



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB1050

Introduced 1/12/2023, by Rep. Natalie A. Manley

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.2-1 new  
720 ILCS 5/11-9.2-2 new  
730 ILCS 150/2

from Ch. 38, par. 222

Amends the Criminal Code of 2012. Creates the offense of lewd sexual display in a penal institution. Provides that a person commits the offense when he or she is in the custody of a penal institution and knowingly engages in any of the following acts while he or she is confined in a penal institution: engages in a lewd exposure of the body or sex organs, anus, or breast, for the purpose or effect of intimidating, harassing, or threatening one whom he or she believes to be in the presence or view of such acts. Excludes from the definition of "penal Institution" a facility of the Department of Juvenile Justice or a juvenile detention facility. Provides that lewd sexual display in a penal institution is a Class A misdemeanor, except that a person convicted of a third or subsequent violation is guilty of a Class 4 felony. Provides that the Illinois Criminal Justice Information Authority shall compile certain data provided to it and provide an annual report to the Governor and the General Assembly on or before January 1 of each year. Provides that the Illinois Criminal Justice Information Authority may include findings or recommendations in its published annual report. Amends the Sex Offender Registration Act. Provides that "sex offense" under the Act includes a third violation of lewd sexual display in a penal institution committed on or after the effective date of the amendatory Act and before January 1, 2030. Provides for repeal of the amendatory Act on January 1, 2030.

LRB103 04667 RLC 49675 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by adding  
5 Sections 11-9.2-1 and 11-9.2-2 as follows:

6 (720 ILCS 5/11-9.2-1 new)

7 Sec. 11-9.2-1. Lewd sexual display in a penal institution.

8 (a) A person commits lewd sexual display in a penal  
9 institution when he or she is in the custody of a penal  
10 institution and knowingly engages in any of the following acts  
11 while he or she is confined in a penal institution: engages in  
12 a lewd exposure of the body or sex organs, anus, or breast, for  
13 the purpose or effect of intimidating, harassing, or  
14 threatening one whom he or she believes to be in the presence  
15 or view of such acts. For purposes of this Section, "penal  
16 institution" does not include a facility of the Department of  
17 Juvenile Justice or a juvenile detention facility.

18 (b) Sentence. Lewd sexual display in a penal institution  
19 is a Class A misdemeanor. A person convicted of a third or  
20 subsequent violation for lewd sexual display in a penal  
21 institution is guilty of a Class 4 felony.

22 (c) A person charged with a violation of this Section may  
23 be eligible for a mental health court program under the Mental

1 Health Court Treatment Act, the provisions of Section 20 of  
2 that Act notwithstanding, and shall be given an eligibility  
3 screening and an assessment, pursuant to the provisions of 25  
4 of the Mental Health Court Treatment Act, administered by a  
5 qualified mental health court professional independent of the  
6 penal institution where the individual is in custody.

7 (d) Notwithstanding the provisions of subsection (e) of  
8 Section 25 of the Mental Health Court Treatment Act, a person  
9 who has been charged with a violation of this Section shall not  
10 be liable for any fines, fees, costs, or restitution unless  
11 the person fails to successfully complete that person's  
12 court-ordered mental health court treatment program.

13 (e) All charges against a person for a violation of this  
14 Section shall be dismissed upon the court's determination that  
15 the person has successfully completed the person's  
16 court-ordered mental health court treatment program.  
17 Unwillingness or failure to successfully complete a  
18 court-ordered mental health court treatment program shall  
19 result in a conviction and be subject to the penalties under  
20 subsection (b).

21 (f) A person is not guilty of a violation of this Section  
22 for engaging in the conduct prohibited by this Section, if any  
23 of the following are true:

24 (1) the person is under 18 years of age or not confined  
25 to a penal institution;

26 (2) the person suffered from a behavioral health issue

1 at the time of the prohibited conduct and that behavioral  
2 health issue was the direct cause for the person having  
3 engaged in the prohibited conduct; or

4 (3) the person was not in the actual presence or view  
5 of another person.

6 (g) This Section is repealed on January 1, 2030.

7 (720 ILCS 5/11-9.2-2 new)

8 Sec. 11-9.2-2. Lewd sexual display in a penal institution  
9 annual report; sunset date.

10 (a) The Illinois Criminal Justice Information Authority  
11 shall compile data provided to it pursuant to this Section and  
12 provide an annual report to the Governor and the General  
13 Assembly on or before January 1 of each year. The Illinois  
14 Criminal Justice Information Authority may include findings or  
15 recommendations in its published annual report.

16 (b) The following data shall be provided to the Illinois  
17 Criminal Justice Information Authority on or before October 1  
18 of each year:

19 (1) each penal institution shall provide the number of  
20 persons referred to a county State's Attorney for  
21 prosecution of a violation of Section 11-9.2-1, the  
22 demographic data of the referred persons, including, but  
23 not limited to, age and sex, and any underlying charge or  
24 charges upon which the referred person is being held in  
25 the custody of the penal institution; and

1           (2) each county State's Attorney shall provide the  
2           number of persons charged by that State's Attorney for a  
3           violation of Section 11-9.2-1, the demographic data of the  
4           charged persons, including, but not limited to, age and  
5           sex, and the case disposition, or lack thereof, of each  
6           charged person.

7           (c) This Section is repealed on January 1, 2030.

8           Section 10. The Sex Offender Registration Act is amended  
9           by changing Section 2 as follows:

10           (730 ILCS 150/2) (from Ch. 38, par. 222)

11           Sec. 2. Definitions.

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

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

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

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

23                   (c) is found not guilty by reason of insanity  
24                   pursuant to Section 104-25(c) of the Code of Criminal

1 Procedure of 1963 of such offense or an attempt to  
2 commit such offense; or

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

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

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

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

26 (3) subject to the provisions of Section 2 of the

1 Interstate Agreements on Sexually Dangerous Persons Act;  
2 or

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

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

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

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

1 (B) As used in this Article, "sex offense" means:  
2 (1) A violation of any of the following Sections of  
3 the Criminal Code of 1961 or the Criminal Code of 2012:  
4 11-20.1 (child pornography),  
5 11-20.1B or 11-20.3 (aggravated child  
6 pornography),  
7 11-6 (indecent solicitation of a child),  
8 11-9.1 (sexual exploitation of a child),  
9 11-9.2 (custodial sexual misconduct),  
10 11-9.5 (sexual misconduct with a person with a  
11 disability),  
12 11-14.4 (promoting juvenile prostitution),  
13 11-15.1 (soliciting for a juvenile prostitute),  
14 11-18.1 (patronizing a juvenile prostitute),  
15 11-17.1 (keeping a place of juvenile  
16 prostitution),  
17 11-19.1 (juvenile pimping),  
18 11-19.2 (exploitation of a child),  
19 11-25 (grooming),  
20 11-26 (traveling to meet a minor or traveling to  
21 meet a child),  
22 11-1.20 or 12-13 (criminal sexual assault),  
23 11-1.30 or 12-14 (aggravated criminal sexual  
24 assault),  
25 11-1.40 or 12-14.1 (predatory criminal sexual  
26 assault of a child),



1                   11-1.50 or 12-15 (criminal sexual abuse),  
2                   11-1.60 or 12-16 (aggravated criminal sexual  
3                   abuse),  
4                   12-33 (ritualized abuse of a child).

5                   An attempt to commit any of these offenses.

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

13                  10-1 (kidnapping),  
14                  10-2 (aggravated kidnapping),  
15                  10-3 (unlawful restraint),  
16                  10-3.1 (aggravated unlawful restraint).

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

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

26                  (1.7) (Blank).

1           (1.8) A violation or attempted violation of Section  
2           11-11 (sexual relations within families) of the Criminal  
3           Code of 1961 or the Criminal Code of 2012, and the offense  
4           was committed on or after June 1, 1997. If the offense was  
5           committed before June 1, 1997, it is a sex offense  
6           requiring registration only when the person is convicted  
7           of any felony after July 1, 2011, and paragraph (2.1) of  
8           subsection (c) of Section 3 of this Act applies.

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

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

1           10-4 (forcible detention, if the victim is under  
2           18 years of age), provided the offense was sexually  
3           motivated as defined in Section 10 of the Sex Offender  
4           Management Board Act,

5           11-6.5 (indecent solicitation of an adult),

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

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

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

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

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

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

26          11-9 or 11-30 (public indecency for a third or

1 subsequent conviction).

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

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

16 (1.13) A third violation of Section 11-9.2-1 (lewd  
17 sexual display in a penal institution) of the Criminal  
18 Code of 2012, committed on or after the effective date of  
19 this amendatory Act of the 103rd General Assembly and  
20 before January 1, 2030.

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

24 (C) A conviction for an offense of federal law, Uniform  
25 Code of Military Justice, or the law of another state or a  
26 foreign country that is substantially equivalent to any

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

10 (C-5) A person at least 17 years of age at the time of the  
11 commission of the offense who is convicted of first degree  
12 murder under Section 9-1 of the Criminal Code of 1961 or the  
13 Criminal Code of 2012, against a person under 18 years of age,  
14 shall be required to register for natural life. A conviction  
15 for an offense of federal, Uniform Code of Military Justice,  
16 sister state, or foreign country law that is substantially  
17 equivalent to any offense listed in subsection (C-5) of this  
18 Section shall constitute a conviction for the purpose of this  
19 Article. This subsection (C-5) applies to a person who  
20 committed the offense before June 1, 1996 if: (i) the person is  
21 incarcerated in an Illinois Department of Corrections facility  
22 on August 20, 2004 (the effective date of Public Act 93-977),  
23 or (ii) subparagraph (i) does not apply and the person is  
24 convicted of any felony after July 1, 2011, and paragraph  
25 (2.1) of subsection (c) of Section 3 of this Act applies.

26 (C-6) A person who is convicted or adjudicated delinquent

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

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

24 (D-1) As used in this Article, "supervising officer" means  
25 the assigned Illinois Department of Corrections parole agent  
26 or county probation officer.

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

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

11 10-5.1 (luring of a minor),

12 11-14.4 that involves keeping a place of juvenile  
13 prostitution, or 11-17.1 (keeping a place of juvenile  
14 prostitution),

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

17 subdivision (a) (4) of Section 11-14.4, or Section  
18 11-19.2 (exploitation of a child),

19 11-20.1 (child pornography),

20 11-20.1B or 11-20.3 (aggravated child  
21 pornography),

22 11-1.20 or 12-13 (criminal sexual assault),

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

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

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

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

4           (2) (blank);

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

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

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

19          (6) (blank); or

20          (7) if the person was convicted of an offense set  
21          forth in this subsection (E) on or before July 1, 1999, the  
22          person is a sexual predator for whom registration is  
23          required only when the person is convicted of a felony  
24          offense after July 1, 2011, and paragraph (2.1) of  
25          subsection (c) of Section 3 of this Act applies.

26          (E-5) As used in this Article, "sexual predator" also



1 means a person convicted of a violation or attempted violation  
2 of any of the following Sections of the Criminal Code of 1961  
3 or the Criminal Code of 2012:

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

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

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

20 (4) Section 10-5(b)(10) (child abduction committed by  
21 luring or attempting to lure a child under the age of 16  
22 into a motor vehicle, building, house trailer, or dwelling  
23 place without the consent of the parent or lawful  
24 custodian of the child for other than a lawful purpose and  
25 the offense was committed on or after January 1, 1998,  
26 provided the offense was sexually motivated as defined in

1 Section 10 of the Sex Offender Management Board Act).

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

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

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

23 (H) As used in this Article, "school" means any public or  
24 private educational institution, including, but not limited  
25 to, any elementary or secondary school, trade or professional  
26 institution, or institution of higher education.

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

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

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