



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4042

Introduced 1/21/2022, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Provides that when the victim is under 18 years of age at the time of the offense or a person with a disability, a prosecution for grooming may be commenced within 10 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 10 years after the proper prosecuting officer becomes aware of the offense. In the definition provisions of the Sex Offenses Article of the Code, includes "sibling" in the definition of "family member" and includes in the definition of "unconscious of the nature of the act", incapable of resisting because the victim was asleep, unconscious, or surprised such that the victim could not give voluntary, intelligent, and knowing agreement to the sexual act. Provides that a person also commits grooming when he or she knowingly engages in a pattern of conduct that entices, persuades, induces, or coerces a child to engage or participate in criminal sexual activity or is for the purpose of sexual gratification or arousal of the victim, the accused, or another. Increases the penalty for grooming from a Class 4 to a Class 3 felony. Changes references in the Code from "child pornography" to "child sexual abuse images". Defines "pattern" and "sexual activity". Amends the Code of Criminal Procedure of 1963. Provides that the court may set any conditions it finds just and appropriate on the taking of testimony of a victim or witness who is under 18 years of age or an intellectually disabled person or a person affected by a developmental disability (rather than a victim who is a child under the age of 18 years or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability), involving the use of a facility dog in any criminal proceeding (rather than in a prosecution of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, or any violent crime). Makes changes concerning the admissibility of evidence in prosecutions for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons.

LRB102 25880 RLC 35237 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 3-5, 3-6, 11-0.1, 11-9.3, 11-20.1, 11-20.2,
6 11-23, 11-25, 14-3, 26-4, and 36-1 as follows:

7 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

8 Sec. 3-5. General limitations.

9 (a) A prosecution for: (1) first degree murder, attempt to
10 commit first degree murder, second degree murder, involuntary
11 manslaughter, reckless homicide, a violation of subparagraph
12 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
13 Illinois Vehicle Code for the offense of aggravated driving
14 under the influence of alcohol, other drug or drugs, or
15 intoxicating compound or compounds, or any combination thereof
16 when the violation was a proximate cause of a death, leaving
17 the scene of a motor vehicle accident involving death or
18 personal injuries under Section 11-401 of the Illinois Vehicle
19 Code, failing to give information and render aid under Section
20 11-403 of the Illinois Vehicle Code, concealment of homicidal
21 death, treason, arson, residential arson, aggravated arson,
22 forgery, child sexual abuse images ~~pornography~~ under paragraph
23 (1) of subsection (a) of Section 11-20.1, or aggravated child

1 sexual abuse images ~~pornography~~ under paragraph (1) of
2 subsection (a) of Section 11-20.1B, or (2) any offense
3 involving sexual conduct or sexual penetration, as defined by
4 Section 11-0.1 of this Code may be commenced at any time.

5 (a-5) A prosecution for theft of property exceeding
6 \$100,000 in value under Section 16-1, identity theft under
7 subsection (a) of Section 16-30, aggravated identity theft
8 under subsection (b) of Section 16-30, financial exploitation
9 of an elderly person or a person with a disability under
10 Section 17-56; theft by deception of a victim 60 years of age
11 or older or a person with a disability under Section 16-1; or
12 any offense set forth in Article 16H or Section 17-10.6 may be
13 commenced within 7 years of the last act committed in
14 furtherance of the crime.

15 (b) Unless the statute describing the offense provides
16 otherwise, or the period of limitation is extended by Section
17 3-6, a prosecution for any offense not designated in
18 subsection (a) or (a-5) must be commenced within 3 years after
19 the commission of the offense if it is a felony, or within one
20 year and 6 months after its commission if it is a misdemeanor.

21 (Source: P.A. 101-130, eff. 1-1-20; 102-244, eff. 1-1-22.)

22 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

23 Sec. 3-6. Extended limitations. The period within which a
24 prosecution must be commenced under the provisions of Section
25 3-5 or other applicable statute is extended under the

1 following conditions:

2 (a) A prosecution for theft involving a breach of a
3 fiduciary obligation to the aggrieved person may be commenced
4 as follows:

5 (1) If the aggrieved person is a minor or a person
6 under legal disability, then during the minority or legal
7 disability or within one year after the termination
8 thereof.

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

19 (b) A prosecution for any offense based upon misconduct in
20 office by a public officer or employee may be commenced within
21 one year after discovery of the offense by a person having a
22 legal duty to report such offense, or in the absence of such
23 discovery, within one year after the proper prosecuting
24 officer becomes aware of the offense. However, in no such case
25 is the period of limitation so extended more than 3 years
26 beyond the expiration of the period otherwise applicable.

1 (b-5) When the victim is under 18 years of age at the time
2 of the offense, a prosecution for involuntary servitude,
3 involuntary sexual servitude of a minor, or trafficking in
4 persons and related offenses under Section 10-9 of this Code
5 may be commenced within 25 years of the victim attaining the
6 age of 18 years.

7 (b-6) When the victim is 18 years of age or over at the
8 time of the offense, a prosecution for involuntary servitude,
9 involuntary sexual servitude of a minor, or trafficking in
10 persons and related offenses under Section 10-9 of this Code
11 may be commenced within 25 years after the commission of the
12 offense.

13 (b-7) When the victim is under 18 years of age at the time
14 of the offense, a prosecution for female genital mutilation
15 may be commenced at any time.

16 (b-8) When the victim is under 18 years of age at the time
17 of the offense or a person with a disability, a prosecution for
18 grooming may be commenced within 10 years after the discovery
19 of such an offense by a person or agency having the legal duty
20 to report the offense or in the absence of such discovery,
21 within 10 years after the proper prosecuting officer becomes
22 aware of the offense.

23 (c) (Blank).

24 (d) A prosecution for child sexual abuse images
25 ~~pornography~~, aggravated child sexual abuse images ~~pornography~~,
26 indecent solicitation of a child, soliciting for a juvenile

1 prostitute, juvenile pimping, exploitation of a child, or
2 promoting juvenile prostitution except for keeping a place of
3 juvenile prostitution may be commenced within one year of the
4 victim attaining the age of 18 years. However, in no such case
5 shall the time period for prosecution expire sooner than 3
6 years after the commission of the offense.

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

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

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

24 (g) (Blank).

25 (h) (Blank).

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

1 prosecution for criminal sexual assault, aggravated criminal
2 sexual assault, or aggravated criminal sexual abuse may be
3 commenced at any time. If the victim consented to the
4 collection of evidence using an Illinois State Police Sexual
5 Assault Evidence Collection Kit under the Sexual Assault
6 Survivors Emergency Treatment Act, it shall constitute
7 reporting for purposes of this Section.

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

11 (i-5) A prosecution for armed robbery, home invasion,
12 kidnapping, or aggravated kidnaping may be commenced within 10
13 years of the commission of the offense if it arises out of the
14 same course of conduct and meets the criteria under one of the
15 offenses in subsection (i) of this Section.

16 (j) (1) When the victim is under 18 years of age at the
17 time of the offense, a prosecution for criminal sexual
18 assault, aggravated criminal sexual assault, predatory
19 criminal sexual assault of a child, aggravated criminal sexual
20 abuse, felony criminal sexual abuse, or female genital
21 mutilation may be commenced at any time.

22 (2) When in circumstances other than as described in
23 paragraph (1) of this subsection (j), when the victim is under
24 18 years of age at the time of the offense, a prosecution for
25 failure of a person who is required to report an alleged or
26 suspected commission of criminal sexual assault, aggravated

1 criminal sexual assault, predatory criminal sexual assault of
2 a child, aggravated criminal sexual abuse, or felony criminal
3 sexual abuse under the Abused and Neglected Child Reporting
4 Act may be commenced within 20 years after the child victim
5 attains 18 years of age.

6 (3) When the victim is under 18 years of age at the time of
7 the offense, a prosecution for misdemeanor criminal sexual
8 abuse may be commenced within 10 years after the child victim
9 attains 18 years of age.

10 (4) Nothing in this subdivision (j) shall be construed to
11 shorten a period within which a prosecution must be commenced
12 under any other provision of this Section.

13 (j-5) A prosecution for armed robbery, home invasion,
14 kidnapping, or aggravated kidnaping may be commenced at any
15 time if it arises out of the same course of conduct and meets
16 the criteria under one of the offenses in subsection (j) of
17 this Section.

18 (k) (Blank).

19 (l) A prosecution for any offense set forth in Section
20 26-4 of this Code may be commenced within one year after the
21 discovery of the offense by the victim of that offense.

22 (l-5) A prosecution for any offense involving sexual
23 conduct or sexual penetration, as defined in Section 11-0.1 of
24 this Code, in which the victim was 18 years of age or older at
25 the time of the offense, may be commenced within one year after
26 the discovery of the offense by the victim when corroborating

1 physical evidence is available. The charging document shall
2 state that the statute of limitations is extended under this
3 subsection (1-5) and shall state the circumstances justifying
4 the extension. Nothing in this subsection (1-5) shall be
5 construed to shorten a period within which a prosecution must
6 be commenced under any other provision of this Section or
7 Section 3-5 of this Code.

8 (m) The prosecution shall not be required to prove at
9 trial facts which extend the general limitations in Section
10 3-5 of this Code when the facts supporting extension of the
11 period of general limitations are properly pled in the
12 charging document. Any challenge relating to the extension of
13 the general limitations period as defined in this Section
14 shall be exclusively conducted under Section 114-1 of the Code
15 of Criminal Procedure of 1963.

16 (n) A prosecution for any offense set forth in subsection
17 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the
18 Illinois Public Aid Code, in which the total amount of money
19 involved is \$5,000 or more, including the monetary value of
20 food stamps and the value of commodities under Section 16-1 of
21 this Code may be commenced within 5 years of the last act
22 committed in furtherance of the offense.

23 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
24 101-130, eff. 1-1-20; 101-285, eff. 1-1-20; 102-558, eff.
25 8-20-21.)

1 (720 ILCS 5/11-0.1)

2 Sec. 11-0.1. Definitions. In this Article, unless the
3 context clearly requires otherwise, the following terms are
4 defined as indicated:

5 "Accused" means a person accused of an offense prohibited
6 by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of
7 this Code or a person for whose conduct the accused is legally
8 responsible under Article 5 of this Code.

9 "Adult obscenity or child sexual abuse images ~~pornography~~
10 Internet site". See Section 11-23.

11 "Advance prostitution" means:

12 (1) Soliciting for a prostitute by performing any of
13 the following acts when acting other than as a prostitute
14 or a patron of a prostitute:

15 (A) Soliciting another for the purpose of
16 prostitution.

17 (B) Arranging or offering to arrange a meeting of
18 persons for the purpose of prostitution.

19 (C) Directing another to a place knowing the
20 direction is for the purpose of prostitution.

21 (2) Keeping a place of prostitution by controlling or
22 exercising control over the use of any place that could
23 offer seclusion or shelter for the practice of
24 prostitution and performing any of the following acts when
25 acting other than as a prostitute or a patron of a
26 prostitute:

1 (A) Knowingly granting or permitting the use of
2 the place for the purpose of prostitution.

3 (B) Granting or permitting the use of the place
4 under circumstances from which he or she could
5 reasonably know that the place is used or is to be used
6 for purposes of prostitution.

7 (C) Permitting the continued use of the place
8 after becoming aware of facts or circumstances from
9 which he or she should reasonably know that the place
10 is being used for purposes of prostitution.

11 "Agency". See Section 11-9.5.

12 "Arranges". See Section 11-6.5.

13 "Bodily harm" means physical harm, and includes, but is
14 not limited to, sexually transmitted disease, pregnancy, and
15 impotence.

16 "Care and custody". See Section 11-9.5.

17 "Child care institution". See Section 11-9.3.

18 "Child sexual abuse images ~~pornography~~". See Section
19 11-20.1.

20 "Child sex offender". See Section 11-9.3.

21 "Community agency". See Section 11-9.5.

22 "Conditional release". See Section 11-9.2.

23 "Consent" means a freely given agreement to the act of
24 sexual penetration or sexual conduct in question. Lack of
25 verbal or physical resistance or submission by the victim
26 resulting from the use of force or threat of force by the

1 accused shall not constitute consent. The manner of dress of
2 the victim at the time of the offense shall not constitute
3 consent.

4 "Custody". See Section 11-9.2.

5 "Day care center". See Section 11-9.3.

6 "Depict by computer". See Section 11-20.1.

7 "Depiction by computer". See Section 11-20.1.

8 "Disseminate". See Section 11-20.1.

9 "Distribute". See Section 11-21.

10 "Family member" means a parent, grandparent, child,
11 sibling, aunt, uncle, great-aunt, or great-uncle, whether by
12 whole blood, half-blood, or adoption, and includes a
13 step-grandparent, step-parent, or step-child. "Family member"
14 also means, if the victim is a child under 18 years of age, an
15 accused who has resided in the household with the child
16 ~~continuously~~ for at least 6 months.

17 "Force or threat of force" means the use of force or
18 violence or the threat of force or violence, including, but
19 not limited to, the following situations:

20 (1) when the accused threatens to use force or
21 violence on the victim or on any other person, and the
22 victim under the circumstances reasonably believes that
23 the accused has the ability to execute that threat; or

24 (2) when the accused overcomes the victim by use of
25 superior strength or size, physical restraint, or physical
26 confinement.

- 1 "Harmful to minors". See Section 11-21.
- 2 "Loiter". See Section 9.3.
- 3 "Material". See Section 11-21.
- 4 "Minor". See Section 11-21.
- 5 "Nudity". See Section 11-21.
- 6 "Obscene". See Section 11-20.
- 7 "Part day child care facility". See Section 11-9.3.
- 8 "Penal system". See Section 11-9.2.
- 9 "Person responsible for the child's welfare". See Section
10 11-9.1A.
- 11 "Person with a disability". See Section 11-9.5.
- 12 "Playground". See Section 11-9.3.
- 13 "Probation officer". See Section 11-9.2.
- 14 "Produce". See Section 11-20.1.
- 15 "Profit from prostitution" means, when acting other than
16 as a prostitute, to receive anything of value for personally
17 rendered prostitution services or to receive anything of value
18 from a prostitute, if the thing received is not for lawful
19 consideration and the person knows it was earned in whole or in
20 part from the practice of prostitution.
- 21 "Public park". See Section 11-9.3.
- 22 "Public place". See Section 11-30.
- 23 "Reproduce". See Section 11-20.1.
- 24 "Sado-masochistic abuse". See Section 11-21.
- 25 "School". See Section 11-9.3.
- 26 "School official". See Section 11-9.3.

1 "Sexual abuse". See Section 11-9.1A.

2 "Sexual act". See Section 11-9.1.

3 "Sexual conduct" means any knowing touching or fondling by
4 the victim or the accused, either directly or through
5 clothing, of the sex organs, anus, or breast of the victim or
6 the accused, or any part of the body of a child under 13 years
7 of age, or any transfer or transmission of semen by the accused
8 upon any part of the clothed or unclothed body of the victim,
9 for the purpose of sexual gratification or arousal of the
10 victim or the accused.

11 "Sexual excitement". See Section 11-21.

12 "Sexual penetration" means any contact, however slight,
13 between the sex organ or anus of one person and an object or
14 the sex organ, mouth, or anus of another person, or any
15 intrusion, however slight, of any part of the body of one
16 person or of any animal or object into the sex organ or anus of
17 another person, including, but not limited to, cunnilingus,
18 fellatio, or anal penetration. Evidence of emission of semen
19 is not required to prove sexual penetration.

20 "Solicit". See Section 11-6.

21 "State-operated facility". See Section 11-9.5.

22 "Supervising officer". See Section 11-9.2.

23 "Surveillance agent". See Section 11-9.2.

24 "Treatment and detention facility". See Section 11-9.2.

25 "Unable to give knowing consent" includes when the accused
26 administers any intoxicating or anesthetic substance, or any

1 controlled substance causing the victim to become unconscious
2 of the nature of the act and this condition was known, or
3 reasonably should have been known by the accused. As used in
4 this paragraph, "unconscious of the nature of the act" means
5 incapable of resisting because the victim meets any one of the
6 following conditions:

7 (1) was unconscious or asleep;

8 (2) was not aware, knowing, perceiving, or cognizant
9 that the act occurred;

10 (3) was not aware, knowing, perceiving, or cognizant
11 of the essential characteristics of the act due to the
12 perpetrator's fraud in fact; ~~or~~

13 (4) was not aware, knowing, perceiving, or cognizant
14 of the essential characteristics of the act due to the
15 perpetrator's fraudulent representation that the sexual
16 penetration served a professional purpose when it served
17 no professional purpose; or

18 (5) was asleep, unconscious, or surprised such that
19 the victim could not give voluntary, intelligent, and
20 knowing agreement to the sexual act.

21 A victim is presumed "unable to give knowing consent" when
22 the victim:

23 (1) is committed to the care and custody or
24 supervision of the Illinois Department of Corrections
25 (IDOC) and the accused is an employee or volunteer who is
26 not married to the victim who knows or reasonably should

1 know that the victim is committed to the care and custody
2 or supervision of such department;

3 (2) is committed to or placed with the Department of
4 Children and Family Services (DCFS) and in residential
5 care, and the accused employee is not married to the
6 victim, and knows or reasonably should know that the
7 victim is committed to or placed with DCFS and in
8 residential care;

9 (3) is a client or patient and the accused is a health
10 care provider or mental health care provider and the
11 sexual conduct or sexual penetration occurs during a
12 treatment session, consultation, interview, or
13 examination;

14 (4) is a resident or inpatient of a residential
15 facility and the accused is an employee of the facility
16 who is not married to such resident or inpatient who
17 provides direct care services, case management services,
18 medical or other clinical services, habilitative services
19 or direct supervision of the residents in the facility in
20 which the resident resides; or an officer or other
21 employee, consultant, contractor or volunteer of the
22 residential facility, who knows or reasonably should know
23 that the person is a resident of such facility; or

24 (5) is detained or otherwise in the custody of a
25 police officer, peace officer, or other law enforcement
26 official who: (i) is detaining or maintaining custody of

1 such person; or (ii) knows, or reasonably should know,
2 that at the time of the offense, such person was detained
3 or in custody and the police officer, peace officer, or
4 other law enforcement official is not married to such
5 detainee.

6 "Victim" means a person alleging to have been subjected to
7 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,
8 11-1.50, or 11-1.60 of this Code.

9 (Source: P.A. 102-567, eff. 1-1-22.)

10 (720 ILCS 5/11-9.3)

11 Sec. 11-9.3. Presence within school zone by child sex
12 offenders prohibited; approaching, contacting, residing with,
13 or communicating with a child within certain places by child
14 sex offenders prohibited.

15 (a) It is unlawful for a child sex offender to knowingly be
16 present in any school building, on real property comprising
17 any school, or in any conveyance owned, leased, or contracted
18 by a school to transport students to or from school or a school
19 related activity when persons under the age of 18 are present
20 in the building, on the grounds or in the conveyance, unless
21 the offender is a parent or guardian of a student attending the
22 school and the parent or guardian is: (i) attending a
23 conference at the school with school personnel to discuss the
24 progress of his or her child academically or socially, (ii)
25 participating in child review conferences in which evaluation

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

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

25 (a-10) It is unlawful for a child sex offender to
26 knowingly be present in any public park building, a playground

1 or recreation area within any publicly accessible privately
2 owned building, or on real property comprising any public park
3 when persons under the age of 18 are present in the building or
4 on the grounds and to approach, contact, or communicate with a
5 child under 18 years of age, unless the offender is a parent or
6 guardian of a person under 18 years of age present in the
7 building or on the grounds.

8 (b) It is unlawful for a child sex offender to knowingly
9 loiter within 500 feet of a school building or real property
10 comprising any school while persons under the age of 18 are
11 present in the building or on the grounds, unless the offender
12 is a parent or guardian of a student attending the school and
13 the parent or guardian is: (i) attending a conference at the
14 school with school personnel to discuss the progress of his or
15 her child academically or socially, (ii) participating in
16 child review conferences in which evaluation and placement
17 decisions may be made with respect to his or her child
18 regarding special education services, or (iii) attending
19 conferences to discuss other student issues concerning his or
20 her child such as retention and promotion and notifies the
21 principal of the school of his or her presence at the school or
22 has permission to be present from the superintendent or the
23 school board or in the case of a private school from the
24 principal. In the case of a public school, if permission is
25 granted, the superintendent or school board president must
26 inform the principal of the school where the sex offender will

1 be present. Notification includes the nature of the sex
2 offender's visit and the hours in which the sex offender will
3 be present in the school. The sex offender is responsible for
4 notifying the principal's office when he or she arrives on
5 school property and when he or she departs from school
6 property. If the sex offender is to be present in the vicinity
7 of children, the sex offender has the duty to remain under the
8 direct supervision of a school official.

9 (b-2) It is unlawful for a child sex offender to knowingly
10 loiter on a public way within 500 feet of a public park
11 building or real property comprising any public park while
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-5) It is unlawful for a child sex offender to knowingly
18 reside within 500 feet of a school building or the real
19 property comprising any school that persons under the age of
20 18 attend. Nothing in this subsection (b-5) prohibits a child
21 sex offender from residing within 500 feet of a school
22 building or the real property comprising any school that
23 persons under 18 attend if the property is owned by the child
24 sex offender and was purchased before July 7, 2000 (the
25 effective date of Public Act 91-911).

26 (b-10) It is unlawful for a child sex offender to

1 knowingly reside within 500 feet of a playground, child care
2 institution, day care center, part day child care facility,
3 day care home, group day care home, or a facility providing
4 programs or services exclusively directed toward persons under
5 18 years of age. Nothing in this subsection (b-10) prohibits a
6 child sex offender from residing within 500 feet of a
7 playground or a facility providing programs or services
8 exclusively directed toward persons under 18 years of age if
9 the property is owned by the child sex offender and was
10 purchased before July 7, 2000. Nothing in this subsection
11 (b-10) prohibits a child sex offender from residing within 500
12 feet of a child care institution, day care center, or part day
13 child care facility if the property is owned by the child sex
14 offender and was purchased before June 26, 2006. Nothing in
15 this subsection (b-10) prohibits a child sex offender from
16 residing within 500 feet of a day care home or group day care
17 home if the property is owned by the child sex offender and was
18 purchased before August 14, 2008 (the effective date of Public
19 Act 95-821).

20 (b-15) It is unlawful for a child sex offender to
21 knowingly reside within 500 feet of the victim of the sex
22 offense. Nothing in this subsection (b-15) prohibits a child
23 sex offender from residing within 500 feet of the victim if the
24 property in which the child sex offender resides is owned by
25 the child sex offender and was purchased before August 22,
26 2002.

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

3 (b-20) It is unlawful for a child sex offender to
4 knowingly communicate, other than for a lawful purpose under
5 Illinois law, using the Internet or any other digital media,
6 with a person under 18 years of age or with a person whom he or
7 she believes to be a person under 18 years of age, unless the
8 offender is a parent or guardian of the person under 18 years
9 of age.

10 (c) It is unlawful for a child sex offender to knowingly
11 operate, manage, be employed by, volunteer at, be associated
12 with, or knowingly be present at any: (i) facility providing
13 programs or services exclusively directed toward persons under
14 the age of 18; (ii) day care center; (iii) part day child care
15 facility; (iv) child care institution; (v) school providing
16 before and after school programs for children under 18 years
17 of age; (vi) day care home; or (vii) group day care home. This
18 does not prohibit a child sex offender from owning the real
19 property upon which the programs or services are offered or
20 upon which the day care center, part day child care facility,
21 child care institution, or school providing before and after
22 school programs for children under 18 years of age is located,
23 provided the child sex offender refrains from being present on
24 the premises for the hours during which: (1) the programs or
25 services are being offered or (2) the day care center, part day
26 child care facility, child care institution, or school

1 providing before and after school programs for children under
2 18 years of age, day care home, or group day care home is
3 operated.

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

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

22 (c-6) It is unlawful for a child sex offender who owns and
23 resides at residential real estate to knowingly rent any
24 residential unit within the same building in which he or she
25 resides to a person who is the parent or guardian of a child or
26 children under 18 years of age. This subsection shall apply

1 only to leases or other rental arrangements entered into after
2 January 1, 2009 (the effective date of Public Act 95-820).

3 (c-7) It is unlawful for a child sex offender to knowingly
4 offer or provide any programs or services to persons under 18
5 years of age in his or her residence or the residence of
6 another or in any facility for the purpose of offering or
7 providing such programs or services, whether such programs or
8 services are offered or provided by contract, agreement,
9 arrangement, or on a volunteer basis.

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

17 (d) Definitions. In this Section:

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

19 (i) has been charged under Illinois law, or any
20 substantially similar federal law or law of another
21 state, with a sex offense set forth in paragraph (2) of
22 this subsection (d) or the attempt to commit an
23 included sex offense, and the victim is a person under
24 18 years of age at the time of the offense; and:

25 (A) is convicted of such offense or an attempt
26 to commit such offense; or

1 (B) is found not guilty by reason of insanity
2 of such offense or an attempt to commit such
3 offense; or

4 (C) is found not guilty by reason of insanity
5 pursuant to subsection (c) of Section 104-25 of
6 the Code of Criminal Procedure of 1963 of such
7 offense or an attempt to commit such offense; or

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

14 (E) is found not guilty by reason of insanity
15 following a hearing conducted pursuant to a
16 federal law or the law of another state
17 substantially similar to subsection (c) of Section
18 104-25 of the Code of Criminal Procedure of 1963
19 of such offense or of the attempted commission of
20 such offense; or

21 (F) is the subject of a finding not resulting
22 in an acquittal at a hearing conducted pursuant to
23 a federal law or the law of another state
24 substantially similar to subsection (a) of Section
25 104-25 of the Code of Criminal Procedure of 1963
26 for the alleged violation or attempted commission

1 of such offense; or

2 (ii) is certified as a sexually dangerous person
3 pursuant to the Illinois Sexually Dangerous Persons
4 Act, or any substantially similar federal law or the
5 law of another state, when any conduct giving rise to
6 such certification is committed or attempted against a
7 person less than 18 years of age; or

8 (iii) is subject to the provisions of Section 2 of
9 the Interstate Agreements on Sexually Dangerous
10 Persons Act.

11 Convictions that result from or are connected with the
12 same act, or result from offenses committed at the same
13 time, shall be counted for the purpose of this Section as
14 one conviction. Any conviction set aside pursuant to law
15 is not a conviction for purposes of this Section.

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

18 (i) A violation of any of the following Sections
19 of the Criminal Code of 1961 or the Criminal Code of
20 2012: 10-4 (forcible detention), 10-7 (aiding or
21 abetting child abduction under Section 10-5(b)(10)),
22 10-5(b)(10) (child luring), 11-1.40 (predatory
23 criminal sexual assault of a child), 11-6 (indecent
24 solicitation of a child), 11-6.5 (indecent
25 solicitation of an adult), 11-9.1 (sexual exploitation
26 of a child), 11-9.2 (custodial sexual misconduct),

1 11-9.5 (sexual misconduct with a person with a
2 disability), 11-11 (sexual relations within families),
3 11-14.3(a)(1) (promoting prostitution by advancing
4 prostitution), 11-14.3(a)(2)(A) (promoting
5 prostitution by profiting from prostitution by
6 compelling a person to be a prostitute),
7 11-14.3(a)(2)(C) (promoting prostitution by profiting
8 from prostitution by means other than as described in
9 subparagraphs (A) and (B) of paragraph (2) of
10 subsection (a) of Section 11-14.3), 11-14.4 (promoting
11 juvenile prostitution), 11-18.1 (patronizing a
12 juvenile prostitute), 11-20.1 (child sexual abuse
13 images pornography), 11-20.1B (aggravated child sexual
14 abuse images pornography), 11-21 (harmful material),
15 11-25 (grooming), 11-26 (traveling to meet a minor or
16 traveling to meet a child), 12-33 (ritualized abuse of
17 a child), 11-20 (obscenity) (when that offense was
18 committed in any school, on real property comprising
19 any school, in any conveyance owned, leased, or
20 contracted by a school to transport students to or
21 from school or a school related activity, or in a
22 public park), 11-30 (public indecency) (when committed
23 in a school, on real property comprising a school, in
24 any conveyance owned, leased, or contracted by a
25 school to transport students to or from school or a
26 school related activity, or in a public park). An

1 attempt to commit any of these offenses.

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

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

14 10-1 (kidnapping),
15 10-2 (aggravated kidnapping),
16 10-3 (unlawful restraint),
17 10-3.1 (aggravated unlawful restraint),
18 11-9.1(A) (permitting sexual abuse of a child).

19 An attempt to commit any of these offenses.

20 (iv) A violation of any former law of this State
21 substantially equivalent to any offense listed in
22 clause (2)(i) or (2)(ii) of subsection (d) of this
23 Section.

24 (2.5) For the purposes of subsections (b-5) and (b-10)
25 only, a sex offense means:

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

1 of the Criminal Code of 1961 or the Criminal Code of
2 2012:

3 10-5(b)(10) (child luring), 10-7 (aiding or
4 abetting child abduction under Section 10-5(b)(10)),
5 11-1.40 (predatory criminal sexual assault of a
6 child), 11-6 (indecent solicitation of a child),
7 11-6.5 (indecent solicitation of an adult), 11-9.2
8 (custodial sexual misconduct), 11-9.5 (sexual
9 misconduct with a person with a disability), 11-11
10 (sexual relations within families), 11-14.3(a)(1)
11 (promoting prostitution by advancing prostitution),
12 11-14.3(a)(2)(A) (promoting prostitution by profiting
13 from prostitution by compelling a person to be a
14 prostitute), 11-14.3(a)(2)(C) (promoting prostitution
15 by profiting from prostitution by means other than as
16 described in subparagraphs (A) and (B) of paragraph
17 (2) of subsection (a) of Section 11-14.3), 11-14.4
18 (promoting juvenile prostitution), 11-18.1
19 (patronizing a juvenile prostitute), 11-20.1 (child
20 sexual abuse images ~~pornography~~), 11-20.1B (aggravated
21 child sexual abuse images ~~pornography~~), 11-25
22 (grooming), 11-26 (traveling to meet a minor or
23 traveling to meet a child), or 12-33 (ritualized abuse
24 of a child). An attempt to commit any of these
25 offenses.

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

1 of the Criminal Code of 1961 or the Criminal Code of
2 2012, when the victim is a person under 18 years of
3 age: 11-1.20 (criminal sexual assault), 11-1.30
4 (aggravated criminal sexual assault), 11-1.60
5 (aggravated criminal sexual abuse), and subsection (a)
6 of Section 11-1.50 (criminal sexual abuse). An attempt
7 to commit any of these offenses.

8 (iii) A violation of any of the following Sections
9 of the Criminal Code of 1961 or the Criminal Code of
10 2012, when the victim is a person under 18 years of age
11 and the defendant is not a parent of the victim:

12 10-1 (kidnapping),

13 10-2 (aggravated kidnapping),

14 10-3 (unlawful restraint),

15 10-3.1 (aggravated unlawful restraint),

16 11-9.1(A) (permitting sexual abuse of a child).

17 An attempt to commit any of these offenses.

18 (iv) A violation of any former law of this State
19 substantially equivalent to any offense listed in this
20 paragraph (2.5) of this subsection.

21 (3) A conviction for an offense of federal law or the
22 law of another state that is substantially equivalent to
23 any offense listed in paragraph (2) of subsection (d) of
24 this Section shall constitute a conviction for the purpose
25 of this Section. A finding or adjudication as a sexually
26 dangerous person under any federal law or law of another

1 state that is substantially equivalent to the Sexually
2 Dangerous Persons Act shall constitute an adjudication for
3 the purposes of this Section.

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

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

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

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

14 (8) "Facility providing programs or services directed
15 towards persons under the age of 18" means any facility
16 providing programs or services exclusively directed
17 towards persons under the age of 18.

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

20 (10) "Internet" has the meaning set forth in Section
21 16-0.1 of this Code.

22 (11) "Loiter" means:

23 (i) Standing, sitting idly, whether or not the
24 person is in a vehicle, or remaining in or around
25 school or public park property.

26 (ii) Standing, sitting idly, whether or not the

1 person is in a vehicle, or remaining in or around
2 school or public park property, for the purpose of
3 committing or attempting to commit a sex offense.

4 (iii) Entering or remaining in a building in or
5 around school property, other than the offender's
6 residence.

7 (12) "Part day child care facility" has the meaning
8 ascribed to it in Section 2.10 of the Child Care Act of
9 1969.

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

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

17 (15) "School" means a public or private preschool or
18 elementary or secondary school.

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

22 (e) For the purposes of this Section, the 500 feet
23 distance shall be measured from: (1) the edge of the property
24 of the school building or the real property comprising the
25 school that is closest to the edge of the property of the child
26 sex offender's residence or where he or she is loitering, and

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

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

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

12 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

13 Sec. 11-20.1. Child sexual abuse images ~~pornography~~.

14 (a) A person commits child sexual abuse images ~~pornography~~
15 who:

16 (1) films, videotapes, photographs, or otherwise
17 depicts or portrays by means of any similar visual medium
18 or reproduction or depicts by computer any child whom he
19 or she knows or reasonably should know to be under the age
20 of 18 or any person with a severe or profound intellectual
21 disability where such child or person with a severe or
22 profound intellectual disability is:

23 (i) actually or by simulation engaged in any act
24 of sexual penetration or sexual conduct with any
25 person or animal; or

1 (ii) actually or by simulation engaged in any act
2 of sexual penetration or sexual conduct involving the
3 sex organs of the child or person with a severe or
4 profound intellectual disability and the mouth, anus,
5 or sex organs of another person or animal; or which
6 involves the mouth, anus or sex organs of the child or
7 person with a severe or profound intellectual
8 disability and the sex organs of another person or
9 animal; or

10 (iii) actually or by simulation engaged in any act
11 of masturbation; or

12 (iv) actually or by simulation portrayed as being
13 the object of, or otherwise engaged in, any act of lewd
14 fondling, touching, or caressing involving another
15 person or animal; or

16 (v) actually or by simulation engaged in any act
17 of excretion or urination within a sexual context; or

18 (vi) actually or by simulation portrayed or
19 depicted as bound, fettered, or subject to sadistic,
20 masochistic, or sadomasochistic abuse in any sexual
21 context; or

22 (vii) depicted or portrayed in any pose, posture
23 or setting involving a lewd exhibition of the
24 unclothed or transparently clothed genitals, pubic
25 area, buttocks, or, if such person is female, a fully
26 or partially developed breast of the child or other

1 person; or

2 (2) with the knowledge of the nature or content
3 thereof, reproduces, disseminates, offers to disseminate,
4 exhibits or possesses with intent to disseminate any film,
5 videotape, photograph or other similar visual reproduction
6 or depiction by computer of any child or person with a
7 severe or profound intellectual disability whom the person
8 knows or reasonably should know to be under the age of 18
9 or to be a person with a severe or profound intellectual
10 disability, engaged in any activity described in
11 subparagraphs (i) through (vii) of paragraph (1) of this
12 subsection; or

13 (3) with knowledge of the subject matter or theme
14 thereof, produces any stage play, live performance, film,
15 videotape or other similar visual portrayal or depiction
16 by computer which includes a child whom the person knows
17 or reasonably should know to be under the age of 18 or a
18 person with a severe or profound intellectual disability
19 engaged in any activity described in subparagraphs (i)
20 through (vii) of paragraph (1) of this subsection; or

21 (4) solicits, uses, persuades, induces, entices, or
22 coerces any child whom he or she knows or reasonably
23 should know to be under the age of 18 or a person with a
24 severe or profound intellectual disability to appear in
25 any stage play, live presentation, film, videotape,
26 photograph or other similar visual reproduction or

1 depiction by computer in which the child or person with a
2 severe or profound intellectual disability is or will be
3 depicted, actually or by simulation, in any act, pose or
4 setting described in subparagraphs (i) through (vii) of
5 paragraph (1) of this subsection; or

6 (5) is a parent, step-parent, legal guardian or other
7 person having care or custody of a child whom the person
8 knows or reasonably should know to be under the age of 18
9 or a person with a severe or profound intellectual
10 disability and who knowingly permits, induces, promotes,
11 or arranges for such child or person with a severe or
12 profound intellectual disability to appear in any stage
13 play, live performance, film, videotape, photograph or
14 other similar visual presentation, portrayal or simulation
15 or depiction by computer of any act or activity described
16 in subparagraphs (i) through (vii) of paragraph (1) of
17 this subsection; or

18 (6) with knowledge of the nature or content thereof,
19 possesses any film, videotape, photograph or other similar
20 visual reproduction or depiction by computer of any child
21 or person with a severe or profound intellectual
22 disability whom the person knows or reasonably should know
23 to be under the age of 18 or to be a person with a severe
24 or profound intellectual disability, engaged in any
25 activity described in subparagraphs (i) through (vii) of
26 paragraph (1) of this subsection; or

1 (7) solicits, or knowingly uses, persuades, induces,
2 entices, or coerces, a person to provide a child under the
3 age of 18 or a person with a severe or profound
4 intellectual disability to appear in any videotape,
5 photograph, film, stage play, live presentation, or other
6 similar visual reproduction or depiction by computer in
7 which the child or person with a severe or profound
8 intellectual disability will be depicted, actually or by
9 simulation, in any act, pose, or setting described in
10 subparagraphs (i) through (vii) of paragraph (1) of this
11 subsection.

12 (a-5) The possession of each individual film, videotape,
13 photograph, or other similar visual reproduction or depiction
14 by computer in violation of this Section constitutes a single
15 and separate violation. This subsection (a-5) does not apply
16 to multiple copies of the same film, videotape, photograph, or
17 other similar visual reproduction or depiction by computer
18 that are identical to each other.

19 (b)(1) It shall be an affirmative defense to a charge of
20 child sexual abuse images ~~pornography~~ that the defendant
21 reasonably believed, under all of the circumstances, that the
22 child was 18 years of age or older or that the person was not a
23 person with a severe or profound intellectual disability but
24 only where, prior to the act or acts giving rise to a
25 prosecution under this Section, he or she took some
26 affirmative action or made a bonafide inquiry designed to

1 ascertain whether the child was 18 years of age or older or
2 that the person was not a person with a severe or profound
3 intellectual disability and his or her reliance upon the
4 information so obtained was clearly reasonable.

5 (1.5) Telecommunications carriers, commercial mobile
6 service providers, and providers of information services,
7 including, but not limited to, Internet service providers and
8 hosting service providers, are not liable under this Section
9 by virtue of the transmission, storage, or caching of
10 electronic communications or messages of others or by virtue
11 of the provision of other related telecommunications,
12 commercial mobile services, or information services used by
13 others in violation of this Section.

14 (2) (Blank).

15 (3) The charge of child sexual abuse images ~~pornography~~
16 shall not apply to the performance of official duties by law
17 enforcement or prosecuting officers or persons employed by law
18 enforcement or prosecuting agencies, court personnel or
19 attorneys, nor to bonafide treatment or professional education
20 programs conducted by licensed physicians, psychologists or
21 social workers. In any criminal proceeding, any property or
22 material that constitutes child sexual abuse images
23 ~~pornography~~ shall remain in the care, custody, and control of
24 either the State or the court. A motion to view the evidence
25 shall comply with subsection (e-5) of this Section.

26 (4) If the defendant possessed more than one of the same

1 film, videotape or visual reproduction or depiction by
2 computer in which child sexual abuse images ~~pornography~~ is
3 depicted, then the trier of fact may infer that the defendant
4 possessed such materials with the intent to disseminate them.

5 (5) The charge of child sexual abuse images ~~pornography~~
6 does not apply to a person who does not voluntarily possess a
7 film, videotape, or visual reproduction or depiction by
8 computer in which child sexual abuse images ~~pornography~~ is
9 depicted. Possession is voluntary if the defendant knowingly
10 procures or receives a film, videotape, or visual reproduction
11 or depiction for a sufficient time to be able to terminate his
12 or her possession.

13 (6) Any violation of paragraph (1), (2), (3), (4), (5), or
14 (7) of subsection (a) that includes a child engaged in,
15 solicited for, depicted in, or posed in any act of sexual
16 penetration or bound, fettered, or subject to sadistic,
17 masochistic, or sadomasochistic abuse in a sexual context
18 shall be deemed a crime of violence.

19 (c) If the violation does not involve a film, videotape,
20 or other moving depiction, a violation of paragraph (1), (4),
21 (5), or (7) of subsection (a) is a Class 1 felony with a
22 mandatory minimum fine of \$2,000 and a maximum fine of
23 \$100,000. If the violation involves a film, videotape, or
24 other moving depiction, a violation of paragraph (1), (4),
25 (5), or (7) of subsection (a) is a Class X felony with a
26 mandatory minimum fine of \$2,000 and a maximum fine of

1 \$100,000. If the violation does not involve a film, videotape,
2 or other moving depiction, a violation of paragraph (3) of
3 subsection (a) is a Class 1 felony with a mandatory minimum
4 fine of \$1500 and a maximum fine of \$100,000. If the violation
5 involves a film, videotape, or other moving depiction, a
6 violation of paragraph (3) of subsection (a) is a Class X
7 felony with a mandatory minimum fine of \$1500 and a maximum
8 fine of \$100,000. If the violation does not involve a film,
9 videotape, or other moving depiction, a violation of paragraph
10 (2) of subsection (a) is a Class 1 felony with a mandatory
11 minimum fine of \$1000 and a maximum fine of \$100,000. If the
12 violation involves a film, videotape, or other moving
13 depiction, a violation of paragraph (2) of subsection (a) is a
14 Class X felony with a mandatory minimum fine of \$1000 and a
15 maximum fine of \$100,000. If the violation does not involve a
16 film, videotape, or other moving depiction, a violation of
17 paragraph (6) of subsection (a) is a Class 3 felony with a
18 mandatory minimum fine of \$1000 and a maximum fine of
19 \$100,000. If the violation involves a film, videotape, or
20 other moving depiction, a violation of paragraph (6) of
21 subsection (a) is a Class 2 felony with a mandatory minimum
22 fine of \$1000 and a maximum fine of \$100,000.

23 (c-5) Where the child depicted is under the age of 13, a
24 violation of paragraph (1), (2), (3), (4), (5), or (7) of
25 subsection (a) is a Class X felony with a mandatory minimum
26 fine of \$2,000 and a maximum fine of \$100,000. Where the child

1 depicted is under the age of 13, a violation of paragraph (6)
2 of subsection (a) is a Class 2 felony with a mandatory minimum
3 fine of \$1,000 and a maximum fine of \$100,000. Where the child
4 depicted is under the age of 13, a person who commits a
5 violation of paragraph (1), (2), (3), (4), (5), or (7) of
6 subsection (a) where the defendant has previously been
7 convicted under the laws of this State or any other state of
8 the offense of child sexual abuse images ~~pornography~~,
9 aggravated child sexual abuse images ~~pornography~~, aggravated
10 criminal sexual abuse, aggravated criminal sexual assault,
11 predatory criminal sexual assault of a child, or any of the
12 offenses formerly known as rape, deviate sexual assault,
13 indecent liberties with a child, or aggravated indecent
14 liberties with a child where the victim was under the age of 18
15 years or an offense that is substantially equivalent to those
16 offenses, is guilty of a Class X felony for which the person
17 shall be sentenced to a term of imprisonment of not less than 9
18 years with a mandatory minimum fine of \$2,000 and a maximum
19 fine of \$100,000. Where the child depicted is under the age of
20 13, a person who commits a violation of paragraph (6) of
21 subsection (a) where the defendant has previously been
22 convicted under the laws of this State or any other state of
23 the offense of child sexual abuse images ~~pornography~~,
24 aggravated child sexual abuse images ~~pornography~~, aggravated
25 criminal sexual abuse, aggravated criminal sexual assault,
26 predatory criminal sexual assault of a child, or any of the

1 offenses formerly known as rape, deviate sexual assault,
2 indecent liberties with a child, or aggravated indecent
3 liberties with a child where the victim was under the age of 18
4 years or an offense that is substantially equivalent to those
5 offenses, is guilty of a Class 1 felony with a mandatory
6 minimum fine of \$1,000 and a maximum fine of \$100,000. The
7 issue of whether the child depicted is under the age of 13 is
8 an element of the offense to be resolved by the trier of fact.

9 (d) If a person is convicted of a second or subsequent
10 violation of this Section within 10 years of a prior
11 conviction, the court shall order a presentence psychiatric
12 examination of the person. The examiner shall report to the
13 court whether treatment of the person is necessary.

14 (e) Any film, videotape, photograph or other similar
15 visual reproduction or depiction by computer which includes a
16 child under the age of 18 or a person with a severe or profound
17 intellectual disability engaged in any activity described in
18 subparagraphs (i) through (vii) of ~~or~~ paragraph (1) ~~+~~ of
19 subsection (a), and any material or equipment used or intended
20 for use in photographing, filming, printing, producing,
21 reproducing, manufacturing, projecting, exhibiting, depiction
22 by computer, or disseminating such material shall be seized
23 and forfeited in the manner, method and procedure provided by
24 Section 36-1 of this Code for the seizure and forfeiture of
25 vessels, vehicles and aircraft.

26 In addition, any person convicted under this Section is

1 subject to the property forfeiture provisions set forth in
2 Article 124B of the Code of Criminal Procedure of 1963.

3 (e-5) Upon the conclusion of a case brought under this
4 Section, the court shall seal all evidence depicting a victim
5 or witness that is sexually explicit. The evidence may be
6 unsealed and viewed, on a motion of the party seeking to unseal
7 and view the evidence, only for good cause shown and in the
8 discretion of the court. The motion must expressly set forth
9 the purpose for viewing the material. The State's Attorney
10 ~~attorney~~ and the victim, if possible, shall be provided
11 reasonable notice of the hearing on the motion to unseal the
12 evidence. Any person entitled to notice of a hearing under
13 this subsection (e-5) may object to the motion.

14 (f) Definitions. For the purposes of this Section:

15 (1) "Disseminate" means (i) to sell, distribute,
16 exchange or transfer possession, whether with or without
17 consideration or (ii) to make a depiction by computer
18 available for distribution or downloading through the
19 facilities of any telecommunications network or through
20 any other means of transferring computer programs or data
21 to a computer.

22 (2) "Produce" means to direct, promote, advertise,
23 publish, manufacture, issue, present or show.

24 (3) "Reproduce" means to make a duplication or copy.

25 (4) "Depict by computer" means to generate or create,
26 or cause to be created or generated, a computer program or

1 data that, after being processed by a computer either
2 alone or in conjunction with one or more computer
3 programs, results in a visual depiction on a computer
4 monitor, screen, or display.

5 (5) "Depiction by computer" means a computer program
6 or data that, after being processed by a computer either
7 alone or in conjunction with one or more computer
8 programs, results in a visual depiction on a computer
9 monitor, screen, or display.

10 (6) "Computer", "computer program", and "data" have
11 the meanings ascribed to them in Section 17.05 of this
12 Code.

13 (7) For the purposes of this Section, "child sexual
14 abuse images ~~pornography~~" includes a film, videotape,
15 photograph, or other similar visual medium or reproduction
16 or depiction by computer that is, or appears to be, that of
17 a person, either in part, or in total, under the age of 18
18 or a person with a severe or profound intellectual
19 disability, regardless of the method by which the film,
20 videotape, photograph, or other similar visual medium or
21 reproduction or depiction by computer is created, adopted,
22 or modified to appear as such. "Child sexual abuse images
23 ~~pornography~~" also includes a film, videotape, photograph,
24 or other similar visual medium or reproduction or
25 depiction by computer that is advertised, promoted,
26 presented, described, or distributed in such a manner that

1 conveys the impression that the film, videotape,
2 photograph, or other similar visual medium or reproduction
3 or depiction by computer is of a person under the age of 18
4 or a person with a severe or profound intellectual
5 disability.

6 (g) Re-enactment; findings; purposes.

7 (1) The General Assembly finds and declares that:

8 (i) Section 50-5 of Public Act 88-680, effective
9 January 1, 1995, contained provisions amending the
10 child pornography statute, Section 11-20.1 of the
11 Criminal Code of 1961. Section 50-5 also contained
12 other provisions.

13 (ii) In addition, Public Act 88-680 was entitled
14 "AN ACT to create a Safe Neighborhoods Law". (A)
15 Article 5 was entitled JUVENILE JUSTICE and amended
16 the Juvenile Court Act of 1987. (B) Article 15 was
17 entitled GANGS and amended various provisions of the
18 Criminal Code of 1961 and the Unified Code of
19 Corrections. (C) Article 20 was entitled ALCOHOL ABUSE
20 and amended various provisions of the Illinois Vehicle
21 Code. (D) Article 25 was entitled DRUG ABUSE and
22 amended the Cannabis Control Act and the Illinois
23 Controlled Substances Act. (E) Article 30 was entitled
24 FIREARMS and amended the Criminal Code of 1961 and the
25 Code of Criminal Procedure of 1963. (F) Article 35
26 amended the Criminal Code of 1961, the Rights of Crime

1 Victims and Witnesses Act, and the Unified Code of
2 Corrections. (G) Article 40 amended the Criminal Code
3 of 1961 to increase the penalty for compelling
4 organization membership of persons. (H) Article 45
5 created the Secure Residential Youth Care Facility
6 Licensing Act and amended the State Finance Act, the
7 Juvenile Court Act of 1987, the Unified Code of
8 Corrections, and the Private Correctional Facility
9 Moratorium Act. (I) Article 50 amended the WIC Vendor
10 Management Act, the Firearm Owners Identification Card
11 Act, the Juvenile Court Act of 1987, the Criminal Code
12 of 1961, the Wrongs to Children Act, and the Unified
13 Code of Corrections.

14 (iii) On September 22, 1998, the Third District
15 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
16 ruled that Public Act 88-680 violates the single
17 subject clause of the Illinois Constitution (Article
18 IV, Section 8 (d)) and was unconstitutional in its
19 entirety. As of the time this amendatory Act of 1999
20 was prepared, *People v. Dainty* was still subject to
21 appeal.

22 (iv) Child pornography is a vital concern to the
23 people of this State and the validity of future
24 prosecutions under the child pornography statute of
25 the Criminal Code of 1961 is in grave doubt.

26 (2) It is the purpose of this amendatory Act of 1999 to

1 prevent or minimize any problems relating to prosecutions
2 for child pornography that may result from challenges to
3 the constitutional validity of Public Act 88-680 by
4 re-enacting the Section relating to child pornography that
5 was included in Public Act 88-680.

6 (3) This amendatory Act of 1999 re-enacts Section
7 11-20.1 of the Criminal Code of 1961, as it has been
8 amended. This re-enactment is intended to remove any
9 question as to the validity or content of that Section; it
10 is not intended to supersede any other Public Act that
11 amends the text of the Section as set forth in this
12 amendatory Act of 1999. The material is shown as existing
13 text (i.e., without underscoring) because, as of the time
14 this amendatory Act of 1999 was prepared, *People v. Dainty*
15 was subject to appeal to the Illinois Supreme Court.

16 (4) The re-enactment by this amendatory Act of 1999 of
17 Section 11-20.1 of the Criminal Code of 1961 relating to
18 child pornography that was amended by Public Act 88-680 is
19 not intended, and shall not be construed, to imply that
20 Public Act 88-680 is invalid or to limit or impair any
21 legal argument concerning whether those provisions were
22 substantially re-enacted by other Public Acts.

23 (Source: P.A. 101-87, eff. 1-1-20; 102-567, eff. 1-1-22.)

24 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

25 Sec. 11-20.2. Duty of commercial film and photographic

1 print processors or computer technicians to report sexual
2 depiction of children.

3 (a) Any commercial film and photographic print processor
4 or computer technician who has knowledge of or observes,
5 within the scope of his professional capacity or employment,
6 any film, photograph, videotape, negative, slide, computer
7 hard drive or any other magnetic or optical media which
8 depicts a child whom the processor or computer technician
9 knows or reasonably should know to be under the age of 18 where
10 such child is:

11 (i) actually or by simulation engaged in any act of
12 sexual penetration or sexual conduct with any person or
13 animal; or

14 (ii) actually or by simulation engaged in any act of
15 sexual penetration or sexual conduct involving the sex
16 organs of the child and the mouth, anus, or sex organs of
17 another person or animal; or which involves the mouth,
18 anus or sex organs of the child and the sex organs of
19 another person or animal; or

20 (iii) actually or by simulation engaged in any act of
21 masturbation; or

22 (iv) actually or by simulation portrayed as being the
23 object of, or otherwise engaged in, any act of lewd
24 fondling, touching, or caressing involving another person
25 or animal; or

26 (v) actually or by simulation engaged in any act of

1 excretion or urination within a sexual context; or

2 (vi) actually or by simulation portrayed or depicted
3 as bound, fettered, or subject to sadistic, masochistic,
4 or sadomasochistic abuse in any sexual context; or

5 (vii) depicted or portrayed in any pose, posture or
6 setting involving a lewd exhibition of the unclothed or
7 transparently clothed genitals, pubic area, buttocks, or,
8 if such person is female, a fully or partially developed
9 breast of the child or other person;

10 shall report or cause a report to be made pursuant to
11 subsections (b) and (c) as soon as reasonably possible.
12 Failure to make such report shall be a business offense with a
13 fine of \$1,000.

14 (b) Commercial film and photographic film processors shall
15 report or cause a report to be made to the local law
16 enforcement agency of the jurisdiction in which the image or
17 images described in subsection (a) are discovered.

18 (c) Computer technicians shall report or cause the report
19 to be made to the local law enforcement agency of the
20 jurisdiction in which the image or images described in
21 subsection (a) are discovered or to the Illinois Child
22 Exploitation e-Tipline at reportchildporn@atg.state.il.us.

23 (d) Reports required by this Act shall include the
24 following information: (i) name, address, and telephone number
25 of the person filing the report; (ii) the employer of the
26 person filing the report, if any; (iii) the name, address and

1 telephone number of the person whose property is the subject
2 of the report, if known; (iv) the circumstances which led to
3 the filing of the report, including a description of the
4 reported content.

5 (e) If a report is filed with the Cyber Tipline at the
6 National Center for Missing and Exploited Children or in
7 accordance with the requirements of 42 U.S.C. 13032, the
8 requirements of this Act will be deemed to have been met.

9 (f) A computer technician or an employer caused to report
10 child sexual abuse images ~~pornography~~ under this Section is
11 immune from any criminal, civil, or administrative liability
12 in connection with making the report, except for willful or
13 wanton misconduct.

14 (g) For the purposes of this Section, a "computer
15 technician" is a person who installs, maintains,
16 troubleshoots, repairs or upgrades computer hardware,
17 software, computer networks, peripheral equipment, electronic
18 mail systems, or provides user assistance for any of the
19 aforementioned tasks.

20 (Source: P.A. 95-983, eff. 6-1-09; 96-1551, eff. 7-1-11.)

21 (720 ILCS 5/11-23)

22 Sec. 11-23. Posting of identifying or graphic information
23 on a pornographic Internet site or possessing graphic
24 information with pornographic material.

25 (a) A person at least 17 years of age who knowingly

1 discloses on an adult obscenity or child sexual abuse images
2 ~~pornography~~ Internet site the name, address, telephone number,
3 or e-mail address of a person under 17 years of age at the time
4 of the commission of the offense or of a person at least 17
5 years of age without the consent of the person at least 17
6 years of age is guilty of posting of identifying information
7 on a pornographic Internet site.

8 (a-5) Any person who knowingly places, posts, reproduces,
9 or maintains on an adult obscenity or child sexual abuse
10 images ~~pornography~~ Internet site a photograph, video, or
11 digital image of a person under 18 years of age that is not
12 child sexual abuse images ~~pornography~~ under Section 11-20.1,
13 without the knowledge and consent of the person under 18 years
14 of age, is guilty of posting of graphic information on a
15 pornographic Internet site. This provision applies even if the
16 person under 18 years of age is fully or properly clothed in
17 the photograph, video, or digital image.

18 (a-10) Any person who knowingly places, posts, reproduces,
19 or maintains on an adult obscenity or child sexual abuse
20 images ~~pornography~~ Internet site, or possesses with obscene or
21 child pornographic material a photograph, video, or digital
22 image of a person under 18 years of age in which the child is
23 posed in a suggestive manner with the focus or concentration
24 of the image on the child's clothed genitals, clothed pubic
25 area, clothed buttocks area, or if the child is female, the
26 breast exposed through transparent clothing, and the

1 photograph, video, or digital image is not child sexual abuse
2 images ~~pornography~~ under Section 11-20.1, is guilty of posting
3 of graphic information on a pornographic Internet site or
4 possessing graphic information with pornographic material.

5 (b) Sentence. A person who violates subsection (a) of this
6 Section is guilty of a Class 4 felony if the victim is at least
7 17 years of age at the time of the offense and a Class 3 felony
8 if the victim is under 17 years of age at the time of the
9 offense. A person who violates subsection (a-5) of this
10 Section is guilty of a Class 4 felony. A person who violates
11 subsection (a-10) of this Section is guilty of a Class 3
12 felony.

13 (c) Definitions. For purposes of this Section:

14 (1) "Adult obscenity or child sexual abuse images
15 ~~pornography~~ Internet site" means a site on the Internet
16 that contains material that is obscene as defined in
17 Section 11-20 of this Code or that is child sexual abuse
18 images ~~pornography~~ as defined in Section 11-20.1 of this
19 Code.

20 (2) "Internet" has the meaning set forth in Section
21 16-0.1 of this Code.

22 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

23 (720 ILCS 5/11-25)

24 (Text of Section before amendment by P.A. 102-676)

25 Sec. 11-25. Grooming.

1 (a) A person commits grooming when he or she knowingly
2 uses a computer on-line service, Internet service, local
3 bulletin board service, or any other device capable of
4 electronic data storage or transmission to seduce, solicit,
5 lure, or entice, or attempt to seduce, solicit, lure, or
6 entice, a child, a child's guardian, or another person
7 believed by the person to be a child or a child's guardian, to
8 commit any sex offense as defined in Section 2 of the Sex
9 Offender Registration Act, to distribute photographs depicting
10 the sex organs of the child, or to otherwise engage in any
11 unlawful sexual conduct with a child or with another person
12 believed by the person to be a child. As used in this Section,
13 "child" means a person under 17 years of age.

14 (b) Sentence. Grooming is a Class 4 felony.

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

16 (Text of Section after amendment by P.A. 102-676)

17 Sec. 11-25. Grooming.

18 (a) A person commits grooming when he or she knowingly:

19 (1) uses a computer on-line service, Internet service,
20 local bulletin board service, or any other device capable
21 of electronic data storage or transmission, performs an
22 act in person or by conduct through a third party, or uses
23 written communication to seduce, solicit, lure, or entice,
24 or attempt to seduce, solicit, lure, or entice, a child, a
25 child's guardian, or another person believed by the person

1 to be a child or a child's guardian, to commit any sex
2 offense as defined in Section 2 of the Sex Offender
3 Registration Act, to distribute photographs depicting the
4 sex organs of the child, or to otherwise engage in any
5 unlawful sexual conduct with a child or with another
6 person believed by the person to be a child; or

7 (2) engages in a pattern of conduct that entices,
8 persuades, induces, or coerces a child to engage or
9 participate in criminal sexual activity or is for the
10 purpose of sexual gratification or arousal of the victim,
11 the accused, or another.

12 (a-5) As used in this Section: 7

13 "Child" "~~child~~" means a person under 17 years of age.

14 "Pattern" means 2 or more instances of conduct.

15 "Sexual activity" includes masturbation and does not
16 require actual or attempted physical contact between 2
17 persons.

18 (b) Sentence. Grooming is a Class 3 ~~4~~ felony.

19 (Source: P.A. 102-676, eff. 6-1-22.)

20 (720 ILCS 5/14-3)

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

23 (a) Listening to radio, wireless electronic
24 communications, and television communications of any sort
25 where the same are publicly made;

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

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

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

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

23 (f) Recording or listening with the aid of any device
24 to incoming telephone calls of phone lines publicly listed
25 or advertised as consumer "hotlines" by manufacturers or
26 retailers of food and drug products. Such recordings must

1 be destroyed, erased or turned over to local law
2 enforcement authorities within 24 hours from the time of
3 such recording and shall not be otherwise disseminated.
4 Failure on the part of the individual or business
5 operating any such recording or listening device to comply
6 with the requirements of this subsection shall eliminate
7 any civil or criminal immunity conferred upon that
8 individual or business by the operation of this Section;

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

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

15 (g-5) (Blank);

16 (g-6) With approval of the State's Attorney of the
17 county in which it is to occur, recording or listening
18 with the aid of any device to any conversation where a law
19 enforcement officer, or any person acting at the direction
20 of law enforcement, is a party to the conversation and has
21 consented to it being intercepted or recorded in the
22 course of an investigation of child sexual abuse images
23 ~~pornography~~, aggravated child sexual abuse images
24 ~~pornography~~, indecent solicitation of a child, luring of a
25 minor, sexual exploitation of a child, aggravated criminal
26 sexual abuse in which the victim of the offense was at the

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

1 exploitation of a child, aggravated criminal sexual abuse
2 in which the victim of the offense was at the time of the
3 commission of the offense under 18 years of age, or
4 criminal sexual abuse by force or threat of force in which
5 the victim of the offense was at the time of the commission
6 of the offense under 18 years of age be reviewed in camera
7 with notice to all parties present by the court presiding
8 over the criminal case, and, if ruled by the court to be
9 relevant and otherwise admissible, it shall be admissible
10 at the trial of the criminal case. Absent such a ruling,
11 any such recording or evidence shall not be admissible at
12 the trial of the criminal case;

13 (h) Recordings made simultaneously with the use of an
14 in-car video camera recording of an oral conversation
15 between a uniformed peace officer, who has identified his
16 or her office, and a person in the presence of the peace
17 officer whenever (i) an officer assigned a patrol vehicle
18 is conducting an enforcement stop; or (ii) patrol vehicle
19 emergency lights are activated or would otherwise be
20 activated if not for the need to conceal the presence of
21 law enforcement.

22 For the purposes of this subsection (h), "enforcement
23 stop" means an action by a law enforcement officer in
24 relation to enforcement and investigation duties,
25 including but not limited to, traffic stops, pedestrian
26 stops, abandoned vehicle contacts, motorist assists,

1 commercial motor vehicle stops, roadside safety checks,
2 requests for identification, or responses to requests for
3 emergency assistance;

4 (h-5) Recordings of utterances made by a person while
5 in the presence of a uniformed peace officer and while an
6 occupant of a police vehicle including, but not limited
7 to, (i) recordings made simultaneously with the use of an
8 in-car video camera and (ii) recordings made in the
9 presence of the peace officer utilizing video or audio
10 systems, or both, authorized by the law enforcement
11 agency;

12 (h-10) Recordings made simultaneously with a video
13 camera recording during the use of a taser or similar
14 weapon or device by a peace officer if the weapon or device
15 is equipped with such camera;

16 (h-15) Recordings made under subsection (h), (h-5), or
17 (h-10) shall be retained by the law enforcement agency
18 that employs the peace officer who made the recordings for
19 a storage period of 90 days, unless the recordings are
20 made as a part of an arrest or the recordings are deemed
21 evidence in any criminal, civil, or administrative
22 proceeding and then the recordings must only be destroyed
23 upon a final disposition and an order from the court.
24 Under no circumstances shall any recording be altered or
25 erased prior to the expiration of the designated storage
26 period. Upon completion of the storage period, the

1 recording medium may be erased and reissued for
2 operational use;

3 (i) Recording of a conversation made by or at the
4 request of a person, not a law enforcement officer or
5 agent of a law enforcement officer, who is a party to the
6 conversation, under reasonable suspicion that another
7 party to the conversation is committing, is about to
8 commit, or has committed a criminal offense against the
9 person or a member of his or her immediate household, and
10 there is reason to believe that evidence of the criminal
11 offense may be obtained by the recording;

12 (j) The use of a telephone monitoring device by either
13 (1) a corporation or other business entity engaged in
14 marketing or opinion research or (2) a corporation or
15 other business entity engaged in telephone solicitation,
16 as defined in this subsection, to record or listen to oral
17 telephone solicitation conversations or marketing or
18 opinion research conversations by an employee of the
19 corporation or other business entity when:

20 (i) the monitoring is used for the purpose of
21 service quality control of marketing or opinion
22 research or telephone solicitation, the education or
23 training of employees or contractors engaged in
24 marketing or opinion research or telephone
25 solicitation, or internal research related to
26 marketing or opinion research or telephone

1 solicitation; and

2 (ii) the monitoring is used with the consent of at
3 least one person who is an active party to the
4 marketing or opinion research conversation or
5 telephone solicitation conversation being monitored.

6 No communication or conversation or any part, portion,
7 or aspect of the communication or conversation made,
8 acquired, or obtained, directly or indirectly, under this
9 exemption (j), may be, directly or indirectly, furnished
10 to any law enforcement officer, agency, or official for
11 any purpose or used in any inquiry or investigation, or
12 used, directly or indirectly, in any administrative,
13 judicial, or other proceeding, or divulged to any third
14 party.

15 When recording or listening authorized by this
16 subsection (j) on telephone lines used for marketing or
17 opinion research or telephone solicitation purposes
18 results in recording or listening to a conversation that
19 does not relate to marketing or opinion research or
20 telephone solicitation; the person recording or listening
21 shall, immediately upon determining that the conversation
22 does not relate to marketing or opinion research or
23 telephone solicitation, terminate the recording or
24 listening and destroy any such recording as soon as is
25 practicable.

26 Business entities that use a telephone monitoring or

1 telephone recording system pursuant to this exemption (j)
2 shall provide current and prospective employees with
3 notice that the monitoring or recordings may occur during
4 the course of their employment. The notice shall include
5 prominent signage notification within the workplace.

6 Business entities that use a telephone monitoring or
7 telephone recording system pursuant to this exemption (j)
8 shall provide their employees or agents with access to
9 personal-only telephone lines which may be pay telephones,
10 that are not subject to telephone monitoring or telephone
11 recording.

12 For the purposes of this subsection (j), "telephone
13 solicitation" means a communication through the use of a
14 telephone by live operators:

15 (i) soliciting the sale of goods or services;

16 (ii) receiving orders for the sale of goods or
17 services;

18 (iii) assisting in the use of goods or services;

19 or

20 (iv) engaging in the solicitation, administration,
21 or collection of bank or retail credit accounts.

22 For the purposes of this subsection (j), "marketing or
23 opinion research" means a marketing or opinion research
24 interview conducted by a live telephone interviewer
25 engaged by a corporation or other business entity whose
26 principal business is the design, conduct, and analysis of

1 polls and surveys measuring the opinions, attitudes, and
2 responses of respondents toward products and services, or
3 social or political issues, or both;

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

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

18 (m) An electronic recording, including but not limited
19 to, a motion picture, videotape, digital, or other visual
20 or audio recording, made of the interior of a school bus
21 while the school bus is being used in the transportation
22 of students to and from school and school-sponsored
23 activities, when the school board has adopted a policy
24 authorizing such recording, notice of such recording
25 policy is included in student handbooks and other
26 documents including the policies of the school, notice of

1 the policy regarding recording is provided to parents of
2 students, and notice of such recording is clearly posted
3 on the door of and inside the school bus.

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

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

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

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

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

6 (q) (1) With prior request to and written or verbal
7 approval of the State's Attorney of the county in which
8 the conversation is anticipated to occur, recording or
9 listening with the aid of an eavesdropping device to a
10 conversation in which a law enforcement officer, or any
11 person acting at the direction of a law enforcement
12 officer, is a party to the conversation and has consented
13 to the conversation being intercepted or recorded in the
14 course of an investigation of a qualified offense. The
15 State's Attorney may grant this approval only after
16 determining that reasonable cause exists to believe that
17 inculpatory conversations concerning a qualified offense
18 will occur with a specified individual or individuals
19 within a designated period of time.

20 (2) Request for approval. To invoke the exception
21 contained in this subsection (q), a law enforcement
22 officer shall make a request for approval to the
23 appropriate State's Attorney. The request may be written
24 or verbal; however, a written memorialization of the
25 request must be made by the State's Attorney. This request
26 for approval shall include whatever information is deemed

1 necessary by the State's Attorney but shall include, at a
2 minimum, the following information about each specified
3 individual whom the law enforcement officer believes will
4 commit a qualified offense:

5 (A) his or her full or partial name, nickname or
6 alias;

7 (B) a physical description; or

8 (C) failing either (A) or (B) of this paragraph
9 (2), any other supporting information known to the law
10 enforcement officer at the time of the request that
11 gives rise to reasonable cause to believe that the
12 specified individual will participate in an
13 inculpatory conversation concerning a qualified
14 offense.

15 (3) Limitations on approval. Each written approval by
16 the State's Attorney under this subsection (q) shall be
17 limited to:

18 (A) a recording or interception conducted by a
19 specified law enforcement officer or person acting at
20 the direction of a law enforcement officer;

21 (B) recording or intercepting conversations with
22 the individuals specified in the request for approval,
23 provided that the verbal approval shall be deemed to
24 include the recording or intercepting of conversations
25 with other individuals, unknown to the law enforcement
26 officer at the time of the request for approval, who

1 are acting in conjunction with or as co-conspirators
2 with the individuals specified in the request for
3 approval in the commission of a qualified offense;

4 (C) a reasonable period of time but in no event
5 longer than 24 consecutive hours;

6 (D) the written request for approval, if
7 applicable, or the written memorialization must be
8 filed, along with the written approval, with the
9 circuit clerk of the jurisdiction on the next business
10 day following the expiration of the authorized period
11 of time, and shall be subject to review by the Chief
12 Judge or his or her designee as deemed appropriate by
13 the court.

14 (3.5) The written memorialization of the request for
15 approval and the written approval by the State's Attorney
16 may be in any format, including via facsimile, email, or
17 otherwise, so long as it is capable of being filed with the
18 circuit clerk.

19 (3.10) Beginning March 1, 2015, each State's Attorney
20 shall annually submit a report to the General Assembly
21 disclosing:

22 (A) the number of requests for each qualified
23 offense for approval under this subsection; and

24 (B) the number of approvals for each qualified
25 offense given by the State's Attorney.

26 (4) Admissibility of evidence. No part of the contents

1 of any wire, electronic, or oral communication that has
2 been recorded or intercepted as a result of this exception
3 may be received in evidence in any trial, hearing, or
4 other proceeding in or before any court, grand jury,
5 department, officer, agency, regulatory body, legislative
6 committee, or other authority of this State, or a
7 political subdivision of the State, other than in a
8 prosecution of:

9 (A) the qualified offense for which approval was
10 given to record or intercept a conversation under this
11 subsection (q);

12 (B) a forcible felony committed directly in the
13 course of the investigation of the qualified offense
14 for which approval was given to record or intercept a
15 conversation under this subsection (q); or

16 (C) any other forcible felony committed while the
17 recording or interception was approved in accordance
18 with this subsection (q), but for this specific
19 category of prosecutions, only if the law enforcement
20 officer or person acting at the direction of a law
21 enforcement officer who has consented to the
22 conversation being intercepted or recorded suffers
23 great bodily injury or is killed during the commission
24 of the charged forcible felony.

25 (5) Compliance with the provisions of this subsection
26 is a prerequisite to the admissibility in evidence of any

1 part of the contents of any wire, electronic or oral
2 communication that has been intercepted as a result of
3 this exception, but nothing in this subsection shall be
4 deemed to prevent a court from otherwise excluding the
5 evidence on any other ground recognized by State or
6 federal law, nor shall anything in this subsection be
7 deemed to prevent a court from independently reviewing the
8 admissibility of the evidence for compliance with the
9 Fourth Amendment to the U.S. Constitution or with Article
10 I, Section 6 of the Illinois Constitution.

11 (6) Use of recordings or intercepts unrelated to
12 qualified offenses. Whenever any private conversation or
13 private electronic communication has been recorded or
14 intercepted as a result of this exception that is not
15 related to an offense for which the recording or intercept
16 is admissible under paragraph (4) of this subsection (q),
17 no part of the contents of the communication and evidence
18 derived from the communication may be received in evidence
19 in any trial, hearing, or other proceeding in or before
20 any court, grand jury, department, officer, agency,
21 regulatory body, legislative committee, or other authority
22 of this State, or a political subdivision of the State,
23 nor may it be publicly disclosed in any way.

24 (6.5) The Illinois State Police shall adopt rules as
25 are necessary concerning the use of devices, retention of
26 recordings, and reports regarding their use under this

1 subsection (q).

2 (7) Definitions. For the purposes of this subsection
3 (q) only:

4 "Forcible felony" includes and is limited to those
5 offenses contained in Section 2-8 of the Criminal Code
6 of 1961 as of the effective date of this amendatory Act
7 of the 97th General Assembly, and only as those
8 offenses have been defined by law or judicial
9 interpretation as of that date.

10 "Qualified offense" means and is limited to:

11 (A) a felony violation of the Cannabis Control
12 Act, the Illinois Controlled Substances Act, or
13 the Methamphetamine Control and Community
14 Protection Act, except for violations of:

15 (i) Section 4 of the Cannabis Control Act;

16 (ii) Section 402 of the Illinois
17 Controlled Substances Act; and

18 (iii) Section 60 of the Methamphetamine
19 Control and Community Protection Act; and

20 (B) first degree murder, solicitation of
21 murder for hire, predatory criminal sexual assault
22 of a child, criminal sexual assault, aggravated
23 criminal sexual assault, aggravated arson,
24 kidnapping, aggravated kidnapping, child
25 abduction, trafficking in persons, involuntary
26 servitude, involuntary sexual servitude of a

1 minor, or gunrunning.

2 "State's Attorney" includes and is limited to the
3 State's Attorney or an assistant State's Attorney
4 designated by the State's Attorney to provide verbal
5 approval to record or intercept conversations under
6 this subsection (q).

7 (8) Sunset. This subsection (q) is inoperative on and
8 after January 1, 2023. No conversations intercepted
9 pursuant to this subsection (q), while operative, shall be
10 inadmissible in a court of law by virtue of the
11 inoperability of this subsection (q) on January 1, 2023.

12 (9) Recordings, records, and custody. Any private
13 conversation or private electronic communication
14 intercepted by a law enforcement officer or a person
15 acting at the direction of law enforcement shall, if
16 practicable, be recorded in such a way as will protect the
17 recording from editing or other alteration. Any and all
18 original recordings made under this subsection (q) shall
19 be inventoried without unnecessary delay pursuant to the
20 law enforcement agency's policies for inventorying
21 evidence. The original recordings shall not be destroyed
22 except upon an order of a court of competent jurisdiction;
23 and

24 (r) Electronic recordings, including but not limited
25 to, motion picture, videotape, digital, or other visual or
26 audio recording, made of a lineup under Section 107A-2 of

1 the Code of Criminal Procedure of 1963.

2 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21.)

3 (720 ILCS 5/26-4) (from Ch. 38, par. 26-4)

4 Sec. 26-4. Unauthorized video recording and live video
5 transmission.

6 (a) It is unlawful for any person to knowingly make a video
7 record or transmit live video of another person without that
8 person's consent in a restroom, tanning bed, tanning salon,
9 locker room, changing room, or hotel bedroom.

10 (a-5) It is unlawful for any person to knowingly make a
11 video record or transmit live video of another person in that
12 other person's residence without that person's consent.

13 (a-6) It is unlawful for any person to knowingly make a
14 video record or transmit live video of another person in that
15 other person's residence without that person's consent when
16 the recording or transmission is made outside that person's
17 residence by use of an audio or video device that records or
18 transmits from a remote location.

19 (a-10) It is unlawful for any person to knowingly make a
20 video record or transmit live video of another person's
21 intimate parts for the purpose of viewing the body of or the
22 undergarments worn by that other person without that person's
23 consent. For the purposes of this subsection (a-10), "intimate
24 parts" means the fully unclothed, partially unclothed, or
25 transparently clothed genitals, pubic area, anus, or if the

1 person is female, a partially or fully exposed nipple,
2 including exposure through transparent clothing.

3 (a-15) It is unlawful for any person to place or cause to
4 be placed a device that makes a video record or transmits a
5 live video in a restroom, tanning bed, tanning salon, locker
6 room, changing room, or hotel bedroom with the intent to make a
7 video record or transmit live video of another person without
8 that person's consent.

9 (a-20) It is unlawful for any person to place or cause to
10 be placed a device that makes a video record or transmits a
11 live video with the intent to make a video record or transmit
12 live video of another person in a ~~that other person's~~
13 residence without that person's consent.

14 (a-25) It is unlawful for any person to, by any means,
15 knowingly disseminate, or permit to be disseminated, a video
16 record or live video that he or she knows to have been made or
17 transmitted in violation of (a), (a-5), (a-6), (a-10), (a-15),
18 or (a-20).

19 (b) Exemptions. The following activities shall be exempt
20 from the provisions of this Section:

21 (1) The making of a video record or transmission of
22 live video by law enforcement officers pursuant to a
23 criminal investigation, which is otherwise lawful;

24 (2) The making of a video record or transmission of
25 live video by correctional officials for security reasons
26 or for investigation of alleged misconduct involving a

1 person committed to the Department of Corrections; and

2 (3) The making of a video record or transmission of
3 live video in a locker room by a reporter or news medium,
4 as those terms are defined in Section 8-902 of the Code of
5 Civil Procedure, where the reporter or news medium has
6 been granted access to the locker room by an appropriate
7 authority for the purpose of conducting interviews.

8 (c) The provisions of this Section do not apply to any
9 sound recording or transmission of an oral conversation made
10 as the result of the making of a video record or transmission
11 of live video, and to which Article 14 of this Code applies.

12 (d) Sentence.

13 (1) A violation of subsection (a-15) or (a-20) is a
14 Class A misdemeanor.

15 (2) A violation of subsection (a), (a-5), (a-6), or
16 (a-10) is a Class 4 felony.

17 (3) A violation of subsection (a-25) is a Class 3
18 felony.

19 (4) A violation of subsection (a), (a-5), (a-6),
20 (a-10), (a-15) or (a-20) is a Class 3 felony if the victim
21 is a person under 18 years of age or if the violation is
22 committed by an individual who is required to register as
23 a sex offender under the Sex Offender Registration Act.

24 (5) A violation of subsection (a-25) is a Class 2
25 felony if the victim is a person under 18 years of age or
26 if the violation is committed by an individual who is

1 required to register as a sex offender under the Sex
2 Offender Registration Act.

3 (e) For purposes of this Section:

4 (1) "Residence" includes a rental dwelling, but does
5 not include stairwells, corridors, laundry facilities, or
6 additional areas in which the general public has access.

7 (2) "Video record" means and includes any videotape,
8 photograph, film, or other electronic or digital recording
9 of a still or moving visual image; and "live video" means
10 and includes any real-time or contemporaneous electronic
11 or digital transmission of a still or moving visual image.

12 (Source: P.A. 102-567, eff. 1-1-22.)

13 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

14 Sec. 36-1. Property subject to forfeiture.

15 (a) Any vessel or watercraft, vehicle, or aircraft is
16 subject to forfeiture under this Article if the vessel or
17 watercraft, vehicle, or aircraft is used with the knowledge
18 and consent of the owner in the commission of or in the attempt
19 to commit as defined in Section 8-4 of this Code:

20 (1) an offense prohibited by Section 9-1 (first degree
21 murder), Section 9-3 (involuntary manslaughter and
22 reckless homicide), Section 10-2 (aggravated kidnaping),
23 Section 11-1.20 (criminal sexual assault), Section 11-1.30
24 (aggravated criminal sexual assault), Section 11-1.40
25 (predatory criminal sexual assault of a child), subsection

1 (a) of Section 11-1.50 (criminal sexual abuse), subsection
2 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
3 sexual abuse), Section 11-6 (indecent solicitation of a
4 child), Section 11-14.4 (promoting juvenile prostitution
5 except for keeping a place of juvenile prostitution),
6 Section 11-20.1 (child sexual abuse images ~~pornography~~),
7 paragraph (a) (1), (a) (2), (a) (4), (b) (1), (b) (2), (e) (1),
8 (e) (2), (e) (3), (e) (4), (e) (5), (e) (6), or (e) (7) of
9 Section 12-3.05 (aggravated battery), Section 12-7.3
10 (stalking), Section 12-7.4 (aggravated stalking), Section
11 16-1 (theft if the theft is of precious metal or of scrap
12 metal), subdivision (f) (2) or (f) (3) of Section 16-25
13 (retail theft), Section 18-2 (armed robbery), Section 19-1
14 (burglary), Section 19-2 (possession of burglary tools),
15 Section 19-3 (residential burglary), Section 20-1 (arson;
16 residential arson; place of worship arson), Section 20-2
17 (possession of explosives or explosive or incendiary
18 devices), subdivision (a) (6) or (a) (7) of Section 24-1
19 (unlawful use of weapons), Section 24-1.2 (aggravated
20 discharge of a firearm), Section 24-1.2-5 (aggravated
21 discharge of a machine gun or a firearm equipped with a
22 device designed or used for silencing the report of a
23 firearm), Section 24-1.5 (reckless discharge of a
24 firearm), Section 28-1 (gambling), or Section 29D-15.2
25 (possession of a deadly substance) of this Code;

26 (2) an offense prohibited by Section 21, 22, 23, 24 or

1 26 of the Cigarette Tax Act if the vessel or watercraft,
2 vehicle, or aircraft contains more than 10 cartons of such
3 cigarettes;

4 (3) an offense prohibited by Section 28, 29, or 30 of
5 the Cigarette Use Tax Act if the vessel or watercraft,
6 vehicle, or aircraft contains more than 10 cartons of such
7 cigarettes;

8 (4) an offense prohibited by Section 44 of the
9 Environmental Protection Act;

10 (5) an offense prohibited by Section 11-204.1 of the
11 Illinois Vehicle Code (aggravated fleeing or attempting to
12 elude a peace officer);

13 (6) an offense prohibited by Section 11-501 of the
14 Illinois Vehicle Code (driving while under the influence
15 of alcohol or other drug or drugs, intoxicating compound
16 or compounds or any combination thereof) or a similar
17 provision of a local ordinance, and:

18 (A) during a period in which his or her driving
19 privileges are revoked or suspended if the revocation
20 or suspension was for:

21 (i) Section 11-501 (driving under the
22 influence of alcohol or other drug or drugs,
23 intoxicating compound or compounds or any
24 combination thereof),

25 (ii) Section 11-501.1 (statutory summary
26 suspension or revocation),

1 (iii) paragraph (b) of Section 11-401 (motor
2 vehicle accidents involving death or personal
3 injuries), or

4 (iv) reckless homicide as defined in Section
5 9-3 of this Code;

6 (B) has been previously convicted of reckless
7 homicide or a similar provision of a law of another
8 state relating to reckless homicide in which the
9 person was determined to have been under the influence
10 of alcohol, other drug or drugs, or intoxicating
11 compound or compounds as an element of the offense or
12 the person has previously been convicted of committing
13 a violation of driving under the influence of alcohol
14 or other drug or drugs, intoxicating compound or
15 compounds or any combination thereof and was involved
16 in a motor vehicle accident that resulted in death,
17 great bodily harm, or permanent disability or
18 disfigurement to another, when the violation was a
19 proximate cause of the death or injuries;

20 (C) the person committed a violation of driving
21 under the influence of alcohol or other drug or drugs,
22 intoxicating compound or compounds or any combination
23 thereof under Section 11-501 of the Illinois Vehicle
24 Code or a similar provision for the third or
25 subsequent time;

26 (D) he or she did not possess a valid driver's

1 license or permit or a valid restricted driving permit
2 or a valid judicial driving permit or a valid
3 monitoring device driving permit; or

4 (E) he or she knew or should have known that the
5 vehicle he or she was driving was not covered by a
6 liability insurance policy;

7 (7) an offense described in subsection (g) of Section
8 6-303 of the Illinois Vehicle Code;

9 (8) an offense described in subsection (e) of Section
10 6-101 of the Illinois Vehicle Code; or

11 (9) (A) operating a watercraft under the influence of
12 alcohol, other drug or drugs, intoxicating compound or
13 compounds, or combination thereof under Section 5-16 of
14 the Boat Registration and Safety Act during a period in
15 which his or her privileges to operate a watercraft are
16 revoked or suspended and the revocation or suspension was
17 for operating a watercraft under the influence of alcohol,
18 other drug or drugs, intoxicating compound or compounds,
19 or combination thereof; (B) operating a watercraft under
20 the influence of alcohol, other drug or drugs,
21 intoxicating compound or compounds, or combination thereof
22 and has been previously convicted of reckless homicide or
23 a similar provision of a law in another state relating to
24 reckless homicide in which the person was determined to
25 have been under the influence of alcohol, other drug or
26 drugs, intoxicating compound or compounds, or combination

1 thereof as an element of the offense or the person has
2 previously been convicted of committing a violation of
3 operating a watercraft under the influence of alcohol,
4 other drug or drugs, intoxicating compound or compounds,
5 or combination thereof and was involved in an accident
6 that resulted in death, great bodily harm, or permanent
7 disability or disfigurement to another, when the violation
8 was a proximate cause of the death or injuries; or (C) the
9 person committed a violation of operating a watercraft
10 under the influence of alcohol, other drug or drugs,
11 intoxicating compound or compounds, or combination thereof
12 under Section 5-16 of the Boat Registration and Safety Act
13 or a similar provision for the third or subsequent time.

14 (b) In addition, any mobile or portable equipment used in
15 the commission of an act which is in violation of Section 7g of
16 the Metropolitan Water Reclamation District Act shall be
17 subject to seizure and forfeiture under the same procedures
18 provided in this Article for the seizure and forfeiture of
19 vessels or watercraft, vehicles, and aircraft, and any such
20 equipment shall be deemed a vessel or watercraft, vehicle, or
21 aircraft for purposes of this Article.

22 (c) In addition, when a person discharges a firearm at
23 another individual from a vehicle with the knowledge and
24 consent of the owner of the vehicle and with the intent to
25 cause death or great bodily harm to that individual and as a
26 result causes death or great bodily harm to that individual,

1 the vehicle shall be subject to seizure and forfeiture under
2 the same procedures provided in this Article for the seizure
3 and forfeiture of vehicles used in violations of clauses (1),
4 (2), (3), or (4) of subsection (a) of this Section.

5 (d) If the spouse of the owner of a vehicle seized for an
6 offense described in subsection (g) of Section 6-303 of the
7 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
8 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
9 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
10 Code makes a showing that the seized vehicle is the only source
11 of transportation and it is determined that the financial
12 hardship to the family as a result of the seizure outweighs the
13 benefit to the State from the seizure, the vehicle may be
14 forfeited to the spouse or family member and the title to the
15 vehicle shall be transferred to the spouse or family member
16 who is properly licensed and who requires the use of the
17 vehicle for employment or family transportation purposes. A
18 written declaration of forfeiture of a vehicle under this
19 Section shall be sufficient cause for the title to be
20 transferred to the spouse or family member. The provisions of
21 this paragraph shall apply only to one forfeiture per vehicle.
22 If the vehicle is the subject of a subsequent forfeiture
23 proceeding by virtue of a subsequent conviction of either
24 spouse or the family member, the spouse or family member to
25 whom the vehicle was forfeited under the first forfeiture
26 proceeding may not utilize the provisions of this paragraph in

1 another forfeiture proceeding. If the owner of the vehicle
2 seized owns more than one vehicle, the procedure set out in
3 this paragraph may be used for only one vehicle.

4 (e) In addition, property subject to forfeiture under
5 Section 40 of the Illinois Streetgang Terrorism Omnibus
6 Prevention Act may be seized and forfeited under this Article.
7 (Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)

8 Section 10. The Code of Criminal Procedure of 1963 is
9 amended by changing Sections 106B-10, 115-7, 115-7.3, and
10 115-7.4 as follows:

11 (725 ILCS 5/106B-10)

12 Sec. 106B-10. Conditions for testimony by a victim or
13 witness who is under 18 years of age or an ~~a child or a~~
14 ~~moderately, severely, or profoundly~~ intellectually disabled
15 person or a person affected by a developmental disability. The
16 ~~In a prosecution of criminal sexual assault, predatory~~
17 ~~criminal sexual assault of a child, aggravated criminal sexual~~
18 ~~assault, criminal sexual abuse, aggravated criminal sexual~~
19 ~~abuse, or any violent crime as defined in subsection (c) of~~
20 ~~Section 3 of the Rights of Crime Victims and Witnesses Act, the~~
21 court may set any conditions it finds just and appropriate on
22 the taking of testimony of a victim or witness who is under 18
23 years of age or an intellectually disabled person or a person
24 affected by a developmental disability ~~victim who is a child~~

1 ~~under the age of 18 years or a moderately, severely, or~~
2 ~~profoundly intellectually disabled person or a person affected~~
3 ~~by a developmental disability,~~ involving the use of a facility
4 dog in any criminal proceeding ~~involving that offense~~. When
5 deciding whether to permit the child or person to testify with
6 the assistance of a facility dog, the court shall take into
7 consideration the age of the child or person, the rights of the
8 parties to the litigation, and any other relevant factor that
9 would facilitate the witness' testimony ~~by the child or the~~
10 ~~person~~. As used in this Section, "facility dog" means a dog
11 that is a graduate of an assistance dog organization that is a
12 member of Assistance Dogs International.

13 (Source: P.A. 102-22, eff. 6-25-21.)

14 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

15 Sec. 115-7. a. In prosecutions for predatory criminal
16 sexual assault of a child, aggravated criminal sexual assault,
17 criminal sexual assault, aggravated criminal sexual abuse,
18 criminal sexual abuse, involuntary servitude, involuntary
19 sexual servitude of a minor, trafficking in persons, or
20 criminal transmission of HIV; and in prosecutions for battery
21 and aggravated battery, when the commission of the offense
22 involves sexual penetration or sexual conduct as defined in
23 Section 11-0.1 of the Criminal Code of 2012; and with the trial
24 or retrial of the offenses formerly known as rape, deviate
25 sexual assault, indecent liberties with a child, and

1 aggravated indecent liberties with a child, the prior sexual
2 activity or the reputation of the alleged victim or
3 corroborating witness under Section 115-7.3 of this Code is
4 inadmissible except (1) as evidence concerning the past sexual
5 conduct of the alleged victim or corroborating witness under
6 Section 115-7.3 of this Code with the accused when this
7 evidence is offered by the accused upon the issue of whether
8 the alleged victim or corroborating witness under Section
9 115-7.3 of this Code consented to the sexual conduct with
10 respect to which the offense is alleged; or (2) when
11 constitutionally required to be admitted.

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

1 under Section 115-7.3 of this Code and the defendant. The
2 court shall not admit evidence under this Section unless it
3 determines at the hearing that the evidence is relevant and
4 the probative value of the evidence outweighs the danger of
5 unfair prejudice. The evidence shall be admissible at trial to
6 the extent an order made by the court specifies the evidence
7 that may be admitted and areas with respect to which the
8 alleged victim or corroborating witness under Section 115-7.3
9 of this Code may be examined or cross examined.

10 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

11 (725 ILCS 5/115-7.3)

12 Sec. 115-7.3. Evidence in certain cases.

13 (a) This Section applies to criminal cases in which:

14 (1) the defendant is accused of predatory criminal
15 sexual assault of a child, aggravated criminal sexual
16 assault, criminal sexual assault, aggravated criminal
17 sexual abuse, criminal sexual abuse, child pornography,
18 aggravated child pornography, involuntary servitude,
19 involuntary sexual servitude of a minor, trafficking in
20 persons, criminal transmission of HIV, or child abduction
21 as defined in paragraph (10) of subsection (b) of Section
22 10-5 of the Criminal Code of 1961 or the Criminal Code of
23 2012;

24 (2) the defendant is accused of battery, aggravated
25 battery, first degree murder, or second degree murder when

1 the commission of the offense involves sexual penetration
2 or sexual conduct as defined in Section 11-0.1 of the
3 Criminal Code of 2012; or

4 (3) the defendant is tried or retried for any of the
5 offenses formerly known as rape, deviate sexual assault,
6 indecent liberties with a child, or aggravated indecent
7 liberties with a child.

8 (b) If the defendant is accused of an offense set forth in
9 paragraph (1) or (2) of subsection (a) or the defendant is
10 tried or retried for any of the offenses set forth in paragraph
11 (3) of subsection (a), evidence of the defendant's commission
12 of another offense or offenses set forth in paragraph (1),
13 (2), or (3) of subsection (a), or evidence to rebut that proof
14 or an inference from that proof, may be admissible (if that
15 evidence is otherwise admissible under the rules of evidence)
16 and may be considered for its bearing on any matter to which it
17 is relevant.

18 (c) In weighing the probative value of the evidence
19 against undue prejudice to the defendant, the court may
20 consider:

21 (1) the proximity in time to the charged or predicate
22 offense;

23 (2) the degree of factual similarity to the charged or
24 predicate offense; or

25 (3) other relevant facts and circumstances.

26 (d) In a criminal case in which the prosecution intends to

1 offer evidence under this Section, it must disclose the
2 evidence, including statements of witnesses or a summary of
3 the substance of any testimony, at a reasonable time in
4 advance of trial, or during trial if the court excuses
5 pretrial notice on good cause shown.

6 (e) In a criminal case in which evidence is offered under
7 this Section, proof may be made by specific instances of
8 conduct, testimony as to reputation, or testimony in the form
9 of an expert opinion, except that the prosecution may offer
10 reputation testimony only after the opposing party has offered
11 that testimony.

12 (f) In prosecutions for a violation of Section 10-2,
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.05, 12-4,
14 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of the Criminal
15 Code of 1961 or the Criminal Code of 2012, involving the
16 involuntary delivery of a controlled substance to a victim, no
17 inference may be made about the fact that a victim did not
18 consent to a test for the presence of controlled substances.

19 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
20 98-160, eff. 1-1-14.)

21 (725 ILCS 5/115-7.4)

22 Sec. 115-7.4. Evidence in domestic violence cases.

23 (a) In a criminal prosecution in which the defendant is
24 accused of an offense of domestic violence as defined in
25 paragraphs (1) and (3) of Section 103 of the Illinois Domestic

1 Violence Act of 1986, or first degree murder or second degree
2 murder when the commission of the offense involves domestic
3 violence, involuntary servitude, involuntary sexual servitude
4 of a minor, or trafficking in persons, evidence of the
5 defendant's commission of another offense or offenses of
6 domestic violence is admissible, and may be considered for its
7 bearing on any matter to which it is relevant.

8 (b) In weighing the probative value of the evidence
9 against undue prejudice to the defendant, the court may
10 consider:

11 (1) the proximity in time to the charged or predicate
12 offense;

13 (2) the degree of factual similarity to the charged or
14 predicate offense; or

15 (3) other relevant facts and circumstances.

16 (c) In a criminal case in which the prosecution intends to
17 offer evidence under this Section, it must disclose the
18 evidence, including statements of witnesses or a summary of
19 the substance of any testimony, at a reasonable time in
20 advance of trial, or during trial if the court excuses
21 pretrial notice on good cause shown.

22 (d) In a criminal case in which evidence is offered under
23 this Section, proof may be made by specific instances of
24 conduct, testimony as to reputation, or testimony in the form
25 of an expert opinion, except that the prosecution may offer
26 reputation testimony only after the opposing party has offered

1 that testimony.

2 (Source: P.A. 97-1036, eff. 8-20-12.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.

1 INDEX

2 Statutes amended in order of appearance

3	720 ILCS 5/3-5	from Ch. 38, par. 3-5
4	720 ILCS 5/3-6	from Ch. 38, par. 3-6
5	720 ILCS 5/11-0.1	
6	720 ILCS 5/11-9.3	
7	720 ILCS 5/11-20.1	from Ch. 38, par. 11-20.1
8	720 ILCS 5/11-20.2	from Ch. 38, par. 11-20.2
9	720 ILCS 5/11-23	
10	720 ILCS 5/11-25	
11	720 ILCS 5/14-3	
12	720 ILCS 5/26-4	from Ch. 38, par. 26-4
13	720 ILCS 5/36-1	from Ch. 38, par. 36-1
14	725 ILCS 5/106B-10	
15	725 ILCS 5/115-7	from Ch. 38, par. 115-7
16	725 ILCS 5/115-7.3	
17	725 ILCS 5/115-7.4	