



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0244

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-19.5	
720 ILCS 5/2-19.6 new	
720 ILCS 5/10-5	from Ch. 38, par. 10-5
720 ILCS 5/11-9.3	
720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.2	from Ch. 38, par. 24-1.2
720 ILCS 5/24-3	from Ch. 38, par. 24-3
720 ILCS 550/5.2	from Ch. 56 1/2, par. 705.2
720 ILCS 570/407	from Ch. 56 1/2, par. 1407
720 ILCS 646/55	
730 ILCS 5/5-5-3.2	

Amends the Criminal Code of 2012, the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act. and the Unified Code of Corrections. Provides that the enhanced penalty for committing an offense in a school or on school property only applies to an offense committed in or on the grounds of an active and operational school when school is in session, children are present, or when school related activity occurs. Effective immediately.

LRB100 00033 RLC 10034 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Sections 2-19.5, 10-5, 11-9.3, 24-1, 24-1.2, and 24-3 and by
6 adding Section 2-19.6 as follows:

7 (720 ILCS 5/2-19.5)

8 Sec. 2-19.5. "School" means an active and operational a
9 public, private, or parochial elementary or secondary school,
10 community college, college, or university and includes the
11 grounds of a school, if the offense is committed when school is
12 in session, children are present, or when school related
13 activity occurs.

14 (Source: P.A. 91-360, eff. 7-29-99.)

15 (720 ILCS 5/2-19.6 new)

16 Sec. 2-19.6. School related activity. "School related
17 activity" means any sporting, social, academic, or other
18 activity for which students' attendance or participation is
19 sponsored, organized, or funded in whole or in part by a school
20 or school district.

21 (720 ILCS 5/10-5) (from Ch. 38, par. 10-5)

1 Sec. 10-5. Child abduction.

2 (a) For purposes of this Section, the following terms have
3 the following meanings:

4 (1) "Child" means a person who, at the time the alleged
5 violation occurred, was under the age of 18 or was a person
6 with a severe or profound intellectual disability.

7 (2) "Detains" means taking or retaining physical
8 custody of a child, whether or not the child resists or
9 objects.

10 (2.1) "Express consent" means oral or written
11 permission that is positive, direct, and unequivocal,
12 requiring no inference or implication to supply its
13 meaning.

14 (2.2) "Luring" means any knowing act to solicit,
15 entice, tempt, or attempt to attract the minor.

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

1 (4) "Putative father" means a man who has a reasonable
2 belief that he is the father of a child born of a woman who
3 is not his wife.

4 (5) "Unlawful purpose" means any misdemeanor or felony
5 violation of State law or a similar federal or sister state
6 law or local ordinance.

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

9 (1) Intentionally violates any terms of a valid court
10 order granting sole or joint custody, care, or possession
11 to another by concealing or detaining the child or removing
12 the child from the jurisdiction of the court.

13 (2) Intentionally violates a court order prohibiting
14 the person from concealing or detaining the child or
15 removing the child from the jurisdiction of the court.

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

1 care and custody of the child in her absence.

2 (4) Intentionally conceals or removes the child from a
3 parent after filing a petition or being served with process
4 in an action affecting marriage or paternity but prior to
5 the issuance of a temporary or final order determining
6 custody.

7 (5) At the expiration of visitation rights outside the
8 State, intentionally fails or refuses to return or impedes
9 the return of the child to the lawful custodian in
10 Illinois.

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

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

1 (8) Knowingly conceals, detains, or removes the child
2 for payment or promise of payment at the instruction of a
3 person who has no legal right to custody.

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

8 (10) Intentionally lures or attempts to lure a child:
9 (A) under the age of 17 or (B) while traveling to or from a
10 primary or secondary school into a motor vehicle, building,
11 housetrailer, or dwelling place without the consent of the
12 child's parent or lawful custodian for other than a lawful
13 purpose. For the purposes of this item (10), the trier of
14 fact may infer that luring or attempted luring of a child
15 under the age of 17 into a motor vehicle, building,
16 housetrailer, or dwelling place without the express
17 consent of the child's parent or lawful custodian or with
18 the intent to avoid the express consent of the child's
19 parent or lawful custodian was for other than a lawful
20 purpose.

21 (11) With the intent to obstruct or prevent efforts to
22 locate the child victim of a child abduction, knowingly
23 destroys, alters, conceals, or disguises physical evidence
24 or furnishes false information.

25 (c) It is an affirmative defense to subsections (b) (1)
26 through (b) (10) of this Section that:

1 (1) the person had custody of the child pursuant to a
2 court order granting legal custody or visitation rights
3 that existed at the time of the alleged violation;

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

15 (3) the person was fleeing an incidence or pattern of
16 domestic violence; or

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

21 (d) A person convicted of child abduction under this
22 Section is guilty of a Class 4 felony. A person convicted of
23 child abduction under subsection (b)(10) shall undergo a sex
24 offender evaluation prior to a sentence being imposed. A person
25 convicted of a second or subsequent violation of paragraph (10)
26 of subsection (b) of this Section is guilty of a Class 3

1 felony. A person convicted of child abduction under subsection
2 (b) (10) when the person has a prior conviction of a sex offense
3 as defined in the Sex Offender Registration Act or any
4 substantially similar federal, Uniform Code of Military
5 Justice, sister state, or foreign government offense is guilty
6 of a Class 2 felony. It is a factor in aggravation under
7 subsections (b) (1) through (b) (10) of this Section for which a
8 court may impose a more severe sentence under Section 5-8-1
9 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter V of the Unified
10 Code of Corrections if, upon sentencing, the court finds
11 evidence of any of the following aggravating factors:

12 (1) that the defendant abused or neglected the child
13 following the concealment, detention, or removal of the
14 child;

15 (2) that the defendant inflicted or threatened to
16 inflict physical harm on a parent or lawful custodian of
17 the child or on the child with intent to cause that parent
18 or lawful custodian to discontinue criminal prosecution of
19 the defendant under this Section;

20 (3) that the defendant demanded payment in exchange for
21 return of the child or demanded that he or she be relieved
22 of the financial or legal obligation to support the child
23 in exchange for return of the child;

24 (4) that the defendant has previously been convicted of
25 child abduction;

26 (5) that the defendant committed the abduction while

1 armed with a deadly weapon or the taking of the child
2 resulted in serious bodily injury to another; or

3 (6) that the defendant committed the abduction while in
4 a school, ~~regardless of the time of day or time of year;~~ in
5 a playground; on any conveyance owned, leased, or
6 contracted by a school to transport students to or from
7 school or a school related activity; on the real property
8 of a school; or on a public way within 1,000 feet of the
9 real property comprising any school or playground. For
10 purposes of this paragraph (6), "playground" means a piece
11 of land owned or controlled by a unit of local government
12 that is designated by the unit of local government for use
13 solely or primarily for children's recreation; ~~and~~
14 ~~"school" means a public or private elementary or secondary~~
15 ~~school, community college, college, or university.~~

16 (e) The court may order the child to be returned to the
17 parent or lawful custodian from whom the child was concealed,
18 detained, or removed. In addition to any sentence imposed, the
19 court may assess any reasonable expense incurred in searching
20 for or returning the child against any person convicted of
21 violating this Section.

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

24 (g) Every law enforcement officer investigating an alleged
25 incident of child abduction shall make a written police report
26 of any bona fide allegation and the disposition of that

1 investigation. Every police report completed pursuant to this
2 Section shall be compiled and recorded within the meaning of
3 Section 5.1 of the Criminal Identification Act.

4 (h) Whenever a law enforcement officer has reasons to
5 believe a child abduction has occurred, she or he shall provide
6 the lawful custodian a summary of her or his rights under this
7 Code, including the procedures and relief available to her or
8 him.

9 (i) If during the course of an investigation under this
10 Section the child is found in the physical custody of the
11 defendant or another, the law enforcement officer shall return
12 the child to the parent or lawful custodian from whom the child
13 was concealed, detained, or removed, unless there is good cause
14 for the law enforcement officer or the Department of Children
15 and Family Services to retain temporary protective custody of
16 the child pursuant to the Abused and Neglected Child Reporting
17 Act.

18 (Source: P.A. 99-143, eff. 7-27-15.)

19 (720 ILCS 5/11-9.3)

20 Sec. 11-9.3. Presence within school zone by child sex
21 offenders prohibited; approaching, contacting, residing with,
22 or communicating with a child within certain places by child
23 sex offenders prohibited.

24 (a) It is unlawful for a child sex offender to knowingly be
25 present in any school building, on real property comprising any

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

1 under the direct supervision of a school official.

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

8 (a-10) It is unlawful for a child sex offender to knowingly
9 be present in any public park building, a playground or
10 recreation area within any publicly accessible privately owned
11 building, or on real property comprising any public park when
12 persons under the age of 18 are present in the building or on
13 the grounds and to approach, contact, or communicate with a
14 child under 18 years of age, unless the offender is a parent or
15 guardian of a person under 18 years of age present in the
16 building or on the grounds.

17 (b) It is unlawful for a child sex offender to knowingly
18 loiter within 500 feet of a school building or real property
19 comprising any school while persons under the age of 18 are
20 present in the building or on the grounds, unless the offender
21 is a parent or guardian of a student attending the school and
22 the parent or guardian is: (i) attending a conference at the
23 school with school personnel to discuss the progress of his or
24 her child academically or socially, (ii) participating in child
25 review conferences in which evaluation and placement decisions
26 may be made with respect to his or her child regarding special

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

18 (b-2) It is unlawful for a child sex offender to knowingly
19 loiter on a public way within 500 feet of a public park
20 building or real property comprising any public park while
21 persons under the age of 18 are present in the building or on
22 the grounds and to approach, contact, or communicate with a
23 child under 18 years of age, unless the offender is a parent or
24 guardian of a person under 18 years of age present in the
25 building or on the grounds.

26 (b-5) It is unlawful for a child sex offender to knowingly

1 reside within 500 feet of a school building or the real
2 property comprising any school that persons under the age of 18
3 attend. Nothing in this subsection (b-5) prohibits a child sex
4 offender from residing within 500 feet of a school building or
5 the real property comprising any school that persons under 18
6 attend if the property is owned by the child sex offender and
7 was purchased before July 7, 2000 (the effective date of Public
8 Act 91-911).

9 (b-10) It is unlawful for a child sex offender to knowingly
10 reside within 500 feet of a playground, child care institution,
11 day care center, part day child care facility, day care home,
12 group day care home, or a facility providing programs or
13 services exclusively directed toward persons under 18 years of
14 age. Nothing in this subsection (b-10) prohibits a child sex
15 offender from residing within 500 feet of a playground or a
16 facility providing programs or services exclusively directed
17 toward persons under 18 years of age if the property is owned
18 by the child sex offender and was purchased before July 7,
19 2000. Nothing in this subsection (b-10) prohibits a child sex
20 offender from residing within 500 feet of a child care
21 institution, day care center, or part day child care facility
22 if the property is owned by the child sex offender and was
23 purchased before June 26, 2006. Nothing in this subsection
24 (b-10) prohibits a child sex offender from residing within 500
25 feet of a day care home or group day care home if the property
26 is owned by the child sex offender and was purchased before

1 August 14, 2008 (the effective date of Public Act 95-821).

2 (b-15) It is unlawful for a child sex offender to knowingly
3 reside within 500 feet of the victim of the sex offense.
4 Nothing in this subsection (b-15) prohibits a child sex
5 offender from residing within 500 feet of the victim if the
6 property in which the child sex offender resides is owned by
7 the child sex offender and was purchased before August 22,
8 2002.

9 This subsection (b-15) does not apply if the victim of the
10 sex offense is 21 years of age or older.

11 (b-20) It is unlawful for a child sex offender to knowingly
12 communicate, other than for a lawful purpose under Illinois
13 law, using the Internet or any other digital media, with a
14 person under 18 years of age or with a person whom he or she
15 believes to be a person under 18 years of age, unless the
16 offender is a parent or guardian of the person under 18 years
17 of age.

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

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

12 (c-2) It is unlawful for a child sex offender to
13 participate in a holiday event involving children under 18
14 years of age, including but not limited to distributing candy
15 or other items to children on Halloween, wearing a Santa Claus
16 costume on or preceding Christmas, being employed as a
17 department store Santa Claus, or wearing an Easter Bunny
18 costume on or preceding Easter. For the purposes of this
19 subsection, child sex offender has the meaning as defined in
20 this Section, but does not include as a sex offense under
21 paragraph (2) of subsection (d) of this Section, the offense
22 under subsection (c) of Section 11-1.50 of this Code. This
23 subsection does not apply to a child sex offender who is a
24 parent or guardian of children under 18 years of age that are
25 present in the home and other non-familial minors are not
26 present.

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

4 (c-6) It is unlawful for a child sex offender who owns and
5 resides at residential real estate to knowingly rent any
6 residential unit within the same building in which he or she
7 resides to a person who is the parent or guardian of a child or
8 children under 18 years of age. This subsection shall apply
9 only to leases or other rental arrangements entered into after
10 January 1, 2009 (the effective date of Public Act 95-820).

11 (c-7) It is unlawful for a child sex offender to knowingly
12 offer or provide any programs or services to persons under 18
13 years of age in his or her residence or the residence of
14 another or in any facility for the purpose of offering or
15 providing such programs or services, whether such programs or
16 services are offered or provided by contract, agreement,
17 arrangement, or on a volunteer basis.

18 (c-8) It is unlawful for a child sex offender to knowingly
19 operate, whether authorized to do so or not, any of the
20 following vehicles: (1) a vehicle which is specifically
21 designed, constructed or modified and equipped to be used for
22 the retail sale of food or beverages, including but not limited
23 to an ice cream truck; (2) an authorized emergency vehicle; or
24 (3) a rescue vehicle.

25 (d) Definitions. In this Section:

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

1 (i) has been charged under Illinois law, or any
2 substantially similar federal law or law of another
3 state, with a sex offense set forth in paragraph (2) of
4 this subsection (d) or the attempt to commit an
5 included sex offense, and the victim is a person under
6 18 years of age at the time of the offense; and:

7 (A) is convicted of such offense or an attempt
8 to commit such offense; or

9 (B) is found not guilty by reason of insanity
10 of such offense or an attempt to commit such
11 offense; or

12 (C) is found not guilty by reason of insanity
13 pursuant to subsection (c) of Section 104-25 of the
14 Code of Criminal Procedure of 1963 of such offense
15 or an attempt to commit such offense; or

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

22 (E) is found not guilty by reason of insanity
23 following a hearing conducted pursuant to a
24 federal law or the law of another state
25 substantially similar to subsection (c) of Section
26 104-25 of the Code of Criminal Procedure of 1963 of

1 such offense or of the attempted commission of such
2 offense; or

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

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

16 (iii) is subject to the provisions of Section 2 of
17 the Interstate Agreements on Sexually Dangerous
18 Persons Act.

19 Convictions that result from or are connected with the
20 same act, or result from offenses committed at the same
21 time, shall be counted for the purpose of this Section as
22 one conviction. Any conviction set aside pursuant to law is
23 not a conviction for purposes of this Section.

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

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

1 the Criminal Code of 1961 or the Criminal Code of 2012:
2 10-4 (forcible detention), 10-7 (aiding or abetting
3 child abduction under Section 10-5(b)(10)),
4 10-5(b)(10) (child luring), 11-1.40 (predatory
5 criminal sexual assault of a child), 11-6 (indecent
6 solicitation of a child), 11-6.5 (indecent
7 solicitation of an adult), 11-9.1 (sexual exploitation
8 of a child), 11-9.2 (custodial sexual misconduct),
9 11-9.5 (sexual misconduct with a person with a
10 disability), 11-11 (sexual relations within families),
11 11-14.3(a)(1) (promoting prostitution by advancing
12 prostitution), 11-14.3(a)(2)(A) (promoting
13 prostitution by profiting from prostitution by
14 compelling a person to be a prostitute),
15 11-14.3(a)(2)(C) (promoting prostitution by profiting
16 from prostitution by means other than as described in
17 subparagraphs (A) and (B) of paragraph (2) of
18 subsection (a) of Section 11-14.3), 11-14.4 (promoting
19 juvenile prostitution), 11-18.1 (patronizing a
20 juvenile prostitute), 11-20.1 (child pornography),
21 11-20.1B (aggravated child pornography), 11-21
22 (harmful material), 11-25 (grooming), 11-26 (traveling
23 to meet a minor), 12-33 (ritualized abuse of a child),
24 11-20 (obscenity) (when that offense was committed in
25 any school, on real property comprising any school, in
26 any conveyance owned, leased, or contracted by a school

1 to transport students to or from school or a school
2 related activity, or in a public park), 11-30 (public
3 indecency) (when committed in a school, on real
4 property comprising a school, in any conveyance owned,
5 leased, or contracted by a school to transport students
6 to or from school or a school related activity, or in a
7 public park). An attempt to commit any of these
8 offenses.

9 (ii) A violation of any of the following Sections
10 of the Criminal Code of 1961 or the Criminal Code of
11 2012, when the victim is a person under 18 years of
12 age: 11-1.20 (criminal sexual assault), 11-1.30
13 (aggravated criminal sexual assault), 11-1.50
14 (criminal sexual abuse), 11-1.60 (aggravated criminal
15 sexual abuse). An attempt to commit any of these
16 offenses.

17 (iii) A violation of any of the following Sections
18 of the Criminal Code of 1961 or the Criminal Code of
19 2012, when the victim is a person under 18 years of age
20 and the defendant is not a parent of the victim:

21 10-1 (kidnapping),
22 10-2 (aggravated kidnapping),
23 10-3 (unlawful restraint),
24 10-3.1 (aggravated unlawful restraint),
25 11-9.1(A) (permitting sexual abuse of a child).
26 An attempt to commit any of these offenses.

1 (iv) A violation of any former law of this State
2 substantially equivalent to any offense listed in
3 clause (2)(i) or (2)(ii) of subsection (d) of this
4 Section.

5 (2.5) For the purposes of subsections (b-5) and (b-10)
6 only, a sex offense means:

7 (i) A violation of any of the following Sections of
8 the Criminal Code of 1961 or the Criminal Code of 2012:

9 10-5(b)(10) (child luring), 10-7 (aiding or
10 abetting child abduction under Section 10-5(b)(10)),
11 11-1.40 (predatory criminal sexual assault of a
12 child), 11-6 (indecent solicitation of a child),
13 11-6.5 (indecent solicitation of an adult), 11-9.2
14 (custodial sexual misconduct), 11-9.5 (sexual
15 misconduct with a person with a disability), 11-11
16 (sexual relations within families), 11-14.3(a)(1)
17 (promoting prostitution by advancing prostitution),
18 11-14.3(a)(2)(A) (promoting prostitution by profiting
19 from prostitution by compelling a person to be a
20 prostitute), 11-14.3(a)(2)(C) (promoting prostitution
21 by profiting from prostitution by means other than as
22 described in subparagraphs (A) and (B) of paragraph (2)
23 of subsection (a) of Section 11-14.3), 11-14.4
24 (promoting juvenile prostitution), 11-18.1
25 (patronizing a juvenile prostitute), 11-20.1 (child
26 pornography), 11-20.1B (aggravated child pornography),

1 11-25 (grooming), 11-26 (traveling to meet a minor), or
2 12-33 (ritualized abuse of a child). An attempt to
3 commit any of these offenses.

4 (ii) A violation of any of the following Sections
5 of the Criminal Code of 1961 or the Criminal Code of
6 2012, when the victim is a person under 18 years of
7 age: 11-1.20 (criminal sexual assault), 11-1.30
8 (aggravated criminal sexual assault), 11-1.60
9 (aggravated criminal sexual abuse), and subsection (a)
10 of Section 11-1.50 (criminal sexual abuse). An attempt
11 to commit any of these offenses.

12 (iii) A violation of any of the following Sections
13 of the Criminal Code of 1961 or the Criminal Code of
14 2012, when the victim is a person under 18 years of age
15 and the defendant is not a parent of the victim:

16 10-1 (kidnapping),
17 10-2 (aggravated kidnapping),
18 10-3 (unlawful restraint),
19 10-3.1 (aggravated unlawful restraint),
20 11-9.1(A) (permitting sexual abuse of a child).

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State
23 substantially equivalent to any offense listed in this
24 paragraph (2.5) of this subsection.

25 (3) A conviction for an offense of federal law or the
26 law of another state that is substantially equivalent to

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

8 (4) "Authorized emergency vehicle", "rescue vehicle",
9 and "vehicle" have the meanings ascribed to them in
10 Sections 1-105, 1-171.8 and 1-217, respectively, of the
11 Illinois Vehicle Code.

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

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

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

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

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

24 (10) "Internet" has the meaning set forth in Section
25 16-0.1 of this Code.

26 (11) "Loiter" means:

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

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

8 (iii) Entering or remaining in a building in or
9 around school property, other than the offender's
10 residence.

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

14 (13) "Playground" means a piece of land owned or
15 controlled by a unit of local government that is designated
16 by the unit of local government for use solely or primarily
17 for children's recreation.

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

21 (15) "School" includes a ~~means a public or private~~
22 ~~preschool or elementary or secondary school.~~

23 (16) "School official" means the principal, a teacher,
24 or any other certified employee of the school, the
25 superintendent of schools or a member of the school board.

26 (e) For the purposes of this Section, the 500 feet distance

1 shall be measured from: (1) the edge of the property of the
2 school building or the real property comprising the school that
3 is closest to the edge of the property of the child sex
4 offender's residence or where he or she is loitering, and (2)
5 the edge of the property comprising the public park building or
6 the real property comprising the public park, playground, child
7 care institution, day care center, part day child care
8 facility, or facility providing programs or services
9 exclusively directed toward persons under 18 years of age, or a
10 victim of the sex offense who is under 21 years of age, to the
11 edge of the child sex offender's place of residence or place
12 where he or she is loitering.

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

15 (Source: P.A. 97-698, eff. 1-1-13; 97-699, eff. 1-1-13;
16 97-1150, eff. 1-25-13; 98-266, eff. 1-1-14.)

17 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

18 Sec. 24-1. Unlawful use of weapons.

19 (a) A person commits the offense of unlawful use of weapons
20 when he knowingly:

21 (1) Sells, manufactures, purchases, possesses or
22 carries any bludgeon, black-jack, slung-shot, sand-club,
23 sand-bag, metal knuckles or other knuckle weapon
24 regardless of its composition, throwing star, or any knife,
25 commonly referred to as a switchblade knife, which has a

1 blade that opens automatically by hand pressure applied to
2 a button, spring or other device in the handle of the
3 knife, or a ballistic knife, which is a device that propels
4 a knifelike blade as a projectile by means of a coil
5 spring, elastic material or compressed gas; or

6 (2) Carries or possesses with intent to use the same
7 unlawfully against another, a dagger, dirk, billy,
8 dangerous knife, razor, stiletto, broken bottle or other
9 piece of glass, stun gun or taser or any other dangerous or
10 deadly weapon or instrument of like character; or

11 (3) Carries on or about his person or in any vehicle, a
12 tear gas gun projector or bomb or any object containing
13 noxious liquid gas or substance, other than an object
14 containing a non-lethal noxious liquid gas or substance
15 designed solely for personal defense carried by a person 18
16 years of age or older; or

17 (4) Carries or possesses in any vehicle or concealed on
18 or about his person except when on his land or in his own
19 abode, legal dwelling, or fixed place of business, or on
20 the land or in the legal dwelling of another person as an
21 invitee with that person's permission, any pistol,
22 revolver, stun gun or taser or other firearm, except that
23 this subsection (a) (4) does not apply to or affect
24 transportation of weapons that meet one of the following
25 conditions:

26 (i) are broken down in a non-functioning state; or

- 1 (ii) are not immediately accessible; or
- 2 (iii) are unloaded and enclosed in a case, firearm
- 3 carrying box, shipping box, or other container by a
- 4 person who has been issued a currently valid Firearm
- 5 Owner's Identification Card; or
- 6 (iv) are carried or possessed in accordance with
- 7 the Firearm Concealed Carry Act by a person who has
- 8 been issued a currently valid license under the Firearm
- 9 Concealed Carry Act; or
- 10 (5) Sets a spring gun; or
- 11 (6) Possesses any device or attachment of any kind
- 12 designed, used or intended for use in silencing the report
- 13 of any firearm; or
- 14 (7) Sells, manufactures, purchases, possesses or
- 15 carries:
- 16 (i) a machine gun, which shall be defined for the
- 17 purposes of this subsection as any weapon, which
- 18 shoots, is designed to shoot, or can be readily
- 19 restored to shoot, automatically more than one shot
- 20 without manually reloading by a single function of the
- 21 trigger, including the frame or receiver of any such
- 22 weapon, or sells, manufactures, purchases, possesses,
- 23 or carries any combination of parts designed or
- 24 intended for use in converting any weapon into a
- 25 machine gun, or any combination or parts from which a
- 26 machine gun can be assembled if such parts are in the

1 possession or under the control of a person;

2 (ii) any rifle having one or more barrels less than
3 16 inches in length or a shotgun having one or more
4 barrels less than 18 inches in length or any weapon
5 made from a rifle or shotgun, whether by alteration,
6 modification, or otherwise, if such a weapon as
7 modified has an overall length of less than 26 inches;
8 or

9 (iii) any bomb, bomb-shell, grenade, bottle or
10 other container containing an explosive substance of
11 over one-quarter ounce for like purposes, such as, but
12 not limited to, black powder bombs and Molotov
13 cocktails or artillery projectiles; or

14 (8) Carries or possesses any firearm, stun gun or taser
15 or other deadly weapon in any place which is licensed to
16 sell intoxicating beverages, or at any public gathering
17 held pursuant to a license issued by any governmental body
18 or any public gathering at which an admission is charged,
19 excluding a place where a showing, demonstration or lecture
20 involving the exhibition of unloaded firearms is
21 conducted.

22 This subsection (a) (8) does not apply to any auction or
23 raffle of a firearm held pursuant to a license or permit
24 issued by a governmental body, nor does it apply to persons
25 engaged in firearm safety training courses; or

26 (9) Carries or possesses in a vehicle or on or about

1 his person any pistol, revolver, stun gun or taser or
2 firearm or ballistic knife, when he is hooded, robed or
3 masked in such manner as to conceal his identity; or

4 (10) Carries or possesses on or about his person, upon
5 any public street, alley, or other public lands within the
6 corporate limits of a city, village or incorporated town,
7 except when an invitee thereon or therein, for the purpose
8 of the display of such weapon or the lawful commerce in
9 weapons, or except when on his land or in his own abode,
10 legal dwelling, or fixed place of business, or on the land
11 or in the legal dwelling of another person as an invitee
12 with that person's permission, any pistol, revolver, stun
13 gun or taser or other firearm, except that this subsection
14 (a) (10) does not apply to or affect transportation of
15 weapons that meet one of the following conditions:

16 (i) are broken down in a non-functioning state; or

17 (ii) are not immediately accessible; or

18 (iii) are unloaded and enclosed in a case, firearm
19 carrying box, shipping box, or other container by a
20 person who has been issued a currently valid Firearm
21 Owner's Identification Card; or

22 (iv) are carried or possessed in accordance with
23 the Firearm Concealed Carry Act by a person who has
24 been issued a currently valid license under the Firearm
25 Concealed Carry Act.

26 A "stun gun or taser", as used in this paragraph (a)

1 means (i) any device which is powered by electrical
2 charging units, such as, batteries, and which fires one or
3 several barbs attached to a length of wire and which, upon
4 hitting a human, can send out a current capable of
5 disrupting the person's nervous system in such a manner as
6 to render him incapable of normal functioning or (ii) any
7 device which is powered by electrical charging units, such
8 as batteries, and which, upon contact with a human or
9 clothing worn by a human, can send out current capable of
10 disrupting the person's nervous system in such a manner as
11 to render him incapable of normal functioning; or

12 (11) Sells, manufactures or purchases any explosive
13 bullet. For purposes of this paragraph (a) "explosive
14 bullet" means the projectile portion of an ammunition
15 cartridge which contains or carries an explosive charge
16 which will explode upon contact with the flesh of a human
17 or an animal. "Cartridge" means a tubular metal case having
18 a projectile affixed at the front thereof and a cap or
19 primer at the rear end thereof, with the propellant
20 contained in such tube between the projectile and the cap;
21 or

22 (12) (Blank); or

23 (13) Carries or possesses on or about his or her person
24 while in a building occupied by a unit of government, a
25 billy club, other weapon of like character, or other
26 instrument of like character intended for use as a weapon.

1 For the purposes of this Section, "billy club" means a
2 short stick or club commonly carried by police officers
3 which is either telescopic or constructed of a solid piece
4 of wood or other man-made material.

5 (b) Sentence. A person convicted of a violation of
6 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
7 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
8 Class A misdemeanor. A person convicted of a violation of
9 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
10 person convicted of a violation of subsection 24-1(a)(6) or
11 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
12 convicted of a violation of subsection 24-1(a)(7)(i) commits a
13 Class 2 felony and shall be sentenced to a term of imprisonment
14 of not less than 3 years and not more than 7 years, unless the
15 weapon is possessed in the passenger compartment of a motor
16 vehicle as defined in Section 1-146 of the Illinois Vehicle
17 Code, or on the person, while the weapon is loaded, in which
18 case it shall be a Class X felony. A person convicted of a
19 second or subsequent violation of subsection 24-1(a)(4),
20 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
21 felony. The possession of each weapon in violation of this
22 Section constitutes a single and separate violation.

23 (c) Violations in specific places.

24 (1) A person who violates subsection 24-1(a)(6) or
25 24-1(a)(7) in any school, ~~regardless of the time of day or~~
26 ~~the time of year,~~ in residential property owned, operated

1 or managed by a public housing agency or leased by a public
2 housing agency as part of a scattered site or mixed-income
3 development, in a public park, in a courthouse, on the real
4 property comprising any school, ~~regardless of the time of~~
5 ~~day or the time of year,~~ on residential property owned,
6 operated or managed by a public housing agency or leased by
7 a public housing agency as part of a scattered site or
8 mixed-income development, on the real property comprising
9 any public park, on the real property comprising any
10 courthouse, in any conveyance owned, leased or contracted
11 by a school to transport students to or from school or a
12 school related activity, in any conveyance owned, leased,
13 or contracted by a public transportation agency, or on any
14 public way within 1,000 feet of the real property
15 comprising any school, public park, courthouse, public
16 transportation facility, or residential property owned,
17 operated, or managed by a public housing agency or leased
18 by a public housing agency as part of a scattered site or
19 mixed-income development commits a Class 2 felony and shall
20 be sentenced to a term of imprisonment of not less than 3
21 years and not more than 7 years.

22 (1.5) A person who violates subsection 24-1(a)(4),
23 24-1(a)(9), or 24-1(a)(10) in any school, ~~regardless of the~~
24 ~~time of day or the time of year,~~ in residential property
25 owned, operated, or managed by a public housing agency or
26 leased by a public housing agency as part of a scattered

1 site or mixed-income development, in a public park, in a
2 courthouse, on the real property comprising any school,
3 ~~regardless of the time of day or the time of year,~~ on
4 residential property owned, operated, or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development, on
7 the real property comprising any public park, on the real
8 property comprising any courthouse, in any conveyance
9 owned, leased, or contracted by a school to transport
10 students to or from school or a school related activity, in
11 any conveyance owned, leased, or contracted by a public
12 transportation agency, or on any public way within 1,000
13 feet of the real property comprising any school, public
14 park, courthouse, public transportation facility, or
15 residential property owned, operated, or managed by a
16 public housing agency or leased by a public housing agency
17 as part of a scattered site or mixed-income development
18 commits a Class 3 felony.

19 (2) A person who violates subsection 24-1(a)(1),
20 24-1(a)(2), or 24-1(a)(3) in any school, ~~regardless of the~~
21 ~~time of day or the time of year,~~ in residential property
22 owned, operated or managed by a public housing agency or
23 leased by a public housing agency as part of a scattered
24 site or mixed-income development, in a public park, in a
25 courthouse, on the real property comprising any school,
26 ~~regardless of the time of day or the time of year,~~ on

1 residential property owned, operated or managed by a public
2 housing agency or leased by a public housing agency as part
3 of a scattered site or mixed-income development, on the
4 real property comprising any public park, on the real
5 property comprising any courthouse, in any conveyance
6 owned, leased or contracted by a school to transport
7 students to or from school or a school related activity, in
8 any conveyance owned, leased, or contracted by a public
9 transportation agency, or on any public way within 1,000
10 feet of the real property comprising any school, public
11 park, courthouse, public transportation facility, or
12 residential property owned, operated, or managed by a
13 public housing agency or leased by a public housing agency
14 as part of a scattered site or mixed-income development
15 commits a Class 4 felony. "Courthouse" means any building
16 that is used by the Circuit, Appellate, or Supreme Court of
17 this State for the conduct of official business.

18 (3) Paragraphs (1), (1.5), and (2) of this subsection
19 (c) shall not apply to law enforcement officers or security
20 officers of such school, college, or university or to
21 students carrying or possessing firearms for use in
22 training courses, parades, hunting, target shooting on
23 school ranges, or otherwise with the consent of school
24 authorities and which firearms are transported unloaded
25 enclosed in a suitable case, box, or transportation
26 package.

1 (4) (Blank). ~~For the purposes of this subsection (c),~~
2 ~~"school" means any public or private elementary or~~
3 ~~secondary school, community college, college, or~~
4 ~~university.~~

5 (5) For the purposes of this subsection (c), "public
6 transportation agency" means a public or private agency
7 that provides for the transportation or conveyance of
8 persons by means available to the general public, except
9 for transportation by automobiles not used for conveyance
10 of the general public as passengers; and "public
11 transportation facility" means a terminal or other place
12 where one may obtain public transportation.

13 (d) The presence in an automobile other than a public
14 omnibus of any weapon, instrument or substance referred to in
15 subsection (a) (7) is prima facie evidence that it is in the
16 possession of, and is being carried by, all persons occupying
17 such automobile at the time such weapon, instrument or
18 substance is found, except under the following circumstances:
19 (i) if such weapon, instrument or instrumentality is found upon
20 the person of one of the occupants therein; or (ii) if such
21 weapon, instrument or substance is found in an automobile
22 operated for hire by a duly licensed driver in the due, lawful
23 and proper pursuit of his trade, then such presumption shall
24 not apply to the driver.

25 (e) Exemptions. Crossbows, Common or Compound bows and
26 Underwater Spearguns are exempted from the definition of

1 ballistic knife as defined in paragraph (1) of subsection (a)
2 of this Section.

3 (Source: P.A. 99-29, eff. 7-10-15.)

4 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

5 Sec. 24-1.2. Aggravated discharge of a firearm.

6 (a) A person commits aggravated discharge of a firearm when
7 he or she knowingly or intentionally:

8 (1) Discharges a firearm at or into a building he or
9 she knows or reasonably should know to be occupied and the
10 firearm is discharged from a place or position outside that
11 building;

12 (2) Discharges a firearm in the direction of another
13 person or in the direction of a vehicle he or she knows or
14 reasonably should know to be occupied by a person;

15 (3) Discharges a firearm in the direction of a person
16 he or she knows to be a peace officer, a community policing
17 volunteer, a correctional institution employee, or a
18 fireman while the officer, volunteer, employee or fireman
19 is engaged in the execution of any of his or her official
20 duties, or to prevent the officer, volunteer, employee or
21 fireman from performing his or her official duties, or in
22 retaliation for the officer, volunteer, employee or
23 fireman performing his or her official duties;

24 (4) Discharges a firearm in the direction of a vehicle
25 he or she knows to be occupied by a peace officer, a person

1 summoned or directed by a peace officer, a correctional
2 institution employee or a fireman while the officer,
3 employee or fireman is engaged in the execution of any of
4 his or her official duties, or to prevent the officer,
5 employee or fireman from performing his or her official
6 duties, or in retaliation for the officer, employee or
7 fireman performing his or her official duties;

8 (5) Discharges a firearm in the direction of a person
9 he or she knows to be emergency medical services personnel
10 who is engaged in the execution of any of his or her
11 official duties, or to prevent the emergency medical
12 services personnel from performing his or her official
13 duties, or in retaliation for the emergency medical
14 services personnel performing his or her official duties;

15 (6) Discharges a firearm in the direction of a vehicle
16 he or she knows to be occupied by emergency medical
17 services personnel while the emergency medical services
18 personnel is engaged in the execution of any of his or her
19 official duties, or to prevent the emergency medical
20 services personnel from performing his or her official
21 duties, or in retaliation for the emergency medical
22 services personnel performing his or her official duties;

23 (7) Discharges a firearm in the direction of a person
24 he or she knows to be a teacher or other person employed in
25 any school and the teacher or other employee is upon the
26 grounds of a school or grounds adjacent to a school, or is

1 in any part of a building used for school purposes;

2 (8) Discharges a firearm in the direction of a person
3 he or she knows to be an emergency management worker while
4 the emergency management worker is engaged in the execution
5 of any of his or her official duties, or to prevent the
6 emergency management worker from performing his or her
7 official duties, or in retaliation for the emergency
8 management worker performing his or her official duties; or

9 (9) Discharges a firearm in the direction of a vehicle
10 he or she knows to be occupied by an emergency management
11 worker while the emergency management worker is engaged in
12 the execution of any of his or her official duties, or to
13 prevent the emergency management worker from performing
14 his or her official duties, or in retaliation for the
15 emergency management worker performing his or her official
16 duties.

17 (b) A violation of subsection (a) (1) or subsection (a) (2)
18 of this Section is a Class 1 felony. A violation of subsection
19 (a) (1) or (a) (2) of this Section committed in a school, on the
20 real property comprising a school, within 1,000 feet of the
21 real property comprising a school, at a school related activity
22 or on or within 1,000 feet of any conveyance owned, leased, or
23 contracted by a school to transport students to or from school
24 or a school related activity, ~~regardless of the time of day or~~
25 ~~time of year that the offense was committed~~ is a Class X
26 felony. A violation of subsection (a) (3), (a) (4), (a) (5),

1 (a) (6), (a) (7), (a) (8), or (a) (9) of this Section is a Class X
2 felony for which the sentence shall be a term of imprisonment
3 of no less than 10 years and not more than 45 years.

4 (c) For purposes of this Section:

5 "Emergency medical services personnel" has the meaning
6 specified in Section 3.5 of the Emergency Medical Services
7 (EMS) Systems Act and shall include all ambulance crew members,
8 including drivers or pilots.

9 ~~"School" means a public or private elementary or secondary~~
10 ~~school, community college, college, or university.~~

11 ~~"School related activity" means any sporting, social,~~
12 ~~academic, or other activity for which students' attendance or~~
13 ~~participation is sponsored, organized, or funded in whole or in~~
14 ~~part by a school or school district.~~

15 (Source: P.A. 99-816, eff. 8-15-16.)

16 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

17 Sec. 24-3. Unlawful sale or delivery of firearms.

18 (A) A person commits the offense of unlawful sale or
19 delivery of firearms when he or she knowingly does any of the
20 following:

21 (a) Sells or gives any firearm of a size which may be
22 concealed upon the person to any person under 18 years of
23 age.

24 (b) Sells or gives any firearm to a person under 21
25 years of age who has been convicted of a misdemeanor other

1 than a traffic offense or adjudged delinquent.

2 (c) Sells or gives any firearm to any narcotic addict.

3 (d) Sells or gives any firearm to any person who has
4 been convicted of a felony under the laws of this or any
5 other jurisdiction.

6 (e) Sells or gives any firearm to any person who has
7 been a patient in a mental institution within the past 5
8 years. In this subsection (e):

9 "Mental institution" means any hospital,
10 institution, clinic, evaluation facility, mental
11 health center, or part thereof, which is used primarily
12 for the care or treatment of persons with mental
13 illness.

14 "Patient in a mental institution" means the person
15 was admitted, either voluntarily or involuntarily, to
16 a mental institution for mental health treatment,
17 unless the treatment was voluntary and solely for an
18 alcohol abuse disorder and no other secondary
19 substance abuse disorder or mental illness.

20 (f) Sells or gives any firearms to any person who is a
21 person with an intellectual disability.

22 (g) Delivers any firearm of a size which may be
23 concealed upon the person, incidental to a sale, without
24 withholding delivery of such firearm for at least 72 hours
25 after application for its purchase has been made, or
26 delivers any rifle, shotgun or other long gun, or a stun

1 gun or taser, incidental to a sale, without withholding
2 delivery of such rifle, shotgun or other long gun, or a
3 stun gun or taser for at least 24 hours after application
4 for its purchase has been made. However, this paragraph (g)
5 does not apply to: (1) the sale of a firearm to a law
6 enforcement officer if the seller of the firearm knows that
7 the person to whom he or she is selling the firearm is a
8 law enforcement officer or the sale of a firearm to a
9 person who desires to purchase a firearm for use in
10 promoting the public interest incident to his or her
11 employment as a bank guard, armed truck guard, or other
12 similar employment; (2) a mail order sale of a firearm from
13 a federally licensed firearms dealer to a nonresident of
14 Illinois under which the firearm is mailed to a federally
15 licensed firearms dealer outside the boundaries of
16 Illinois; (3) the sale of a firearm to a nonresident of
17 Illinois while at a firearm showing or display recognized
18 by the Illinois Department of State Police; (4) the sale of
19 a firearm to a dealer licensed as a federal firearms dealer
20 under Section 923 of the federal Gun Control Act of 1968
21 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,
22 shotgun, or other long gun to a resident registered
23 competitor or attendee or non-resident registered
24 competitor or attendee by any dealer licensed as a federal
25 firearms dealer under Section 923 of the federal Gun
26 Control Act of 1968 at competitive shooting events held at

1 the World Shooting Complex sanctioned by a national
2 governing body. For purposes of transfers or sales under
3 subparagraph (5) of this paragraph (g), the Department of
4 Natural Resources shall give notice to the Department of
5 State Police at least 30 calendar days prior to any
6 competitive shooting events at the World Shooting Complex
7 sanctioned by a national governing body. The notification
8 shall be made on a form prescribed by the Department of
9 State Police. The sanctioning body shall provide a list of
10 all registered competitors and attendees at least 24 hours
11 before the events to the Department of State Police. Any
12 changes to the list of registered competitors and attendees
13 shall be forwarded to the Department of State Police as
14 soon as practicable. The Department of State Police must
15 destroy the list of registered competitors and attendees no
16 later than 30 days after the date of the event. Nothing in
17 this paragraph (g) relieves a federally licensed firearm
18 dealer from the requirements of conducting a NICS
19 background check through the Illinois Point of Contact
20 under 18 U.S.C. 922(t). For purposes of this paragraph (g),
21 "application" means when the buyer and seller reach an
22 agreement to purchase a firearm. For purposes of this
23 paragraph (g), "national governing body" means a group of
24 persons who adopt rules and formulate policy on behalf of a
25 national firearm sporting organization.

26 (h) While holding any license as a dealer, importer,

1 manufacturer or pawnbroker under the federal Gun Control
2 Act of 1968, manufactures, sells or delivers to any
3 unlicensed person a handgun having a barrel, slide, frame
4 or receiver which is a die casting of zinc alloy or any
5 other nonhomogeneous metal which will melt or deform at a
6 temperature of less than 800 degrees Fahrenheit. For
7 purposes of this paragraph, (1) "firearm" is defined as in
8 the Firearm Owners Identification Card Act; and (2)
9 "handgun" is defined as a firearm designed to be held and
10 fired by the use of a single hand, and includes a
11 combination of parts from which such a firearm can be
12 assembled.

13 (i) Sells or gives a firearm of any size to any person
14 under 18 years of age who does not possess a valid Firearm
15 Owner's Identification Card.

16 (j) Sells or gives a firearm while engaged in the
17 business of selling firearms at wholesale or retail without
18 being licensed as a federal firearms dealer under Section
19 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
20 In this paragraph (j):

21 A person "engaged in the business" means a person who
22 devotes time, attention, and labor to engaging in the
23 activity as a regular course of trade or business with the
24 principal objective of livelihood and profit, but does not
25 include a person who makes occasional repairs of firearms
26 or who occasionally fits special barrels, stocks, or

1 trigger mechanisms to firearms.

2 "With the principal objective of livelihood and
3 profit" means that the intent underlying the sale or
4 disposition of firearms is predominantly one of obtaining
5 livelihood and pecuniary gain, as opposed to other intents,
6 such as improving or liquidating a personal firearms
7 collection; however, proof of profit shall not be required
8 as to a person who engages in the regular and repetitive
9 purchase and disposition of firearms for criminal purposes
10 or terrorism.

11 (k) Sells or transfers ownership of a firearm to a
12 person who does not display to the seller or transferor of
13 the firearm either: (1) a currently valid Firearm Owner's
14 Identification Card that has previously been issued in the
15 transferee's name by the Department of State Police under
16 the provisions of the Firearm Owners Identification Card
17 Act; or (2) a currently valid license to carry a concealed
18 firearm that has previously been issued in the transferee's
19 name by the Department of State Police under the Firearm
20 Concealed Carry Act. This paragraph (k) does not apply to
21 the transfer of a firearm to a person who is exempt from
22 the requirement of possessing a Firearm Owner's
23 Identification Card under Section 2 of the Firearm Owners
24 Identification Card Act. For the purposes of this Section,
25 a currently valid Firearm Owner's Identification Card
26 means (i) a Firearm Owner's Identification Card that has

1 not expired or (ii) an approval number issued in accordance
2 with subsection (a-10) of subsection 3 or Section 3.1 of
3 the Firearm Owners Identification Card Act shall be proof
4 that the Firearm Owner's Identification Card was valid.

5 (1) In addition to the other requirements of this
6 paragraph (k), all persons who are not federally
7 licensed firearms dealers must also have complied with
8 subsection (a-10) of Section 3 of the Firearm Owners
9 Identification Card Act by determining the validity of
10 a purchaser's Firearm Owner's Identification Card.

11 (2) All sellers or transferors who have complied
12 with the requirements of subparagraph (1) of this
13 paragraph (k) shall not be liable for damages in any
14 civil action arising from the use or misuse by the
15 transferee of the firearm transferred, except for
16 willful or wanton misconduct on the part of the seller
17 or transferor.

18 (1) Not being entitled to the possession of a firearm,
19 delivers the firearm, knowing it to have been stolen or
20 converted. It may be inferred that a person who possesses a
21 firearm with knowledge that its serial number has been
22 removed or altered has knowledge that the firearm is stolen
23 or converted.

24 (B) Paragraph (h) of subsection (A) does not include
25 firearms sold within 6 months after enactment of Public Act
26 78-355 (approved August 21, 1973, effective October 1, 1973),

1 nor is any firearm legally owned or possessed by any citizen or
2 purchased by any citizen within 6 months after the enactment of
3 Public Act 78-355 subject to confiscation or seizure under the
4 provisions of that Public Act. Nothing in Public Act 78-355
5 shall be construed to prohibit the gift or trade of any firearm
6 if that firearm was legally held or acquired within 6 months
7 after the enactment of that Public Act.

8 (C) Sentence.

9 (1) Any person convicted of unlawful sale or delivery
10 of firearms in violation of paragraph (c), (e), (f), (g),
11 or (h) of subsection (A) commits a Class 4 felony.

12 (2) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (b) or (i) of
14 subsection (A) commits a Class 3 felony.

15 (3) Any person convicted of unlawful sale or delivery
16 of firearms in violation of paragraph (a) of subsection (A)
17 commits a Class 2 felony.

18 (4) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (a), (b), or (i) of
20 subsection (A) in any school, on the real property
21 comprising a school, within 1,000 feet of the real property
22 comprising a school, at a school related activity, or on or
23 within 1,000 feet of any conveyance owned, leased, or
24 contracted by a school or school district to transport
25 students to or from school or a school related activity,
26 ~~regardless of the time of day or time of year at which the~~

1 ~~offense was committed,~~ commits a Class 1 felony. Any person
2 convicted of a second or subsequent violation of unlawful
3 sale or delivery of firearms in violation of paragraph (a),
4 (b), or (i) of subsection (A) in any school, on the real
5 property comprising a school, within 1,000 feet of the real
6 property comprising a school, at a school related activity,
7 or on or within 1,000 feet of any conveyance owned, leased,
8 or contracted by a school or school district to transport
9 students to or from school or a school related activity,
10 ~~regardless of the time of day or time of year at which the~~
11 ~~offense was committed,~~ commits a Class 1 felony for which
12 the sentence shall be a term of imprisonment of no less
13 than 5 years and no more than 15 years.

14 (5) Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (a) or (i) of
16 subsection (A) in residential property owned, operated, or
17 managed by a public housing agency or leased by a public
18 housing agency as part of a scattered site or mixed-income
19 development, in a public park, in a courthouse, on
20 residential property owned, operated, or managed by a
21 public housing agency or leased by a public housing agency
22 as part of a scattered site or mixed-income development, on
23 the real property comprising any public park, on the real
24 property comprising any courthouse, or on any public way
25 within 1,000 feet of the real property comprising any
26 public park, courthouse, or residential property owned,

1 operated, or managed by a public housing agency or leased
2 by a public housing agency as part of a scattered site or
3 mixed-income development commits a Class 2 felony.

4 (6) Any person convicted of unlawful sale or delivery
5 of firearms in violation of paragraph (j) of subsection (A)
6 commits a Class A misdemeanor. A second or subsequent
7 violation is a Class 4 felony.

8 (7) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (k) of subsection (A)
10 commits a Class 4 felony, except that a violation of
11 subparagraph (1) of paragraph (k) of subsection (A) shall
12 not be punishable as a crime or petty offense. A third or
13 subsequent conviction for a violation of paragraph (k) of
14 subsection (A) is a Class 1 felony.

15 (8) A person 18 years of age or older convicted of
16 unlawful sale or delivery of firearms in violation of
17 paragraph (a) or (i) of subsection (A), when the firearm
18 that was sold or given to another person under 18 years of
19 age was used in the commission of or attempt to commit a
20 forcible felony, shall be fined or imprisoned, or both, not
21 to exceed the maximum provided for the most serious
22 forcible felony so committed or attempted by the person
23 under 18 years of age who was sold or given the firearm.

24 (9) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (d) of subsection (A)
26 commits a Class 3 felony.

1 (10) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (1) of subsection (A)
3 commits a Class 2 felony if the delivery is of one firearm.
4 Any person convicted of unlawful sale or delivery of
5 firearms in violation of paragraph (1) of subsection (A)
6 commits a Class 1 felony if the delivery is of not less
7 than 2 and not more than 5 firearms at the same time or
8 within a one year period. Any person convicted of unlawful
9 sale or delivery of firearms in violation of paragraph (1)
10 of subsection (A) commits a Class X felony for which he or
11 she shall be sentenced to a term of imprisonment of not
12 less than 6 years and not more than 30 years if the
13 delivery is of not less than 6 and not more than 10
14 firearms at the same time or within a 2 year period. Any
15 person convicted of unlawful sale or delivery of firearms
16 in violation of paragraph (1) of subsection (A) commits a
17 Class X felony for which he or she shall be sentenced to a
18 term of imprisonment of not less than 6 years and not more
19 than 40 years if the delivery is of not less than 11 and
20 not more than 20 firearms at the same time or within a 3
21 year period. Any person convicted of unlawful sale or
22 delivery of firearms in violation of paragraph (1) of
23 subsection (A) commits a Class X felony for which he or she
24 shall be sentenced to a term of imprisonment of not less
25 than 6 years and not more than 50 years if the delivery is
26 of not less than 21 and not more than 30 firearms at the

1 same time or within a 4 year period. Any person convicted
2 of unlawful sale or delivery of firearms in violation of
3 paragraph (1) of subsection (A) commits a Class X felony
4 for which he or she shall be sentenced to a term of
5 imprisonment of not less than 6 years and not more than 60
6 years if the delivery is of 31 or more firearms at the same
7 time or within a 5 year period.

8 (D) For purposes of this Section:

9 ~~"School" means a public or private elementary or secondary~~
10 ~~school, community college, college, or university.~~

11 ~~"School related activity" means any sporting, social,~~
12 ~~academic, or other activity for which students' attendance or~~
13 ~~participation is sponsored, organized, or funded in whole or in~~
14 ~~part by a school or school district.~~

15 (E) A prosecution for a violation of paragraph (k) of
16 subsection (A) of this Section may be commenced within 6 years
17 after the commission of the offense. A prosecution for a
18 violation of this Section other than paragraph (g) of
19 subsection (A) of this Section may be commenced within 5 years
20 after the commission of the offense defined in the particular
21 paragraph.

22 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;
23 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)

24 Section 10. The Cannabis Control Act is amended by
25 changing Section 5.2 as follows:

1 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

2 Sec. 5.2. Delivery of cannabis on school grounds.

3 (a) Any person who violates subsection (e) of Section 5 in
4 any school, on the real property comprising any school, or any
5 conveyance owned, leased or contracted by a school to transport
6 students to or from school or a school related activity, or on
7 any public way within 1,000 feet of the real property
8 comprising any school, or any conveyance owned, leased or
9 contracted by a school to transport students to or from school
10 or a school related activity, is guilty of a Class 1 felony,
11 the fine for which shall not exceed \$200,000;

12 (b) Any person who violates subsection (d) of Section 5 in
13 any school, on the real property comprising any school, or any
14 conveyance owned, leased or contracted by a school to transport
15 students to or from school or a school related activity, or on
16 any public way within 1,000 feet of the real property
17 comprising any school, or any conveyance owned, leased or
18 contracted by a school to transport students to or from school
19 or a school related activity, is guilty of a Class 2 felony,
20 the fine for which shall not exceed \$100,000;

21 (c) Any person who violates subsection (c) of Section 5 in
22 any school, on the real property comprising any school, or any
23 conveyance owned, leased or contracted by a school to transport
24 students to or from school or a school related activity, or on
25 any public way within 1,000 feet of the real property

1 comprising any school, or any conveyance owned, leased or
2 contracted by a school to transport students to or from school
3 or a school related activity, is guilty of a Class 3 felony,
4 the fine for which shall not exceed \$50,000;

5 (d) Any person who violates subsection (b) of Section 5 in
6 any school, on the real property comprising any school, or any
7 conveyance owned, leased or contracted by a school to transport
8 students to or from school or a school related activity, or on
9 any public way within 1,000 feet of the real property
10 comprising any school, or any conveyance owned, leased or
11 contracted by a school to transport students to or from school
12 or a school related activity, is guilty of a Class 4 felony,
13 the fine for which shall not exceed \$25,000;

14 (e) Any person who violates subsection (a) of Section 5 in
15 any school, on the real property comprising any school, or any
16 conveyance owned, leased or contracted by a school to transport
17 students to or from school or a school related activity, on any
18 public way within 1,000 feet of the real property comprising
19 any school, or any conveyance owned, leased or contracted by a
20 school to transport students to or from school or a school
21 related activity, is guilty of a Class A misdemeanor.

22 (f) As used in this Section, "school" means an active and
23 operational public, private, or parochial elementary or
24 secondary school, community college, college, or university
25 and includes the grounds of an active and operational school,
26 if the offense is committed when school is in session, children

1 are present, or when school related activity occurs; and
2 "school related activity" means any sporting, social,
3 academic, or other activity for which students' attendance or
4 participation is sponsored, organized, or funded in whole or in
5 part by a school or school district.

6 (Source: P.A. 87-544.)

7 Section 15. The Illinois Controlled Substances Act is
8 amended by changing Section 407 as follows:

9 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

10 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
11 violates any subsection of Section 401 or subsection (b) of
12 Section 404 by delivering a controlled, counterfeit or
13 look-alike substance to a person under 18 years of age may be
14 sentenced to imprisonment for a term up to twice the maximum
15 term and fined an amount up to twice that amount otherwise
16 authorized by the pertinent subsection of Section 401 and
17 Subsection (b) of Section 404.

18 (B) (Blank).

19 (2) Except as provided in paragraph (3) of this subsection,
20 any person who violates:

21 (A) subsection (c) of Section 401 by delivering or
22 possessing with intent to deliver a controlled,
23 counterfeit, or look-alike substance in or on, or within
24 1,000 feet of, a truck stop or safety rest area, is guilty

1 of a Class 1 felony, the fine for which shall not exceed
2 \$250,000;

3 (B) subsection (d) of Section 401 by delivering or
4 possessing with intent to deliver a controlled,
5 counterfeit, or look-alike substance in or on, or within
6 1,000 feet of, a truck stop or safety rest area, is guilty
7 of a Class 2 felony, the fine for which shall not exceed
8 \$200,000;

9 (C) subsection (e) of Section 401 or subsection (b) of
10 Section 404 by delivering or possessing with intent to
11 deliver a controlled, counterfeit, or look-alike substance
12 in or on, or within 1,000 feet of, a truck stop or safety
13 rest area, is guilty of a Class 3 felony, the fine for
14 which shall not exceed \$150,000;

15 (D) subsection (f) of Section 401 by delivering or
16 possessing with intent to deliver a controlled,
17 counterfeit, or look-alike substance in or on, or within
18 1,000 feet of, a truck stop or safety rest area, is guilty
19 of a Class 3 felony, the fine for which shall not exceed
20 \$125,000;

21 (E) subsection (g) of Section 401 by delivering or
22 possessing with intent to deliver a controlled,
23 counterfeit, or look-alike substance in or on, or within
24 1,000 feet of, a truck stop or safety rest area, is guilty
25 of a Class 3 felony, the fine for which shall not exceed
26 \$100,000;

1 (F) subsection (h) of Section 401 by delivering or
2 possessing with intent to deliver a controlled,
3 counterfeit, or look-alike substance in or on, or within
4 1,000 feet of, a truck stop or safety rest area, is guilty
5 of a Class 3 felony, the fine for which shall not exceed
6 \$75,000;

7 (3) Any person who violates paragraph (2) of this
8 subsection (a) by delivering or possessing with intent to
9 deliver a controlled, counterfeit, or look-alike substance in
10 or on, or within 1,000 feet of a truck stop or a safety rest
11 area, following a prior conviction or convictions of paragraph
12 (2) of this subsection (a) may be sentenced to a term of
13 imprisonment up to 2 times the maximum term and fined an amount
14 up to 2 times the amount otherwise authorized by Section 401.

15 (4) For the purposes of this subsection (a):

16 (A) "Safety rest area" means a roadside facility
17 removed from the roadway with parking and facilities
18 designed for motorists' rest, comfort, and information
19 needs; and

20 (B) "Truck stop" means any facility (and its parking
21 areas) used to provide fuel or service, or both, to any
22 commercial motor vehicle as defined in Section 18b-101 of
23 the Illinois Vehicle Code.

24 (b) Any person who violates:

25 (1) subsection (c) of Section 401 in any school, or any
26 conveyance owned, leased or contracted by a school to

1 transport students to or from school or a school related
2 activity, or residential property owned, operated or
3 managed by a public housing agency or leased by a public
4 housing agency as part of a scattered site or mixed-income
5 development, or public park, on the real property
6 comprising any school or residential property owned,
7 operated or managed by a public housing agency or leased by
8 a public housing agency as part of a scattered site or
9 mixed-income development, or public park or within 1,000
10 feet of the real property comprising any school or
11 residential property owned, operated or managed by a public
12 housing agency or leased by a public housing agency as part
13 of a scattered site or mixed-income development, or public
14 park, on the real property comprising any church,
15 synagogue, or other building, structure, or place used
16 primarily for religious worship, or within 1,000 feet of
17 the real property comprising any church, synagogue, or
18 other building, structure, or place used primarily for
19 religious worship, on the real property comprising any of
20 the following places, buildings, or structures used
21 primarily for housing or providing space for activities for
22 senior citizens: nursing homes, assisted-living centers,
23 senior citizen housing complexes, or senior centers
24 oriented toward daytime activities, or within 1,000 feet of
25 the real property comprising any of the following places,
26 buildings, or structures used primarily for housing or

1 providing space for activities for senior citizens:
2 nursing homes, assisted-living centers, senior citizen
3 housing complexes, or senior centers oriented toward
4 daytime activities is guilty of a Class X felony, the fine
5 for which shall not exceed \$500,000;

6 (2) subsection (d) of Section 401 in any school, or any
7 conveyance owned, leased or contracted by a school to
8 transport students to or from school or a school related
9 activity, or residential property owned, operated or
10 managed by a public housing agency or leased by a public
11 housing agency as part of a scattered site or mixed-income
12 development, or public park, on the real property
13 comprising any school or residential property owned,
14 operated or managed by a public housing agency or leased by
15 a public housing agency as part of a scattered site or
16 mixed-income development, or public park or within 1,000
17 feet of the real property comprising any school or
18 residential property owned, operated or managed by a public
19 housing agency or leased by a public housing agency as part
20 of a scattered site or mixed-income development, or public
21 park, on the real property comprising any church,
22 synagogue, or other building, structure, or place used
23 primarily for religious worship, or within 1,000 feet of
24 the real property comprising any church, synagogue, or
25 other building, structure, or place used primarily for
26 religious worship, on the real property comprising any of

1 the following places, buildings, or structures used
2 primarily for housing or providing space for activities for
3 senior citizens: nursing homes, assisted-living centers,
4 senior citizen housing complexes, or senior centers
5 oriented toward daytime activities, or within 1,000 feet of
6 the real property comprising any of the following places,
7 buildings, or structures used primarily for housing or
8 providing space for activities for senior citizens:
9 nursing homes, assisted-living centers, senior citizen
10 housing complexes, or senior centers oriented toward
11 daytime activities is guilty of a Class 1 felony, the fine
12 for which shall not exceed \$250,000;

13 (3) subsection (e) of Section 401 or Subsection (b) of
14 Section 404 in any school, or any conveyance owned, leased
15 or contracted by a school to transport students to or from
16 school or a school related activity, or residential
17 property owned, operated or managed by a public housing
18 agency or leased by a public housing agency as part of a
19 scattered site or mixed-income development, or public
20 park, on the real property comprising any school or
21 residential property owned, operated or managed by a public
22 housing agency or leased by a public housing agency as part
23 of a scattered site or mixed-income development, or public
24 park or within 1,000 feet of the real property comprising
25 any school or residential property owned, operated or
26 managed by a public housing agency or leased by a public

1 housing agency as part of a scattered site or mixed-income
2 development, or public park, on the real property
3 comprising any church, synagogue, or other building,
4 structure, or place used primarily for religious worship,
5 or within 1,000 feet of the real property comprising any
6 church, synagogue, or other building, structure, or place
7 used primarily for religious worship, on the real property
8 comprising any of the following places, buildings, or
9 structures used primarily for housing or providing space
10 for activities for senior citizens: nursing homes,
11 assisted-living centers, senior citizen housing complexes,
12 or senior centers oriented toward daytime activities, or
13 within 1,000 feet of the real property comprising any of
14 the following places, buildings, or structures used
15 primarily for housing or providing space for activities for
16 senior citizens: nursing homes, assisted-living centers,
17 senior citizen housing complexes, or senior centers
18 oriented toward daytime activities is guilty of a Class 2
19 felony, the fine for which shall not exceed \$200,000;

20 (4) subsection (f) of Section 401 in any school, or any
21 conveyance owned, leased or contracted by a school to
22 transport students to or from school or a school related
23 activity, or residential property owned, operated or
24 managed by a public housing agency or leased by a public
25 housing agency as part of a scattered site or mixed-income
26 development, or public park, on the real property

1 comprising any school or residential property owned,
2 operated or managed by a public housing agency or leased by
3 a public housing agency as part of a scattered site or
4 mixed-income development, or public park or within 1,000
5 feet of the real property comprising any school or
6 residential property owned, operated or managed by a public
7 housing agency or leased by a public housing agency as part
8 of a scattered site or mixed-income development, or public
9 park, on the real property comprising any church,
10 synagogue, or other building, structure, or place used
11 primarily for religious worship, or within 1,000 feet of
12 the real property comprising any church, synagogue, or
13 other building, structure, or place used primarily for
14 religious worship, on the real property comprising any of
15 the following places, buildings, or structures used
16 primarily for housing or providing space for activities for
17 senior citizens: nursing homes, assisted-living centers,
18 senior citizen housing complexes, or senior centers
19 oriented toward daytime activities, or within 1,000 feet of
20 the real property comprising any of the following places,
21 buildings, or structures used primarily for housing or
22 providing space for activities for senior citizens:
23 nursing homes, assisted-living centers, senior citizen
24 housing complexes, or senior centers oriented toward
25 daytime activities is guilty of a Class 2 felony, the fine
26 for which shall not exceed \$150,000;

1 (5) subsection (g) of Section 401 in any school, or any
2 conveyance owned, leased or contracted by a school to
3 transport students to or from school or a school related
4 activity, or residential property owned, operated or
5 managed by a public housing agency or leased by a public
6 housing agency as part of a scattered site or mixed-income
7 development, or public park, on the real property
8 comprising any school or residential property owned,
9 operated or managed by a public housing agency or leased by
10 a public housing agency as part of a scattered site or
11 mixed-income development, or public park or within 1,000
12 feet of the real property comprising any school or
13 residential property owned, operated or managed by a public
14 housing agency or leased by a public housing agency as part
15 of a scattered site or mixed-income development, or public
16 park, on the real property comprising any church,
17 synagogue, or other building, structure, or place used
18 primarily for religious worship, or within 1,000 feet of
19 the real property comprising any church, synagogue, or
20 other building, structure, or place used primarily for
21 religious worship, on the real property comprising any of
22 the following places, buildings, or structures used
23 primarily for housing or providing space for activities for
24 senior citizens: nursing homes, assisted-living centers,
25 senior citizen housing complexes, or senior centers
26 oriented toward daytime activities, or within 1,000 feet of

1 the real property comprising any of the following places,
2 buildings, or structures used primarily for housing or
3 providing space for activities for senior citizens:
4 nursing homes, assisted-living centers, senior citizen
5 housing complexes, or senior centers oriented toward
6 daytime activities is guilty of a Class 2 felony, the fine
7 for which shall not exceed \$125,000;

8 (6) subsection (h) of Section 401 in any school, or any
9 conveyance owned, leased or contracted by a school to
10 transport students to or from school or a school related
11 activity, or residential property owned, operated or
12 managed by a public housing agency or leased by a public
13 housing agency as part of a scattered site or mixed-income
14 development, or public park, on the real property
15 comprising any school or residential property owned,
16 operated or managed by a public housing agency or leased by
17 a public housing agency as part of a scattered site or
18 mixed-income development, or public park or within 1,000
19 feet of the real property comprising any school or
20 residential property owned, operated or managed by a public
21 housing agency or leased by a public housing agency as part
22 of a scattered site or mixed-income development, or public
23 park, on the real property comprising any church,
24 synagogue, or other building, structure, or place used
25 primarily for religious worship, or within 1,000 feet of
26 the real property comprising any church, synagogue, or

1 other building, structure, or place used primarily for
2 religious worship, on the real property comprising any of
3 the following places, buildings, or structures used
4 primarily for housing or providing space for activities for
5 senior citizens: nursing homes, assisted-living centers,
6 senior citizen housing complexes, or senior centers
7 oriented toward daytime activities, or within 1,000 feet of
8 the real property comprising any of the following places,
9 buildings, or structures used primarily for housing or
10 providing space for activities for senior citizens:
11 nursing homes, assisted-living centers, senior citizen
12 housing complexes, or senior centers oriented toward
13 daytime activities is guilty of a Class 2 felony, the fine
14 for which shall not exceed \$100,000.

15 (c) (Blank). ~~Regarding penalties prescribed in subsection~~
16 ~~(b) for violations committed in a school or on or within 1,000~~
17 ~~feet of school property, the time of day, time of year and~~
18 ~~whether classes were currently in session at the time of the~~
19 ~~offense is irrelevant.~~

20 (d) As used in this Section, "school" means an active and
21 operational public, private, or parochial elementary or
22 secondary school, community college, college, or university
23 and includes the grounds of an active and operational school,
24 if the offense is committed when school is in session, children
25 are present, or when school related activity occurs; and
26 "school related activity" means any sporting, social,

1 academic, or other activity for which students' attendance or
2 participation is sponsored, organized, or funded in whole or in
3 part by a school or school district.

4 (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)

5 Section 20. The Methamphetamine Control and Community
6 Protection Act is amended by changing Section 55 as follows:

7 (720 ILCS 646/55)

8 Sec. 55. Methamphetamine delivery.

9 (a) Delivery or possession with intent to deliver
10 methamphetamine or a substance containing methamphetamine.

11 (1) It is unlawful knowingly to engage in the delivery
12 or possession with intent to deliver methamphetamine or a
13 substance containing methamphetamine.

14 (2) A person who violates paragraph (1) of this
15 subsection (a) is subject to the following penalties:

16 (A) A person who delivers or possesses with intent
17 to deliver less than 5 grams of methamphetamine or a
18 substance containing methamphetamine is guilty of a
19 Class 2 felony.

20 (B) A person who delivers or possesses with intent
21 to deliver 5 or more grams but less than 15 grams of
22 methamphetamine or a substance containing
23 methamphetamine is guilty of a Class 1 felony.

24 (C) A person who delivers or possesses with intent

1 to deliver 15 or more grams but less than 100 grams of
2 methamphetamine or a substance containing
3 methamphetamine is guilty of a Class X felony, subject
4 to a term of imprisonment of not less than 6 years and
5 not more than 30 years, and subject to a fine not to
6 exceed \$100,000 or the street value of the
7 methamphetamine, whichever is greater.

8 (D) A person who delivers or possesses with intent
9 to deliver 100 or more grams but less than 400 grams of
10 methamphetamine or a substance containing
11 methamphetamine is guilty of a Class X felony, subject
12 to a term of imprisonment of not less than 9 years and
13 not more than 40 years, and subject to a fine not to
14 exceed \$200,000 or the street value of the
15 methamphetamine, whichever is greater.

16 (E) A person who delivers or possesses with intent
17 to deliver 400 or more grams but less than 900 grams of
18 methamphetamine or a substance containing
19 methamphetamine is guilty of a Class X felony, subject
20 to a term of imprisonment of not less than 12 years and
21 not more than 50 years, and subject to a fine not to
22 exceed \$300,000 or the street value of the
23 methamphetamine, whichever is greater.

24 (F) A person who delivers or possesses with intent
25 to deliver 900 or more grams of methamphetamine or a
26 substance containing methamphetamine is guilty of a

1 Class X felony, subject to a term of imprisonment of
2 not less than 15 years and not more than 60 years, and
3 subject to a fine not to exceed \$400,000 or the street
4 value of the methamphetamine, whichever is greater.

5 (b) Aggravated delivery or possession with intent to
6 deliver methamphetamine or a substance containing
7 methamphetamine.

8 (1) It is unlawful to engage in the aggravated delivery
9 or possession with intent to deliver methamphetamine or a
10 substance containing methamphetamine. A person engages in
11 the aggravated delivery or possession with intent to
12 deliver methamphetamine or a substance containing
13 methamphetamine when the person violates paragraph (1) of
14 subsection (a) of this Section and:

15 (A) the person is at least 18 years of age and
16 knowingly delivers or possesses with intent to deliver
17 the methamphetamine or substance containing
18 methamphetamine to a person under 18 years of age;

19 (B) the person is at least 18 years of age and
20 knowingly uses, engages, employs, or causes another
21 person to use, engage, or employ a person under 18
22 years of age to deliver the methamphetamine or
23 substance containing methamphetamine;

24 (C) the person knowingly delivers or possesses
25 with intent to deliver the methamphetamine or
26 substance containing methamphetamine in any structure

1 or vehicle protected by one or more firearms, explosive
2 devices, booby traps, alarm systems, surveillance
3 systems, guard dogs, or dangerous animals;

4 (D) the person knowingly delivers or possesses
5 with intent to deliver the methamphetamine or
6 substance containing methamphetamine in any school, on
7 any real property comprising any school, or in any
8 conveyance owned, leased, or contracted by a school to
9 transport students to or from school or a
10 school-related activity;

11 (E) the person delivers or causes another person to
12 deliver the methamphetamine or substance containing
13 methamphetamine to a woman that the person knows to be
14 pregnant; or

15 (F) (blank).

16 (2) A person who violates paragraph (1) of this
17 subsection (b) is subject to the following penalties:

18 (A) A person who delivers or possesses with intent
19 to deliver less than 5 grams of methamphetamine or a
20 substance containing methamphetamine is guilty of a
21 Class 1 felony.

22 (B) A person who delivers or possesses with intent
23 to deliver 5 or more grams but less than 15 grams of
24 methamphetamine or a substance containing
25 methamphetamine is guilty of a Class X felony, subject
26 to a term of imprisonment of not less than 6 years and

1 not more than 30 years, and subject to a fine not to
2 exceed \$100,000 or the street value of the
3 methamphetamine, whichever is greater.

4 (C) A person who delivers or possesses with intent
5 to deliver 15 or more grams but less than 100 grams of
6 methamphetamine or a substance containing
7 methamphetamine is guilty of a Class X felony, subject
8 to a term of imprisonment of not less than 8 years and
9 not more than 40 years, and subject to a fine not to
10 exceed \$200,000 or the street value of the
11 methamphetamine, whichever is greater.

12 (D) A person who delivers or possesses with intent
13 to deliver 100 or more grams of methamphetamine or a
14 substance containing methamphetamine is guilty of a
15 Class X felony, subject to a term of imprisonment of
16 not less than 10 years and not more than 50 years, and
17 subject to a fine not to exceed \$300,000 or the street
18 value of the methamphetamine, whichever is greater.

19 (c) As used in this Section, "school" means an active and
20 operational public, private, or parochial elementary or
21 secondary school, community college, college, or university
22 and includes the grounds of an active and operational school,
23 if the offense is committed when school is in session, children
24 are present, or when school related activity occurs; and
25 "school related activity" means any sporting, social,
26 academic, or other activity for which students' attendance or

1 participation is sponsored, organized, or funded in whole or in
2 part by a school or school district.

3 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

4 Section 25. The Unified Code of Corrections is amended by
5 changing Section 5-5-3.2 as follows:

6 (730 ILCS 5/5-5-3.2)

7 Sec. 5-5-3.2. Factors in aggravation and extended-term
8 sentencing.

9 (a) The following factors shall be accorded weight in favor
10 of imposing a term of imprisonment or may be considered by the
11 court as reasons to impose a more severe sentence under Section
12 5-8-1 or Article 4.5 of Chapter V:

13 (1) the defendant's conduct caused or threatened
14 serious harm;

15 (2) the defendant received compensation for committing
16 the offense;

17 (3) the defendant has a history of prior delinquency or
18 criminal activity;

19 (4) the defendant, by the duties of his office or by
20 his position, was obliged to prevent the particular offense
21 committed or to bring the offenders committing it to
22 justice;

23 (5) the defendant held public office at the time of the
24 offense, and the offense related to the conduct of that

1 office;

2 (6) the defendant utilized his professional reputation
3 or position in the community to commit the offense, or to
4 afford him an easier means of committing it;

5 (7) the sentence is necessary to deter others from
6 committing the same crime;

7 (8) the defendant committed the offense against a
8 person 60 years of age or older or such person's property;

9 (9) the defendant committed the offense against a
10 person who has a physical disability or such person's
11 property;

12 (10) by reason of another individual's actual or
13 perceived race, color, creed, religion, ancestry, gender,
14 sexual orientation, physical or mental disability, or
15 national origin, the defendant committed the offense
16 against (i) the person or property of that individual; (ii)
17 the person or property of a person who has an association
18 with, is married to, or has a friendship with the other
19 individual; or (iii) the person or property of a relative
20 (by blood or marriage) of a person described in clause (i)
21 or (ii). For the purposes of this Section, "sexual
22 orientation" has the meaning ascribed to it in paragraph
23 (0-1) of Section 1-103 of the Illinois Human Rights Act;

24 (11) the offense took place in a place of worship or on
25 the grounds of a place of worship, immediately prior to,
26 during or immediately following worship services. For

1 purposes of this subparagraph, "place of worship" shall
2 mean any church, synagogue or other building, structure or
3 place used primarily for religious worship;

4 (12) the defendant was convicted of a felony committed
5 while he was released on bail or his own recognizance
6 pending trial for a prior felony and was convicted of such
7 prior felony, or the defendant was convicted of a felony
8 committed while he was serving a period of probation,
9 conditional discharge, or mandatory supervised release
10 under subsection (d) of Section 5-8-1 for a prior felony;

11 (13) the defendant committed or attempted to commit a
12 felony while he was wearing a bulletproof vest. For the
13 purposes of this paragraph (13), a bulletproof vest is any
14 device which is designed for the purpose of protecting the
15 wearer from bullets, shot or other lethal projectiles;

16 (14) the defendant held a position of trust or
17 supervision such as, but not limited to, family member as
18 defined in Section 11-0.1 of the Criminal Code of 2012,
19 teacher, scout leader, baby sitter, or day care worker, in
20 relation to a victim under 18 years of age, and the
21 defendant committed an offense in violation of Section
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
23 11-14.4 except for an offense that involves keeping a place
24 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
25 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
26 or 12-16 of the Criminal Code of 1961 or the Criminal Code

1 of 2012 against that victim;

2 (15) the defendant committed an offense related to the
3 activities of an organized gang. For the purposes of this
4 factor, "organized gang" has the meaning ascribed to it in
5 Section 10 of the Streetgang Terrorism Omnibus Prevention
6 Act;

7 (16) the defendant committed an offense in violation of
8 one of the following Sections while in a school, ~~regardless~~
9 ~~of the time of day or time of year~~; on any conveyance
10 owned, leased, or contracted by a school to transport
11 students to or from school or a school related activity; on
12 the real property of a school; or on a public way within
13 1,000 feet of the real property comprising any school:
14 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
15 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
17 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
18 18-2, or 33A-2, or Section 12-3.05 except for subdivision
19 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
20 Criminal Code of 2012;

21 (16.5) the defendant committed an offense in violation
22 of one of the following Sections while in a day care
23 center, regardless of the time of day or time of year; on
24 the real property of a day care center, regardless of the
25 time of day or time of year; or on a public way within
26 1,000 feet of the real property comprising any day care

1 center, regardless of the time of day or time of year:
2 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
3 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
5 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
6 18-2, or 33A-2, or Section 12-3.05 except for subdivision
7 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
8 Criminal Code of 2012;

9 (17) the defendant committed the offense by reason of
10 any person's activity as a community policing volunteer or
11 to prevent any person from engaging in activity as a
12 community policing volunteer. For the purpose of this
13 Section, "community policing volunteer" has the meaning
14 ascribed to it in Section 2-3.5 of the Criminal Code of
15 2012;

16 (18) the defendant committed the offense in a nursing
17 home or on the real property comprising a nursing home. For
18 the purposes of this paragraph (18), "nursing home" means a
19 skilled nursing or intermediate long term care facility
20 that is subject to license by the Illinois Department of
21 Public Health under the Nursing Home Care Act, the
22 Specialized Mental Health Rehabilitation Act of 2013, the
23 ID/DD Community Care Act, or the MC/DD Act;

24 (19) the defendant was a federally licensed firearm
25 dealer and was previously convicted of a violation of
26 subsection (a) of Section 3 of the Firearm Owners

1 Identification Card Act and has now committed either a
2 felony violation of the Firearm Owners Identification Card
3 Act or an act of armed violence while armed with a firearm;

4 (20) the defendant (i) committed the offense of
5 reckless homicide under Section 9-3 of the Criminal Code of
6 1961 or the Criminal Code of 2012 or the offense of driving
7 under the influence of alcohol, other drug or drugs,
8 intoxicating compound or compounds or any combination
9 thereof under Section 11-501 of the Illinois Vehicle Code
10 or a similar provision of a local ordinance and (ii) was
11 operating a motor vehicle in excess of 20 miles per hour
12 over the posted speed limit as provided in Article VI of
13 Chapter 11 of the Illinois Vehicle Code;

14 (21) the defendant (i) committed the offense of
15 reckless driving or aggravated reckless driving under
16 Section 11-503 of the Illinois Vehicle Code and (ii) was
17 operating a motor vehicle in excess of 20 miles per hour
18 over the posted speed limit as provided in Article VI of
19 Chapter 11 of the Illinois Vehicle Code;

20 (22) the defendant committed the offense against a
21 person that the defendant knew, or reasonably should have
22 known, was a member of the Armed Forces of the United
23 States serving on active duty. For purposes of this clause
24 (22), the term "Armed Forces" means any of the Armed Forces
25 of the United States, including a member of any reserve
26 component thereof or National Guard unit called to active

1 duty;

2 (23) the defendant committed the offense against a
3 person who was elderly or infirm or who was a person with a
4 disability by taking advantage of a family or fiduciary
5 relationship with the elderly or infirm person or person
6 with a disability;

7 (24) the defendant committed any offense under Section
8 11-20.1 of the Criminal Code of 1961 or the Criminal Code
9 of 2012 and possessed 100 or more images;

10 (25) the defendant committed the offense while the
11 defendant or the victim was in a train, bus, or other
12 vehicle used for public transportation;

13 (26) the defendant committed the offense of child
14 pornography or aggravated child pornography, specifically
15 including paragraph (1), (2), (3), (4), (5), or (7) of
16 subsection (a) of Section 11-20.1 of the Criminal Code of
17 1961 or the Criminal Code of 2012 where a child engaged in,
18 solicited for, depicted in, or posed in any act of sexual
19 penetration or bound, fettered, or subject to sadistic,
20 masochistic, or sadomasochistic abuse in a sexual context
21 and specifically including paragraph (1), (2), (3), (4),
22 (5), or (7) of subsection (a) of Section 11-20.1B or
23 Section 11-20.3 of the Criminal Code of 1961 where a child
24 engaged in, solicited for, depicted in, or posed in any act
25 of sexual penetration or bound, fettered, or subject to
26 sadistic, masochistic, or sadomasochistic abuse in a

1 sexual context;

2 (27) the defendant committed the offense of first
3 degree murder, assault, aggravated assault, battery,
4 aggravated battery, robbery, armed robbery, or aggravated
5 robbery against a person who was a veteran and the
6 defendant knew, or reasonably should have known, that the
7 person was a veteran performing duties as a representative
8 of a veterans' organization. For the purposes of this
9 paragraph (27), "veteran" means an Illinois resident who
10 has served as a member of the United States Armed Forces, a
11 member of the Illinois National Guard, or a member of the
12 United States Reserve Forces; and "veterans' organization"
13 means an organization comprised of members of which
14 substantially all are individuals who are veterans or
15 spouses, widows, or widowers of veterans, the primary
16 purpose of which is to promote the welfare of its members
17 and to provide assistance to the general public in such a
18 way as to confer a public benefit;

19 (28) the defendant committed the offense of assault,
20 aggravated assault, battery, aggravated battery, robbery,
21 armed robbery, or aggravated robbery against a person that
22 the defendant knew or reasonably should have known was a
23 letter carrier or postal worker while that person was
24 performing his or her duties delivering mail for the United
25 States Postal Service;

26 (29) the defendant committed the offense of criminal

1 sexual assault, aggravated criminal sexual assault,
2 criminal sexual abuse, or aggravated criminal sexual abuse
3 against a victim with an intellectual disability, and the
4 defendant holds a position of trust, authority, or
5 supervision in relation to the victim; or

6 (30) the defendant committed the offense of promoting
7 juvenile prostitution, patronizing a prostitute, or
8 patronizing a minor engaged in prostitution and at the time
9 of the commission of the offense knew that the prostitute
10 or minor engaged in prostitution was in the custody or
11 guardianship of the Department of Children and Family
12 Services.

13 For the purposes of this Section:

14 "School" is defined as an active and operational ~~a~~ public
15 or private elementary or secondary school, community college,
16 college, or university, if the offense is committed when school
17 is in session, children are present, or when school related
18 activity occurs.

19 "Day care center" means a public or private State certified
20 and licensed day care center as defined in Section 2.09 of the
21 Child Care Act of 1969 that displays a sign in plain view
22 stating that the property is a day care center.

23 "Intellectual disability" means significantly subaverage
24 intellectual functioning which exists concurrently with
25 impairment in adaptive behavior.

26 "Public transportation" means the transportation or

1 conveyance of persons by means available to the general public,
2 and includes paratransit services.

3 (b) The following factors, related to all felonies, may be
4 considered by the court as reasons to impose an extended term
5 sentence under Section 5-8-2 upon any offender:

6 (1) When a defendant is convicted of any felony, after
7 having been previously convicted in Illinois or any other
8 jurisdiction of the same or similar class felony or greater
9 class felony, when such conviction has occurred within 10
10 years after the previous conviction, excluding time spent
11 in custody, and such charges are separately brought and
12 tried and arise out of different series of acts; or

13 (2) When a defendant is convicted of any felony and the
14 court finds that the offense was accompanied by
15 exceptionally brutal or heinous behavior indicative of
16 wanton cruelty; or

17 (3) When a defendant is convicted of any felony
18 committed against:

19 (i) a person under 12 years of age at the time of
20 the offense or such person's property;

21 (ii) a person 60 years of age or older at the time
22 of the offense or such person's property; or

23 (iii) a person who had a physical disability at the
24 time of the offense or such person's property; or

25 (4) When a defendant is convicted of any felony and the
26 offense involved any of the following types of specific

1 misconduct committed as part of a ceremony, rite,
2 initiation, observance, performance, practice or activity
3 of any actual or ostensible religious, fraternal, or social
4 group:

5 (i) the brutalizing or torturing of humans or
6 animals;

7 (ii) the theft of human corpses;

8 (iii) the kidnapping of humans;

9 (iv) the desecration of any cemetery, religious,
10 fraternal, business, governmental, educational, or
11 other building or property; or

12 (v) ritualized abuse of a child; or

13 (5) When a defendant is convicted of a felony other
14 than conspiracy and the court finds that the felony was
15 committed under an agreement with 2 or more other persons
16 to commit that offense and the defendant, with respect to
17 the other individuals, occupied a position of organizer,
18 supervisor, financier, or any other position of management
19 or leadership, and the court further finds that the felony
20 committed was related to or in furtherance of the criminal
21 activities of an organized gang or was motivated by the
22 defendant's leadership in an organized gang; or

23 (6) When a defendant is convicted of an offense
24 committed while using a firearm with a laser sight attached
25 to it. For purposes of this paragraph, "laser sight" has
26 the meaning ascribed to it in Section 26-7 of the Criminal

1 Code of 2012; or

2 (7) When a defendant who was at least 17 years of age
3 at the time of the commission of the offense is convicted
4 of a felony and has been previously adjudicated a
5 delinquent minor under the Juvenile Court Act of 1987 for
6 an act that if committed by an adult would be a Class X or
7 Class 1 felony when the conviction has occurred within 10
8 years after the previous adjudication, excluding time
9 spent in custody; or

10 (8) When a defendant commits any felony and the
11 defendant used, possessed, exercised control over, or
12 otherwise directed an animal to assault a law enforcement
13 officer engaged in the execution of his or her official
14 duties or in furtherance of the criminal activities of an
15 organized gang in which the defendant is engaged; or

16 (9) When a defendant commits any felony and the
17 defendant knowingly video or audio records the offense with
18 the intent to disseminate the recording.

19 (c) The following factors may be considered by the court as
20 reasons to impose an extended term sentence under Section 5-8-2
21 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

22 (1) When a defendant is convicted of first degree
23 murder, after having been previously convicted in Illinois
24 of any offense listed under paragraph (c)(2) of Section
25 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
26 within 10 years after the previous conviction, excluding

1 time spent in custody, and the charges are separately
2 brought and tried and arise out of different series of
3 acts.

4 (1.5) When a defendant is convicted of first degree
5 murder, after having been previously convicted of domestic
6 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
7 (720 ILCS 5/12-3.3) committed on the same victim or after
8 having been previously convicted of violation of an order
9 of protection (720 ILCS 5/12-30) in which the same victim
10 was the protected person.

11 (2) When a defendant is convicted of voluntary
12 manslaughter, second degree murder, involuntary
13 manslaughter, or reckless homicide in which the defendant
14 has been convicted of causing the death of more than one
15 individual.

16 (3) When a defendant is convicted of aggravated
17 criminal sexual assault or criminal sexual assault, when
18 there is a finding that aggravated criminal sexual assault
19 or criminal sexual assault was also committed on the same
20 victim by one or more other individuals, and the defendant
21 voluntarily participated in the crime with the knowledge of
22 the participation of the others in the crime, and the
23 commission of the crime was part of a single course of
24 conduct during which there was no substantial change in the
25 nature of the criminal objective.

26 (4) If the victim was under 18 years of age at the time

1 of the commission of the offense, when a defendant is
2 convicted of aggravated criminal sexual assault or
3 predatory criminal sexual assault of a child under
4 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
5 of Section 12-14.1 of the Criminal Code of 1961 or the
6 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

7 (5) When a defendant is convicted of a felony violation
8 of Section 24-1 of the Criminal Code of 1961 or the
9 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
10 finding that the defendant is a member of an organized
11 gang.

12 (6) When a defendant was convicted of unlawful use of
13 weapons under Section 24-1 of the Criminal Code of 1961 or
14 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
15 a weapon that is not readily distinguishable as one of the
16 weapons enumerated in Section 24-1 of the Criminal Code of
17 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

18 (7) When a defendant is convicted of an offense
19 involving the illegal manufacture of a controlled
20 substance under Section 401 of the Illinois Controlled
21 Substances Act (720 ILCS 570/401), the illegal manufacture
22 of methamphetamine under Section 25 of the Methamphetamine
23 Control and Community Protection Act (720 ILCS 646/25), or
24 the illegal possession of explosives and an emergency
25 response officer in the performance of his or her duties is
26 killed or injured at the scene of the offense while

1 responding to the emergency caused by the commission of the
2 offense. In this paragraph, "emergency" means a situation
3 in which a person's life, health, or safety is in jeopardy;
4 and "emergency response officer" means a peace officer,
5 community policing volunteer, fireman, emergency medical
6 technician-ambulance, emergency medical
7 technician-intermediate, emergency medical
8 technician-paramedic, ambulance driver, other medical
9 assistance or first aid personnel, or hospital emergency
10 room personnel.

11 (8) When the defendant is convicted of attempted mob
12 action, solicitation to commit mob action, or conspiracy to
13 commit mob action under Section 8-1, 8-2, or 8-4 of the
14 Criminal Code of 2012, where the criminal object is a
15 violation of Section 25-1 of the Criminal Code of 2012, and
16 an electronic communication is used in the commission of
17 the offense. For the purposes of this paragraph (8),
18 "electronic communication" shall have the meaning provided
19 in Section 26.5-0.1 of the Criminal Code of 2012.

20 (d) For the purposes of this Section, "organized gang" has
21 the meaning ascribed to it in Section 10 of the Illinois
22 Streetgang Terrorism Omnibus Prevention Act.

23 (e) The court may impose an extended term sentence under
24 Article 4.5 of Chapter V upon an offender who has been
25 convicted of a felony violation of Section 11-1.20, 11-1.30,
26 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or

1 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
2 when the victim of the offense is under 18 years of age at the
3 time of the commission of the offense and, during the
4 commission of the offense, the victim was under the influence
5 of alcohol, regardless of whether or not the alcohol was
6 supplied by the offender; and the offender, at the time of the
7 commission of the offense, knew or should have known that the
8 victim had consumed alcohol.

9 (Source: P.A. 98-14, eff. 1-1-14; 98-104, eff. 7-22-13; 98-385,
10 eff. 1-1-14; 98-756, eff. 7-16-14; 99-77, eff. 1-1-16; 99-143,
11 eff. 7-27-15; 99-180, eff. 7-29-15; 99-283, eff. 1-1-16;
12 99-347, eff. 1-1-16; 99-642, eff. 7-28-16.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.