



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4141

Introduced 1/22/2020, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

720 ILCS 5/10-9

725 ILCS 5/110-4

730 ILCS 150/2

from Ch. 38, par. 110-4

from Ch. 38, par. 222

Amends the Criminal Code of 2012. Increases the penalties for trafficking in persons, involuntary servitude, and related offenses. For some Class X offenses, imposes a term of imprisonment of not less than 12 years and not more than 30 years. Amends the Code of Criminal Procedure of 1963. Provides that involuntary sexual servitude of a minor is non-bailable if the proof is evident or the presumption great that the defendant is guilty of the offense and the defendant had a previous conviction for that offense. Amends the Sex Offender Registration Act. Provides that "sex offense" for registration purposes of the Act includes involuntary sexual servitude of a minor committed on or after January 1, 2021.

LRB101 16247 RLC 65620 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Section 10-9 as follows:

6 (720 ILCS 5/10-9)

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

9 (a) Definitions. In this Section:

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

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

15 (2.5) "Company" means any sole proprietorship,
16 organization, association, corporation, partnership, joint
17 venture, limited partnership, limited liability partnership,
18 limited liability limited partnership, limited liability
19 company, or other entity or business association, including all
20 wholly owned subsidiaries, majority-owned subsidiaries, parent
21 companies, or affiliates of those entities or business
22 associations, that exist for the purpose of making profit.

23 (3) "Financial harm" includes intimidation that brings

1 about financial loss, criminal usury, or employment contracts
2 that violate the Frauds Act.

3 (4) (Blank).

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

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

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

11 (7.5) "Serious harm" means any harm, whether physical or
12 nonphysical, including psychological, financial, or
13 reputational harm, that is sufficiently serious, under all the
14 surrounding circumstances, to compel a reasonable person of the
15 same background and in the same circumstances to perform or to
16 continue performing labor or services in order to avoid
17 incurring that harm.

18 (8) "Services" means activities resulting from a
19 relationship between a person and the actor in which the person
20 performs activities under the supervision of or for the benefit
21 of the actor. Commercial sexual activity and sexually-explicit
22 performances are forms of activities that are "services" under
23 this Section. Nothing in this definition may be construed to
24 legitimize or legalize prostitution.

25 (9) "Sexually-explicit performance" means a live,
26 recorded, broadcast (including over the Internet), or public

1 act or show intended to arouse or satisfy the sexual desires or
2 appeal to the prurient interests of patrons.

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

5 (b) Involuntary servitude. A person commits involuntary
6 servitude when he or she knowingly subjects, attempts to
7 subject, or engages in a conspiracy to subject another person
8 to labor or services obtained or maintained through any of the
9 following means, or any combination of these means:

10 (1) causes or threatens to cause physical harm to any
11 person;

12 (2) physically restrains or threatens to physically
13 restrain another person;

14 (3) abuses or threatens to abuse the law or legal
15 process;

16 (4) knowingly destroys, conceals, removes,
17 confiscates, or possesses any actual or purported passport
18 or other immigration document, or any other actual or
19 purported government identification document, of another
20 person;

21 (5) uses intimidation, or exerts financial control
22 over any person; or

23 (6) uses any scheme, plan, or pattern intended to cause
24 the person to believe that, if the person did not perform
25 the labor or services, that person or another person would
26 suffer serious harm or physical restraint.

1 Sentence. Except as otherwise provided in subsection (e) or
2 (f), a violation of subsection (b) (1) is a Class X felony for
3 which the person shall be sentenced to a term of imprisonment
4 of not less than 12 years and not more than 30 years, (b) (2) is
5 a Class X ~~±~~ felony, (b) (3) is a Class 1 ~~±~~ felony, (b) (4) is a
6 Class 2 ~~±~~ felony, (b) (5) and (b) (6) is a Class 3 ~~±~~ felony.

7 (c) Involuntary sexual servitude of a minor. A person
8 commits involuntary sexual servitude of a minor when he or she
9 knowingly recruits, entices, harbors, transports, provides, or
10 obtains by any means, or attempts to recruit, entice, harbor,
11 provide, or obtain by any means, another person under 18 years
12 of age, knowing that the minor will engage in commercial sexual
13 activity, a sexually-explicit performance, or the production
14 of pornography, or causes or attempts to cause a minor to
15 engage in one or more of those activities and:

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

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

20 (3) there is overt force or threat.

21 Sentence. Except as otherwise provided in subsection (e) or
22 (f), a violation of subsection (c) (1) is a Class X ~~±~~ felony,
23 (c) (2) ~~is a Class X felony~~, and (c) (3) is a Class X felony for
24 which the person shall be sentenced to a term of imprisonment
25 of not less than 12 years and not more than 30 years.

26 (d) Trafficking in persons. A person commits trafficking in

1 persons when he or she knowingly: (1) recruits, entices,
2 harbors, transports, provides, or obtains by any means, or
3 attempts to recruit, entice, harbor, transport, provide, or
4 obtain by any means, another person, intending or knowing that
5 the person will be subjected to involuntary servitude; or (2)
6 benefits, financially or by receiving anything of value, from
7 participation in a venture that has engaged in an act of
8 involuntary servitude or involuntary sexual servitude of a
9 minor. A company commits trafficking in persons when the
10 company knowingly benefits, financially or by receiving
11 anything of value, from participation in a venture that has
12 engaged in an act of involuntary servitude or involuntary
13 sexual servitude of a minor.

14 Sentence. ~~A Except as otherwise provided in subsection (e)~~
15 ~~or (f),~~ a violation of this subsection (d) by a person is a
16 Class X ± felony. A violation of this subsection by a company
17 is a business offense for which a fine of up to \$100,000 may be
18 imposed.

19 (e) Aggravating factors. A violation of this Section
20 involving kidnapping or an attempt to kidnap, aggravated
21 criminal sexual assault or an attempt to commit aggravated
22 criminal sexual assault, or an attempt to commit first degree
23 murder is a Class X felony for which the person shall be
24 sentenced to a term of imprisonment of not less than 12 years
25 and not more than 30 years.

26 (f) Sentencing considerations.

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

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

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

23 (g-5) Fine distribution. If the court imposes a fine under
24 subsection (b), (c), or (d) of this Section, it shall be
25 collected and distributed to the Specialized Services for
26 Survivors of Human Trafficking Fund in accordance with Section

1 5-9-1.21 of the Unified Code of Corrections.

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

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

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

1 (Source: P.A. 101-18, eff. 1-1-20.)

2 Section 10. The Code of Criminal Procedure of 1963 is
3 amended by changing Section 110-4 as follows:

4 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

5 Sec. 110-4. Bailable Offenses.

6 (a) All persons shall be bailable before conviction, except
7 the following offenses where the proof is evident or the
8 presumption great that the defendant is guilty of the offense:
9 capital offenses; offenses for which a sentence of life
10 imprisonment may be imposed as a consequence of conviction;
11 felony offenses for which a sentence of imprisonment, without
12 conditional and revocable release, shall be imposed by law as a
13 consequence of conviction, where the court after a hearing,
14 determines that the release of the defendant would pose a real
15 and present threat to the physical safety of any person or
16 persons; involuntary sexual servitude of a minor in violation
17 of subsection (c) of Section 10-9 of the Criminal Code of 2012
18 if the defendant had a previous conviction for that offense;
19 stalking or aggravated stalking, where the court, after a
20 hearing, determines that the release of the defendant would
21 pose a real and present threat to the physical safety of the
22 alleged victim of the offense and denial of bail is necessary
23 to prevent fulfillment of the threat upon which the charge is
24 based; or unlawful use of weapons in violation of item (4) of

1 subsection (a) of Section 24-1 of the Criminal Code of 1961 or
2 the Criminal Code of 2012 when that offense occurred in a
3 school or in any conveyance owned, leased, or contracted by a
4 school to transport students to or from school or a
5 school-related activity, or on any public way within 1,000 feet
6 of real property comprising any school, where the court, after
7 a hearing, determines that the release of the defendant would
8 pose a real and present threat to the physical safety of any
9 person and denial of bail is necessary to prevent fulfillment
10 of that threat; or making a terrorist threat in violation of
11 Section 29D-20 of the Criminal Code of 1961 or the Criminal
12 Code of 2012 or an attempt to commit the offense of making a
13 terrorist threat, where the court, after a hearing, determines
14 that the release of the defendant would pose a real and present
15 threat to the physical safety of any person and denial of bail
16 is necessary to prevent fulfillment of that threat.

17 (b) A person seeking release on bail who is charged with a
18 capital offense or an offense for which a sentence of life
19 imprisonment may be imposed shall not be bailable until a
20 hearing is held wherein such person has the burden of
21 demonstrating that the proof of his guilt is not evident and
22 the presumption is not great.

23 (c) Where it is alleged that bail should be denied to a
24 person upon the grounds that the person presents a real and
25 present threat to the physical safety of any person or persons,
26 the burden of proof of such allegations shall be upon the

1 State.

2 (d) When it is alleged that bail should be denied to a
3 person charged with stalking or aggravated stalking upon the
4 grounds set forth in Section 110-6.3 of this Code, the burden
5 of proof of those allegations shall be upon the State.

6 (Source: P.A. 97-1150, eff. 1-25-13.)

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

9 (730 ILCS 150/2) (from Ch. 38, par. 222)

10 Sec. 2. Definitions.

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

13 (1) charged pursuant to Illinois law, or any
14 substantially similar federal, Uniform Code of Military
15 Justice, sister state, or foreign country law, with a sex
16 offense set forth in subsection (B) of this Section or the
17 attempt to commit an included sex offense, and:

18 (a) is convicted of such offense or an attempt to
19 commit such offense; or

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

22 (c) is found not guilty by reason of insanity
23 pursuant to Section 104-25(c) of the Code of Criminal
24 Procedure of 1963 of such offense or an attempt to

1 commit such offense; or

2 (d) is the subject of a finding not resulting in an
3 acquittal at a hearing conducted pursuant to Section
4 104-25(a) of the Code of Criminal Procedure of 1963 for
5 the alleged commission or attempted commission of such
6 offense; or

7 (e) is found not guilty by reason of insanity
8 following a hearing conducted pursuant to a federal,
9 Uniform Code of Military Justice, sister state, or
10 foreign country law substantially similar to Section
11 104-25(c) of the Code of Criminal Procedure of 1963 of
12 such offense or of the attempted commission of such
13 offense; or

14 (f) is the subject of a finding not resulting in an
15 acquittal at a hearing conducted pursuant to a federal,
16 Uniform Code of Military Justice, sister state, or
17 foreign country law substantially similar to Section
18 104-25(a) of the Code of Criminal Procedure of 1963 for
19 the alleged violation or attempted commission of such
20 offense; or

21 (2) declared as a sexually dangerous person pursuant to
22 the Illinois Sexually Dangerous Persons Act, or any
23 substantially similar federal, Uniform Code of Military
24 Justice, sister state, or foreign country law; or

25 (3) subject to the provisions of Section 2 of the
26 Interstate Agreements on Sexually Dangerous Persons Act;

1 or

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

6 (5) adjudicated a juvenile delinquent as the result of
7 committing or attempting to commit an act which, if
8 committed by an adult, would constitute any of the offenses
9 specified in item (B), (C), or (C-5) of this Section or a
10 violation of any substantially similar federal, Uniform
11 Code of Military Justice, sister state, or foreign country
12 law, or found guilty under Article V of the Juvenile Court
13 Act of 1987 of committing or attempting to commit an act
14 which, if committed by an adult, would constitute any of
15 the offenses specified in item (B), (C), or (C-5) of this
16 Section or a violation of any substantially similar
17 federal, Uniform Code of Military Justice, sister state, or
18 foreign country law.

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

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

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

1 (1) A violation of any of the following Sections of the
2 Criminal Code of 1961 or the Criminal Code of 2012:

3 11-20.1 (child pornography),
4 11-20.1B or 11-20.3 (aggravated child
5 pornography),

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

7 11-9.1 (sexual exploitation of a child),

8 11-9.2 (custodial sexual misconduct),

9 11-9.5 (sexual misconduct with a person with a
10 disability),

11 11-14.4 (promoting juvenile prostitution),

12 11-15.1 (soliciting for a juvenile prostitute),

13 11-18.1 (patronizing a juvenile prostitute),

14 11-17.1 (keeping a place of juvenile
15 prostitution),

16 11-19.1 (juvenile pimping),

17 11-19.2 (exploitation of a child),

18 11-25 (grooming),

19 11-26 (traveling to meet a minor or traveling to
20 meet a child),

21 11-1.20 or 12-13 (criminal sexual assault),

22 11-1.30 or 12-14 (aggravated criminal sexual
23 assault),

24 11-1.40 or 12-14.1 (predatory criminal sexual
25 assault of a child),

26 11-1.50 or 12-15 (criminal sexual abuse),

1 11-1.60 or 12-16 (aggravated criminal sexual
2 abuse),

3 12-33 (ritualized abuse of a child).

4 An attempt to commit any of these offenses.

5 (1.5) A violation of any of the following Sections of
6 the Criminal Code of 1961 or the Criminal Code of 2012,
7 when the victim is a person under 18 years of age, the
8 defendant is not a parent of the victim, the offense was
9 sexually motivated as defined in Section 10 of the Sex
10 Offender Evaluation and Treatment Act, and the offense was
11 committed on or after January 1, 1996:

12 10-1 (kidnapping),

13 10-2 (aggravated kidnapping),

14 10-3 (unlawful restraint),

15 10-3.1 (aggravated unlawful restraint).

16 If the offense was committed before January 1, 1996, it
17 is a sex offense requiring registration only when the
18 person is convicted of any felony after July 1, 2011, and
19 paragraph (2.1) of subsection (c) of Section 3 of this Act
20 applies.

21 (1.6) First degree murder under Section 9-1 of the
22 Criminal Code of 1961 or the Criminal Code of 2012,
23 provided the offense was sexually motivated as defined in
24 Section 10 of the Sex Offender Management Board Act.

25 (1.7) (Blank).

26 (1.8) A violation or attempted violation of Section

1 11-11 (sexual relations within families) of the Criminal
2 Code of 1961 or the Criminal Code of 2012, and the offense
3 was committed on or after June 1, 1997. If the offense was
4 committed before June 1, 1997, it is a sex offense
5 requiring registration only when the person is convicted of
6 any felony after July 1, 2011, and paragraph (2.1) of
7 subsection (c) of Section 3 of this Act applies.

8 (1.9) Child abduction under paragraph (10) of
9 subsection (b) of Section 10-5 of the Criminal Code of 1961
10 or the Criminal Code of 2012 committed by luring or
11 attempting to lure a child under the age of 16 into a motor
12 vehicle, building, house trailer, or dwelling place
13 without the consent of the parent or lawful custodian of
14 the child for other than a lawful purpose and the offense
15 was committed on or after January 1, 1998, provided the
16 offense was sexually motivated as defined in Section 10 of
17 the Sex Offender Management Board Act. If the offense was
18 committed before January 1, 1998, it is a sex offense
19 requiring registration only when the person is convicted of
20 any felony after July 1, 2011, and paragraph (2.1) of
21 subsection (c) of Section 3 of this Act applies.

22 (1.10) A violation or attempted violation of any of the
23 following Sections of the Criminal Code of 1961 or the
24 Criminal Code of 2012 when the offense was committed on or
25 after July 1, 1999:

26 10-4 (forcible detention, if the victim is under 18

1 years of age), provided the offense was sexually
2 motivated as defined in Section 10 of the Sex Offender
3 Management Board Act,

4 11-6.5 (indecent solicitation of an adult),

5 11-14.3 that involves soliciting for a prostitute,
6 or 11-15 (soliciting for a prostitute, if the victim is
7 under 18 years of age),

8 subdivision (a) (2) (A) or (a) (2) (B) of Section
9 11-14.3, or Section 11-16 (pandering, if the victim is
10 under 18 years of age),

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

13 subdivision (a) (2) (C) of Section 11-14.3, or
14 Section 11-19 (pimping, if the victim is under 18 years
15 of age).

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

21 (1.11) A violation or attempted violation of any of the
22 following Sections of the Criminal Code of 1961 or the
23 Criminal Code of 2012 when the offense was committed on or
24 after August 22, 2002:

25 11-9 or 11-30 (public indecency for a third or
26 subsequent conviction).

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

6 (1.12) A violation or attempted violation of Section
7 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
8 Criminal Code of 1961 or the Criminal Code of 2012
9 (permitting sexual abuse) when the offense was committed on
10 or after August 22, 2002. If the offense was committed
11 before August 22, 2002, it is a sex offense requiring
12 registration only when the person is convicted of any
13 felony after July 1, 2011, and paragraph (2.1) of
14 subsection (c) of Section 3 of this Act applies.

15 (1.13) A violation or attempted violation of
16 subsection (c) of Section 10-9 of the Criminal Code of 2012
17 (involuntary sexual servitude of a minor) when the offense
18 was committed on or after January 1, 2021. If the offense
19 was committed before January 1, 2021, it is a sex offense
20 requiring registration only when the person is convicted of
21 any felony on or after January 1, 2021, and paragraph (2.1)
22 of subsection (c) of Section 3 of this Act applies.

23 (2) A violation of any former law of this State
24 substantially equivalent to any offense listed in
25 subsection (B) of this Section.

26 (C) A conviction for an offense of federal law, Uniform

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

12 (C-5) A person at least 17 years of age at the time of the
13 commission of the offense who is convicted of first degree
14 murder under Section 9-1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, against a person under 18 years of age,
16 shall be required to register for natural life. A conviction
17 for an offense of federal, Uniform Code of Military Justice,
18 sister state, or foreign country law that is substantially
19 equivalent to any offense listed in subsection (C-5) of this
20 Section shall constitute a conviction for the purpose of this
21 Article. This subsection (C-5) applies to a person who
22 committed the offense before June 1, 1996 if: (i) the person is
23 incarcerated in an Illinois Department of Corrections facility
24 on August 20, 2004 (the effective date of Public Act 93-977),
25 or (ii) subparagraph (i) does not apply and the person is
26 convicted of any felony after July 1, 2011, and paragraph (2.1)

1 of subsection (c) of Section 3 of this Act applies.

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

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

26 (D-1) As used in this Article, "supervising officer" means

1 the assigned Illinois Department of Corrections parole agent or
2 county probation officer.

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

5 (1) Convicted for an offense of federal, Uniform Code
6 of Military Justice, sister state, or foreign country law
7 that is substantially equivalent to any offense listed in
8 subsection (E) or (E-5) of this Section shall constitute a
9 conviction for the purpose of this Article. Convicted of a
10 violation or attempted violation of any of the following
11 Sections of the Criminal Code of 1961 or the Criminal Code
12 of 2012:

13 10-5.1 (luring of a minor),

14 11-14.4 that involves keeping a place of juvenile
15 prostitution, or 11-17.1 (keeping a place of juvenile
16 prostitution),

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

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

21 11-20.1 (child pornography),

22 11-20.1B or 11-20.3 (aggravated child
23 pornography),

24 11-1.20 or 12-13 (criminal sexual assault),

25 11-1.30 or 12-14 (aggravated criminal sexual
26 assault),

1 11-1.40 or 12-14.1 (predatory criminal sexual
2 assault of a child),

3 11-1.60 or 12-16 (aggravated criminal sexual
4 abuse),

5 12-33 (ritualized abuse of a child);

6 (2) (blank);

7 (3) declared as a sexually dangerous person pursuant to
8 the Sexually Dangerous Persons Act or any substantially
9 similar federal, Uniform Code of Military Justice, sister
10 state, or foreign country law;

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

15 (5) convicted of a second or subsequent offense which
16 requires registration pursuant to this Act. For purposes of
17 this paragraph (5), "convicted" shall include a conviction
18 under any substantially similar Illinois, federal, Uniform
19 Code of Military Justice, sister state, or foreign country
20 law;

21 (6) (blank); or

22 (7) if the person was convicted of an offense set forth
23 in this subsection (E) on or before July 1, 1999, the
24 person is a sexual predator for whom registration is
25 required only when the person is convicted of a felony
26 offense after July 1, 2011, and paragraph (2.1) of

1 subsection (c) of Section 3 of this Act applies.

2 (E-5) As used in this Article, "sexual predator" also means
3 a person convicted of a violation or attempted violation of any
4 of the following Sections of the Criminal Code of 1961 or the
5 Criminal Code of 2012:

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

12 (2) Section 11-9.5 (sexual misconduct with a person
13 with a disability);

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

22 (4) Section 10-5(b)(10) (child abduction committed by
23 luring or attempting to lure a child under the age of 16
24 into a motor vehicle, building, house trailer, or dwelling
25 place without the consent of the parent or lawful custodian
26 of the child for other than a lawful purpose and the

1 offense was committed on or after January 1, 1998, provided
2 the offense was sexually motivated as defined in Section 10
3 of the Sex Offender Management Board Act).

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

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

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

25 (H) As used in this Article, "school" means any public or
26 private educational institution, including, but not limited

1 to, any elementary or secondary school, trade or professional
2 institution, or institution of higher education.

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

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

10 (Source: P.A. 100-428, eff. 1-1-18.)