.

5 (5) The court may sentence a corporation or
6 unincorporated association convicted of any offense to:

7 (A) a period of conditional discharge;

8 (B) a fine;

9 (C) make restitution to the victim under Section
10 5-5-6 of this Code.

11 (5.1) In addition to any other penalties imposed, and
12 except as provided in paragraph (5.2) or (5.3), a person
13 convicted of violating subsection (c) of Section 11-907 of
14 the Illinois Vehicle Code shall have his or her driver's
15 license, permit, or privileges suspended for at least 90
16 days but not more than one year, if the violation resulted
17 in damage to the property of another person.

18 (5.2) In addition to any other penalties imposed, and
19 except as provided in paragraph (5.3), a person convicted
20 of violating subsection (c) of Section 11-907 of the
21 Illinois Vehicle Code shall have his or her driver's
22 license, permit, or privileges suspended for at least 180
23 days but not more than 2 years, if the violation resulted
24 in injury to another person.

25 (5.3) In addition to any other penalties imposed, a
26 person convicted of violating subsection (c) of Section

1 11-907 of the Illinois Vehicle Code shall have his or her
2 driver's license, permit, or privileges suspended for 2
3 years, if the violation resulted in the death of another
4 person.

5 (5.4) In addition to any other penalties imposed, a
6 person convicted of violating Section 3-707 of the Illinois
7 Vehicle Code shall have his or her driver's license,
8 permit, or privileges suspended for 3 months and until he
9 or she has paid a reinstatement fee of \$100.

10 (5.5) In addition to any other penalties imposed, a
11 person convicted of violating Section 3-707 of the Illinois
12 Vehicle Code during a period in which his or her driver's
13 license, permit, or privileges were suspended for a
14 previous violation of that Section shall have his or her
15 driver's license, permit, or privileges suspended for an
16 additional 6 months after the expiration of the original
17 3-month suspension and until he or she has paid a
18 reinstatement fee of \$100.

19 (6) (Blank).

20 (7) (Blank).

21 (8) (Blank).

22 (9) A defendant convicted of a second or subsequent
23 offense of ritualized abuse of a child may be sentenced to
24 a term of natural life imprisonment.

25 (10) (Blank).

26 (11) The court shall impose a minimum fine of \$1,000

1 for a first offense and \$2,000 for a second or subsequent
2 offense upon a person convicted of or placed on supervision
3 for battery when the individual harmed was a sports
4 official or coach at any level of competition and the act
5 causing harm to the sports official or coach occurred
6 within an athletic facility or within the immediate
7 vicinity of the athletic facility at which the sports
8 official or coach was an active participant of the athletic
9 contest held at the athletic facility. For the purposes of
10 this paragraph (11), "sports official" means a person at an
11 athletic contest who enforces the rules of the contest,
12 such as an umpire or referee; "athletic facility" means an
13 indoor or outdoor playing field or recreational area where
14 sports activities are conducted; and "coach" means a person
15 recognized as a coach by the sanctioning authority that
16 conducted the sporting event.

17 (12) A person may not receive a disposition of court
18 supervision for a violation of Section 5-16 of the Boat
19 Registration and Safety Act if that person has previously
20 received a disposition of court supervision for a violation
21 of that Section.

22 (13) A person convicted of or placed on court
23 supervision for an assault or aggravated assault when the
24 victim and the offender are family or household members as
25 defined in Section 103 of the Illinois Domestic Violence
26 Act of 1986 or convicted of domestic battery or aggravated

1 domestic battery may be required to attend a Partner Abuse
2 Intervention Program under protocols set forth by the
3 Illinois Department of Human Services under such terms and
4 conditions imposed by the court. The costs of such classes
5 shall be paid by the offender.

6 (d) In any case in which a sentence originally imposed is
7 vacated, the case shall be remanded to the trial court. The
8 trial court shall hold a hearing under Section 5-4-1 of the
9 Unified Code of Corrections which may include evidence of the
10 defendant's life, moral character and occupation during the
11 time since the original sentence was passed. The trial court
12 shall then impose sentence upon the defendant. The trial court
13 may impose any sentence which could have been imposed at the
14 original trial subject to Section 5-5-4 of the Unified Code of
15 Corrections. If a sentence is vacated on appeal or on
16 collateral attack due to the failure of the trier of fact at
17 trial to determine beyond a reasonable doubt the existence of a
18 fact (other than a prior conviction) necessary to increase the
19 punishment for the offense beyond the statutory maximum
20 otherwise applicable, either the defendant may be re-sentenced
21 to a term within the range otherwise provided or, if the State
22 files notice of its intention to again seek the extended
23 sentence, the defendant shall be afforded a new trial.

24 (e) In cases where prosecution for aggravated criminal
25 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
26 Code of 1961 results in conviction of a defendant who was a

1 family member of the victim at the time of the commission of
2 the offense, the court shall consider the safety and welfare of
3 the victim and may impose a sentence of probation only where:

4 (1) the court finds (A) or (B) or both are appropriate:

5 (A) the defendant is willing to undergo a court
6 approved counseling program for a minimum duration of 2
7 years; or

8 (B) the defendant is willing to participate in a
9 court approved plan including but not limited to the
10 defendant's:

11 (i) removal from the household;

12 (ii) restricted contact with the victim;

13 (iii) continued financial support of the
14 family;

15 (iv) restitution for harm done to the victim;

16 and

17 (v) compliance with any other measures that
18 the court may deem appropriate; and

19 (2) the court orders the defendant to pay for the
20 victim's counseling services, to the extent that the court
21 finds, after considering the defendant's income and
22 assets, that the defendant is financially capable of paying
23 for such services, if the victim was under 18 years of age
24 at the time the offense was committed and requires
25 counseling as a result of the offense.

26 Probation may be revoked or modified pursuant to Section

1 5-6-4; except where the court determines at the hearing that
2 the defendant violated a condition of his or her probation
3 restricting contact with the victim or other family members or
4 commits another offense with the victim or other family
5 members, the court shall revoke the defendant's probation and
6 impose a term of imprisonment.

7 For the purposes of this Section, "family member" and
8 "victim" shall have the meanings ascribed to them in Section
9 11-0.1 of the Criminal Code of 1961.

10 (f) (Blank).

11 (g) Whenever a defendant is convicted of an offense under
12 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
13 11-14.3, 11-14.4 except for an offense that involves keeping a
14 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
15 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
16 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
17 defendant shall undergo medical testing to determine whether
18 the defendant has any sexually transmissible disease,
19 including a test for infection with human immunodeficiency
20 virus (HIV) or any other identified causative agent of acquired
21 immunodeficiency syndrome (AIDS). Any such medical test shall
22 be performed only by appropriately licensed medical
23 practitioners and may include an analysis of any bodily fluids
24 as well as an examination of the defendant's person. Except as
25 otherwise provided by law, the results of such test shall be
26 kept strictly confidential by all medical personnel involved in

1 the testing and must be personally delivered in a sealed
2 envelope to the judge of the court in which the conviction was
3 entered for the judge's inspection in camera. Acting in
4 accordance with the best interests of the victim and the
5 public, the judge shall have the discretion to determine to
6 whom, if anyone, the results of the testing may be revealed.
7 The court shall notify the defendant of the test results. The
8 court shall also notify the victim if requested by the victim,
9 and if the victim is under the age of 15 and if requested by the
10 victim's parents or legal guardian, the court shall notify the
11 victim's parents or legal guardian of the test results. The
12 court shall provide information on the availability of HIV
13 testing and counseling at Department of Public Health
14 facilities to all parties to whom the results of the testing
15 are revealed and shall direct the State's Attorney to provide
16 the information to the victim when possible. A State's Attorney
17 may petition the court to obtain the results of any HIV test
18 administered under this Section, and the court shall grant the
19 disclosure if the State's Attorney shows it is relevant in
20 order to prosecute a charge of criminal transmission of HIV
21 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
22 against the defendant. The court shall order that the cost of
23 any such test shall be paid by the county and may be taxed as
24 costs against the convicted defendant.

25 (g-5) When an inmate is tested for an airborne communicable
26 disease, as determined by the Illinois Department of Public

1 Health including but not limited to tuberculosis, the results
2 of the test shall be personally delivered by the warden or his
3 or her designee in a sealed envelope to the judge of the court
4 in which the inmate must appear for the judge's inspection in
5 camera if requested by the judge. Acting in accordance with the
6 best interests of those in the courtroom, the judge shall have
7 the discretion to determine what if any precautions need to be
8 taken to prevent transmission of the disease in the courtroom.

9 (h) Whenever a defendant is convicted of an offense under
10 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
11 defendant shall undergo medical testing to determine whether
12 the defendant has been exposed to human immunodeficiency virus
13 (HIV) or any other identified causative agent of acquired
14 immunodeficiency syndrome (AIDS). Except as otherwise provided
15 by law, the results of such test shall be kept strictly
16 confidential by all medical personnel involved in the testing
17 and must be personally delivered in a sealed envelope to the
18 judge of the court in which the conviction was entered for the
19 judge's inspection in camera. Acting in accordance with the
20 best interests of the public, the judge shall have the
21 discretion to determine to whom, if anyone, the results of the
22 testing may be revealed. The court shall notify the defendant
23 of a positive test showing an infection with the human
24 immunodeficiency virus (HIV). The court shall provide
25 information on the availability of HIV testing and counseling
26 at Department of Public Health facilities to all parties to

1 whom the results of the testing are revealed and shall direct
2 the State's Attorney to provide the information to the victim
3 when possible. A State's Attorney may petition the court to
4 obtain the results of any HIV test administered under this
5 Section, and the court shall grant the disclosure if the
6 State's Attorney shows it is relevant in order to prosecute a
7 charge of criminal transmission of HIV under Section 12-5.01 or
8 12-16.2 of the Criminal Code of 1961 against the defendant. The
9 court shall order that the cost of any such test shall be paid
10 by the county and may be taxed as costs against the convicted
11 defendant.

12 (i) All fines and penalties imposed under this Section for
13 any violation of Chapters 3, 4, 6, and 11 of the Illinois
14 Vehicle Code, or a similar provision of a local ordinance, and
15 any violation of the Child Passenger Protection Act, or a
16 similar provision of a local ordinance, shall be collected and
17 disbursed by the circuit clerk as provided under Section 27.5
18 of the Clerks of Courts Act.

19 (j) In cases when prosecution for any violation of Section
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
21 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
22 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
23 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
24 12-15, or 12-16 of the Criminal Code of 1961, any violation of
25 the Illinois Controlled Substances Act, any violation of the
26 Cannabis Control Act, or any violation of the Methamphetamine

1 Control and Community Protection Act results in conviction, a
2 disposition of court supervision, or an order of probation
3 granted under Section 10 of the Cannabis Control Act, Section
4 410 of the Illinois Controlled Substance Act, or Section 70 of
5 the Methamphetamine Control and Community Protection Act of a
6 defendant, the court shall determine whether the defendant is
7 employed by a facility or center as defined under the Child
8 Care Act of 1969, a public or private elementary or secondary
9 school, or otherwise works with children under 18 years of age
10 on a daily basis. When a defendant is so employed, the court
11 shall order the Clerk of the Court to send a copy of the
12 judgment of conviction or order of supervision or probation to
13 the defendant's employer by certified mail. If the employer of
14 the defendant is a school, the Clerk of the Court shall direct
15 the mailing of a copy of the judgment of conviction or order of
16 supervision or probation to the appropriate regional
17 superintendent of schools. The regional superintendent of
18 schools shall notify the State Board of Education of any
19 notification under this subsection.

20 (j-5) A defendant at least 17 years of age who is convicted
21 of a felony and who has not been previously convicted of a
22 misdemeanor or felony and who is sentenced to a term of
23 imprisonment in the Illinois Department of Corrections shall as
24 a condition of his or her sentence be required by the court to
25 attend educational courses designed to prepare the defendant
26 for a high school diploma and to work toward a high school

1 diploma or to work toward passing the high school level Test of
2 General Educational Development (GED) or to work toward
3 completing a vocational training program offered by the
4 Department of Corrections. If a defendant fails to complete the
5 educational training required by his or her sentence during the
6 term of incarceration, the Prisoner Review Board shall, as a
7 condition of mandatory supervised release, require the
8 defendant, at his or her own expense, to pursue a course of
9 study toward a high school diploma or passage of the GED test.
10 The Prisoner Review Board shall revoke the mandatory supervised
11 release of a defendant who wilfully fails to comply with this
12 subsection (j-5) upon his or her release from confinement in a
13 penal institution while serving a mandatory supervised release
14 term; however, the inability of the defendant after making a
15 good faith effort to obtain financial aid or pay for the
16 educational training shall not be deemed a wilful failure to
17 comply. The Prisoner Review Board shall recommit the defendant
18 whose mandatory supervised release term has been revoked under
19 this subsection (j-5) as provided in Section 3-3-9. This
20 subsection (j-5) does not apply to a defendant who has a high
21 school diploma or has successfully passed the GED test. This
22 subsection (j-5) does not apply to a defendant who is
23 determined by the court to be developmentally disabled or
24 otherwise mentally incapable of completing the educational or
25 vocational program.

26 (k) (Blank).

1 (1) (A) Except as provided in paragraph (C) of subsection
2 (1), whenever a defendant, who is an alien as defined by
3 the Immigration and Nationality Act, is convicted of any
4 felony or misdemeanor offense, the court after sentencing
5 the defendant may, upon motion of the State's Attorney,
6 hold sentence in abeyance and remand the defendant to the
7 custody of the Attorney General of the United States or his
8 or her designated agent to be deported when:

9 (1) a final order of deportation has been issued
10 against the defendant pursuant to proceedings under
11 the Immigration and Nationality Act, and

12 (2) the deportation of the defendant would not
13 deprecate the seriousness of the defendant's conduct
14 and would not be inconsistent with the ends of justice.

15 Otherwise, the defendant shall be sentenced as
16 provided in this Chapter V.

17 (B) If the defendant has already been sentenced for a
18 felony or misdemeanor offense, or has been placed on
19 probation under Section 10 of the Cannabis Control Act,
20 Section 410 of the Illinois Controlled Substances Act, or
21 Section 70 of the Methamphetamine Control and Community
22 Protection Act, the court may, upon motion of the State's
23 Attorney to suspend the sentence imposed, commit the
24 defendant to the custody of the Attorney General of the
25 United States or his or her designated agent when:

26 (1) a final order of deportation has been issued

1 against the defendant pursuant to proceedings under
2 the Immigration and Nationality Act, and

3 (2) the deportation of the defendant would not
4 deprecate the seriousness of the defendant's conduct
5 and would not be inconsistent with the ends of justice.

6 (C) This subsection (1) does not apply to offenders who
7 are subject to the provisions of paragraph (2) of
8 subsection (a) of Section 3-6-3.

9 (D) Upon motion of the State's Attorney, if a defendant
10 sentenced under this Section returns to the jurisdiction of
11 the United States, the defendant shall be recommitted to
12 the custody of the county from which he or she was
13 sentenced. Thereafter, the defendant shall be brought
14 before the sentencing court, which may impose any sentence
15 that was available under Section 5-5-3 at the time of
16 initial sentencing. In addition, the defendant shall not be
17 eligible for additional good conduct credit for
18 meritorious service as provided under Section 3-6-6.

19 (m) A person convicted of criminal defacement of property
20 under Section 21-1.3 of the Criminal Code of 1961, in which the
21 property damage exceeds \$300 and the property damaged is a
22 school building, shall be ordered to perform community service
23 that may include cleanup, removal, or painting over the
24 defacement.

25 (n) The court may sentence a person convicted of a
26 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or

1 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
2 of 1961 (i) to an impact incarceration program if the person is
3 otherwise eligible for that program under Section 5-8-1.1, (ii)
4 to community service, or (iii) if the person is an addict or
5 alcoholic, as defined in the Alcoholism and Other Drug Abuse
6 and Dependency Act, to a substance or alcohol abuse program
7 licensed under that Act.

8 (o) Whenever a person is convicted of a sex offense as
9 defined in Section 2 of the Sex Offender Registration Act, the
10 defendant's driver's license or permit shall be subject to
11 renewal on an annual basis in accordance with the provisions of
12 license renewal established by the Secretary of State.

13 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
14 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
15 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
16 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
17 97-159, eff. 7-21-11; revised 9-14-11.)

18 (730 ILCS 5/5-5-3.2)

19 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
20 Sentencing.

21 (a) The following factors shall be accorded weight in favor
22 of imposing a term of imprisonment or may be considered by the
23 court as reasons to impose a more severe sentence under Section
24 5-8-1 or Article 4.5 of Chapter V:

25 (1) the defendant's conduct caused or threatened

1 serious harm;

2 (2) the defendant received compensation for committing
3 the offense;

4 (3) the defendant has a history of prior delinquency or
5 criminal activity;

6 (4) the defendant, by the duties of his office or by
7 his position, was obliged to prevent the particular offense
8 committed or to bring the offenders committing it to
9 justice;

10 (5) the defendant held public office at the time of the
11 offense, and the offense related to the conduct of that
12 office;

13 (6) the defendant utilized his professional reputation
14 or position in the community to commit the offense, or to
15 afford him an easier means of committing it;

16 (7) the sentence is necessary to deter others from
17 committing the same crime;

18 (8) the defendant committed the offense against a
19 person 60 years of age or older or such person's property;

20 (9) the defendant committed the offense against a
21 person who is physically handicapped or such person's
22 property;

23 (10) by reason of another individual's actual or
24 perceived race, color, creed, religion, ancestry, gender,
25 sexual orientation, physical or mental disability, or
26 national origin, the defendant committed the offense

1 against (i) the person or property of that individual; (ii)
2 the person or property of a person who has an association
3 with, is married to, or has a friendship with the other
4 individual; or (iii) the person or property of a relative
5 (by blood or marriage) of a person described in clause (i)
6 or (ii). For the purposes of this Section, "sexual
7 orientation" means heterosexuality, homosexuality, or
8 bisexuality;

9 (11) the offense took place in a place of worship or on
10 the grounds of a place of worship, immediately prior to,
11 during or immediately following worship services. For
12 purposes of this subparagraph, "place of worship" shall
13 mean any church, synagogue or other building, structure or
14 place used primarily for religious worship;

15 (12) the defendant was convicted of a felony committed
16 while he was released on bail or his own recognizance
17 pending trial for a prior felony and was convicted of such
18 prior felony, or the defendant was convicted of a felony
19 committed while he was serving a period of probation,
20 conditional discharge, or mandatory supervised release
21 under subsection (d) of Section 5-8-1 for a prior felony;

22 (13) the defendant committed or attempted to commit a
23 felony while he was wearing a bulletproof vest. For the
24 purposes of this paragraph (13), a bulletproof vest is any
25 device which is designed for the purpose of protecting the
26 wearer from bullets, shot or other lethal projectiles;

1 (14) the defendant held a position of trust or
2 supervision such as, but not limited to, family member as
3 defined in Section 11-0.1 of the Criminal Code of 1961,
4 teacher, scout leader, baby sitter, or day care worker, in
5 relation to a victim under 18 years of age, and the
6 defendant committed an offense in violation of Section
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
8 11-14.4 except for an offense that involves keeping a place
9 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
10 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
11 or 12-16 of the Criminal Code of 1961 against that victim;

12 (15) the defendant committed an offense related to the
13 activities of an organized gang. For the purposes of this
14 factor, "organized gang" has the meaning ascribed to it in
15 Section 10 of the Streetgang Terrorism Omnibus Prevention
16 Act;

17 (16) the defendant committed an offense in violation of
18 one of the following Sections while in a school, regardless
19 of the time of day or time of year; on any conveyance
20 owned, leased, or contracted by a school to transport
21 students to or from school or a school related activity; on
22 the real property of a school; or on a public way within
23 1,000 feet of the real property comprising any school:
24 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
25 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
26 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,

1 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
2 18-2, or 33A-2, or Section 12-3.05 except for subdivision
3 (a) (4) or (g) (1), of the Criminal Code of 1961;

4 (16.5) the defendant committed an offense in violation
5 of one of the following Sections while in a day care
6 center, regardless of the time of day or time of year; on
7 the real property of a day care center, regardless of the
8 time of day or time of year; or on a public way within
9 1,000 feet of the real property comprising any day care
10 center, regardless of the time of day or time of year:
11 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
12 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
13 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
14 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
15 18-2, or 33A-2, or Section 12-3.05 except for subdivision
16 (a) (4) or (g) (1), of the Criminal Code of 1961;

17 (17) the defendant committed the offense by reason of
18 any person's activity as a community policing volunteer or
19 to prevent any person from engaging in activity as a
20 community policing volunteer. For the purpose of this
21 Section, "community policing volunteer" has the meaning
22 ascribed to it in Section 2-3.5 of the Criminal Code of
23 1961;

24 (18) the defendant committed the offense in a nursing
25 home or on the real property comprising a nursing home. For
26 the purposes of this paragraph (18), "nursing home" means a

1 skilled nursing or intermediate long term care facility
2 that is subject to license by the Illinois Department of
3 Public Health under the Nursing Home Care Act, the
4 Specialized Mental Health Rehabilitation Act, or the ID/DD
5 Community Care Act;

6 (19) the defendant was a federally licensed firearm
7 dealer and was previously convicted of a violation of
8 subsection (a) of Section 3 of the Firearm Owners
9 Identification Card Act and has now committed either a
10 felony violation of the Firearm Owners Identification Card
11 Act or an act of armed violence while armed with a firearm;

12 (20) the defendant (i) committed the offense of
13 reckless homicide under Section 9-3 of the Criminal Code of
14 1961 or the offense of driving under the influence of
15 alcohol, other drug or drugs, intoxicating compound or
16 compounds or any combination thereof under Section 11-501
17 of the Illinois Vehicle Code or a similar provision of a
18 local ordinance and (ii) was operating a motor vehicle in
19 excess of 20 miles per hour over the posted speed limit as
20 provided in Article VI of Chapter 11 of the Illinois
21 Vehicle Code;

22 (21) the defendant (i) committed the offense of
23 reckless driving or aggravated reckless driving under
24 Section 11-503 of the Illinois Vehicle Code and (ii) was
25 operating a motor vehicle in excess of 20 miles per hour
26 over the posted speed limit as provided in Article VI of

1 Chapter 11 of the Illinois Vehicle Code;

2 (22) the defendant committed the offense against a
3 person that the defendant knew, or reasonably should have
4 known, was a member of the Armed Forces of the United
5 States serving on active duty. For purposes of this clause
6 (22), the term "Armed Forces" means any of the Armed Forces
7 of the United States, including a member of any reserve
8 component thereof or National Guard unit called to active
9 duty;

10 (23) the defendant committed the offense against a
11 person who was elderly, disabled, or infirm by taking
12 advantage of a family or fiduciary relationship with the
13 elderly, disabled, or infirm person;

14 (24) the defendant committed any offense under Section
15 11-20.1 of the Criminal Code of 1961 and possessed 100 or
16 more images;

17 (25) the defendant committed the offense while the
18 defendant or the victim was in a train, bus, or other
19 vehicle used for public transportation;

20 (26) the defendant committed the offense of child
21 pornography or aggravated child pornography, specifically
22 including paragraph (1), (2), (3), (4), (5), or (7) of
23 subsection (a) of Section 11-20.1 of the Criminal Code of
24 1961 where a child engaged in, solicited for, depicted in,
25 or posed in any act of sexual penetration or bound,
26 fettered, or subject to sadistic, masochistic, or

1 sadomasochistic abuse in a sexual context and specifically
2 including paragraph (1), (2), (3), (4), (5), or (7) of
3 subsection (a) of Section 11-20.3 of the Criminal Code of
4 1961 where a child engaged in, solicited for, depicted in,
5 or posed in any act of sexual penetration or bound,
6 fettered, or subject to sadistic, masochistic, or
7 sadomasochistic abuse in a sexual context; or

8 (27) the defendant committed the offense of first
9 degree murder, assault, aggravated assault, battery,
10 aggravated battery, robbery, armed robbery, or aggravated
11 robbery against a person who was a veteran and the
12 defendant knew, or reasonably should have known, that the
13 person was a veteran performing duties as a representative
14 of a veterans' organization. For the purposes of this
15 paragraph (27), "veteran" means an Illinois resident who
16 has served as a member of the United States Armed Forces, a
17 member of the Illinois National Guard, or a member of the
18 United States Reserve Forces; and "veterans' organization"
19 means an organization comprised of members of which
20 substantially all are individuals who are veterans or
21 spouses, widows, or widowers of veterans, the primary
22 purpose of which is to promote the welfare of its members
23 and to provide assistance to the general public in such a
24 way as to confer a public benefit.

25 For the purposes of this Section:

26 "School" is defined as a public or private elementary or

1 secondary school, community college, college, or university.

2 "Day care center" means a public or private State certified
3 and licensed day care center as defined in Section 2.09 of the
4 Child Care Act of 1969 that displays a sign in plain view
5 stating that the property is a day care center.

6 "Public transportation" means the transportation or
7 conveyance of persons by means available to the general public,
8 and includes paratransit services.

9 (b) The following factors, related to all felonies, may be
10 considered by the court as reasons to impose an extended term
11 sentence under Section 5-8-2 upon any offender:

12 (1) When a defendant is convicted of any felony, after
13 having been previously convicted in Illinois or any other
14 jurisdiction of the same or similar class felony or greater
15 class felony, when such conviction has occurred within 10
16 years after the previous conviction, excluding time spent
17 in custody, and such charges are separately brought and
18 tried and arise out of different series of acts; or

19 (2) When a defendant is convicted of any felony and the
20 court finds that the offense was accompanied by
21 exceptionally brutal or heinous behavior indicative of
22 wanton cruelty; or

23 (3) When a defendant is convicted of any felony
24 committed against:

25 (i) a person under 12 years of age at the time of
26 the offense or such person's property;

1 (ii) a person 60 years of age or older at the time
2 of the offense or such person's property; or

3 (iii) a person physically handicapped at the time
4 of the offense or such person's property; or

5 (4) When a defendant is convicted of any felony and the
6 offense involved any of the following types of specific
7 misconduct committed as part of a ceremony, rite,
8 initiation, observance, performance, practice or activity
9 of any actual or ostensible religious, fraternal, or social
10 group:

11 (i) the brutalizing or torturing of humans or
12 animals;

13 (ii) the theft of human corpses;

14 (iii) the kidnapping of humans;

15 (iv) the desecration of any cemetery, religious,
16 fraternal, business, governmental, educational, or
17 other building or property; or

18 (v) ritualized abuse of a child; or

19 (5) When a defendant is convicted of a felony other
20 than conspiracy and the court finds that the felony was
21 committed under an agreement with 2 or more other persons
22 to commit that offense and the defendant, with respect to
23 the other individuals, occupied a position of organizer,
24 supervisor, financier, or any other position of management
25 or leadership, and the court further finds that the felony
26 committed was related to or in furtherance of the criminal

1 activities of an organized gang or was motivated by the
2 defendant's leadership in an organized gang; or

3 (6) When a defendant is convicted of an offense
4 committed while using a firearm with a laser sight attached
5 to it. For purposes of this paragraph, "laser sight" has
6 the meaning ascribed to it in Section 26-7 ~~24.6-5~~ of the
7 Criminal Code of 1961; or

8 (7) When a defendant who was at least 17 years of age
9 at the time of the commission of the offense is convicted
10 of a felony and has been previously adjudicated a
11 delinquent minor under the Juvenile Court Act of 1987 for
12 an act that if committed by an adult would be a Class X or
13 Class 1 felony when the conviction has occurred within 10
14 years after the previous adjudication, excluding time
15 spent in custody; or

16 (8) When a defendant commits any felony and the
17 defendant used, possessed, exercised control over, or
18 otherwise directed an animal to assault a law enforcement
19 officer engaged in the execution of his or her official
20 duties or in furtherance of the criminal activities of an
21 organized gang in which the defendant is engaged.

22 (c) The following factors may be considered by the court as
23 reasons to impose an extended term sentence under Section 5-8-2
24 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

25 (1) When a defendant is convicted of first degree
26 murder, after having been previously convicted in Illinois

1 of any offense listed under paragraph (c)(2) of Section
2 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
3 within 10 years after the previous conviction, excluding
4 time spent in custody, and the charges are separately
5 brought and tried and arise out of different series of
6 acts.

7 (1.5) When a defendant is convicted of first degree
8 murder, after having been previously convicted of domestic
9 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
10 (720 ILCS 5/12-3.3) committed on the same victim or after
11 having been previously convicted of violation of an order
12 of protection (720 ILCS 5/12-30) in which the same victim
13 was the protected person.

14 (2) When a defendant is convicted of voluntary
15 manslaughter, second degree murder, involuntary
16 manslaughter, or reckless homicide in which the defendant
17 has been convicted of causing the death of more than one
18 individual.

19 (3) When a defendant is convicted of aggravated
20 criminal sexual assault or criminal sexual assault, when
21 there is a finding that aggravated criminal sexual assault
22 or criminal sexual assault was also committed on the same
23 victim by one or more other individuals, and the defendant
24 voluntarily participated in the crime with the knowledge of
25 the participation of the others in the crime, and the
26 commission of the crime was part of a single course of

1 conduct during which there was no substantial change in the
2 nature of the criminal objective.

3 (4) If the victim was under 18 years of age at the time
4 of the commission of the offense, when a defendant is
5 convicted of aggravated criminal sexual assault or
6 predatory criminal sexual assault of a child under
7 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
8 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS
9 5/11-1.40 or 5/12-14.1).

10 (5) When a defendant is convicted of a felony violation
11 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
12 5/24-1) and there is a finding that the defendant is a
13 member of an organized gang.

14 (6) When a defendant was convicted of unlawful use of
15 weapons under Section 24-1 of the Criminal Code of 1961
16 (720 ILCS 5/24-1) for possessing a weapon that is not
17 readily distinguishable as one of the weapons enumerated in
18 Section 24-1 of the Criminal Code of 1961 (720 ILCS
19 5/24-1).

20 (7) When a defendant is convicted of an offense
21 involving the illegal manufacture of a controlled
22 substance under Section 401 of the Illinois Controlled
23 Substances Act (720 ILCS 570/401), the illegal manufacture
24 of methamphetamine under Section 25 of the Methamphetamine
25 Control and Community Protection Act (720 ILCS 646/25), or
26 the illegal possession of explosives and an emergency

1 response officer in the performance of his or her duties is
2 killed or injured at the scene of the offense while
3 responding to the emergency caused by the commission of the
4 offense. In this paragraph, "emergency" means a situation
5 in which a person's life, health, or safety is in jeopardy;
6 and "emergency response officer" means a peace officer,
7 community policing volunteer, fireman, emergency medical
8 technician-ambulance, emergency medical
9 technician-intermediate, emergency medical
10 technician-paramedic, ambulance driver, other medical
11 assistance or first aid personnel, or hospital emergency
12 room personnel.

13 (d) For the purposes of this Section, "organized gang" has
14 the meaning ascribed to it in Section 10 of the Illinois
15 Streetgang Terrorism Omnibus Prevention Act.

16 (e) The court may impose an extended term sentence under
17 Article 4.5 of Chapter V upon an offender who has been
18 convicted of a felony violation of Section 12-13, 12-14,
19 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the
20 victim of the offense is under 18 years of age at the time of
21 the commission of the offense and, during the commission of the
22 offense, the victim was under the influence of alcohol,
23 regardless of whether or not the alcohol was supplied by the
24 offender; and the offender, at the time of the commission of
25 the offense, knew or should have known that the victim had
26 consumed alcohol.

1 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
2 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
3 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
4 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
5 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
6 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; revised 9-14-11.)

7 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

8 Sec. 5-5-5. Loss and Restoration of Rights.

9 (a) Conviction and disposition shall not entail the loss by
10 the defendant of any civil rights, except under this Section
11 and Sections 29-6 and 29-10 of The Election Code, as now or
12 hereafter amended.

13 (b) A person convicted of a felony shall be ineligible to
14 hold an office created by the Constitution of this State until
15 the completion of his sentence.

16 (c) A person sentenced to imprisonment shall lose his right
17 to vote until released from imprisonment.

18 (d) On completion of sentence of imprisonment or upon
19 discharge from probation, conditional discharge or periodic
20 imprisonment, or at any time thereafter, all license rights and
21 privileges granted under the authority of this State which have
22 been revoked or suspended because of conviction of an offense
23 shall be restored unless the authority having jurisdiction of
24 such license rights finds after investigation and hearing that
25 restoration is not in the public interest. This paragraph (d)

1 shall not apply to the suspension or revocation of a license to
2 operate a motor vehicle under the Illinois Vehicle Code.

3 (e) Upon a person's discharge from incarceration or parole,
4 or upon a person's discharge from probation or at any time
5 thereafter, the committing court may enter an order certifying
6 that the sentence has been satisfactorily completed when the
7 court believes it would assist in the rehabilitation of the
8 person and be consistent with the public welfare. Such order
9 may be entered upon the motion of the defendant or the State or
10 upon the court's own motion.

11 (f) Upon entry of the order, the court shall issue to the
12 person in whose favor the order has been entered a certificate
13 stating that his behavior after conviction has warranted the
14 issuance of the order.

15 (g) This Section shall not affect the right of a defendant
16 to collaterally attack his conviction or to rely on it in bar
17 of subsequent proceedings for the same offense.

18 (h) No application for any license specified in subsection
19 (i) of this Section granted under the authority of this State
20 shall be denied by reason of an eligible offender who has
21 obtained a certificate of relief from disabilities, as defined
22 in Article 5.5 of this Chapter, having been previously
23 convicted of one or more criminal offenses, or by reason of a
24 finding of lack of "good moral character" when the finding is
25 based upon the fact that the applicant has previously been
26 convicted of one or more criminal offenses, unless:

1 (1) there is a direct relationship between one or more
2 of the previous criminal offenses and the specific license
3 sought; or

4 (2) the issuance of the license would involve an
5 unreasonable risk to property or to the safety or welfare
6 of specific individuals or the general public.

7 In making such a determination, the licensing agency shall
8 consider the following factors:

9 (1) the public policy of this State, as expressed in
10 Article 5.5 of this Chapter, to encourage the licensure and
11 employment of persons previously convicted of one or more
12 criminal offenses;

13 (2) the specific duties and responsibilities
14 necessarily related to the license being sought;

15 (3) the bearing, if any, the criminal offenses or
16 offenses for which the person was previously convicted will
17 have on his or her fitness or ability to perform one or
18 more such duties and responsibilities;

19 (4) the time which has elapsed since the occurrence of
20 the criminal offense or offenses;

21 (5) the age of the person at the time of occurrence of
22 the criminal offense or offenses;

23 (6) the seriousness of the offense or offenses;

24 (7) any information produced by the person or produced
25 on his or her behalf in regard to his or her rehabilitation
26 and good conduct, including a certificate of relief from

1 disabilities issued to the applicant, which certificate
2 shall create a presumption of rehabilitation in regard to
3 the offense or offenses specified in the certificate; and

4 (8) the legitimate interest of the licensing agency in
5 protecting property, and the safety and welfare of specific
6 individuals or the general public.

7 (i) A certificate of relief from disabilities shall be
8 issued only for a license or certification issued under the
9 following Acts:

10 (1) the Animal Welfare Act; except that a certificate
11 of relief from disabilities may not be granted to provide
12 for the issuance or restoration of a license under the
13 Animal Welfare Act for any person convicted of violating
14 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
15 Care for Animals Act or Section 26-5 or 48-1 of the
16 Criminal Code of 1961;

17 (2) the Illinois Athletic Trainers Practice Act;

18 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
19 and Nail Technology Act of 1985;

20 (4) the Boiler and Pressure Vessel Repairer Regulation
21 Act;

22 (5) the Boxing and Full-contact Martial Arts Act;

23 (6) the Illinois Certified Shorthand Reporters Act of
24 1984;

25 (7) the Illinois Farm Labor Contractor Certification
26 Act;

- 1 (8) the Interior Design Title Act;
- 2 (9) the Illinois Professional Land Surveyor Act of
- 3 1989;
- 4 (10) the Illinois Landscape Architecture Act of 1989;
- 5 (11) the Marriage and Family Therapy Licensing Act;
- 6 (12) the Private Employment Agency Act;
- 7 (13) the Professional Counselor and Clinical
- 8 Professional Counselor Licensing Act;
- 9 (14) the Real Estate License Act of 2000;
- 10 (15) the Illinois Roofing Industry Licensing Act;
- 11 (16) the Professional Engineering Practice Act of
- 12 1989;
- 13 (17) the Water Well and Pump Installation Contractor's
- 14 License Act;
- 15 (18) the Electrologist Licensing Act;
- 16 (19) the Auction License Act;
- 17 (20) Illinois Architecture Practice Act of 1989;
- 18 (21) the Dietetic and Nutrition Services Practice Act;
- 19 (22) the Environmental Health Practitioner Licensing
- 20 Act;
- 21 (23) the Funeral Directors and Embalmers Licensing
- 22 Code;
- 23 (24) the Land Sales Registration Act of 1999;
- 24 (25) the Professional Geologist Licensing Act;
- 25 (26) the Illinois Public Accounting Act; and
- 26 (27) the Structural Engineering Practice Act of 1989.

1 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11.)

2 Section 104-40. The Arsonist Registration Act is amended by
3 changing Section 5 as follows:

4 (730 ILCS 148/5)

5 Sec. 5. Definitions. In this Act:

6 (a) "Arsonist" means any person who is:

7 (1) charged under Illinois law, or any substantially
8 similar federal, Uniform Code of Military Justice, sister
9 state, or foreign country law, with an arson offense, set
10 forth in subsection (b) of this Section or the attempt to
11 commit an included arson offense, and:

12 (i) is convicted of such offense or an attempt to
13 commit such offense; or

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

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

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

1 (v) is found not guilty by reason of insanity
2 following a hearing conducted under a federal, Uniform
3 Code of Military Justice, sister state, or foreign
4 country law substantially similar to subsection (c) of
5 Section 104-25 of the Code of Criminal Procedure of
6 1963 of such offense or of the attempted commission of
7 such offense; or

8 (vi) is the subject of a finding not resulting in
9 an acquittal at a hearing conducted under a federal,
10 Uniform Code of Military Justice, sister state, or
11 foreign country law substantially similar to
12 subsection (a) of Section 104-25 of the Code of
13 Criminal Procedure of 1963 for the alleged violation or
14 attempted commission of such offense;

15 (2) is a minor who has been tried and convicted in an
16 adult criminal prosecution as the result of committing or
17 attempting to commit an offense specified in subsection (b)
18 of this Section or a violation of any substantially similar
19 federal, Uniform Code of Military Justice, sister state, or
20 foreign country law. Convictions that result from or are
21 connected with the same act, or result from offenses
22 committed at the same time, shall be counted for the
23 purpose of this Act as one conviction. Any conviction set
24 aside under law is not a conviction for purposes of this
25 Act.

26 (b) "Arson offense" means:

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

3 (i) 20-1 (arson),

4 (ii) 20-1.1 (aggravated arson),

5 (iii) 20-1(b) or 20-1.2 (residential arson),

6 (iv) 20-1(b-5) or 20-1.3 (place of worship arson),

7 (v) 20-2 (possession of explosives or explosive or
8 incendiary devices), or

9 (vi) An attempt to commit any of the offenses
10 listed in clauses (i) through (v).

11 (2) A violation of any former law of this State
12 substantially equivalent to any offense listed in
13 subsection (b) of this Section.

14 (c) A conviction for an offense of federal law, Uniform
15 Code of Military Justice, or the law of another state or a
16 foreign country that is substantially equivalent to any offense
17 listed in subsection (b) of this Section shall constitute a
18 conviction for the purpose of this Act.

19 (d) "Law enforcement agency having jurisdiction" means the
20 Chief of Police in each of the municipalities in which the
21 arsonist expects to reside, work, or attend school (1) upon his
22 or her discharge, parole or release or (2) during the service
23 of his or her sentence of probation or conditional discharge,
24 or the Sheriff of the county, in the event no Police Chief
25 exists or if the offender intends to reside, work, or attend
26 school in an unincorporated area. "Law enforcement agency

1 having jurisdiction" includes the location where out-of-state
2 students attend school and where out-of-state employees are
3 employed or are otherwise required to register.

4 (e) "Out-of-state student" means any arsonist, as defined
5 in this Section, who is enrolled in Illinois, on a full-time or
6 part-time basis, in any public or private educational
7 institution, including, but not limited to, any secondary
8 school, trade or professional institution, or institution of
9 higher learning.

10 (f) "Out-of-state employee" means any arsonist, as defined
11 in this Section, who works in Illinois, regardless of whether
12 the individual receives payment for services performed, for a
13 period of time of 10 or more days or for an aggregate period of
14 time of 30 or more days during any calendar year. Persons who
15 operate motor vehicles in the State accrue one day of
16 employment time for any portion of a day spent in Illinois.

17 (g) "I-CLEAR" means the Illinois Citizens and Law
18 Enforcement Analysis and Reporting System.

19 (Source: P.A. 93-949, eff. 1-1-05.)

20 Section 104-45. The Murderer and Violent Offender Against
21 Youth Registration Act is amended by changing Section 5 as
22 follows:

23 (730 ILCS 154/5)

24 Sec. 5. Definitions.

1 (a) As used in this Act, "violent offender against youth"
2 means any person who is:

3 (1) charged pursuant to Illinois law, or any
4 substantially similar federal, Uniform Code of Military
5 Justice, sister state, or foreign country law, with a
6 violent offense against youth set forth in subsection (b)
7 of this Section or the attempt to commit an included
8 violent offense against youth, and:

9 (A) is convicted of such offense or an attempt to
10 commit such offense; or

11 (B) is found not guilty by reason of insanity of
12 such offense or an attempt to commit such offense; or

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

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

22 (E) is found not guilty by reason of insanity
23 following a hearing conducted pursuant to a federal,
24 Uniform Code of Military Justice, sister state, or
25 foreign country law substantially similar to
26 subsection (c) of Section 104-25 of the Code of

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

3 (F) is the subject of a finding not resulting in an
4 acquittal at a hearing conducted pursuant to a federal,
5 Uniform Code of Military Justice, sister state, or
6 foreign country law substantially similar to
7 subsection (c) of Section 104-25 of the Code of
8 Criminal Procedure of 1963 for the alleged violation or
9 attempted commission of such offense; or

10 (2) adjudicated a juvenile delinquent as the result of
11 committing or attempting to commit an act which, if
12 committed by an adult, would constitute any of the offenses
13 specified in subsection (b) or (c-5) of this Section or a
14 violation of any substantially similar federal, Uniform
15 Code of Military Justice, sister state, or foreign country
16 law, or found guilty under Article V of the Juvenile Court
17 Act of 1987 of committing or attempting to commit an act
18 which, if committed by an adult, would constitute any of
19 the offenses specified in subsection (b) or (c-5) of this
20 Section or a violation of any substantially similar
21 federal, Uniform Code of Military Justice, sister state, or
22 foreign country law.

23 Convictions that result from or are connected with the same
24 act, or result from offenses committed at the same time, shall
25 be counted for the purpose of this Act as one conviction. Any
26 conviction set aside pursuant to law is not a conviction for

1 purposes of this Act.

2 For purposes of this Section, "convicted" shall have the
3 same meaning as "adjudicated". For the purposes of this Act, a
4 person who is defined as a violent offender against youth as a
5 result of being adjudicated a juvenile delinquent under
6 paragraph (2) of this subsection (a) upon attaining 17 years of
7 age shall be considered as having committed the violent offense
8 against youth on or after the 17th birthday of the violent
9 offender against youth. Registration of juveniles upon
10 attaining 17 years of age shall not extend the original
11 registration of 10 years from the date of conviction.

12 (b) As used in this Act, "violent offense against youth"
13 means:

14 (1) A violation of any of the following Sections of the
15 Criminal Code of 1961, when the victim is a person under 18
16 years of age and the offense was committed on or after
17 January 1, 1996:

18 10-1 (kidnapping),
19 10-2 (aggravated kidnapping),
20 10-3 (unlawful restraint),
21 10-3.1 (aggravated unlawful restraint).

22 An attempt to commit any of these offenses.

23 (2) First degree murder under Section 9-1 of the
24 Criminal Code of 1961, when the victim was a person under
25 18 years of age and the defendant was at least 17 years of
26 age at the time of the commission of the offense.

1 (3) Child abduction under paragraph (10) of subsection
2 (b) of Section 10-5 of the Criminal Code of 1961 committed
3 by luring or attempting to lure a child under the age of 16
4 into a motor vehicle, building, house trailer, or dwelling
5 place without the consent of the parent or lawful custodian
6 of the child for other than a lawful purpose and the
7 offense was committed on or after January 1, 1998.

8 (4) A violation or attempted violation of the following
9 Section of the Criminal Code of 1961 when the offense was
10 committed on or after July 1, 1999:

11 10-4 (forcible detention, if the victim is under 18
12 years of age).

13 (4.1) Involuntary manslaughter under Section 9-3 of
14 the Criminal Code of 1961 where baby shaking was the
15 proximate cause of death of the victim of the offense.

16 (4.2) Endangering the life or health of a child under
17 Section 12-21.6 of the Criminal Code of 1961 that results
18 in the death of the child where baby shaking was the
19 proximate cause of the death of the child.

20 (4.3) Domestic battery resulting in bodily harm under
21 Section 12-3.2 of the Criminal Code of 1961 when the
22 defendant was 18 years or older and the victim was under 18
23 years of age and the offense was committed on or after July
24 26, 2010.

25 (4.4) A violation or attempted violation of any of the
26 following Sections or clauses of the Criminal Code of 1961

1 when the victim was under 18 years of age and the offense
2 was committed on or after (1) July 26, 2000 if the
3 defendant was 18 years of age or older or (2) July 26, 2010
4 and the defendant was under the age of 18:

5 12-3.3 (aggravated domestic battery),

6 12-3.05(a)(1), 12-3.05(d)(2), 12-3.05(f)(1),

7 12-4(a), 12-4(b)(1) or 12-4(b)(14) (aggravated
8 battery),

9 12-3.05(a)(2) or 12-4.1 (heinous battery),

10 12-3.05(b) or 12-4.3 (aggravated battery of a
11 child),

12 12-3.1(a-5) or 12-4.4 (aggravated battery of an
13 unborn child),

14 12-33 (ritualized abuse of a child).

15 (4.5) A violation or attempted violation of any of the
16 following Sections of the Criminal Code of 1961 when the
17 victim was under 18 years of age and the offense was
18 committed on or after (1) August 1, 2001 if the defendant
19 was 18 years of age or older or (2) August 1, 2011 and the
20 defendant was under the age of 18:

21 12-3.05(e)(1), (2), (3), or (4) or 12-4.2

22 (aggravated battery with a firearm),

23 12-3.05(e)(5), (6), (7), or (8) or 12-4.2-5

24 (aggravated battery with a machine gun),

25 12-11 or 19-6 (home invasion).

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

1 substantially equivalent to any offense listed in this
2 subsection (b).

3 (b-5) For the purposes of this Section, "first degree
4 murder of an adult" means first degree murder under Section 9-1
5 of the Criminal Code of 1961 when the victim was a person 18
6 years of age or older at the time of the commission of the
7 offense.

8 (c) A conviction for an offense of federal law, Uniform
9 Code of Military Justice, or the law of another state or a
10 foreign country that is substantially equivalent to any offense
11 listed in subsections (b) and (c-5) of this Section shall
12 constitute a conviction for the purpose of this Act.

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

25 (c-6) A person who is convicted or adjudicated delinquent
26 of first degree murder of an adult shall be required to

1 register for a period of 10 years after conviction or
2 adjudication if not confined to a penal institution, hospital,
3 or any other institution or facility, and if confined, for a
4 period of 10 years after parole, discharge, or release from any
5 such facility. A conviction for an offense of federal, Uniform
6 Code of Military Justice, sister state, or foreign country law
7 that is substantially equivalent to any offense listed in
8 subsection (c-6) of this Section shall constitute a conviction
9 for the purpose of this Act. This subsection (c-6) does not
10 apply to those individuals released from incarceration more
11 than 10 years prior to January 1, 2012 (the effective date of
12 Public Act 97-154) ~~this amendatory Act of the 97th General~~
13 ~~Assembly.~~

14 (d) As used in this Act, "law enforcement agency having
15 jurisdiction" means the Chief of Police in each of the
16 municipalities in which the violent offender against youth
17 expects to reside, work, or attend school (1) upon his or her
18 discharge, parole or release or (2) during the service of his
19 or her sentence of probation or conditional discharge, or the
20 Sheriff of the county, in the event no Police Chief exists or
21 if the offender intends to reside, work, or attend school in an
22 unincorporated area. "Law enforcement agency having
23 jurisdiction" includes the location where out-of-state
24 students attend school and where out-of-state employees are
25 employed or are otherwise required to register.

26 (e) As used in this Act, "supervising officer" means the

1 assigned Illinois Department of Corrections parole agent or
2 county probation officer.

3 (f) As used in this Act, "out-of-state student" means any
4 violent offender against youth who is enrolled in Illinois, on
5 a full-time or part-time basis, in any public or private
6 educational institution, including, but not limited to, any
7 secondary school, trade or professional institution, or
8 institution of higher learning.

9 (g) As used in this Act, "out-of-state employee" means any
10 violent offender against youth who works in Illinois,
11 regardless of whether the individual receives payment for
12 services performed, for a period of time of 10 or more days or
13 for an aggregate period of time of 30 or more days during any
14 calendar year. Persons who operate motor vehicles in the State
15 accrue one day of employment time for any portion of a day
16 spent in Illinois.

17 (h) As used in this Act, "school" means any public or
18 private educational institution, including, but not limited
19 to, any elementary or secondary school, trade or professional
20 institution, or institution of higher education.

21 (i) As used in this Act, "fixed residence" means any and
22 all places that a violent offender against youth resides for an
23 aggregate period of time of 5 or more days in a calendar year.

24 (j) As used in this Act, "baby shaking" means the vigorous
25 shaking of an infant or a young child that may result in
26 bleeding inside the head and cause one or more of the following

1 conditions: irreversible brain damage; blindness, retinal
2 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal
3 cord injury, including paralysis; seizures; learning
4 disability; central nervous system injury; closed head injury;
5 rib fracture; subdural hematoma; or death.

6 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;
7 97-154, eff. 1-1-12; 97-333, eff. 8-12-11; 97-432, eff.
8 8-16-11; revised 10-4-11.)

9 ARTICLE 105.

10 (720 ILCS 110/Act rep.)

11 Section 105-1. The Communications Consumer Privacy Act is
12 repealed.

13 (720 ILCS 125/Act rep.)

14 Section 105-2. The Hunter and Fishermen Interference
15 Prohibition Act is repealed.

16 (720 ILCS 135/Act rep.)

17 Section 105-3. The Harassing and Obscene Communications
18 Act is repealed.

19 (720 ILCS 140/Act rep.)

20 Section 105-4. The Taxpreparer Disclosure of Information
21 Act is repealed.

1 (720 ILCS 205/Act rep.)

2 Section 105-5. The Aircraft Crash Parts Act is repealed.

3 (720 ILCS 210/Act rep.)

4 Section 105-6. The Animal Registration Under False
5 Pretenses Act is repealed.

6 (720 ILCS 215/Act rep.)

7 Section 105-7. The Animal Research and Production
8 Facilities Protection Act is repealed.

9 (720 ILCS 220/Act rep.)

10 Section 105-10. The Appliance Tag Act is repealed.

11 (720 ILCS 225/Act rep.)

12 Section 105-15. The Auction Sales Sign Act is repealed.

13 (720 ILCS 230/Act rep.)

14 Section 105-16. The Business Use of Military Terms Act is
15 repealed.

16 (720 ILCS 300/Act rep.)

17 Section 105-20. The Derogatory Statements About Banks Act
18 is repealed.

1 (720 ILCS 310/Act rep.)

2 Section 105-21. The Governmental Uneconomic Practices Act
3 is repealed.

4 (720 ILCS 315/Act rep.)

5 Section 105-22. The Horse Mutilation Act is repealed.

6 (720 ILCS 320/Act rep.)

7 Section 105-23. The Horse Racing False Entries Act is
8 repealed.

9 (720 ILCS 330/Act rep.)

10 Section 105-25. The Loan Advertising to Bankrupts Act is
11 repealed.

12 (720 ILCS 340/Act rep.)

13 Section 105-26. The Sale of Maps Act is repealed.

14 (720 ILCS 345/Act rep.)

15 Section 105-30. The Sale or Pledge of Goods by Minors Act
16 is repealed.

17 (720 ILCS 350/Act rep.)

18 Section 105-35. The Sale Price Ad Act is repealed.

19 (720 ILCS 355/Act rep.)

1 Section 105-36. The Stallion and Jack Pedigree Act is
2 repealed.

3 (720 ILCS 375/Act rep.)

4 Section 105-37. The Ticket Sale and Resale Act is repealed.

5 (720 ILCS 380/Act rep.)

6 Section 105-40. The Title Page Act is repealed.

7 (720 ILCS 385/Act rep.)

8 Section 105-45. The Uneconomic Practices Act is repealed.

9 (720 ILCS 395/Act rep.)

10 Section 105-46. The Video Movie Sales and Rentals Act is
11 repealed.

12 (720 ILCS 400/Act rep.)

13 Section 105-47. The Wild Plant Conservation Act is
14 repealed.

15 (720 ILCS 505/Act rep.)

16 Section 105-50. The Abandoned Refrigerator Act is
17 repealed.

18 (720 ILCS 530/Act rep.)

19 Section 105-55. The Aerial Exhibitors Safety Act is

1 repealed.

2 (720 ILCS 535/Act rep.)

3 Section 105-56. The Air Rifle Act is repealed.

4 (720 ILCS 540/Act rep.)

5 Section 105-57. The Bail Bond False Statement Act is
6 repealed.

7 (720 ILCS 560/Act rep.)

8 Section 105-60. The Illinois Clean Public Elevator Air Act
9 is repealed.

10 (720 ILCS 565/Act rep.)

11 Section 105-61. The Container Label Obliteration Act is
12 repealed.

13 (720 ILCS 585/Act rep.)

14 Section 105-62. The Illinois Dangerous Animals Act is
15 repealed.

16 (720 ILCS 595/Act rep.)

17 Section 105-63. The Draft Card Mutilation Act is repealed.

18 (720 ILCS 605/Act rep.)

19 Section 105-64. The Excavation Fence Act is repealed.

1 (720 ILCS 610/Act rep.)

2 Section 105-65. The Feeding Garbage to Animals Act is
3 repealed.

4 (720 ILCS 615/Act rep.)

5 Section 105-66. The Fire Extinguisher Service Act is
6 repealed.

7 (720 ILCS 620/Act rep.)

8 Section 105-67. The Flag Desecration Act is repealed.

9 (720 ILCS 625/Act rep.)

10 Section 105-70. The Grain Coloring Act is repealed.

11 (720 ILCS 630/Act rep.)

12 Section 105-71. The Guide Dog Access Act is repealed.

13 (720 ILCS 645/Act rep.)

14 Section 105-72. The Legislative Misconduct Act is
15 repealed.

16 (720 ILCS 650/Act rep.)

17 Section 105-75. The Nitroglycerin Transportation Act is
18 repealed.

1 (720 ILCS 655/Act rep.)

2 Section 105-80. The Outdoor Lighting Installation Act is
3 repealed.

4 (720 ILCS 660/Act rep.)

5 Section 105-85. The Party Line Emergency Act is repealed.

6 (720 ILCS 665/Act rep.)

7 Section 105-90. The Peephole Installation Act is repealed.

8 (720 ILCS 668/Act rep.)

9 Section 105-95. The Retail Sale and Distribution of Novelty
10 Lighters Prohibition Act is repealed.

11 ARTICLE 110.

12 Section 110-5. No acceleration or delay. Where this Act
13 makes changes in a statute that is represented in this Act by
14 text that is not yet or no longer in effect (for example, a
15 Section represented by multiple versions), the use of that text
16 does not accelerate or delay the taking effect of (i) the
17 changes made by this Act or (ii) provisions derived from any
18 other Public Act.".