



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2458

Introduced 2/15/2023, by Rep. Mary Beth Canty

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Changes the statute of limitations for grooming to provide that when the victim is under 17 years of age at the time of the offense, a prosecution for grooming may be commenced within 10 years after the victim or the person with a disability attains 17 years of age. Changes the name of the offenses of child sexual abuse material to child sexual abuse material. Changes the penalty for grooming from a Class 4 to a Class 3 felony. Deletes references to criminal transmission of HIV in various statutes. In the Sex Offenses Article of the Criminal Code of 2012, provides a definition for "unable to give knowing consent". Provides that a person commits sexual exploitation of a child if in the presence or virtual presence, or both, of a child and with knowledge that a child or one whom he or she believes to be a child would view his or her acts, that person knowingly entices, coerces, or persuades a child to participate in the production of the recording or memorializing a sexual act of persons ages 18 or older. Provides that a violation of this provision of sexual exploitation of a child is a Class 4 felony for a first offense; and a Class 3 felony for a second or subsequent offense, or if the person has been previously convicted of a sex offense. 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. Makes other changes concerning the admissibility of evidence in cases involving involuntary servitude, involuntary sexual servitude of a minor, and trafficking in persons. Amends various Acts to change references from "child pornography" to "child sexual abuse material".

LRB103 26118 RLC 52473 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 Sex Offender Management Board Act is
5 amended by changing Section 10 as follows:

6 (20 ILCS 4026/10)

7 Sec. 10. Definitions. In this Act, unless the context
8 otherwise requires:

9 (a) "Board" means the Sex Offender Management Board
10 created in Section 15.

11 (b) "Sex offender" means any person who is convicted or
12 found delinquent in the State of Illinois, or under any
13 substantially similar federal law or law of another state, of
14 any sex offense or attempt of a sex offense as defined in
15 subsection (c) of this Section, or any former statute of this
16 State that defined a felony sex offense, or who has been
17 declared as a sexually dangerous person under the Sexually
18 Dangerous Persons Act or declared a sexually violent person
19 under the Sexually Violent Persons Commitment Act, or any
20 substantially similar federal law or law of another state.

21 (c) "Sex offense" means any felony or misdemeanor offense
22 described in this subsection (c) as follows:

23 (1) indecent solicitation of a child, in violation of

1 Section 11-6 of the Criminal Code of 1961 or the Criminal
2 Code of 2012;

3 (2) indecent solicitation of an adult, in violation of
4 Section 11-6.5 of the Criminal Code of 1961 or the
5 Criminal Code of 2012;

6 (3) public indecency, in violation of Section 11-9 or
7 11-30 of the Criminal Code of 1961 or the Criminal Code of
8 2012;

9 (4) sexual exploitation of a child, in violation of
10 Section 11-9.1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012;

12 (5) sexual relations within families, in violation of
13 Section 11-11 of the Criminal Code of 1961 or the Criminal
14 Code of 2012;

15 (6) promoting juvenile prostitution or soliciting for
16 a juvenile prostitute, in violation of Section 11-14.4 or
17 11-15.1 of the Criminal Code of 1961 or the Criminal Code
18 of 2012;

19 (7) promoting juvenile prostitution or keeping a place
20 of juvenile prostitution, in violation of Section 11-14.4
21 or 11-17.1 of the Criminal Code of 1961 or the Criminal
22 Code of 2012;

23 (8) patronizing a juvenile prostitute, in violation of
24 Section 11-18.1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012;

26 (9) promoting juvenile prostitution or juvenile

1 pimping, in violation of Section 11-14.4 or 11-19.1 of the
2 Criminal Code of 1961 or the Criminal Code of 2012;

3 (10) promoting juvenile prostitution or exploitation
4 of a child, in violation of Section 11-14.4 or 11-19.2 of
5 the Criminal Code of 1961 or the Criminal Code of 2012;

6 (11) child sexual abuse material ~~pornography~~, in
7 violation of Section 11-20.1 of the Criminal Code of 1961
8 or the Criminal Code of 2012;

9 (11.5) aggravated child pornography, in violation of
10 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

11 (12) harmful material, in violation of Section 11-21
12 of the Criminal Code of 1961 or the Criminal Code of 2012;

13 (13) criminal sexual assault, in violation of Section
14 11-1.20 or 12-13 of the Criminal Code of 1961 or the
15 Criminal Code of 2012;

16 (13.5) grooming, in violation of Section 11-25 of the
17 Criminal Code of 1961 or the Criminal Code of 2012;

18 (14) aggravated criminal sexual assault, in violation
19 of Section 11-1.30 or 12-14 of the Criminal Code of 1961 or
20 the Criminal Code of 2012;

21 (14.5) traveling to meet a minor or traveling to meet
22 a child, in violation of Section 11-26 of the Criminal
23 Code of 1961 or the Criminal Code of 2012;

24 (15) predatory criminal sexual assault of a child, in
25 violation of Section 11-1.40 or 12-14.1 of the Criminal
26 Code of 1961 or the Criminal Code of 2012;

1 (16) criminal sexual abuse, in violation of Section
2 11-1.50 or 12-15 of the Criminal Code of 1961 or the
3 Criminal Code of 2012;

4 (17) aggravated criminal sexual abuse, in violation of
5 Section 11-1.60 or 12-16 of the Criminal Code of 1961 or
6 the Criminal Code of 2012;

7 (18) ritualized abuse of a child, in violation of
8 Section 12-33 of the Criminal Code of 1961 or the Criminal
9 Code of 2012;

10 (19) an attempt to commit any of the offenses
11 enumerated in this subsection (c); or

12 (20) any felony offense under Illinois law that is
13 sexually motivated.

14 (d) "Management" means treatment, and supervision of any
15 sex offender that conforms to the standards created by the
16 Board under Section 15.

17 (e) "Sexually motivated" means one or more of the facts of
18 the underlying offense indicates conduct that is of a sexual
19 nature or that shows an intent to engage in behavior of a
20 sexual nature.

21 (f) "Sex offender evaluator" means a person licensed under
22 the Sex Offender Evaluation and Treatment Provider Act to
23 conduct sex offender evaluations.

24 (g) "Sex offender treatment provider" means a person
25 licensed under the Sex Offender Evaluation and Treatment
26 Provider Act to provide sex offender treatment services.

1 (h) "Associate sex offender provider" means a person
2 licensed under the Sex Offender Evaluation and Treatment
3 Provider Act to provide sex offender evaluations and to
4 provide sex offender treatment under the supervision of a
5 licensed sex offender evaluator or a licensed sex offender
6 treatment provider.

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

8 Section 10. The Medical School Matriculant Criminal
9 History Records Check Act is amended by changing Section 5 as
10 follows:

11 (110 ILCS 57/5)

12 Sec. 5. Definitions.

13 "Matriculant" means an individual who is conditionally
14 admitted as a student to a medical school located in Illinois,
15 pending the medical school's consideration of his or her
16 criminal history records check under this Act.

17 "Sex offender" means any person who is convicted pursuant
18 to Illinois law or any substantially similar federal, Uniform
19 Code of Military Justice, sister state, or foreign country law
20 with any of the following sex offenses set forth in the
21 Criminal Code of 1961 or the Criminal Code of 2012:

22 (1) Indecent solicitation of a child.

23 (2) Sexual exploitation of a child.

24 (3) Custodial sexual misconduct.

- 1 (4) Exploitation of a child.
- 2 (5) Child sexual abuse material ~~pornography~~.
- 3 (6) Aggravated child ~~pornography~~.

4 "Violent felony" means any of the following offenses, as
5 defined by the Criminal Code of 1961 or the Criminal Code of
6 2012:

- 7 (1) First degree murder.
- 8 (2) Second degree murder.
- 9 (3) Predatory criminal sexual assault of a child.
- 10 (4) Aggravated criminal sexual assault.
- 11 (5) Criminal sexual assault.
- 12 (6) Aggravated arson.
- 13 (7) Aggravated kidnapping.
- 14 (8) Kidnapping.
- 15 (9) Aggravated battery resulting in great bodily harm
16 or permanent disability or disfigurement.

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

18 Section 15. The Child Care Act of 1969 is amended by
19 changing Section 3.3 as follows:

20 (225 ILCS 10/3.3)

21 Sec. 3.3. Requirements for criminal background checks for
22 adoption-only homes. In approving an adoption-only home
23 pursuant to Section 3.2 of this Act, if an adult resident has
24 an arrest or conviction record, the licensed child welfare

1 agency:

2 (1) shall thoroughly investigate and evaluate the
3 criminal history of the resident and, in so doing, include
4 an assessment of the applicant's character and, in the
5 case of the prospective adoptive parent, the impact that
6 the criminal history has on his or her ability to parent
7 the child; the investigation should consider the type of
8 crime, the number of crimes, the nature of the offense,
9 the age at time of crime, the length of time that has
10 elapsed since the last conviction, the relationship of the
11 crime to the ability to care for children, and any
12 evidence of rehabilitation;

13 (2) shall not approve the home if the record reveals a
14 felony conviction for crimes against a child, including,
15 but not limited to, child abuse or neglect, child sexual
16 abuse material ~~pornography~~, rape, sexual assault, or
17 homicide;

18 (3) shall not approve the home if the record reveals a
19 felony conviction within the last 5 years, including, but
20 not limited to, for physical assault, battery,
21 drug-related offenses, or spousal abuse; and

22 (4) shall not approve the home if the record reveals a
23 felony conviction for homicide, rape, or sexual assault.

24 (Source: P.A. 99-833, eff. 1-1-17.)

25 Section 20. The Abused and Neglected Child Reporting Act

1 is amended by changing Sections 4.5 and 11.1 as follows:

2 (325 ILCS 5/4.5)

3 Sec. 4.5. Electronic and information technology workers;
4 reporting child sexual abuse material ~~pornography~~.

5 (a) In this Section:

6 "Child sexual abuse material ~~pornography~~" means child
7 sexual abuse material ~~pornography~~ as described in Section
8 11-20.1 of the Criminal Code of 2012.

9 "Electronic and information technology equipment" means
10 equipment used in the creation, manipulation, storage,
11 display, or transmission of data, including internet and
12 intranet systems, software applications, operating systems,
13 video and multimedia, telecommunications products, kiosks,
14 information transaction machines, copiers, printers, and
15 desktop and portable computers.

16 "Electronic and information technology equipment worker"
17 means a person who in the scope and course of his or her
18 employment or business installs, repairs, or otherwise
19 services electronic and information technology equipment for a
20 fee but does not include (i) an employee, independent
21 contractor, or other agent of a telecommunications carrier or
22 telephone or telecommunications cooperative, as those terms
23 are defined in the Public Utilities Act, or (ii) an employee,
24 independent contractor, or other agent of a provider of
25 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

1 (b) If an electronic and information technology equipment
2 worker discovers any depiction of child sexual abuse material
3 ~~pornography~~ while installing, repairing, or otherwise
4 servicing an item of electronic and information technology
5 equipment, that worker or the worker's employer shall
6 immediately report the discovery to the local law enforcement
7 agency or to the Cyber Tipline at the National Center for
8 Missing & Exploited Children.

9 (c) If a report is filed in accordance with the
10 requirements of 42 U.S.C. 13032, the requirements of this
11 Section 4.5 will be deemed to have been met.

12 (d) An electronic and information technology equipment
13 worker or electronic and information technology equipment
14 worker's employer who reports a discovery of child sexual
15 abuse material ~~pornography~~ as required under this Section is
16 immune from any criminal, civil, or administrative liability
17 in connection with making the report, except for willful or
18 wanton misconduct.

19 (e) Failure to report a discovery of child sexual abuse
20 material ~~pornography~~ as required under this Section is a
21 business offense subject to a fine of \$1,001.

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

23 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

24 Sec. 11.1. Access to records.

25 (a) A person shall have access to the records described in

1 Section 11 only in furtherance of purposes directly connected
2 with the administration of this Act or the Intergovernmental
3 Missing Child Recovery Act of 1984. Those persons and purposes
4 for access include:

5 (1) Department staff in the furtherance of their
6 responsibilities under this Act, or for the purpose of
7 completing background investigations on persons or
8 agencies licensed by the Department or with whom the
9 Department contracts for the provision of child welfare
10 services.

11 (2) A law enforcement agency investigating known or
12 suspected child abuse or neglect, known or suspected
13 involvement with child sexual abuse material ~~pornography~~,
14 known or suspected criminal sexual assault, known or
15 suspected criminal sexual abuse, or any other sexual
16 offense when a child is alleged to be involved.

17 (3) The Illinois State Police when administering the
18 provisions of the Intergovernmental Missing Child Recovery
19 Act of 1984.

20 (4) A physician who has before him a child whom he
21 reasonably suspects may be abused or neglected.

22 (5) A person authorized under Section 5 of this Act to
23 place a child in temporary protective custody when such
24 person requires the information in the report or record to
25 determine whether to place the child in temporary
26 protective custody.

1 (6) A person having the legal responsibility or
2 authorization to care for, treat, or supervise a child, or
3 a parent, prospective adoptive parent, foster parent,
4 guardian, or other person responsible for the child's
5 welfare, who is the subject of a report.

6 (7) Except in regard to harmful or detrimental
7 information as provided in Section 7.19, any subject of
8 the report, and if the subject of the report is a minor,
9 his guardian or guardian ad litem.

10 (8) A court, upon its finding that access to such
11 records may be necessary for the determination of an issue
12 before such court; however, such access shall be limited
13 to in camera inspection, unless the court determines that
14 public disclosure of the information contained therein is
15 necessary for the resolution of an issue then pending
16 before it.

17 (8.1) A probation officer or other authorized
18 representative of a probation or court services department
19 conducting an investigation ordered by a court under the
20 Juvenile Court Act of 1987.

21 (9) A grand jury, upon its determination that access
22 to such records is necessary in the conduct of its
23 official business.

24 (10) Any person authorized by the Director, in
25 writing, for audit or bona fide research purposes.

26 (11) Law enforcement agencies, coroners or medical

1 examiners, physicians, courts, school superintendents and
2 child welfare agencies in other states who are responsible
3 for child abuse or neglect investigations or background
4 investigations.

5 (12) The Department of Professional Regulation, the
6 State Board of Education and school superintendents in
7 Illinois, who may use or disclose information from the
8 records as they deem necessary to conduct investigations
9 or take disciplinary action, as provided by law.

10 (13) A coroner or medical examiner who has reason to
11 believe that a child has died as the result of abuse or
12 neglect.

13 (14) The Director of a State-operated facility when an
14 employee of that facility is the perpetrator in an
15 indicated report.

16 (15) The operator of a licensed child care facility or
17 a facility licensed by the Department of Human Services
18 (as successor to the Department of Alcoholism and
19 Substance Abuse) in which children reside when a current
20 or prospective employee of that facility is the
21 perpetrator in an indicated child abuse or neglect report,
22 pursuant to Section 4.3 of the Child Care Act of 1969.

23 (16) Members of a multidisciplinary team in the
24 furtherance of its responsibilities under subsection (b)
25 of Section 7.1. All reports concerning child abuse and
26 neglect made available to members of such

1 multidisciplinary teams and all records generated as a
2 result of such reports shall be confidential and shall not
3 be disclosed, except as specifically authorized by this
4 Act or other applicable law. It is a Class A misdemeanor to
5 permit, assist or encourage the unauthorized release of
6 any information contained in such reports or records.
7 Nothing contained in this Section prevents the sharing of
8 reports or records relating or pertaining to the death of
9 a minor under the care of or receiving services from the
10 Department of Children and Family Services and under the
11 jurisdiction of the juvenile court with the juvenile
12 court, the State's Attorney, and the minor's attorney.

13 (17) The Department of Human Services, as provided in
14 Section 17 of the Rehabilitation of Persons with
15 Disabilities Act.

16 (18) Any other agency or investigative body, including
17 the Department of Public Health and a local board of
18 health, authorized by State law to conduct an
19 investigation into the quality of care provided to
20 children in hospitals and other State regulated care
21 facilities.

22 (19) The person appointed, under Section 2-17 of the
23 Juvenile Court Act of 1987, as the guardian ad litem of a
24 minor who is the subject of a report or records under this
25 Act; or the person appointed, under Section 5-610 of the
26 Juvenile Court Act of 1987, as the guardian ad litem of a

1 minor who is in the custody or guardianship of the
2 Department or who has an open intact family services case
3 with the Department and who is the subject of a report or
4 records made pursuant to this Act.

5 (20) The Department of Human Services, as provided in
6 Section 10 of the Early Intervention Services System Act,
7 and the operator of a facility providing early
8 intervention services pursuant to that Act, for the
9 purpose of determining whether a current or prospective
10 employee who provides or may provide direct services under
11 that Act is the perpetrator in an indicated report of
12 child abuse or neglect filed under this Act.

13 (b) Nothing contained in this Act prevents the sharing or
14 disclosure of information or records relating or pertaining to
15 juveniles subject to the provisions of the Serious Habitual
16 Offender Comprehensive Action Program when that information is
17 used to assist in the early identification and treatment of
18 habitual juvenile offenders.

19 (c) To the extent that persons or agencies are given
20 access to information pursuant to this Section, those persons
21 or agencies may give this information to and receive this
22 information from each other in order to facilitate an
23 investigation conducted by those persons or agencies.

24 (Source: P.A. 101-43, eff. 1-1-20; 102-538, eff. 8-20-21.)

25 Section 25. The Abused and Neglected Child Reporting Act

1 is amended by changing Section 3 as follows:

2 (325 ILCS 15/3) (from Ch. 23, par. 2083)

3 Sec. 3. The functions and goals of the programs to be
4 developed and provided by the Department of Children and
5 Family Services shall include:

6 (a) Provision of counseling, treatment, rehabilitation and
7 assistance to sexually abused and exploited children and their
8 families, particularly to victims of predatory criminal sexual
9 assault of a child, aggravated criminal sexual assault,
10 criminal sexual assault, aggravated criminal sexual abuse and
11 criminal sexual abuse and child sexual abuse material
12 ~~pornography~~, and provision of training and education and
13 professional counseling to other persons responsible for the
14 child's welfare, personnel of the Department responsible for
15 the licensure of facilities under the Child Care Act of 1969,
16 and persons required to file reports and conduct
17 investigations of such reports under the Abused and Neglected
18 Child Reporting Act;

19 (b) Hastening the process of reconstituting the family and
20 the marriage, where such would be in the interest of the child;

21 (c) Marshaling and coordinating the services of all
22 agencies responsible for the detection of a sexually abused
23 and exploited child and for serving such a child, the child's
24 family, or others responsible for the child's welfare, as well
25 as for the development of other resources necessary to ensure

1 a comprehensive program for the prevention of such abuse and
2 exploitation, supportive case management;

3 (d) Responding to individual physical, emotional, and
4 social needs of clients so that supportive services are
5 individually tailored and applied as long as necessary;

6 (e) Informing the public at large and professional
7 agencies about the problem of child sexual abuse and
8 exploitation, methods of detecting and responding to such
9 incidents, including those established under the Abused and
10 Neglected Child Reporting Act, the availability of State
11 service and other resources for responding to victims of such
12 abuse and exploitation, and about the existence and supportive
13 approach of treatment center programs; and

14 (f) Development of informational and training materials
15 and seminars to assure the availability of such programs and
16 services throughout the State, emphasizing the need for
17 cooperation and coordination with all appropriate elements of
18 the criminal justice system and law enforcement system.

19 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

20 Section 30. The Intergovernmental Missing Child Recovery
21 Act of 1984 is amended by changing Section 2 as follows:

22 (325 ILCS 40/2) (from Ch. 23, par. 2252)

23 Sec. 2. As used in this Act:

24 (a) (Blank).

1 (b) "Director" means the Director of the Illinois State
2 Police.

3 (c) "Unit of local government" is defined as in Article
4 VII, Section 1 of the Illinois Constitution and includes both
5 home rule units and units which are not home rule units. The
6 term is also defined to include all public school districts
7 subject to the provisions of the School Code.

8 (d) "Child" means a person under 21 years of age.

9 (e) A "LEADS terminal" is an interactive computerized
10 communication and processing unit which permits a direct
11 on-line communication with the Illinois State Police's central
12 data repository, the Law Enforcement Agencies Data System
13 (LEADS).

14 (f) A "primary contact agency" means a law enforcement
15 agency which maintains a LEADS terminal, or has immediate
16 access to one on a 24-hour-per-day, 7-day-per-week basis by
17 written agreement with another law enforcement agency.

18 (g) (Blank).

19 (h) "Missing child" means any person under 21 years of age
20 whose whereabouts are unknown to his or her parents or legal
21 guardian.

22 (i) "Exploitation" means activities and actions which
23 include, but are not limited to, child sexual abuse material
24 ~~pornography~~, aggravated child pornography, child prostitution,
25 child sexual abuse, drug and substance abuse by children, and
26 child suicide.

1 (j) (Blank).

2 (Source: P.A. 102-538, eff. 8-20-21.)

3 Section 35. The Illinois Child Online Exploitation
4 Reporting Act is amended by changing Section 10 as follows:

5 (325 ILCS 47/10)

6 Sec. 10. Registration. Any entity, subject to the
7 reporting requirements of 42 U.S.C. 13032, while engaged in
8 providing an electronic communications service or a remote
9 computing service to the public, must provide the following
10 information to the Cyber Tipline at the National Center for
11 Missing and Exploited Children in order to facilitate the
12 required reporting of child sexual abuse material ~~pornography~~
13 crimes, pursuant to 42 U.S.C. 13032:

14 (a) the agent's name, phone number, and email address; and

15 (b) the name of the agent's employer.

16 (Source: P.A. 95-983, eff. 10-3-08.)

17 Section 40. The Criminal and Traffic Assessment Act is
18 amended by changing Section 15-70 as follows:

19 (705 ILCS 135/15-70)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 15-70. Conditional assessments. In addition to
22 payments under one of the Schedule of Assessments 1 through 13

1 of this Act, the court shall also order payment of any of the
2 following conditional assessment amounts for each sentenced
3 violation in the case to which a conditional assessment is
4 applicable, which shall be collected and remitted by the Clerk
5 of the Circuit Court as provided in this Section:

6 (1) arson, residential arson, or aggravated arson,
7 \$500 per conviction to the State Treasurer for deposit
8 into the Fire Prevention Fund;

9 (2) child sexual abuse material ~~pornography~~ under
10 Section 11-20.1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, \$500 per conviction, unless more
12 than one agency is responsible for the arrest in which
13 case the amount shall be remitted to each unit of
14 government equally:

15 (A) if the arresting agency is an agency of a unit
16 of local government, \$500 to the treasurer of the unit
17 of local government for deposit into the unit of local
18 government's General Fund, except that if the Illinois
19 State Police provides digital or electronic forensic
20 examination assistance, or both, to the arresting
21 agency then \$100 to the State Treasurer for deposit
22 into the State Crime Laboratory Fund; or

23 (B) if the arresting agency is the Illinois State
24 Police, \$500 to the State Treasurer for deposit into
25 the State Crime Laboratory Fund;

26 (3) crime laboratory drug analysis for a drug-related

1 offense involving possession or delivery of cannabis or
2 possession or delivery of a controlled substance as
3 defined in the Cannabis Control Act, the Illinois
4 Controlled Substances Act, or the Methamphetamine Control
5 and Community Protection Act, \$100 reimbursement for
6 laboratory analysis, as set forth in subsection (f) of
7 Section 5-9-1.4 of the Unified Code of Corrections;

8 (4) DNA analysis, \$250 on each conviction in which it
9 was used to the State Treasurer for deposit into the State
10 Crime Laboratory Fund as set forth in Section 5-9-1.4 of
11 the Unified Code of Corrections;

12 (5) DUI analysis, \$150 on each sentenced violation in
13 which it was used as set forth in subsection (f) of Section
14 5-9-1.9 of the Unified Code of Corrections;

15 (6) drug-related offense involving possession or
16 delivery of cannabis or possession or delivery of a
17 controlled substance, other than methamphetamine, as
18 defined in the Cannabis Control Act or the Illinois
19 Controlled Substances Act, an amount not less than the
20 full street value of the cannabis or controlled substance
21 seized for each conviction to be disbursed as follows:

22 (A) 12.5% of the street value assessment shall be
23 paid into the Youth Drug Abuse Prevention Fund, to be
24 used by the Department of Human Services for the
25 funding of programs and services for drug-abuse
26 treatment, and prevention and education services;

1 (B) 37.5% to the county in which the charge was
2 prosecuted, to be deposited into the county General
3 Fund;

4 (C) 50% to the treasurer of the arresting law
5 enforcement agency of the municipality or county, or
6 to the State Treasurer if the arresting agency was a
7 state agency, to be deposited as provided in
8 subsection (c) of Section 10-5;

9 (D) if the arrest was made in combination with
10 multiple law enforcement agencies, the clerk shall
11 equitably allocate the portion in subparagraph (C) of
12 this paragraph (6) among the law enforcement agencies
13 involved in the arrest;

14 (6.5) Kane County or Will County, in felony,
15 misdemeanor, local or county ordinance, traffic, or
16 conservation cases, up to \$30 as set by the county board
17 under Section 5-1101.3 of the Counties Code upon the entry
18 of a judgment of conviction, an order of supervision, or a
19 sentence of probation without entry of judgment under
20 Section 10 of the Cannabis Control Act, Section 410 of the
21 Illinois Controlled Substances Act, Section 70 of the
22 Methamphetamine Control and Community Protection Act,
23 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
24 the Criminal Code of 1961 or the Criminal Code of 2012,
25 Section 10-102 of the Illinois Alcoholism and Other Drug
26 Dependency Act, or Section 10 of the Steroid Control Act;

1 except in local or county ordinance, traffic, and
2 conservation cases, if fines are paid in full without a
3 court appearance, then the assessment shall not be imposed
4 or collected. Distribution of assessments collected under
5 this paragraph (6.5) shall be as provided in Section
6 5-1101.3 of the Counties Code;

7 (7) methamphetamine-related offense involving
8 possession or delivery of methamphetamine or any salt of
9 an optical isomer of methamphetamine or possession of a
10 methamphetamine manufacturing material as set forth in
11 Section 10 of the Methamphetamine Control and Community
12 Protection Act with the intent to manufacture a substance
13 containing methamphetamine or salt of an optical isomer of
14 methamphetamine, an amount not less than the full street
15 value of the methamphetamine or salt of an optical isomer
16 of methamphetamine or methamphetamine manufacturing
17 materials seized for each conviction to be disbursed as
18 follows:

19 (A) 12.5% of the street value assessment shall be
20 paid into the Youth Drug Abuse Prevention Fund, to be
21 used by the Department of Human Services for the
22 funding of programs and services for drug-abuse
23 treatment, and prevention and education services;

24 (B) 37.5% to the county in which the charge was
25 prosecuted, to be deposited into the county General
26 Fund;

1 (C) 50% to the treasurer of the arresting law
2 enforcement agency of the municipality or county, or
3 to the State Treasurer if the arresting agency was a
4 state agency, to be deposited as provided in
5 subsection (c) of Section 10-5;

6 (D) if the arrest was made in combination with
7 multiple law enforcement agencies, the clerk shall
8 equitably allocate the portion in subparagraph (C) of
9 this paragraph (6) among the law enforcement agencies
10 involved in the arrest;

11 (8) order of protection violation under Section 12-3.4
12 of the Criminal Code of 2012, \$200 for each conviction to
13 the county treasurer for deposit into the Probation and
14 Court Services Fund for implementation of a domestic
15 violence surveillance program and any other assessments or
16 fees imposed under Section 5-9-1.16 of the Unified Code of
17 Corrections;

18 (9) order of protection violation, \$25 for each
19 violation to the State Treasurer, for deposit into the
20 Domestic Violence Abuser Services Fund;

21 (10) prosecution by the State's Attorney of a:

22 (A) petty or business offense, \$4 to the county
23 treasurer of which \$2 deposited into the State's
24 Attorney Records Automation Fund and \$2 into the
25 Public Defender Records Automation Fund;

26 (B) conservation or traffic offense, \$2 to the

1 county treasurer for deposit into the State's Attorney
2 Records Automation Fund;

3 (11) speeding in a construction zone violation, \$250
4 to the State Treasurer for deposit into the Transportation
5 Safety Highway Hire-back Fund, unless (i) the violation
6 occurred on a highway other than an interstate highway and
7 (ii) a county police officer wrote the ticket for the
8 violation, in which case to the county treasurer for
9 deposit into that county's Transportation Safety Highway
10 Hire-back Fund;

11 (12) supervision disposition on an offense under the
12 Illinois Vehicle Code or similar provision of a local
13 ordinance, 50 cents, unless waived by the court, into the
14 Prisoner Review Board Vehicle and Equipment Fund;

15 (13) victim and offender are family or household
16 members as defined in Section 103 of the Illinois Domestic
17 Violence Act of 1986 and offender pleads guilty or no
18 contest to or is convicted of murder, voluntary
19 manslaughter, involuntary manslaughter, burglary,
20 residential burglary, criminal trespass to residence,
21 criminal trespass to vehicle, criminal trespass to land,
22 criminal damage to property, telephone harassment,
23 kidnapping, aggravated kidnaping, unlawful restraint,
24 forcible detention, child abduction, indecent solicitation
25 of a child, sexual relations between siblings,
26 exploitation of a child, child sexual abuse material

1 ~~pornography~~, assault, aggravated assault, battery,
2 aggravated battery, heinous battery, aggravated battery of
3 a child, domestic battery, reckless conduct, intimidation,
4 criminal sexual assault, predatory criminal sexual assault
5 of a child, aggravated criminal sexual assault, criminal
6 sexual abuse, aggravated criminal sexual abuse, violation
7 of an order of protection, disorderly conduct, endangering
8 the life or health of a child, child abandonment,
9 contributing to dependency or neglect of child, or cruelty
10 to children and others, \$200 for each sentenced violation
11 to the State Treasurer for deposit as follows: (i) for
12 sexual assault, as defined in Section 5-9-1.7 of the
13 Unified Code of Corrections, when the offender and victim
14 are family members, one-half to the Domestic Violence
15 Shelter and Service Fund, and one-half to the Sexual
16 Assault Services Fund; (ii) for the remaining offenses to
17 the Domestic Violence Shelter and Service Fund;

18 (14) violation of Section 11-501 of the Illinois
19 Vehicle Code, Section 5-7 of the Snowmobile Registration
20 and Safety Act, Section 5-16 of the Boat Registration and
21 Safety Act, or a similar provision, whose operation of a
22 motor vehicle, snowmobile, or watercraft while in
23 violation of Section 11-501, Section 5-7 of the Snowmobile
24 Registration and Safety Act, Section 5-16 of the Boat
25 Registration and Safety Act, or a similar provision
26 proximately caused an incident resulting in an appropriate

1 emergency response, \$1,000 maximum to the public agency
2 that provided an emergency response related to the
3 person's violation, or as provided in subsection (c) of
4 Section 10-5 if the arresting agency was a State agency,
5 unless more than one agency was responsible for the
6 arrest, in which case the amount shall be remitted to each
7 unit of government equally;

8 (15) violation of Section 401, 407, or 407.2 of the
9 Illinois Controlled Substances Act that proximately caused
10 any incident resulting in an appropriate drug-related
11 emergency response, \$1,000 as reimbursement for the
12 emergency response to the law enforcement agency that made
13 the arrest, or as provided in subsection (c) of Section
14 10-5 if the arresting agency was a State agency, unless
15 more than one agency was responsible for the arrest, in
16 which case the amount shall be remitted to each unit of
17 government equally;

18 (16) violation of reckless driving, aggravated
19 reckless driving, or driving 26 miles per hour or more in
20 excess of the speed limit that triggered an emergency
21 response, \$1,000 maximum reimbursement for the emergency
22 response to be distributed in its entirety to a public
23 agency that provided an emergency response related to the
24 person's violation, or as provided in subsection (c) of
25 Section 10-5 if the arresting agency was a State agency,
26 unless more than one agency was responsible for the

1 (v) if more than one of the State agencies in
2 this subparagraph (B) is the arresting or
3 investigating agency, then equal shares with the
4 shares deposited as provided in the applicable
5 items (i) through (iv) of this subparagraph (B);
6 and

7 (C) the remainder for deposit into the Specialized
8 Services for Survivors of Human Trafficking Fund;

9 (18) weapons violation under Section 24-1.1, 24-1.2,
10 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
11 of 2012, \$100 for each conviction to the State Treasurer
12 for deposit into the Trauma Center Fund; and

13 (19) violation of subsection (c) of Section 11-907 of
14 the Illinois Vehicle Code, \$250 to the State Treasurer for
15 deposit into the Scott's Law Fund, unless a county or
16 municipal police officer wrote the ticket for the
17 violation, in which case to the county treasurer for
18 deposit into that county's or municipality's
19 Transportation Safety Highway Hire-back Fund to be used as
20 provided in subsection (j) of Section 11-907 of the
21 Illinois Vehicle Code.

22 (Source: P.A. 101-173, eff. 1-1-20; 101-636, eff. 6-10-20;
23 102-145, eff. 7-23-21; 102-505, eff. 8-20-21; 102-538, eff.
24 8-20-21; 102-813, eff. 5-13-22.)

25 Section 45. The Juvenile Court Act of 1987 is amended by

1 changing Section 3-40 as follows:

2 (705 ILCS 405/3-40)

3 Sec. 3-40. Minors involved in electronic dissemination of
4 indecent visual depictions in need of supervision.

5 (a) For the purposes of this Section:

6 "Computer" has the meaning ascribed to it in Section
7 17-0.5 of the Criminal Code of 2012.

8 "Electronic communication device" means an electronic
9 device, including but not limited to a wireless telephone,
10 personal digital assistant, or a portable or mobile computer,
11 that is capable of transmitting images or pictures.

12 "Indecent visual depiction" means a depiction or portrayal
13 in any pose, posture, or setting involving a lewd exhibition
14 of the unclothed or transparently clothed genitals, pubic
15 area, buttocks, or, if such person is female, a fully or
16 partially developed breast of the person.

17 "Minor" means a person under 18 years of age.

18 (b) A minor shall not distribute or disseminate an
19 indecent visual depiction of another minor through the use of
20 a computer or electronic communication device.

21 (c) Adjudication. A minor who violates subsection (b) of
22 this Section may be subject to a petition for adjudication and
23 adjudged a minor in need of supervision.

24 (d) Kinds of dispositional orders. A minor found to be in
25 need of supervision under this Section may be:

1 (1) ordered to obtain counseling or other supportive
2 services to address the acts that led to the need for
3 supervision; or

4 (2) ordered to perform community service.

5 (e) Nothing in this Section shall be construed to prohibit
6 a prosecution for disorderly conduct, public indecency, child
7 sexual abuse material ~~pornography~~, a violation of Article 26.5
8 (Harassing and Obscene Communications) of the Criminal Code of
9 2012, or any other applicable provision of law.

10 (Source: P.A. 99-78, eff. 7-20-15.)

11 Section 50. The Criminal Code of 2012 is amended by
12 changing Sections 3-5, 3-6, 11-0.1, 11-9.1, 11-9.3, 11-20.1,
13 11-20.2, 11-23, 11-25, 14-3, and 36-1 as follows:

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

15 (Text of Section before amendment by P.A. 102-982)

16 Sec. 3-5. General limitations.

17 (a) A prosecution for: (1) first degree murder, attempt to
18 commit first degree murder, second degree murder, involuntary
19 manslaughter, reckless homicide, a violation of subparagraph
20 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
21 Illinois Vehicle Code for the offense of aggravated driving
22 under the influence of alcohol, other drug or drugs, or
23 intoxicating compound or compounds, or any combination thereof
24 when the violation was a proximate cause of a death, leaving

1 the scene of a motor vehicle accident involving death or
2 personal injuries under Section 11-401 of the Illinois Vehicle
3 Code, failing to give information and render aid under Section
4 11-403 of the Illinois Vehicle Code, concealment of homicidal
5 death, treason, arson, residential arson, aggravated arson,
6 forgery, child pornography under paragraph (1) of subsection
7 (a) of Section 11-20.1, or aggravated child pornography under
8 paragraph (1) of subsection (a) of Section 11-20.1B, or (2)
9 any offense involving sexual conduct or sexual penetration, as
10 defined by Section 11-0.1 of this Code may be commenced at any
11 time.

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

22 (b) Unless the statute describing the offense provides
23 otherwise, or the period of limitation is extended by Section
24 3-6, a prosecution for any offense not designated in
25 subsection (a) or (a-5) must be commenced within 3 years after
26 the commission of the offense if it is a felony, or within one

1 year and 6 months after its commission if it is a misdemeanor.

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

3 (Text of Section after amendment by P.A. 102-982)

4 Sec. 3-5. General limitations.

5 (a) A prosecution for: (1) first degree murder, attempt to
6 commit first degree murder, second degree murder, involuntary
7 manslaughter, reckless homicide, a violation of subparagraph
8 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
9 Illinois Vehicle Code for the offense of aggravated driving
10 under the influence of alcohol, other drug or drugs, or
11 intoxicating compound or compounds, or any combination thereof
12 when the violation was a proximate cause of a death, leaving
13 the scene of a motor vehicle crash involving death or personal
14 injuries under Section 11-401 of the Illinois Vehicle Code,
15 failing to give information and render aid under Section
16 11-403 of the Illinois Vehicle Code, concealment of homicidal
17 death, treason, arson, residential arson, aggravated arson,
18 forgery, child sexual abuse material or child pornography
19 under paragraph (1) of subsection (a) of Section 11-20.1, or
20 aggravated child pornography under paragraph (1) of subsection
21 (a) of Section 11-20.1B, or (2) any offense involving sexual
22 conduct or sexual penetration, as defined by Section 11-0.1 of
23 this Code may be commenced at any time.

24 (a-5) A prosecution for theft of property exceeding
25 \$100,000 in value under Section 16-1, identity theft under

1 subsection (a) of Section 16-30, aggravated identity theft
2 under subsection (b) of Section 16-30, financial exploitation
3 of an elderly person or a person with a disability under
4 Section 17-56; theft by deception of a victim 60 years of age
5 or older or a person with a disability under Section 16-1; or
6 any offense set forth in Article 16H or Section 17-10.6 may be
7 commenced within 7 years of the last act committed in
8 furtherance of the crime.

9 (b) Unless the statute describing the offense provides
10 otherwise, or the period of limitation is extended by Section
11 3-6, a prosecution for any offense not designated in
12 subsection (a) or (a-5) must be commenced within 3 years after
13 the commission of the offense if it is a felony, or within one
14 year and 6 months after its commission if it is a misdemeanor.

15 (Source: P.A. 101-130, eff. 1-1-20; 102-244, eff. 1-1-22;
16 102-982, eff. 7-1-23.)

17 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

18 Sec. 3-6. Extended limitations. The period within which a
19 prosecution must be commenced under the provisions of Section
20 3-5 or other applicable statute is extended under the
21 following conditions:

22 (a) A prosecution for theft involving a breach of a
23 fiduciary obligation to the aggrieved person may be commenced
24 as follows:

25 (1) If the aggrieved person is a minor or a person

1 under legal disability, then during the minority or legal
2 disability or within one year after the termination
3 thereof.

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

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

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

1 age of 18 years.

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

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

11 (b-8) When the victim is under 17 years of age at the time
12 of the offense, a prosecution for grooming may be commenced
13 within 10 years after the victim attains 17 years of age.

14 (c) (Blank).

15 (d) A prosecution for child sexual abuse material
16 ~~pornography~~, aggravated child pornography, indecent
17 solicitation of a child, soliciting for a juvenile prostitute,
18 juvenile pimping, exploitation of a child, or promoting
19 juvenile prostitution except for keeping a place of juvenile
20 prostitution may be commenced within one year of the victim
21 attaining the age of 18 years. However, in no such case shall
22 the time period for prosecution expire sooner than 3 years
23 after the commission of the offense.

24 (e) Except as otherwise provided in subdivision (j), a
25 prosecution for any offense involving sexual conduct or sexual
26 penetration, as defined in Section 11-0.1 of this Code, where

1 the defendant was within a professional or fiduciary
2 relationship or a purported professional or fiduciary
3 relationship with the victim at the time of the commission of
4 the offense may be commenced within one year after the
5 discovery of the offense by the victim.

6 (f) A prosecution for any offense set forth in Section 44
7 of the Environmental Protection Act may be commenced within 5
8 years after the discovery of such an offense by a person or
9 agency having the legal duty to report the offense or in the
10 absence of such discovery, within 5 years after the proper
11 prosecuting officer becomes aware of the offense.

12 (f-5) A prosecution for any offense set forth in Section
13 16-30 of this Code may be commenced within 5 years after the
14 discovery of the offense by the victim of that offense.

15 (g) (Blank).

16 (h) (Blank).

17 (i) Except as otherwise provided in subdivision (j), a
18 prosecution for criminal sexual assault, aggravated criminal
19 sexual assault, or aggravated criminal sexual abuse may be
20 commenced at any time. If the victim consented to the
21 collection of evidence using an Illinois State Police Sexual
22 Assault Evidence Collection Kit under the Sexual Assault
23 Survivors Emergency Treatment Act, it shall constitute
24 reporting for purposes of this Section.

25 Nothing in this subdivision (i) shall be construed to
26 shorten a period within which a prosecution must be commenced

1 under any other provision of this Section.

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

7 (j) (1) When the victim is under 18 years of age at the
8 time of the offense, a prosecution for criminal sexual
9 assault, aggravated criminal sexual assault, predatory
10 criminal sexual assault of a child, aggravated criminal sexual
11 abuse, felony criminal sexual abuse, or female genital
12 mutilation may be commenced at any time.

13 (2) When in circumstances other than as described in
14 paragraph (1) of this subsection (j), when the victim is under
15 18 years of age at the time of the offense, a prosecution for
16 failure of a person who is required to report an alleged or
17 suspected commission of criminal sexual assault, aggravated
18 criminal sexual assault, predatory criminal sexual assault of
19 a child, aggravated criminal sexual abuse, or felony criminal
20 sexual abuse under the Abused and Neglected Child Reporting
21 Act may be commenced within 20 years after the child victim
22 attains 18 years of age.

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

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

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

9 (k) (Blank).

10 (l) A prosecution for any offense set forth in Section
11 26-4 of this Code may be commenced within one year after the
12 discovery of the offense by the victim of that offense.

13 (l-5) A prosecution for any offense involving sexual
14 conduct or sexual penetration, as defined in Section 11-0.1 of
15 this Code, in which the victim was 18 years of age or older at
16 the time of the offense, may be commenced within one year after
17 the discovery of the offense by the victim when corroborating
18 physical evidence is available. The charging document shall
19 state that the statute of limitations is extended under this
20 subsection (l-5) and shall state the circumstances justifying
21 the extension. Nothing in this subsection (l-5) shall be
22 construed to shorten a period within which a prosecution must
23 be commenced under any other provision of this Section or
24 Section 3-5 of this Code.

25 (m) The prosecution shall not be required to prove at
26 trial facts which extend the general limitations in Section

1 3-5 of this Code when the facts supporting extension of the
2 period of general limitations are properly pled in the
3 charging document. Any challenge relating to the extension of
4 the general limitations period as defined in this Section
5 shall be exclusively conducted under Section 114-1 of the Code
6 of Criminal Procedure of 1963.

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

14 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
15 101-130, eff. 1-1-20; 101-285, eff. 1-1-20; 102-558, eff.
16 8-20-21.)

17 (720 ILCS 5/11-0.1)

18 Sec. 11-0.1. Definitions. In this Article, unless the
19 context clearly requires otherwise, the following terms are
20 defined as indicated:

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

25 "Adult obscenity or child sexual abuse material

1 ~~pornography~~ Internet site". See Section 11-23.

2 "Advance prostitution" means:

3 (1) Soliciting for a prostitute by performing any of
4 the following acts when acting other than as a prostitute
5 or a patron of a prostitute:

6 (A) Soliciting another for the purpose of
7 prostitution.

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

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

12 (2) Keeping a place of prostitution by controlling or
13 exercising control over the use of any place that could
14 offer seclusion or shelter for the practice of
15 prostitution and performing any of the following acts when
16 acting other than as a prostitute or a patron of a
17 prostitute:

18 (A) Knowingly granting or permitting the use of
19 the place for the purpose of prostitution.

20 (B) Granting or permitting the use of the place
21 under circumstances from which he or she could
22 reasonably know that the place is used or is to be used
23 for purposes of prostitution.

24 (C) Permitting the continued use of the place
25 after becoming aware of facts or circumstances from
26 which he or she should reasonably know that the place

1 is being used for purposes of prostitution.

2 "Agency". See Section 11-9.5.

3 "Arranges". See Section 11-6.5.

4 "Bodily harm" means physical harm, and includes, but is
5 not limited to, sexually transmitted disease, pregnancy, and
6 impotence.

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

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

9 "Child sexual abuse material ~~pornography~~". See Section
10 11-20.1.

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

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

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

14 "Consent" means a freely given agreement to the act of
15 sexual penetration or sexual conduct in question. Lack of
16 verbal or physical resistance or submission by the victim
17 resulting from the use of force or threat of force by the
18 accused shall not constitute consent. The manner of dress of
19 the victim at the time of the offense shall not constitute
20 consent.

21 "Custody". See Section 11-9.2.

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

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

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

25 "Disseminate". See Section 11-20.1.

26 "Distribute". See Section 11-21.

1 "Family member" means a parent, grandparent, child, aunt,
2 uncle, great-aunt, or great-uncle, whether by whole blood,
3 half-blood, or adoption, and includes a step-grandparent,
4 step-parent, or step-child. "Family member" also means, if the
5 victim is a child under 18 years of age, an accused who has
6 resided in the household with the child continuously for at
7 least 6 months.

8 "Force or threat of force" means the use of force or
9 violence or the threat of force or violence, including, but
10 not limited to, the following situations:

11 (1) when the accused threatens to use force or
12 violence on the victim or on any other person, and the
13 victim under the circumstances reasonably believes that
14 the accused has the ability to execute that threat; or

15 (2) when the accused overcomes the victim by use of
16 superior strength or size, physical restraint, or physical
17 confinement.

18 "Harmful to minors". See Section 11-21.

19 "Loiter". See Section 9.3.

20 "Material". See Section 11-21.

21 "Minor". See Section 11-21.

22 "Nudity". See Section 11-21.

23 "Obscene". See Section 11-20.

24 "Part day child care facility". See Section 11-9.3.

25 "Penal system". See Section 11-9.2.

26 "Person responsible for the child's welfare". See Section

1 11-9.1A.

2 "Person with a disability". See Section 11-9.5.

3 "Playground". See Section 11-9.3.

4 "Probation officer". See Section 11-9.2.

5 "Produce". See Section 11-20.1.

6 "Profit from prostitution" means, when acting other than
7 as a prostitute, to receive anything of value for personally
8 rendered prostitution services or to receive anything of value
9 from a prostitute, if the thing received is not for lawful
10 consideration and the person knows it was earned in whole or in
11 part from the practice of prostitution.

12 "Public park". See Section 11-9.3.

13 "Public place". See Section 11-30.

14 "Reproduce". See Section 11-20.1.

15 "Sado-masochistic abuse". See Section 11-21.

16 "School". See Section 11-9.3.

17 "School official". See Section 11-9.3.

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

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

20 "Sexual conduct" means any knowing touching or fondling by
21 the victim or the accused, either directly or through
22 clothing, of the sex organs, anus, or breast of the victim or
23 the accused, or any part of the body of a child under 13 years
24 of age, or any transfer or transmission of semen by the accused
25 upon any part of the clothed or unclothed body of the victim,
26 for the purpose of sexual gratification or arousal of the

1 victim or the accused.

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

3 "Sexual penetration" means any contact, however slight,
4 between the sex organ or anus of one person and an object or
5 the sex organ, mouth, or anus of another person, or any
6 intrusion, however slight, of any part of the body of one
7 person or of any animal or object into the sex organ or anus of
8 another person, including, but not limited to, cunnilingus,
9 fellatio, or anal penetration. Evidence of emission of semen
10 is not required to prove sexual penetration.

11 "Solicit". See Section 11-6.

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

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

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

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

16 "Unable to give knowing consent" includes, but is not
17 limited to, when the victim was asleep, unconscious, or
18 surprised such that the victim could not give voluntary,
19 intelligent, and knowing agreement to the sexual act. "Unable
20 to give knowing consent" also includes when the accused
21 administers any intoxicating or anesthetic substance, or any
22 controlled substance causing the victim to become unconscious
23 of the nature of the act and this condition was known, or
24 reasonably should have been known by the accused. "Unable to
25 give knowing consent" also includes when the victim has taken
26 an intoxicating substance or any controlled substance causing

1 the victim to become unconscious of the nature of the act, and
2 this condition was known or reasonably should have been known
3 by the accused, but the accused did not provide or administer
4 the intoxicating substance. As used in this paragraph,
5 "unconscious of the nature of the act" means incapable of
6 resisting because the victim meets any one of the following
7 conditions:

8 (1) was unconscious or asleep;

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

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

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

19 It is inferred that a victim is unable to give knowing
20 consent ~~A victim is presumed "unable to give knowing consent"~~
21 when the victim:

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

1 or supervision of such department;

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

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

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

23 (5) is detained or otherwise in the custody of a
24 police officer, peace officer, or other law enforcement
25 official who: (i) is detaining or maintaining custody of
26 such person; or (ii) knows, or reasonably should know,

1 that at the time of the offense, such person was detained
2 or in custody and the police officer, peace officer, or
3 other law enforcement official is not married to such
4 detainee.

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

8 (Source: P.A. 102-567, eff. 1-1-22; 102-1096, eff. 1-1-23.)

9 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

10 Sec. 11-9.1. Sexual exploitation of a child.

11 (a) A person commits sexual exploitation of a child if in
12 the presence or virtual presence, or both, of a child and with
13 knowledge that a child or one whom he or she believes to be a
14 child would view his or her acts, that person:

15 (1) engages in a sexual act; ~~or~~

16 (2) exposes his or her sex organs, anus or breast for
17 the purpose of sexual arousal or gratification of such
18 person or the child or one whom he or she believes to be a
19 child; or

20 (3) knowingly entices, coerces, or persuades a child
21 to participate in the production of the recording or
22 memorializing a sexual act of persons ages 18 or older.

23 (a-5) A person commits sexual exploitation of a child who
24 knowingly entices, coerces, or persuades a child to remove the
25 child's clothing for the purpose of sexual arousal or

1 gratification of the person or the child, or both.

2 (b) Definitions. As used in this Section:

3 "Sexual act" means masturbation, sexual conduct or sexual
4 penetration as defined in Section 11-0.1 of this Code.

5 "Sex offense" means any violation of Article 11 of this
6 Code.

7 "Child" means a person under 17 years of age.

8 "Virtual presence" means an environment that is created
9 with software and presented to the user and or receiver via the
10 Internet, in such a way that the user appears in front of the
11 receiver on the computer monitor or screen or hand-held
12 portable electronic device, usually through a web camming
13 program. "Virtual presence" includes primarily experiencing
14 through sight or sound, or both, a video image that can be
15 explored interactively at a personal computer or hand-held
16 communication device, or both.

17 "Webcam" means a video capturing device connected to a
18 computer or computer network that is designed to take digital
19 photographs or live or recorded video which allows for the
20 live transmission to an end user over the Internet.

21 (c) Sentence.

22 (1) Sexual exploitation of a child is a Class A
23 misdemeanor. A second or subsequent violation of this
24 Section or a substantially similar law of another state is
25 a Class 4 felony.

26 (2) Sexual exploitation of a child is a Class 4 felony

1 if the person has been previously convicted of a sex
2 offense.

3 (3) Sexual exploitation of a child is a Class 4 felony
4 if the victim was under 13 years of age at the time of the
5 commission of the offense.

6 (4) Sexual exploitation of a child is a Class 4 felony
7 if committed by a person 18 years of age or older who is on
8 or within 500 feet of elementary or secondary school
9 grounds when children are present on the grounds.

10 (5) A violation of paragraph (3) of subsection (a) is
11 a Class 4 felony for a first offense; and a Class 3 felony
12 for a second or subsequent offense, or if the person has
13 been previously convicted of a sex offense.

14 (Source: P.A. 102-168, eff. 7-27-21.)

15 (720 ILCS 5/11-9.3)

16 Sec. 11-9.3. Presence within school zone by child sex
17 offenders prohibited; approaching, contacting, residing with,
18 or communicating with a child within certain places by child
19 sex offenders prohibited.

20 (a) It is unlawful for a child sex offender to knowingly be
21 present in any school building, on real property comprising
22 any school, or in any conveyance owned, leased, or contracted
23 by a school to transport students to or from school or a school
24 related activity when persons under the age of 18 are present
25 in the building, on the grounds or in the conveyance, unless

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

24 (a-5) It is unlawful for a child sex offender to knowingly
25 be present within 100 feet of a site posted as a pick-up or
26 discharge stop for a conveyance owned, leased, or contracted

1 by a school to transport students to or from school or a school
2 related activity when one or more persons under the age of 18
3 are present at the site.

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

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

1 has permission to be present from the superintendent or the
2 school board or in the case of a private school from the
3 principal. In the case of a public school, if permission is
4 granted, the superintendent or school board president must
5 inform the principal of the school where the sex offender will
6 be present. Notification includes the nature of the sex
7 offender's visit and the hours in which the sex offender will
8 be present in the school. The sex offender is responsible for
9 notifying the principal's office when he or she arrives on
10 school property and when he or she departs from school
11 property. If the sex offender is to be present in the vicinity
12 of children, the sex offender has the duty to remain under the
13 direct supervision of a school official.

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

22 (b-5) It is unlawful for a child sex offender to knowingly
23 reside within 500 feet of a school building or the real
24 property comprising any school that persons under the age of
25 18 attend. Nothing in this subsection (b-5) prohibits a child
26 sex offender from residing within 500 feet of a school

1 building or the real property comprising any school that
2 persons under 18 attend if the property is owned by the child
3 sex offender and was purchased before July 7, 2000 (the
4 effective date of Public Act 91-911).

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

25 (b-15) It is unlawful for a child sex offender to
26 knowingly reside within 500 feet of the victim of the sex

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

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

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

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

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

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

24 (c-5) It is unlawful for a child sex offender to knowingly
25 operate, manage, be employed by, or be associated with any
26 carnival, amusement enterprise, or county or State fair when

1 persons under the age of 18 are present.

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

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

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

23 (d) Definitions. In this Section:

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

25 (i) has been charged under Illinois law, or any
26 substantially similar federal law or law of another

1 state, with a sex offense set forth in paragraph (2) of
2 this subsection (d) or the attempt to commit an
3 included sex offense, and the victim is a person under
4 18 years of age at the time of the offense; and:

5 (A) is convicted of such offense or an attempt
6 to commit such offense; or

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

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

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

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

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

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

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

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

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

24 (i) A violation of any of the following Sections
25 of the Criminal Code of 1961 or the Criminal Code of
26 2012: 10-4 (forcible detention), 10-7 (aiding or

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

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

8 (ii) 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
11 age: 11-1.20 (criminal sexual assault), 11-1.30
12 (aggravated criminal sexual assault), 11-1.50
13 (criminal sexual abuse), 11-1.60 (aggravated criminal
14 sexual abuse). An attempt to commit any of these
15 offenses.

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

20 10-1 (kidnapping),
21 10-2 (aggravated kidnapping),
22 10-3 (unlawful restraint),
23 10-3.1 (aggravated unlawful restraint),
24 11-9.1(A) (permitting sexual abuse of a child).

25 An attempt to commit any of these offenses.

26 (iv) A violation of any former law of this State

1 substantially equivalent to any offense listed in
2 clause (2)(i) or (2)(ii) of subsection (d) of this
3 Section.

4 (2.5) For the purposes of subsections (b-5) and (b-10)
5 only, a sex offense means:

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

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

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

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

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

17 10-1 (kidnapping),
18 10-2 (aggravated kidnapping),
19 10-3 (unlawful restraint),
20 10-3.1 (aggravated unlawful restraint),
21 11-9.1(A) (permitting sexual abuse of a child).

22 An attempt to commit any of these offenses.

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

26 (3) A conviction for an offense of federal law or the

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

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

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

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

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

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

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

25 (10) "Internet" has the meaning set forth in Section
26 16-0.1 of this Code.

1 (11) "Loiter" means:

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

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

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

12 (12) "Part day child care facility" has the meaning
13 ascribed to it in Section 2.10 of the Child Care Act of
14 1969.

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

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

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

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

1 (e) For the purposes of this Section, the 500 feet
2 distance shall be measured from: (1) the edge of the property
3 of the school building or the real property comprising the
4 school that is closest to the edge of the property of the child
5 sex offender's residence or where he or she is loitering, and
6 (2) the edge of the property comprising the public park
7 building or the real property comprising the public park,
8 playground, child care institution, day care center, part day
9 child care facility, or facility providing programs or
10 services exclusively directed toward persons under 18 years of
11 age, or a victim of the sex offense who is under 21 years of
12 age, to the edge of the child sex offender's place of residence
13 or place where he or she is loitering.

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

16 (Source: P.A. 102-997, eff. 1-1-23.)

17 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

18 Sec. 11-20.1. Child sexual abuse material ~~pornography~~.

19 (a) Recognizing the enormous negative societal impact that
20 sexually explicit visual depictions of children engaged in
21 sexual abuse activities have on the children who are abused,
22 and the overarching broader impact these materials and imagery
23 have at various levels to the public, especially when this
24 material is disseminated, we are changing all references in
25 Illinois statutes from "child pornography" to "child sexual

1 abuse material". It is important that the statutes of the
2 State of Illinois reflect the content and realities of these
3 materials as the sexual abuse and exploitation of children.
4 The word "pornography" implied legality involving "consent" of
5 which this imagery is not, as children can never "consent" to
6 sexual abuse and sexual exploitation. This name change is not
7 a change in meaning, definitions, statutes or application of
8 the laws of this State and all previous references to "child
9 pornography" are now encapsulated in "child sexual abuse
10 materials".

11 A person commits child sexual abuse material ~~pornography~~
12 who:

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

20 (i) actually or by simulation engaged in any act
21 of sexual penetration or sexual conduct with any
22 person or animal; or

23 (ii) actually or by simulation engaged in any act
24 of sexual penetration or sexual conduct involving the
25 sex organs of the child or person with a severe or
26 profound intellectual disability and the mouth, anus,

1 or sex organs of another person or animal; or which
2 involves the mouth, anus or sex organs of the child or
3 person with a severe or profound intellectual
4 disability and the sex organs of another person or
5 animal; or

6 (iii) actually or by simulation engaged in any act
7 of masturbation; or

8 (iv) actually or by simulation portrayed as being
9 the object of, or otherwise engaged in, any act of lewd
10 fondling, touching, or caressing involving another
11 person or animal; or

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

14 (vi) actually or by simulation portrayed or
15 depicted as bound, fettered, or subject to sadistic,
16 masochistic, or sadomasochistic abuse in any sexual
17 context; or

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

24 (2) with the knowledge of the nature or content
25 thereof, reproduces, disseminates, offers to disseminate,
26 exhibits or possesses with intent to disseminate any film,

1 videotape, photograph or other similar visual reproduction
2 or depiction by computer of any child or person with a
3 severe or profound intellectual disability whom the person
4 knows or reasonably should know to be under the age of 18
5 or to be a person with a severe or profound intellectual
6 disability, engaged in any activity described in
7 subparagraphs (i) through (vii) of paragraph (1) of this
8 subsection; or

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

17 (4) solicits, uses, persuades, induces, entices, or
18 coerces any child whom he or she knows or reasonably
19 should know to be under the age of 18 or a person with a
20 severe or profound intellectual disability to appear in
21 any stage play, live presentation, film, videotape,
22 photograph or other similar visual reproduction or
23 depiction by computer in which the child or person with a
24 severe or profound intellectual disability is or will be
25 depicted, actually or by simulation, in any act, pose or
26 setting described in subparagraphs (i) through (vii) of

1 paragraph (1) of this subsection; or

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

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

23 (7) solicits, or knowingly uses, persuades, induces,
24 entices, or coerces, a person to provide a child under the
25 age of 18 or a person with a severe or profound
26 intellectual disability to appear in any videotape,

1 photograph, film, stage play, live presentation, or other
2 similar visual reproduction or depiction by computer in
3 which the child or person with a severe or profound
4 intellectual disability will be depicted, actually or by
5 simulation, in any act, pose, or setting described in
6 subparagraphs (i) through (vii) of paragraph (1) of this
7 subsection.

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

15 (b) (1) It shall be an affirmative defense to a charge of
16 child sexual abuse material ~~pornography~~ that the defendant
17 reasonably believed, under all of the circumstances, that the
18 child was 18 years of age or older or that the person was not a
19 person with a severe or profound intellectual disability but
20 only where, prior to the act or acts giving rise to a
21 prosecution under this Section, he or she took some
22 affirmative action or made a bonafide inquiry designed to
23 ascertain whether the child was 18 years of age or older or
24 that the person was not a person with a severe or profound
25 intellectual disability and his or her reliance upon the
26 information so obtained was clearly reasonable.

1 (1.5) Telecommunications carriers, commercial mobile
2 service providers, and providers of information services,
3 including, but not limited to, Internet service providers and
4 hosting service providers, are not liable under this Section
5 by virtue of the transmission, storage, or caching of
6 electronic communications or messages of others or by virtue
7 of the provision of other related telecommunications,
8 commercial mobile services, or information services used by
9 others in violation of this Section.

10 (2) (Blank).

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

22 (4) If the defendant possessed more than one of the same
23 film, videotape or visual reproduction or depiction by
24 computer in which child sexual abuse material ~~pornography~~ is
25 depicted, then the trier of fact may infer that the defendant
26 possessed such materials with the intent to disseminate them.

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

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

15 (c) If the violation does not involve a film, videotape,
16 or other moving depiction, a violation of paragraph (1), (4),
17 (5), or (7) of subsection (a) is a Class 1 felony with a
18 mandatory minimum fine of \$2,000 and a maximum fine of
19 \$100,000. If the violation involves a film, videotape, or
20 other moving depiction, a violation of paragraph (1), (4),
21 (5), or (7) of subsection (a) is a Class X felony with a
22 mandatory minimum fine of \$2,000 and a maximum fine of
23 \$100,000. If the violation does not involve a film, videotape,
24 or other moving depiction, a violation of paragraph (3) of
25 subsection (a) is a Class 1 felony with a mandatory minimum
26 fine of \$1500 and a maximum fine of \$100,000. If the violation

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

19 (c-5) Where the child depicted is under the age of 13, a
20 violation of paragraph (1), (2), (3), (4), (5), or (7) of
21 subsection (a) is a Class X felony with a mandatory minimum
22 fine of \$2,000 and a maximum fine of \$100,000. Where the child
23 depicted is under the age of 13, a violation of paragraph (6)
24 of subsection (a) is a Class 2 felony with a mandatory minimum
25 fine of \$1,000 and a maximum fine of \$100,000. Where the child
26 depicted is under the age of 13, a person who commits a

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

1 minimum fine of \$1,000 and a maximum fine of \$100,000. The
2 issue of whether the child depicted is under the age of 13 is
3 an element of the offense to be resolved by the trier of fact.

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

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

21 In addition, any person convicted under this Section is
22 subject to the property forfeiture provisions set forth in
23 Article 124B of the Code of Criminal Procedure of 1963.

24 (e-5) Upon the conclusion of a case brought under this
25 Section, the court shall seal all evidence depicting a victim
26 or witness that is sexually explicit. The evidence may be

1 unsealed and viewed, on a motion of the party seeking to unseal
2 and view the evidence, only for good cause shown and in the
3 discretion of the court. The motion must expressly set forth
4 the purpose for viewing the material. The State's Attorney
5 ~~attorney~~ and the victim, if possible, shall be provided
6 reasonable notice of the hearing on the motion to unseal the
7 evidence. Any person entitled to notice of a hearing under
8 this subsection (e-5) may object to the motion.

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

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

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

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

20 (4) "Depict by computer" means to generate or create,
21 or cause to be created or generated, a computer program or
22 data that, after being processed by a computer either
23 alone or in conjunction with one or more computer
24 programs, results in a visual depiction on a computer
25 monitor, screen, or display.

26 (5) "Depiction by computer" means a computer program

1 or 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 (6) "Computer", "computer program", and "data" have
6 the meanings ascribed to them in Section 17.05 of this
7 Code.

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

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

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

3 (i) Section 50-5 of Public Act 88-680, effective
4 January 1, 1995, contained provisions amending the
5 child sexual abuse material ~~pornography~~ statute,
6 Section 11-20.1 of the Criminal Code of 1961. Section
7 50-5 also contained other provisions.

8 (ii) In addition, Public Act 88-680 was entitled
9 "AN ACT to create a Safe Neighborhoods Law". (A)
10 Article 5 was entitled JUVENILE JUSTICE and amended
11 the Juvenile Court Act of 1987. (B) Article 15 was
12 entitled GANGS and amended various provisions of the
13 Criminal Code of 1961 and the Unified Code of
14 Corrections. (C) Article 20 was entitled ALCOHOL ABUSE
15 and amended various provisions of the Illinois Vehicle
16 Code. (D) Article 25 was entitled DRUG ABUSE and
17 amended the Cannabis Control Act and the Illinois
18 Controlled Substances Act. (E) Article 30 was entitled
19 FIREARMS and amended the Criminal Code of 1961 and the
20 Code of Criminal Procedure of 1963. (F) Article 35
21 amended the Criminal Code of 1961, the Rights of Crime
22 Victims and Witnesses Act, and the Unified Code of
23 Corrections. (G) Article 40 amended the Criminal Code
24 of 1961 to increase the penalty for compelling
25 organization membership of persons. (H) Article 45
26 created the Secure Residential Youth Care Facility

1 Licensing Act and amended the State Finance Act, the
2 Juvenile Court Act of 1987, the Unified Code of
3 Corrections, and the Private Correctional Facility
4 Moratorium Act. (I) Article 50 amended the WIC Vendor
5 Management Act, the Firearm Owners Identification Card
6 Act, the Juvenile Court Act of 1987, the Criminal Code
7 of 1961, the Wrongs to Children Act, and the Unified
8 Code of Corrections.

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

17 (iv) Child sexual abuse material ~~pornography~~ is a
18 vital concern to the people of this State and the
19 validity of future prosecutions under the child sexual
20 abuse material ~~pornography~~ statute of the Criminal
21 Code of 1961 is in grave doubt.

22 (2) It is the purpose of this amendatory Act of 1999 to
23 prevent or minimize any problems relating to prosecutions
24 for child sexual abuse material ~~pornography~~ that may
25 result from challenges to the constitutional validity of
26 Public Act 88-680 by re-enacting the Section relating to

1 child sexual abuse material ~~pornography~~ that was included
2 in Public Act 88-680.

3 (3) This amendatory Act of 1999 re-enacts Section
4 11-20.1 of the Criminal Code of 1961, as it has been
5 amended. This re-enactment is intended to remove any
6 question as to the validity or content of that Section; it
7 is not intended to supersede any other Public Act that
8 amends the text of the Section as set forth in this
9 amendatory Act of 1999. The material is shown as existing
10 text (i.e., without underscoring) because, as of the time
11 this amendatory Act of 1999 was prepared, People v. Dainty
12 was subject to appeal to the Illinois Supreme Court.

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

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

22 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

23 Sec. 11-20.2. Duty of commercial film and photographic
24 print processors or computer technicians to report sexual
25 depiction of children.

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

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

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

18 (iii) actually or by simulation engaged in any act of
19 masturbation; or

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

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

26 (vi) actually or by simulation portrayed or depicted

1 as bound, fettered, or subject to sadistic, masochistic,
2 or sadomasochistic abuse in any sexual context; or

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

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

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

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

21 (d) Reports required by this Act shall include the
22 following information: (i) name, address, and telephone number
23 of the person filing the report; (ii) the employer of the
24 person filing the report, if any; (iii) the name, address and
25 telephone number of the person whose property is the subject
26 of the report, if known; (iv) the circumstances which led to

1 the filing of the report, including a description of the
2 reported content.

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

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

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

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

19 (720 ILCS 5/11-23)

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

23 (a) A person at least 17 years of age who knowingly
24 discloses on an adult obscenity or child sexual abuse material
25 ~~pornography~~ Internet site the name, address, telephone number,

1 or e-mail address of a person under 17 years of age at the time
2 of the commission of the offense or of a person at least 17
3 years of age without the consent of the person at least 17
4 years of age is guilty of posting of identifying information
5 on a pornographic Internet site.

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

16 (a-10) Any person who knowingly places, posts, reproduces,
17 or maintains on an adult obscenity or child sexual abuse
18 material ~~pornography~~ Internet site, or possesses with obscene
19 or child pornographic material a photograph, video, or digital
20 image of a person under 18 years of age in which the child is
21 posed in a suggestive manner with the focus or concentration
22 of the image on the child's clothed genitals, clothed pubic
23 area, clothed buttocks area, or if the child is female, the
24 breast exposed through transparent clothing, and the
25 photograph, video, or digital image is not child sexual abuse
26 material ~~pornography~~ under Section 11-20.1, is guilty of

1 posting of graphic information on a pornographic Internet site
2 or possessing graphic information with pornographic material.

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

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

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

18 (2) "Internet" has the meaning set forth in Section
19 16-0.1 of this Code.

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

21 (720 ILCS 5/11-25)

22 Sec. 11-25. Grooming.

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

24 (1) uses a computer on-line service, Internet service,
25 local bulletin board service, or any other device capable

1 of electronic data storage or transmission, performs an
2 act in person or by conduct through a third party, or uses
3 written communication to seduce, solicit, lure, or entice,
4 or attempt to seduce, solicit, lure, or entice, a child, a
5 child's guardian, or another person believed by the person
6 to be a child or a child's guardian, to commit any sex
7 offense ~~as defined in Section 2 of the Sex Offender~~
8 ~~Registration Act~~, to distribute photographs depicting the
9 sex organs of the child, or to otherwise engage in any
10 unlawful sexual conduct with a child or with another
11 person believed by the person to be a child; or-

12 (2) engages in a pattern of conduct that seduces,
13 solicits, lures, or entices, or attempts to seduce,
14 solicit, lure, or entice, a child to engage or participate
15 in unlawful sexual conduct that is for the purpose of
16 sexual gratification or arousal of the victim, the
17 accused, or another.

18 (a-5) As used in this Section:-

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

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

21 "Sex offense" means any violation of Article 11 of this
22 Code.

23 "Sexual conduct" means masturbation, sexual conduct, or
24 sexual penetration as defined in Section 11-0.1 of this Code.

25 (a-6) Illinois has a compelling interest in effective
26 education and "grooming" does not include conduct that serves

1 a legitimate educational purpose pursuant to Section 27-9.1a
2 of the School Code.

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

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

5 (720 ILCS 5/14-3)

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

8 (a) Listening to radio, wireless electronic
9 communications, and television communications of any sort
10 where the same are publicly made;

11 (b) Hearing conversation when heard by employees of
12 any common carrier by wire incidental to the normal course
13 of their employment in the operation, maintenance or
14 repair of the equipment of such common carrier by wire so
15 long as no information obtained thereby is used or
16 divulged by the hearer;

17 (c) Any broadcast by radio, television or otherwise
18 whether it be a broadcast or recorded for the purpose of
19 later broadcasts of any function where the public is in
20 attendance and the conversations are overheard incidental
21 to the main purpose for which such broadcasts are then
22 being made;

23 (d) Recording or listening with the aid of any device
24 to any emergency communication made in the normal course
25 of operations by any federal, state or local law

1 enforcement agency or institutions dealing in emergency
2 services, including, but not limited to, hospitals,
3 clinics, ambulance services, fire fighting agencies, any
4 public utility, emergency repair facility, civilian
5 defense establishment or military installation;

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

8 (f) Recording or listening with the aid of any device
9 to incoming telephone calls of phone lines publicly listed
10 or advertised as consumer "hotlines" by manufacturers or
11 retailers of food and drug products. Such recordings must
12 be destroyed, erased or turned over to local law
13 enforcement authorities within 24 hours from the time of
14 such recording and shall not be otherwise disseminated.
15 Failure on the part of the individual or business
16 operating any such recording or listening device to comply
17 with the requirements of this subsection shall eliminate
18 any civil or criminal immunity conferred upon that
19 individual or business by the operation of this Section;

20 (g) With prior notification to the State's Attorney of
21 the county in which it is to occur, recording or listening
22 with the aid of any device to any conversation where a law
23 enforcement officer, or any person acting at the direction
24 of law enforcement, is a party to the conversation and has
25 consented to it being intercepted or recorded under
26 circumstances where the use of the device is necessary for

1 the protection of the law enforcement officer or any
2 person acting at the direction of law enforcement, in the
3 course of an investigation of a forcible felony, a felony
4 offense of involuntary servitude, involuntary sexual
5 servitude of a minor, or trafficking in persons under
6 Section 10-9 of this Code, an offense involving
7 prostitution, solicitation of a sexual act, or pandering,
8 a felony violation of the Illinois Controlled Substances
9 Act, a felony violation of the Cannabis Control Act, a
10 felony violation of the Methamphetamine Control and
11 Community Protection Act, any "streetgang related" or
12 "gang-related" felony as those terms are defined in the
13 Illinois Streetgang Terrorism Omnibus Prevention Act, or
14 any felony offense involving any weapon listed in
15 paragraphs (1) through (11) of subsection (a) of Section
16 24-1 of this Code. Any recording or evidence derived as
17 the result of this exemption shall be inadmissible in any
18 proceeding, criminal, civil or administrative, except (i)
19 where a party to the conversation suffers great bodily
20 injury or is killed during such conversation, or (ii) when
21 used as direct impeachment of a witness concerning matters
22 contained in the interception or recording. The Director
23 of the Illinois State Police shall issue regulations as
24 are necessary concerning the use of devices, retention of
25 tape recordings, and reports regarding their use;

26 (g-5) (Blank);

1 (g-6) With approval of the State's Attorney of the
2 county in which it is to occur, recording or listening
3 with the aid of any device to any conversation where a law
4 enforcement officer, or any person acting at the direction
5 of law enforcement, is a party to the conversation and has
6 consented to it being intercepted or recorded in the
7 course of an investigation of child sexual abuse material
8 ~~pornography~~, aggravated child pornography, indecent
9 solicitation of a child, luring of a minor, sexual
10 exploitation of a child, aggravated criminal sexual abuse
11 in which the victim of the offense was at the time of the
12 commission of the offense under 18 years of age, or
13 criminal sexual abuse by force or threat of force in which
14 the victim of the offense was at the time of the commission
15 of the offense under 18 years of age. In all such cases, an
16 application for an order approving the previous or
17 continuing use of an eavesdropping device must be made
18 within 48 hours of the commencement of such use. In the
19 absence of such an order, or upon its denial, any
20 continuing use shall immediately terminate. The Director
21 of the Illinois State Police shall issue rules as are
22 necessary concerning the use of devices, retention of
23 recordings, and reports regarding their use. Any recording
24 or evidence obtained or derived in the course of an
25 investigation of child sexual abuse material ~~pornography~~,
26 aggravated child pornography, indecent solicitation of a

1 child, luring of a minor, sexual exploitation of a child,
2 aggravated criminal sexual abuse in which the victim of
3 the offense was at the time of the commission of the
4 offense under 18 years of age, or criminal sexual abuse by
5 force or threat of force in which the victim of the offense
6 was at the time of the commission of the offense under 18
7 years of age shall, upon motion of the State's Attorney or
8 Attorney General prosecuting any case involving child
9 sexual abuse material ~~pornography~~, aggravated child
10 pornography, indecent solicitation of a child, luring of a
11 minor, sexual exploitation of a child, aggravated criminal
12 sexual abuse in which the victim of the offense was at the
13 time of the commission of the offense under 18 years of
14 age, or criminal sexual abuse by force or threat of force
15 in which the victim of the offense was at the time of the
16 commission of the offense under 18 years of age be
17 reviewed in camera with notice to all parties present by
18 the court presiding over the criminal case, and, if ruled
19 by the court to be relevant and otherwise admissible, it
20 shall be admissible at the trial of the criminal case.
21 Absent such a ruling, any such recording or evidence shall
22 not be admissible at the trial of the criminal case;

23 (h) Recordings made simultaneously with the use of an
24 in-car video camera recording of an oral conversation
25 between a uniformed peace officer, who has identified his
26 or her office, and a person in the presence of the peace

1 officer whenever (i) an officer assigned a patrol vehicle
2 is conducting an enforcement stop; or (ii) patrol vehicle
3 emergency lights are activated or would otherwise be
4 activated if not for the need to conceal the presence of
5 law enforcement.

6 For the purposes of this subsection (h), "enforcement
7 stop" means an action by a law enforcement officer in
8 relation to enforcement and investigation duties,
9 including but not limited to, traffic stops, pedestrian
10 stops, abandoned vehicle contacts, motorist assists,
11 commercial motor vehicle stops, roadside safety checks,
12 requests for identification, or responses to requests for
13 emergency assistance;

14 (h-5) Recordings of utterances made by a person while
15 in the presence of a uniformed peace officer and while an
16 occupant of a police vehicle including, but not limited
17 to, (i) recordings made simultaneously with the use of an
18 in-car video camera and (ii) recordings made in the
19 presence of the peace officer utilizing video or audio
20 systems, or both, authorized by the law enforcement
21 agency;

22 (h-10) Recordings made simultaneously with a video
23 camera recording during the use of a taser or similar
24 weapon or device by a peace officer if the weapon or device
25 is equipped with such camera;

26 (h-15) Recordings made under subsection (h), (h-5), or

1 (h-10) shall be retained by the law enforcement agency
2 that employs the peace officer who made the recordings for
3 a storage period of 90 days, unless the recordings are
4 made as a part of an arrest or the recordings are deemed
5 evidence in any criminal, civil, or administrative
6 proceeding and then the recordings must only be destroyed
7 upon a final disposition and an order from the court.
8 Under no circumstances shall any recording be altered or
9 erased prior to the expiration of the designated storage
10 period. Upon completion of the storage period, the
11 recording medium may be erased and reissued for
12 operational use;

13 (i) Recording of a conversation made by or at the
14 request of a person, not a law enforcement officer or
15 agent of a law enforcement officer, who is a party to the
16 conversation, under reasonable suspicion that another
17 party to the conversation is committing, is about to
18 commit, or has committed a criminal offense against the
19 person or a member of his or her immediate household, and
20 there is reason to believe that evidence of the criminal
21 offense may be obtained by the recording;

22 (j) The use of a telephone monitoring device by either
23 (1) a corporation or other business entity engaged in
24 marketing or opinion research or (2) a corporation or
25 other business entity engaged in telephone solicitation,
26 as defined in this subsection, to record or listen to oral

1 telephone solicitation conversations or marketing or
2 opinion research conversations by an employee of the
3 corporation or other business entity when:

4 (i) the monitoring is used for the purpose of
5 service quality control of marketing or opinion
6 research or telephone solicitation, the education or
7 training of employees or contractors engaged in
8 marketing or opinion research or telephone
9 solicitation, or internal research related to
10 marketing or opinion research or telephone
11 solicitation; and

12 (ii) the monitoring is used with the consent of at
13 least one person who is an active party to the
14 marketing or opinion research conversation or
15 telephone solicitation conversation being monitored.

16 No communication or conversation or any part, portion,
17 or aspect of the communication or conversation made,
18 acquired, or obtained, directly or indirectly, under this
19 exemption (j), may be, directly or indirectly, furnished
20 to any law enforcement officer, agency, or official for
21 any purpose or used in any inquiry or investigation, or
22 used, directly or indirectly, in any administrative,
23 judicial, or other proceeding, or divulged to any third
24 party.

25 When recording or listening authorized by this
26 subsection (j) on telephone lines used for marketing or

1 opinion research or telephone solicitation purposes
2 results in recording or listening to a conversation that
3 does not relate to marketing or opinion research or
4 telephone solicitation; the person recording or listening
5 shall, immediately upon determining that the conversation
6 does not relate to marketing or opinion research or
7 telephone solicitation, terminate the recording or
8 listening and destroy any such recording as soon as is
9 practicable.

10 Business entities that use a telephone monitoring or
11 telephone recording system pursuant to this exemption (j)
12 shall provide current and prospective employees with
13 notice that the monitoring or recordings may occur during
14 the course of their employment. The notice shall include
15 prominent signage notification within the workplace.

16 Business entities that use a telephone monitoring or
17 telephone recording system pursuant to this exemption (j)
18 shall provide their employees or agents with access to
19 personal-only telephone lines, which may be pay
20 telephones, that are not subject to telephone monitoring
21 or telephone recording.

22 For the purposes of this subsection (j), "telephone
23 solicitation" means a communication through the use of a
24 telephone by live operators:

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

26 (ii) receiving orders for the sale of goods or

1 services;

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

3 or

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

6 For the purposes of this subsection (j), "marketing or
7 opinion research" means a marketing or opinion research
8 interview conducted by a live telephone interviewer
9 engaged by a corporation or other business entity whose
10 principal business is the design, conduct, and analysis of
11 polls and surveys measuring the opinions, attitudes, and
12 responses of respondents toward products and services, or
13 social or political issues, or both;

14 (k) Electronic recordings, including but not limited
15 to, a motion picture, videotape, digital, or other visual
16 or audio recording, made of a custodial interrogation of
17 an individual at a police station or other place of
18 detention by a law enforcement officer under Section
19 5-401.5 of the Juvenile Court Act of 1987 or Section
20 103-2.1 of the Code of Criminal Procedure of 1963;

21 (l) Recording the interview or statement of any person
22 when the person knows that the interview is being
23 conducted by a law enforcement officer or prosecutor and
24 the interview takes place at a police station that is
25 currently participating in the Custodial Interview Pilot
26 Program established under the Illinois Criminal Justice

1 Information Act;

2 (m) An electronic recording, including but not limited
3 to, a motion picture, videotape, digital, or other visual
4 or audio recording, made of the interior of a school bus
5 while the school bus is being used in the transportation
6 of students to and from school and school-sponsored
7 activities, when the school board has adopted a policy
8 authorizing such recording, notice of such recording
9 policy is included in student handbooks and other
10 documents including the policies of the school, notice of
11 the policy regarding recording is provided to parents of
12 students, and notice of such recording is clearly posted
13 on the door of and inside the school bus.

14 Recordings made pursuant to this subsection (m) shall
15 be confidential records and may only be used by school
16 officials (or their designees) and law enforcement
17 personnel for investigations, school disciplinary actions
18 and hearings, proceedings under the Juvenile Court Act of
19 1987, and criminal prosecutions, related to incidents
20 occurring in or around the school bus;

21 (n) Recording or listening to an audio transmission
22 from a microphone placed by a person under the authority
23 of a law enforcement agency inside a bait car surveillance
24 vehicle while simultaneously capturing a photographic or
25 video image;

26 (o) The use of an eavesdropping camera or audio device

1 during an ongoing hostage or barricade situation by a law
2 enforcement officer or individual acting on behalf of a
3 law enforcement officer when the use of such device is
4 necessary to protect the safety of the general public,
5 hostages, or law enforcement officers or anyone acting on
6 their behalf;

7 (p) Recording or listening with the aid of any device
8 to incoming telephone calls of phone lines publicly listed
9 or advertised as the "CPS Violence Prevention Hotline",
10 but only where the notice of recording is given at the
11 beginning of each call as required by Section 34-21.8 of
12 the School Code. The recordings may be retained only by
13 the Chicago Police Department or other law enforcement
14 authorities, and shall not be otherwise retained or
15 disseminated;

16 (q) (1) With prior request to and written or verbal
17 approval of the State's Attorney of the county in which
18 the conversation is anticipated to occur, recording or
19 listening with the aid of an eavesdropping device to a
20 conversation in which a law enforcement officer, or any
21 person acting at the direction of a law enforcement
22 officer, is a party to the conversation and has consented
23 to the conversation being intercepted or recorded in the
24 course of an investigation of a qualified offense. The
25 State's Attorney may grant this approval only after
26 determining that reasonable cause exists to believe that

1 inculpatory conversations concerning a qualified offense
2 will occur with a specified individual or individuals
3 within a designated period of time.

4 (2) Request for approval. To invoke the exception
5 contained in this subsection (q), a law enforcement
6 officer shall make a request for approval to the
7 appropriate State's Attorney. The request may be written
8 or verbal; however, a written memorialization of the
9 request must be made by the State's Attorney. This request
10 for approval shall include whatever information is deemed
11 necessary by the State's Attorney but shall include, at a
12 minimum, the following information about each specified
13 individual whom the law enforcement officer believes will
14 commit a qualified offense:

15 (A) his or her full or partial name, nickname or
16 alias;

17 (B) a physical description; or

18 (C) failing either (A) or (B) of this paragraph
19 (2), any other supporting information known to the law
20 enforcement officer at the time of the request that
21 gives rise to reasonable cause to believe that the
22 specified individual will participate in an
23 inculpatory conversation concerning a qualified
24 offense.

25 (3) Limitations on approval. Each written approval by
26 the State's Attorney under this subsection (q) shall be

1 limited to:

2 (A) a recording or interception conducted by a
3 specified law enforcement officer or person acting at
4 the direction of a law enforcement officer;

5 (B) recording or intercepting conversations with
6 the individuals specified in the request for approval,
7 provided that the verbal approval shall be deemed to
8 include the recording or intercepting of conversations
9 with other individuals, unknown to the law enforcement
10 officer at the time of the request for approval, who
11 are acting in conjunction with or as co-conspirators
12 with the individuals specified in the request for
13 approval in the commission of a qualified offense;

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

16 (D) the written request for approval, if
17 applicable, or the written memorialization must be
18 filed, along with the written approval, with the
19 circuit clerk of the jurisdiction on the next business
20 day following the expiration of the authorized period
21 of time, and shall be subject to review by the Chief
22 Judge or his or her designee as deemed appropriate by
23 the court.

24 (3.5) The written memorialization of the request for
25 approval and the written approval by the State's Attorney
26 may be in any format, including via facsimile, email, or

1 otherwise, so long as it is capable of being filed with the
2 circuit clerk.

3 (3.10) Beginning March 1, 2015, each State's Attorney
4 shall annually submit a report to the General Assembly
5 disclosing:

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

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

10 (4) Admissibility of evidence. No part of the contents
11 of any wire, electronic, or oral communication that has
12 been recorded or intercepted as a result of this exception
13 may be received in evidence in any trial, hearing, or
14 other proceeding in or before any court, grand jury,
15 department, officer, agency, regulatory body, legislative
16 committee, or other authority of this State, or a
17 political subdivision of the State, other than in a
18 prosecution of:

19 (A) the qualified offense for which approval was
20 given to record or intercept a conversation under this
21 subsection (q);

22 (B) a forcible felony committed directly in the
23 course of the investigation of the qualified offense
24 for which approval was given to record or intercept a
25 conversation under this subsection (q); or

26 (C) any other forcible felony committed while the

1 recording or interception was approved in accordance
2 with this subsection (q), but for this specific
3 category of prosecutions, only if the law enforcement
4 officer or person acting at the direction of a law
5 enforcement officer who has consented to the
6 conversation being intercepted or recorded suffers
7 great bodily injury or is killed during the commission
8 of the charged forcible felony.

9 (5) Compliance with the provisions of this subsection
10 is a prerequisite to the admissibility in evidence of any
11 part of the contents of any wire, electronic or oral
12 communication that has been intercepted as a result of
13 this exception, but nothing in this subsection shall be
14 deemed to prevent a court from otherwise excluding the
15 evidence on any other ground recognized by State or
16 federal law, nor shall anything in this subsection be
17 deemed to prevent a court from independently reviewing the
18 admissibility of the evidence for compliance with the
19 Fourth Amendment to the U.S. Constitution or with Article
20 I, Section 6 of the Illinois Constitution.

21 (6) Use of recordings or intercepts unrelated to
22 qualified offenses. Whenever any private conversation or
23 private electronic communication has been recorded or
24 intercepted as a result of this exception that is not
25 related to an offense for which the recording or intercept
26 is admissible under paragraph (4) of this subsection (q),

1 no part of the contents of the communication and evidence
2 derived from the communication may be received in evidence
3 in any trial, hearing, or other proceeding in or before
4 any court, grand jury, department, officer, agency,
5 regulatory body, legislative committee, or other authority
6 of this State, or a political subdivision of the State,
7 nor may it be publicly disclosed in any way.

8 (6.5) The Illinois State Police shall adopt rules as
9 are necessary concerning the use of devices, retention of
10 recordings, and reports regarding their use under this
11 subsection (q).

12 (7) Definitions. For the purposes of this subsection
13 (q) only:

14 "Forcible felony" includes and is limited to those
15 offenses contained in Section 2-8 of the Criminal Code
16 of 1961 as of the effective date of this amendatory Act
17 of the 97th General Assembly, and only as those
18 offenses have been defined by law or judicial
19 interpretation as of that date.

20 "Qualified offense" means and is limited to:

21 (A) a felony violation of the Cannabis Control
22 Act, the Illinois Controlled Substances Act, or
23 the Methamphetamine Control and Community
24 Protection Act, except for violations of:

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

26 (ii) Section 402 of the Illinois

1 Controlled Substances Act; and

2 (iii) Section 60 of the Methamphetamine
3 Control and Community Protection Act; and

4 (B) first degree murder, solicitation of
5 murder for hire, predatory criminal sexual assault
6 of a child, criminal sexual assault, aggravated
7 criminal sexual assault, aggravated arson,
8 kidnapping, aggravated kidnapping, child
9 abduction, trafficking in persons, involuntary
10 servitude, involuntary sexual servitude of a
11 minor, or gunrunning.

12 "State's Attorney" includes and is limited to the
13 State's Attorney or an assistant State's Attorney
14 designated by the State's Attorney to provide verbal
15 approval to record or intercept conversations under
16 this subsection (q).

17 (8) Sunset. This subsection (q) is inoperative on and
18 after January 1, 2027. No conversations intercepted
19 pursuant to this subsection (q), while operative, shall be
20 inadmissible in a court of law by virtue of the
21 inoperability of this subsection (q) on January 1, 2027.

22 (9) Recordings, records, and custody. Any private
23 conversation or private electronic communication
24 intercepted by a law enforcement officer or a person
25 acting at the direction of law enforcement shall, if
26 practicable, be recorded in such a way as will protect the

1 recording from editing or other alteration. Any and all
2 original recordings made under this subsection (q) shall
3 be inventoried without unnecessary delay pursuant to the
4 law enforcement agency's policies for inventorying
5 evidence. The original recordings shall not be destroyed
6 except upon an order of a court of competent jurisdiction;
7 and

8 (r) Electronic recordings, including but not limited
9 to, motion picture, videotape, digital, or other visual or
10 audio recording, made of a lineup under Section 107A-2 of
11 the Code of Criminal Procedure of 1963.

12 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
13 102-918, eff. 5-27-22.)

14 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

15 (Text of Section before amendment by P.A. 102-982)

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

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

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

1 (aggravated criminal sexual assault), Section 11-1.40
2 (predatory criminal sexual assault of a child), subsection
3 (a) of Section 11-1.50 (criminal sexual abuse), subsection
4 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
5 sexual abuse), Section 11-6 (indecent solicitation of a
6 child), Section 11-14.4 (promoting juvenile prostitution
7 except for keeping a place of juvenile prostitution),
8 Section 11-20.1 (child pornography), paragraph (a)(1),
9 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),
10 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05
11 (aggravated battery), Section 12-7.3 (stalking), Section
12 12-7.4 (aggravated stalking), Section 16-1 (theft if the
13 theft is of precious metal or of scrap metal), subdivision
14 (f)(2) or (f)(3) of Section 16-25 (retail theft), Section
15 18-2 (armed robbery), Section 19-1 (burglary), Section
16 19-2 (possession of burglary tools), Section 19-3
17 (residential burglary), Section 20-1 (arson; residential
18 arson; place of worship arson), Section 20-2 (possession
19 of explosives or explosive or incendiary devices),
20 subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful use
21 of weapons), Section 24-1.2 (aggravated discharge of a
22 firearm), Section 24-1.2-5 (aggravated discharge of a
23 machine gun or a firearm equipped with a device designed
24 or used for silencing the report of a firearm), Section
25 24-1.5 (reckless discharge of a firearm), Section 28-1
26 (gambling), or Section 29D-15.2 (possession of a deadly

1 substance) of this Code;

2 (2) an offense prohibited by Section 21, 22, 23, 24 or
3 26 of the Cigarette Tax Act if the vessel or watercraft,
4 vehicle, or aircraft contains more than 10 cartons of such
5 cigarettes;

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

10 (4) an offense prohibited by Section 44 of the
11 Environmental Protection Act;

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

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

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

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

1 (ii) Section 11-501.1 (statutory summary
2 suspension or revocation),

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

6 (iv) reckless homicide as defined in Section
7 9-3 of this Code;

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

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

1 subsequent time;

2 (D) he or she did not possess a valid driver's
3 license or permit or a valid restricted driving permit
4 or a valid judicial driving permit or a valid
5 monitoring device driving permit; or

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

9 (7) an offense described in subsection (g) of Section
10 6-303 of the Illinois Vehicle Code;

11 (8) an offense described in subsection (e) of Section
12 6-101 of the Illinois Vehicle Code; or

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

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

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

24 (c) In addition, when a person discharges a firearm at
25 another individual from a vehicle with the knowledge and
26 consent of the owner of the vehicle and with the intent to

1 cause death or great bodily harm to that individual and as a
2 result causes death or great bodily harm to that individual,
3 the vehicle shall be subject to seizure and forfeiture under
4 the same procedures provided in this Article for the seizure
5 and forfeiture of vehicles used in violations of clauses (1),
6 (2), (3), or (4) of subsection (a) of this Section.

7 (d) If the spouse of the owner of a vehicle seized for an
8 offense described in subsection (g) of Section 6-303 of the
9 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
10 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
11 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
12 Code makes a showing that the seized vehicle is the only source
13 of transportation and it is determined that the financial
14 hardship to the family as a result of the seizure outweighs the
15 benefit to the State from the seizure, the vehicle may be
16 forfeited to the spouse or family member and the title to the
17 vehicle shall be transferred to the spouse or family member
18 who is properly licensed and who requires the use of the
19 vehicle for employment or family transportation purposes. A
20 written declaration of forfeiture of a vehicle under this
21 Section shall be sufficient cause for the title to be
22 transferred to the spouse or family member. The provisions of
23 this paragraph shall apply only to one forfeiture per vehicle.
24 If the vehicle is the subject of a subsequent forfeiture
25 proceeding by virtue of a subsequent conviction of either
26 spouse or the family member, the spouse or family member to

1 whom the vehicle was forfeited under the first forfeiture
2 proceeding may not utilize the provisions of this paragraph in
3 another forfeiture proceeding. If the owner of the vehicle
4 seized owns more than one vehicle, the procedure set out in
5 this paragraph may be used for only one vehicle.

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

10 (Text of Section after amendment by P.A. 102-982)

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

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

17 (1) an offense prohibited by Section 9-1 (first degree
18 murder), Section 9-3 (involuntary manslaughter and
19 reckless homicide), Section 10-2 (aggravated kidnaping),
20 Section 11-1.20 (criminal sexual assault), Section 11-1.30
21 (aggravated criminal sexual assault), Section 11-1.40
22 (predatory criminal sexual assault of a child), subsection
23 (a) of Section 11-1.50 (criminal sexual abuse), subsection
24 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
25 sexual abuse), Section 11-6 (indecent solicitation of a

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

23 (2) an offense prohibited by Section 21, 22, 23, 24 or
24 26 of the Cigarette Tax Act if the vessel or watercraft,
25 vehicle, or aircraft contains more than 10 cartons of such
26 cigarettes;

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

5 (4) an offense prohibited by Section 44 of the
6 Environmental Protection Act;

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

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

15 (A) during a period in which his or her driving
16 privileges are revoked or suspended if the revocation
17 or suspension was for:

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

22 (ii) Section 11-501.1 (statutory summary
23 suspension or revocation),

24 (iii) paragraph (b) of Section 11-401 (motor
25 vehicle crashes involving death or personal
26 injuries), or

1 (iv) reckless homicide as defined in Section
2 9-3 of this Code;

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

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

23 (D) he or she did not possess a valid driver's
24 license or permit or a valid restricted driving permit
25 or a valid judicial driving permit or a valid
26 monitoring device driving permit; or

1 (E) he or she knew or should have known that the
2 vehicle he or she was driving was not covered by a
3 liability insurance policy;

4 (7) an offense described in subsection (g) of Section
5 6-303 of the Illinois Vehicle Code;

6 (8) an offense described in subsection (e) of Section
7 6-101 of the Illinois Vehicle Code; or

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

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

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

19 (c) In addition, when a person discharges a firearm at
20 another individual from a vehicle with the knowledge and
21 consent of the owner of the vehicle and with the intent to
22 cause death or great bodily harm to that individual and as a
23 result causes death or great bodily harm to that individual,
24 the vehicle shall be subject to seizure and forfeiture under
25 the same procedures provided in this Article for the seizure
26 and forfeiture of vehicles used in violations of clauses (1),

1 (2), (3), or (4) of subsection (a) of this Section.

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

1 (e) In addition, property subject to forfeiture under
2 Section 40 of the Illinois Streetgang Terrorism Omnibus
3 Prevention Act may be seized and forfeited under this Article.
4 (Source: P.A. 102-982, eff. 7-1-23.)

5 Section 55. The Code of Criminal Procedure of 1963 is
6 amended by changing Sections 106B-10, 115-7, 115-7.3, 124B-10,
7 124B-100, 124B-420, and 124B-500 as follows:

8 (725 ILCS 5/106B-10)

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

1 dog in any criminal proceeding ~~involving that offense~~. When
2 deciding whether to permit the child or person to testify with
3 the assistance of a facility dog, the court shall take into
4 consideration the age of the child or person, the rights of the
5 parties to the litigation, and any other relevant factor that
6 would facilitate the giving of testimony ~~by the child or the~~
7 ~~person~~. As used in this Section, "facility dog" means a dog
8 that is a graduate of an assistance dog organization that is a
9 member of Assistance Dogs International.

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

11 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

12 Sec. 115-7. a. In prosecutions for predatory criminal
13 sexual assault of a child, aggravated criminal sexual assault,
14 criminal sexual assault, aggravated criminal sexual abuse,
15 criminal sexual abuse, involuntary servitude, involuntary
16 sexual servitude of a minor, or trafficking in persons ~~or~~
17 ~~criminal transmission of HIV~~; and in prosecutions for battery
18 and aggravated battery, when the commission of the offense
19 involves sexual penetration or sexual conduct as defined in
20 Section 11-0.1 of the Criminal Code of 2012; and with the trial
21 or retrial of the offenses formerly known as rape, deviate
22 sexual assault, indecent liberties with a child, and
23 aggravated indecent liberties with a child, the prior sexual
24 activity or the reputation of the alleged victim or
25 corroborating witness under Section 115-7.3 of this Code is

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

9 b. No evidence admissible under this Section shall be
10 introduced unless ruled admissible by the trial judge after an
11 offer of proof has been made at a hearing to be held in camera
12 in order to determine whether the defense has evidence to
13 impeach the witness in the event that prior sexual activity
14 with the defendant is denied. Such offer of proof shall
15 include reasonably specific information as to the date, time
16 and place of the past sexual conduct between the alleged
17 victim or corroborating witness under Section 115-7.3 of this
18 Code and the defendant. Unless the court finds that reasonably
19 specific information as to date, time or place, or some
20 combination thereof, has been offered as to prior sexual
21 activity with the defendant, counsel for the defendant shall
22 be ordered to refrain from inquiring into prior sexual
23 activity between the alleged victim or corroborating witness
24 under Section 115-7.3 of this Code and the defendant. The
25 court shall not admit evidence under this Section unless it
26 determines at the hearing that the evidence is relevant and

1 the probative value of the evidence outweighs the danger of
2 unfair prejudice. The evidence shall be admissible at trial to
3 the extent an order made by the court specifies the evidence
4 that may be admitted and areas with respect to which the
5 alleged victim or corroborating witness under Section 115-7.3
6 of this Code may be examined or cross examined.

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

8 (725 ILCS 5/115-7.3)

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

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

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

21 (2) the defendant is accused of battery, aggravated
22 battery, first degree murder, or second degree murder when
23 the commission of the offense involves sexual penetration
24 or sexual conduct as defined in Section 11-0.1 of the
25 Criminal Code of 2012; or

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

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

15 (c) In weighing the probative value of the evidence
16 against undue prejudice to the defendant, the court may
17 consider:

18 (1) the proximity in time to the charged or predicate
19 offense;

20 (2) the degree of factual similarity to the charged or
21 predicate offense; or

22 (3) other relevant facts and circumstances.

23 (d) In a criminal case in which the prosecution intends to
24 offer evidence under this Section, it must disclose the
25 evidence, including statements of witnesses or a summary of
26 the substance of any testimony, at a reasonable time in

1 advance of trial, or during trial if the court excuses
2 pretrial notice on good cause shown.

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

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

16 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
17 98-160, eff. 1-1-14.)

18 (725 ILCS 5/124B-10)

19 Sec. 124B-10. Applicability; offenses. This Article
20 applies to forfeiture of property in connection with the
21 following:

22 (1) A violation of Section 10-9 or 10A-10 of the
23 Criminal Code of 1961 or the Criminal Code of 2012
24 (involuntary servitude; involuntary servitude of a minor;
25 or trafficking in persons).

1 (2) A violation of subdivision (a)(1) of Section
2 11-14.4 of the Criminal Code of 1961 or the Criminal Code
3 of 2012 (promoting juvenile prostitution) or a violation
4 of Section 11-17.1 of the Criminal Code of 1961 (keeping a
5 place of juvenile prostitution).

6 (3) A violation of subdivision (a)(4) of Section
7 11-14.4 of the Criminal Code of 1961 or the Criminal Code
8 of 2012 (promoting juvenile prostitution) or a violation
9 of Section 11-19.2 of the Criminal Code of 1961
10 (exploitation of a child).

11 (4) A second or subsequent violation of Section 11-20
12 of the Criminal Code of 1961 or the Criminal Code of 2012
13 (obscurity).

14 (5) A violation of Section 11-20.1 of the Criminal
15 Code of 1961 or the Criminal Code of 2012 (child sexual
16 abuse material ~~pornography~~).

17 (6) A violation of Section 11-20.1B or 11-20.3 of the
18 Criminal Code of 1961 (aggravated child pornography).

19 (6.5) A violation of Section 11-23.5 of the Criminal
20 Code of 2012.

21 (7) A violation of Section 12C-65 of the Criminal Code
22 of 2012 or Article 44 of the Criminal Code of 1961
23 (unlawful transfer of a telecommunications device to a
24 minor).

25 (8) A violation of Section 17-50 or Section 16D-5 of
26 the Criminal Code of 2012 or the Criminal Code of 1961

1 (computer fraud).

2 (9) A felony violation of Section 17-6.3 or Article
3 17B of the Criminal Code of 2012 or the Criminal Code of
4 1961 (WIC fraud).

5 (10) A felony violation of Section 48-1 of the
6 Criminal Code of 2012 or Section 26-5 of the Criminal Code
7 of 1961 (dog fighting).

8 (11) A violation of Article 29D of the Criminal Code
9 of 1961 or the Criminal Code of 2012 (terrorism).

10 (12) A felony violation of Section 4.01 of the Humane
11 Care for Animals Act (animals in entertainment).

12 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;
13 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.
14 6-1-15.)

15 (725 ILCS 5/124B-100)

16 Sec. 124B-100. Definition; "offense". For purposes of this
17 Article, "offense" is defined as follows:

18 (1) In the case of forfeiture authorized under Section
19 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
20 Criminal Code of 2012, "offense" means the offense of
21 involuntary servitude, involuntary servitude of a minor,
22 or trafficking in persons in violation of Section 10-9 or
23 10A-10 of those Codes.

24 (2) In the case of forfeiture authorized under
25 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 "offense" means the offense of promoting juvenile
3 prostitution or keeping a place of juvenile prostitution
4 in violation of subdivision (a) (1) of Section 11-14.4, or
5 Section 11-17.1, of those Codes.

6 (3) In the case of forfeiture authorized under
7 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
8 of the Criminal Code of 1961 or the Criminal Code of 2012,
9 "offense" means the offense of promoting juvenile
10 prostitution or exploitation of a child in violation of
11 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
12 of those Codes.

13 (4) In the case of forfeiture authorized under Section
14 11-20 of the Criminal Code of 1961 or the Criminal Code of
15 2012, "offense" means the offense of obscenity in
16 violation of that Section.

17 (5) In the case of forfeiture authorized under Section
18 11-20.1 of the Criminal Code of 1961 or the Criminal Code
19 of 2012, "offense" means the offense of child sexual abuse
20 material ~~pornography~~ in violation of Section 11-20.1 of
21 that Code.

22 (6) In the case of forfeiture authorized under Section
23 11-20.1B or 11-20.3 of the Criminal Code of 1961,
24 "offense" means the offense of aggravated child
25 pornography in violation of Section 11-20.1B or 11-20.3 of
26 that Code.

1 (7) In the case of forfeiture authorized under Section
2 12C-65 of the Criminal Code of 2012 or Article 44 of the
3 Criminal Code of 1961, "offense" means the offense of
4 unlawful transfer of a telecommunications device to a
5 minor in violation of Section 12C-65 or Article 44 of
6 those Codes.

7 (8) In the case of forfeiture authorized under Section
8 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
9 Code of 2012, "offense" means the offense of computer
10 fraud in violation of Section 17-50 or 16D-5 of those
11 Codes.

12 (9) In the case of forfeiture authorized under Section
13 17-6.3 or Article 17B of the Criminal Code of 1961 or the
14 Criminal Code of 2012, "offense" means any felony
15 violation of Section 17-6.3 or Article 17B of those Codes.

16 (10) In the case of forfeiture authorized under
17 Section 29D-65 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, "offense" means any offense under
19 Article 29D of that Code.

20 (11) In the case of forfeiture authorized under
21 Section 4.01 of the Humane Care for Animals Act, Section
22 26-5 of the Criminal Code of 1961, or Section 48-1 of the
23 Criminal Code of 2012, "offense" means any felony offense
24 under either of those Sections.

25 (12) In the case of forfeiture authorized under
26 Section 124B-1000(b) of the Code of Criminal Procedure of

1 1963, "offense" means an offense in violation of the
2 Criminal Code of 1961, the Criminal Code of 2012, the
3 Illinois Controlled Substances Act, the Cannabis Control
4 Act, or the Methamphetamine Control and Community
5 Protection Act, or an offense involving a
6 telecommunications device possessed by a person on the
7 real property of any elementary or secondary school
8 without authority of the school principal.

9 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
10 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
11 1-1-13; 97-1150, eff. 1-25-13.)

12 (725 ILCS 5/124B-420)

13 Sec. 124B-420. Distribution of property and sale proceeds.

14 (a) All moneys and the sale proceeds of all other property
15 forfeited and seized under this Part 400 shall be distributed
16 as follows:

17 (1) 50% shall be distributed to the unit of local
18 government whose officers or employees conducted the
19 investigation into the offense and caused the arrest or
20 arrests and prosecution leading to the forfeiture, except
21 that if the investigation, arrest or arrests, and
22 prosecution leading to the forfeiture were undertaken by
23 the sheriff, this portion shall be distributed to the
24 county for deposit into a special fund in the county
25 treasury appropriated to the sheriff. Amounts distributed

1 to the county for the sheriff or to units of local
2 government under this paragraph shall be used for
3 enforcement of laws or ordinances governing obscenity and
4 child sexual abuse material ~~pornography~~. If the
5 investigation, arrest or arrests, and prosecution leading
6 to the forfeiture were undertaken solely by a State
7 agency, however, the portion designated in this paragraph
8 shall be paid into the State treasury to be used for
9 enforcement of laws governing obscenity and child sexual
10 abuse material ~~pornography~~.

11 (2) 25% shall be distributed to the county in which
12 the prosecution resulting in the forfeiture was
13 instituted, deposited into a special fund in the county
14 treasury, and appropriated to the State's Attorney for use
15 in the enforcement of laws governing obscenity and child
16 sexual abuse material ~~pornography~~.

17 (3) 25% shall be distributed to the Office of the
18 State's Attorneys Appellate Prosecutor and deposited into
19 the Obscenity Profits Forfeiture Fund, which is hereby
20 created in the State treasury, to be used by the Office of
21 the State's Attorneys Appellate Prosecutor for additional
22 expenses incurred in prosecuting appeals arising under
23 Sections 11-20, 11-20.1, 11-20.1B, and 11-20.3 of the
24 Criminal Code of 1961 or the Criminal Code of 2012. Any
25 amounts remaining in the Fund after all additional
26 expenses have been paid shall be used by the Office to

1 reduce the participating county contributions to the
2 Office on a pro-rated basis as determined by the board of
3 governors of the Office of the State's Attorneys Appellate
4 Prosecutor based on the populations of the participating
5 counties.

6 (b) Before any distribution under subsection (a), the
7 Attorney General or State's Attorney shall retain from the
8 forfeited moneys or sale proceeds, or both, sufficient moneys
9 to cover expenses related to the administration and sale of
10 the forfeited property.

11 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
12 97-1150, eff. 1-25-13.)

13 (725 ILCS 5/124B-500)

14 Sec. 124B-500. Persons and property subject to forfeiture.
15 A person who commits child sexual abuse material ~~pornography~~,
16 aggravated child pornography, or non-consensual dissemination
17 of private sexual images under Section 11-20.1, 11-20.1B,
18 11-20.3, or 11-23.5 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 shall forfeit the following property to
20 the State of Illinois:

21 (1) Any profits or proceeds and any property the
22 person has acquired or maintained in violation of Section
23 11-20.1, 11-20.1B, 11-20.3, or 11-23.5 of the Criminal
24 Code of 1961 or the Criminal Code of 2012 that the
25 sentencing court determines, after a forfeiture hearing

1 under this Article, to have been acquired or maintained as
2 a result of child sexual abuse material ~~pornography~~,
3 aggravated child pornography, or non-consensual
4 dissemination of private sexual images.

5 (2) Any interest in, securities of, claim against, or
6 property or contractual right of any kind affording a
7 source of influence over any enterprise that the person
8 has established, operated, controlled, or conducted in
9 violation of Section 11-20.1, 11-20.1B, 11-20.3, or
10 11-23.5 of the Criminal Code of 1961 or the Criminal Code
11 of 2012 that the sentencing court determines, after a
12 forfeiture hearing under this Article, to have been
13 acquired or maintained as a result of child sexual abuse
14 material ~~pornography~~, aggravated child pornography, or
15 non-consensual dissemination of private sexual images.

16 (3) Any computer that contains a depiction of child
17 sexual abuse material ~~pornography~~ in any encoded or
18 decoded format in violation of Section 11-20.1, 11-20.1B,
19 or 11-20.3 of the Criminal Code of 1961 or the Criminal
20 Code of 2012. For purposes of this paragraph (3),
21 "computer" has the meaning ascribed to it in Section
22 17-0.5 of the Criminal Code of 2012.

23 (Source: P.A. 97-1150, eff. 1-25-13; 98-1013, eff. 1-1-15;
24 98-1138, eff. 6-1-15.)

25 Section 60. The Statewide Grand Jury Act is amended by

1 changing Sections 2 and 3 as follows:

2 (725 ILCS 215/2) (from Ch. 38, par. 1702)

3 Sec. 2. (a) County grand juries and State's Attorneys have
4 always had and shall continue to have primary responsibility
5 for investigating, indicting, and prosecuting persons who
6 violate the criminal laws of the State of Illinois. However,
7 in recent years organized terrorist activity directed against
8 innocent civilians and certain criminal enterprises have
9 developed that require investigation, indictment, and
10 prosecution on a statewide or multicounty level. The criminal
11 enterprises exist as a result of the allure of profitability
12 present in narcotic activity, the unlawful sale and transfer
13 of firearms, and streetgang related felonies and organized
14 terrorist activity is supported by the contribution of money
15 and expert assistance from geographically diverse sources. In
16 order to shut off the life blood of terrorism and weaken or
17 eliminate the criminal enterprises, assets, and property used
18 to further these offenses must be frozen, and any profit must
19 be removed. State statutes exist that can accomplish that
20 goal. Among them are the offense of money laundering,
21 violations of Article 29D of the Criminal Code of 1961 or the
22 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,
23 and gunrunning. Local prosecutors need investigative personnel
24 and specialized training to attack and eliminate these
25 profits. In light of the transitory and complex nature of

1 conduct that constitutes these criminal activities, the many
2 diverse property interests that may be used, acquired directly
3 or indirectly as a result of these criminal activities, and
4 the many places that illegally obtained property may be
5 located, it is the purpose of this Act to create a limited,
6 multicounty Statewide Grand Jury with authority to
7 investigate, indict, and prosecute: narcotic activity,
8 including cannabis and controlled substance trafficking,
9 narcotics racketeering, money laundering, violations of the
10 Cannabis and Controlled Substances Tax Act, and violations of
11 Article 29D of the Criminal Code of 1961 or the Criminal Code
12 of 2012; the unlawful sale and transfer of firearms;
13 gunrunning; and streetgang related felonies.

14 (b) A Statewide Grand Jury may also investigate, indict,
15 and prosecute violations facilitated by the use of a computer
16 of any of the following offenses: indecent solicitation of a
17 child, sexual exploitation of a child, soliciting for a
18 juvenile prostitute, keeping a place of juvenile prostitution,
19 juvenile pimping, child sexual abuse material ~~pornography~~,
20 aggravated child pornography, or promoting juvenile
21 prostitution except as described in subdivision (a)(4) of
22 Section 11-14.4 of the Criminal Code of 1961 or the Criminal
23 Code of 2012.

24 (c) A Statewide Grand Jury may also investigate, indict,
25 and prosecute violations of organized retail crime.

26 (Source: P.A. 101-593, eff. 12-4-19; 102-757, eff. 5-13-22.)

1 (725 ILCS 215/3) (from Ch. 38, par. 1703)

2 Sec. 3. Written application for the appointment of a
3 Circuit Judge to convene and preside over a Statewide Grand
4 Jury, with jurisdiction extending throughout the State, shall
5 be made to the Chief Justice of the Supreme Court. Upon such
6 written application, the Chief Justice of the Supreme Court
7 shall appoint a Circuit Judge from the circuit where the
8 Statewide Grand Jury is being sought to be convened, who shall
9 make a determination that the convening of a Statewide Grand
10 Jury is necessary.

11 In such application the Attorney General shall state that
12 the convening of a Statewide Grand Jury is necessary because
13 of an alleged offense or offenses set forth in this Section
14 involving more than one county of the State and identifying
15 any such offense alleged; and

16 (a) that he or she believes that the grand jury
17 function for the investigation and indictment of the
18 offense or offenses cannot effectively be performed by a
19 county grand jury together with the reasons for such
20 belief, and

21 (b) (1) that each State's Attorney with jurisdiction
22 over an offense or offenses to be investigated has
23 consented to the impaneling of the Statewide Grand Jury,
24 or

25 (2) if one or more of the State's Attorneys having

1 jurisdiction over an offense or offenses to be
2 investigated fails to consent to the impaneling of the
3 Statewide Grand Jury, the Attorney General shall set forth
4 good cause for impaneling the Statewide Grand Jury.

5 If the Circuit Judge determines that the convening of a
6 Statewide Grand Jury is necessary, he or she shall convene and
7 impanel the Statewide Grand Jury with jurisdiction extending
8 throughout the State to investigate and return indictments:

9 (a) For violations of any of the following or for any
10 other criminal offense committed in the course of
11 violating any of the following: Article 29D of the
12 Criminal Code of 1961 or the Criminal Code of 2012, the
13 Illinois Controlled Substances Act, the Cannabis Control
14 Act, the Methamphetamine Control and Community Protection
15 Act, or the Narcotics Profit Forfeiture Act; a streetgang
16 related felony offense; Section 16-25.1, 24-2.1, 24-2.2,
17 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or
18 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7),
19 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code
20 of 1961 or the Criminal Code of 2012; or a money laundering
21 offense; provided that the violation or offense involves
22 acts occurring in more than one county of this State; and

23 (a-5) For violations facilitated by the use of a
24 computer, including the use of the Internet, the World
25 Wide Web, electronic mail, message board, newsgroup, or
26 any other commercial or noncommercial on-line service, of

1 any of the following offenses: indecent solicitation of a
2 child, sexual exploitation of a child, soliciting for a
3 juvenile prostitute, keeping a place of juvenile
4 prostitution, juvenile pimping, child sexual abuse
5 material ~~pornography~~, aggravated child pornography, or
6 promoting juvenile prostitution except as described in
7 subdivision (a) (4) of Section 11-14.4 of the Criminal Code
8 of 1961 or the Criminal Code of 2012; and

9 (b) For the offenses of perjury, subornation of
10 perjury, communicating with jurors and witnesses, and
11 harassment of jurors and witnesses, as they relate to
12 matters before the Statewide Grand Jury.

13 "Streetgang related" has the meaning ascribed to it in
14 Section 10 of the Illinois Streetgang Terrorism Omnibus
15 Prevention Act.

16 Upon written application by the Attorney General for the
17 convening of an additional Statewide Grand Jury, the Chief
18 Justice of the Supreme Court shall appoint a Circuit Judge
19 from the circuit for which the additional Statewide Grand Jury
20 is sought. The Circuit Judge shall determine the necessity for
21 an additional Statewide Grand Jury in accordance with the
22 provisions of this Section. No more than 2 Statewide Grand
23 Juries may be empaneled at any time.

24 (Source: P.A. 101-593, eff. 12-4-19; 102-757, eff. 5-13-22.)

25 Section 65. The Unified Code of Corrections is amended by

1 changing Sections 3-1-2, 3-12.5-10, 5-5-3, 5-5-3.2, 5-8-1,
2 5-8-4, 5-9-1.7, and 5-9-1.8 as follows:

3 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

4 Sec. 3-1-2. Definitions.

5 (a) "Chief Administrative Officer" means the person
6 designated by the Director to exercise the powers and duties
7 of the Department of Corrections in regard to committed
8 persons within a correctional institution or facility, and
9 includes the superintendent of any juvenile institution or
10 facility.

11 (a-3) "Aftercare release" means the conditional and
12 revocable release of a person committed to the Department of
13 Juvenile Justice under the Juvenile Court Act of 1987, under
14 the supervision of the Department of Juvenile Justice.

15 (a-5) "Sex offense" for the purposes of paragraph (16) of
16 subsection (a) of Section 3-3-7, paragraph (10) of subsection
17 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
18 Section 5-6-3.1 only means:

19 (i) A violation of any of the following Sections of
20 the Criminal Code of 1961 or the Criminal Code of 2012:
21 10-7 (aiding or abetting child abduction under Section
22 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
23 solicitation of a child), 11-6.5 (indecent solicitation of
24 an adult), 11-14.4 (promoting juvenile prostitution),
25 11-15.1 (soliciting for a juvenile prostitute), 11-17.1

1 (keeping a place of juvenile prostitution), 11-18.1
2 (patronizing a juvenile prostitute), 11-19.1 (juvenile
3 pimping), 11-19.2 (exploitation of a child), 11-20.1
4 (child sexual abuse material ~~pornography~~), 11-20.1B or
5 11-20.3 (aggravated child pornography), 11-1.40 or 12-14.1
6 (predatory criminal sexual assault of a child), or 12-33
7 (ritualized abuse of a child). An attempt to commit any of
8 these offenses.

9 (ii) A violation of any of the following Sections of
10 the Criminal Code of 1961 or the Criminal Code of 2012:
11 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
12 12-14 (aggravated criminal sexual assault), 11-1.60 or
13 12-16 (aggravated criminal sexual abuse), and subsection
14 (a) of Section 11-1.50 or subsection (a) of Section 12-15
15 (criminal sexual abuse). An attempt to commit any of these
16 offenses.

17 (iii) A violation of any of the following Sections of
18 the Criminal Code of 1961 or the Criminal Code of 2012 when
19 the defendant is not a parent of the victim:

- 20 10-1 (kidnapping),
- 21 10-2 (aggravated kidnapping),
- 22 10-3 (unlawful restraint),
- 23 10-3.1 (aggravated unlawful restraint).

24 An attempt to commit any of these offenses.

25 (iv) A violation of any former law of this State
26 substantially equivalent to any offense listed in this

1 subsection (a-5).

2 An offense violating federal law or the law of another
3 state that is substantially equivalent to any offense listed
4 in this subsection (a-5) shall constitute a sex offense for
5 the purpose of this subsection (a-5). A finding or
6 adjudication as a sexually dangerous person under any federal
7 law or law of another state that is substantially equivalent
8 to the Sexually Dangerous Persons Act shall constitute an
9 adjudication for a sex offense for the purposes of this
10 subsection (a-5).

11 (b) "Commitment" means a judicially determined placement
12 in the custody of the Department of Corrections on the basis of
13 delinquency or conviction.

14 (c) "Committed person" is a person committed to the
15 Department, however a committed person shall not be considered
16 to be an employee of the Department of Corrections for any
17 purpose, including eligibility for a pension, benefits, or any
18 other compensation or rights or privileges which may be
19 provided to employees of the Department.

20 (c-5) "Computer scrub software" means any third-party
21 added software, designed to delete information from the
22 computer unit, the hard drive, or other software, which would
23 eliminate and prevent discovery of browser activity,
24 including, but not limited to, Internet history, address bar
25 or bars, cache or caches, and/or cookies, and which would
26 over-write files in a way so as to make previous computer

1 activity, including, but not limited to, website access, more
2 difficult to discover.

3 (c-10) "Content-controlled tablet" means any device that
4 can only access visitation applications or content relating to
5 educational or personal development.

6 (d) "Correctional institution or facility" means any
7 building or part of a building where committed persons are
8 kept in a secured manner.

9 (d-5) "Correctional officer" means: an employee of the
10 Department of Corrections who has custody and control over
11 committed persons in an adult correctional facility; or, for
12 an employee of the Department of Juvenile Justice, direct care
13 staff of persons committed to a juvenile facility.

14 (e) "Department" means both the Department of Corrections
15 and the Department of Juvenile Justice of this State, unless
16 the context is specific to either the Department of
17 Corrections or the Department of Juvenile Justice.

18 (f) "Director" means both the Director of Corrections and
19 the Director of Juvenile Justice, unless the context is
20 specific to either the Director of Corrections or the Director
21 of Juvenile Justice.

22 (f-5) (Blank).

23 (g) "Discharge" means the final termination of a
24 commitment to the Department of Corrections.

25 (h) "Discipline" means the rules and regulations for the
26 maintenance of order and the protection of persons and

1 property within the institutions and facilities of the
2 Department and their enforcement.

3 (i) "Escape" means the intentional and unauthorized
4 absence of a committed person from the custody of the
5 Department.

6 (j) "Furlough" means an authorized leave of absence from
7 the Department of Corrections for a designated purpose and
8 period of time.

9 (k) "Parole" means the conditional and revocable release
10 of a person committed to the Department of Corrections under
11 the supervision of a parole officer.

12 (l) "Prisoner Review Board" means the Board established in
13 Section 3-3-1(a), independent of the Department, to review
14 rules and regulations with respect to good time credits, to
15 hear charges brought by the Department against certain
16 prisoners alleged to have violated Department rules with
17 respect to good time credits, to set release dates for certain
18 prisoners sentenced under the law in effect prior to February
19 1, 1978 (the effective date of Public Act 80-1099), to hear and
20 decide the time of aftercare release for persons committed to
21 the Department of Juvenile Justice under the Juvenile Court
22 Act of 1987 to hear requests and make recommendations to the
23 Governor with respect to pardon, reprieve or commutation, to
24 set conditions for parole, aftercare release, and mandatory
25 supervised release and determine whether violations of those
26 conditions justify revocation of parole or release, and to

1 assume all other functions previously exercised by the
2 Illinois Parole and Pardon Board.

3 (m) Whenever medical treatment, service, counseling, or
4 care is referred to in this Unified Code of Corrections, such
5 term may be construed by the Department or Court, within its
6 discretion, to include treatment, service, or counseling by a
7 Christian Science practitioner or nursing care appropriate
8 therewith whenever request therefor is made by a person
9 subject to the provisions of this Code.

10 (n) "Victim" shall have the meaning ascribed to it in
11 subsection (a) of Section 3 of the Rights of Crime Victims and
12 Witnesses Act.

13 (o) "Wrongfully imprisoned person" means a person who has
14 been discharged from a prison of this State and has received:

15 (1) a pardon from the Governor stating that such
16 pardon is issued on the ground of innocence of the crime
17 for which he or she was imprisoned; or

18 (2) a certificate of innocence from the Circuit Court
19 as provided in Section 2-702 of the Code of Civil
20 Procedure.

21 (Source: P.A. 102-558, eff. 8-20-21; 102-616, eff. 1-1-22.)

22 (730 ILCS 5/3-12.5-10)

23 (Section scheduled to be repealed on August 24, 2022)

24 Sec. 3-12.5-10. Selection. Inmates may be selected to
25 participate in the pre-release Prisoner Entrepreneur Education

1 Program only if all of the following conditions are met:

2 (1) the inmate is within 3 years of being released
3 from custody of the Department of Corrections;

4 (2) the inmate has not been disciplined by the
5 Department of Corrections within the past year;

6 (3) the inmate has a high school diploma or GED;

7 (4) the inmate has never been convicted of an offense
8 described in Subdivision 5 of Article 11 of the Criminal
9 Code of 2012 (major sex offenses), Subdivision 10 of
10 Article 11 of the Criminal Code of 2012 (vulnerable victim
11 sex offenses), Section 11-20.1 of Subdivision 20 of
12 Article 11 of the Criminal Code of 2012 (child sexual
13 abuse material ~~pornography~~ offenses), or similar offenses
14 under the Criminal Code of 1961;

15 (5) the inmate is not currently affiliated with a
16 gang; and

17 (6) the inmate is committed to personal change.

18 (Source: P.A. 100-283, eff. 8-24-17.)

19 (730 ILCS 5/5-5-3)

20 Sec. 5-5-3. Disposition.

21 (a) (Blank).

22 (b) (Blank).

23 (c) (1) (Blank).

24 (2) A period of probation, a term of periodic imprisonment
25 or conditional discharge shall not be imposed for the

1 following offenses. The court shall sentence the offender to
2 not less than the minimum term of imprisonment set forth in
3 this Code for the following offenses, and may order a fine or
4 restitution or both in conjunction with such term of
5 imprisonment:

6 (A) First degree murder where the death penalty is not
7 imposed.

8 (B) Attempted first degree murder.

9 (C) A Class X felony.

10 (D) A violation of Section 401.1 or 407 of the
11 Illinois Controlled Substances Act, or a violation of
12 subdivision (c)(1.5) of Section 401 of that Act which
13 relates to more than 5 grams of a substance containing
14 fentanyl or an analog thereof.

15 (D-5) A violation of subdivision (c)(1) of Section 401
16 of the Illinois Controlled Substances Act which relates to
17 3 or more grams of a substance containing heroin or an
18 analog thereof.

19 (E) (Blank).

20 (F) A Class 1 or greater felony if the offender had
21 been convicted of a Class 1 or greater felony, including
22 any state or federal conviction for an offense that
23 contained, at the time it was committed, the same elements
24 as an offense now (the date of the offense committed after
25 the prior Class 1 or greater felony) classified as a Class
26 1 or greater felony, within 10 years of the date on which

1 the offender committed the offense for which he or she is
2 being sentenced, except as otherwise provided in Section
3 40-10 of the Substance Use Disorder Act.

4 (F-3) A Class 2 or greater felony sex offense or
5 felony firearm offense if the offender had been convicted
6 of a Class 2 or greater felony, including any state or
7 federal conviction for an offense that contained, at the
8 time it was committed, the same elements as an offense now
9 (the date of the offense committed after the prior Class 2
10 or greater felony) classified as a Class 2 or greater
11 felony, within 10 years of the date on which the offender
12 committed the offense for which he or she is being
13 sentenced, except as otherwise provided in Section 40-10
14 of the Substance Use Disorder Act.

15 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
16 of the Criminal Code of 1961 or the Criminal Code of 2012
17 for which imprisonment is prescribed in those Sections.

18 (G) Residential burglary, except as otherwise provided
19 in Section 40-10 of the Substance Use Disorder Act.

20 (H) Criminal sexual assault.

21 (I) Aggravated battery of a senior citizen as
22 described in Section 12-4.6 or subdivision (a)(4) of
23 Section 12-3.05 of the Criminal Code of 1961 or the
24 Criminal Code of 2012.

25 (J) A forcible felony if the offense was related to
26 the activities of an organized gang.

1 Before July 1, 1994, for the purposes of this
2 paragraph, "organized gang" means an association of 5 or
3 more persons, with an established hierarchy, that
4 encourages members of the association to perpetrate crimes
5 or provides support to the members of the association who
6 do commit crimes.

7 Beginning July 1, 1994, for the purposes of this
8 paragraph, "organized gang" has the meaning ascribed to it
9 in Section 10 of the Illinois Streetgang Terrorism Omnibus
10 Prevention Act.

11 (K) Vehicular hijacking.

12 (L) A second or subsequent conviction for the offense
13 of hate crime when the underlying offense upon which the
14 hate crime is based is felony aggravated assault or felony
15 mob action.

16 (M) A second or subsequent conviction for the offense
17 of institutional vandalism if the damage to the property
18 exceeds \$300.

19 (N) A Class 3 felony violation of paragraph (1) of
20 subsection (a) of Section 2 of the Firearm Owners
21 Identification Card Act.

22 (O) A violation of Section 12-6.1 or 12-6.5 of the
23 Criminal Code of 1961 or the Criminal Code of 2012.

24 (P) A violation of paragraph (1), (2), (3), (4), (5),
25 or (7) of subsection (a) of Section 11-20.1 of the
26 Criminal Code of 1961 or the Criminal Code of 2012.

1 (P-5) A violation of paragraph (6) of subsection (a)
2 of Section 11-20.1 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 if the victim is a household or
4 family member of the defendant.

5 (Q) A violation of subsection (b) or (b-5) of Section
6 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
7 Code of 1961 or the Criminal Code of 2012.

8 (R) A violation of Section 24-3A of the Criminal Code
9 of 1961 or the Criminal Code of 2012.

10 (S) (Blank).

11 (T) (Blank).

12 (U) A second or subsequent violation of Section 6-303
13 of the Illinois Vehicle Code committed while his or her
14 driver's license, permit, or privilege was revoked because
15 of a violation of Section 9-3 of the Criminal Code of 1961
16 or the Criminal Code of 2012, relating to the offense of
17 reckless homicide, or a similar provision of a law of
18 another state.

19 (V) A violation of paragraph (4) of subsection (c) of
20 Section 11-20.1B or paragraph (4) of subsection (c) of
21 Section 11-20.3 of the Criminal Code of 1961, or paragraph
22 (6) of subsection (a) of Section 11-20.1 of the Criminal
23 Code of 2012 when the victim is under 13 years of age and
24 the defendant has previously been convicted under the laws
25 of this State or any other state of the offense of child
26 sexual abuse material pornography, aggravated child

1 pornography, aggravated criminal sexual abuse, aggravated
2 criminal sexual assault, predatory criminal sexual assault
3 of a child, or any of the offenses formerly known as rape,
4 deviate sexual assault, indecent liberties with a child,
5 or aggravated indecent liberties with a child where the
6 victim was under the age of 18 years or an offense that is
7 substantially equivalent to those offenses.

8 (W) A violation of Section 24-3.5 of the Criminal Code
9 of 1961 or the Criminal Code of 2012.

10 (X) A violation of subsection (a) of Section 31-1a of
11 the Criminal Code of 1961 or the Criminal Code of 2012.

12 (Y) A conviction for unlawful possession of a firearm
13 by a street gang member when the firearm was loaded or
14 contained firearm ammunition.

15 (Z) A Class 1 felony committed while he or she was
16 serving a term of probation or conditional discharge for a
17 felony.

18 (AA) Theft of property exceeding \$500,000 and not
19 exceeding \$1,000,000 in value.

20 (BB) Laundering of criminally derived property of a
21 value exceeding \$500,000.

22 (CC) Knowingly selling, offering for sale, holding for
23 sale, or using 2,000 or more counterfeit items or
24 counterfeit items having a retail value in the aggregate
25 of \$500,000 or more.

26 (DD) A conviction for aggravated assault under

1 paragraph (6) of subsection (c) of Section 12-2 of the
2 Criminal Code of 1961 or the Criminal Code of 2012 if the
3 firearm is aimed toward the person against whom the
4 firearm is being used.

5 (EE) A conviction for a violation of paragraph (2) of
6 subsection (a) of Section 24-3B of the Criminal Code of
7 2012.

8 (3) (Blank).

9 (4) A minimum term of imprisonment of not less than 10
10 consecutive days or 30 days of community service shall be
11 imposed for a violation of paragraph (c) of Section 6-303 of
12 the Illinois Vehicle Code.

13 (4.1) (Blank).

14 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
15 this subsection (c), a minimum of 100 hours of community
16 service shall be imposed for a second violation of Section
17 6-303 of the Illinois Vehicle Code.

18 (4.3) A minimum term of imprisonment of 30 days or 300
19 hours of community service, as determined by the court, shall
20 be imposed for a second violation of subsection (c) of Section
21 6-303 of the Illinois Vehicle Code.

22 (4.4) Except as provided in paragraphs (4.5), (4.6), and
23 (4.9) of this subsection (c), a minimum term of imprisonment
24 of 30 days or 300 hours of community service, as determined by
25 the court, shall be imposed for a third or subsequent
26 violation of Section 6-303 of the Illinois Vehicle Code. The

1 court may give credit toward the fulfillment of community
2 service hours for participation in activities and treatment as
3 determined by court services.

4 (4.5) A minimum term of imprisonment of 30 days shall be
5 imposed for a third violation of subsection (c) of Section
6 6-303 of the Illinois Vehicle Code.

7 (4.6) Except as provided in paragraph (4.10) of this
8 subsection (c), a minimum term of imprisonment of 180 days
9 shall be imposed for a fourth or subsequent violation of
10 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

11 (4.7) A minimum term of imprisonment of not less than 30
12 consecutive days, or 300 hours of community service, shall be
13 imposed for a violation of subsection (a-5) of Section 6-303
14 of the Illinois Vehicle Code, as provided in subsection (b-5)
15 of that Section.

16 (4.8) A mandatory prison sentence shall be imposed for a
17 second violation of subsection (a-5) of Section 6-303 of the
18 Illinois Vehicle Code, as provided in subsection (c-5) of that
19 Section. The person's driving privileges shall be revoked for
20 a period of not less than 5 years from the date of his or her
21 release from prison.

22 (4.9) A mandatory prison sentence of not less than 4 and
23 not more than 15 years shall be imposed for a third violation
24 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
25 Code, as provided in subsection (d-2.5) of that Section. The
26 person's driving privileges shall be revoked for the remainder

1 of his or her life.

2 (4.10) A mandatory prison sentence for a Class 1 felony
3 shall be imposed, and the person shall be eligible for an
4 extended term sentence, for a fourth or subsequent violation
5 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
6 Code, as provided in subsection (d-3.5) of that Section. The
7 person's driving privileges shall be revoked for the remainder
8 of his or her life.

9 (5) The court may sentence a corporation or unincorporated
10 association convicted of any offense to:

11 (A) a period of conditional discharge;

12 (B) a fine;

13 (C) make restitution to the victim under Section 5-5-6
14 of this Code.

15 (5.1) In addition to any other penalties imposed, and
16 except as provided in paragraph (5.2) or (5.3), a person
17 convicted of violating subsection (c) of Section 11-907 of the
18 Illinois Vehicle Code shall have his or her driver's license,
19 permit, or privileges suspended for at least 90 days but not
20 more than one year, if the violation resulted in damage to the
21 property of another person.

22 (5.2) In addition to any other penalties imposed, and
23 except as provided in paragraph (5.3), a person convicted of
24 violating subsection (c) of Section 11-907 of the Illinois
25 Vehicle Code shall have his or her driver's license, permit,
26 or privileges suspended for at least 180 days but not more than

1 2 years, if the violation resulted in injury to another
2 person.

3 (5.3) In addition to any other penalties imposed, a person
4 convicted of violating subsection (c) of Section 11-907 of the
5 Illinois Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for 2 years, if the violation
7 resulted in the death of another person.

8 (5.4) In addition to any other penalties imposed, a person
9 convicted of violating Section 3-707 of the Illinois Vehicle
10 Code shall have his or her driver's license, permit, or
11 privileges suspended for 3 months and until he or she has paid
12 a reinstatement fee of \$100.

13 (5.5) In addition to any other penalties imposed, a person
14 convicted of violating Section 3-707 of the Illinois Vehicle
15 Code during a period in which his or her driver's license,
16 permit, or privileges were suspended for a previous violation
17 of that Section shall have his or her driver's license,
18 permit, or privileges suspended for an additional 6 months
19 after the expiration of the original 3-month suspension and
20 until he or she has paid a reinstatement fee of \$100.

21 (6) (Blank).

22 (7) (Blank).

23 (8) (Blank).

24 (9) A defendant convicted of a second or subsequent
25 offense of ritualized abuse of a child may be sentenced to a
26 term of natural life imprisonment.

1 (10) (Blank).

2 (11) The court shall impose a minimum fine of \$1,000 for a
3 first offense and \$2,000 for a second or subsequent offense
4 upon a person convicted of or placed on supervision for
5 battery when the individual harmed was a sports official or
6 coach at any level of competition and the act causing harm to
7 the sports official or coach occurred within an athletic
8 facility or within the immediate vicinity of the athletic
9 facility at which the sports official or coach was an active
10 participant of the athletic contest held at the athletic
11 facility. For the purposes of this paragraph (11), "sports
12 official" means a person at an athletic contest who enforces
13 the rules of the contest, such as an umpire or referee;
14 "athletic facility" means an indoor or outdoor playing field
15 or recreational area where sports activities are conducted;
16 and "coach" means a person recognized as a coach by the
17 sanctioning authority that conducted the sporting event.

18 (12) A person may not receive a disposition of court
19 supervision for a violation of Section 5-16 of the Boat
20 Registration and Safety Act if that person has previously
21 received a disposition of court supervision for a violation of
22 that Section.

23 (13) A person convicted of or placed on court supervision
24 for an assault or aggravated assault when the victim and the
25 offender are family or household members as defined in Section
26 103 of the Illinois Domestic Violence Act of 1986 or convicted

1 of domestic battery or aggravated domestic battery may be
2 required to attend a Partner Abuse Intervention Program under
3 protocols set forth by the Illinois Department of Human
4 Services under such terms and conditions imposed by the court.
5 The costs of such classes shall be paid by the offender.

6 (d) In any case in which a sentence originally imposed is
7 vacated, the case shall be remanded to the trial court. The
8 trial court shall hold a hearing under Section 5-4-1 of this
9 Code which may include evidence of the defendant's life, moral
10 character and occupation during the time since the original
11 sentence was passed. The trial court shall then impose
12 sentence upon the defendant. The trial court may impose any
13 sentence which could have been imposed at the original trial
14 subject to Section 5-5-4 of this Code. If a sentence is vacated
15 on appeal or on collateral attack due to the failure of the
16 trier of fact at trial to determine beyond a reasonable doubt
17 the existence of a fact (other than a prior conviction)
18 necessary to increase the punishment for the offense beyond
19 the statutory maximum otherwise applicable, either the
20 defendant may be re-sentenced to a term within the range
21 otherwise provided or, if the State files notice of its
22 intention to again seek the extended sentence, the defendant
23 shall be afforded a new trial.

24 (e) In cases where prosecution for aggravated criminal
25 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
26 Code of 1961 or the Criminal Code of 2012 results in conviction

1 of a defendant who was a family member of the victim at the
2 time of the commission of the offense, the court shall
3 consider the safety and welfare of the victim and may impose a
4 sentence of probation only where:

5 (1) the court finds (A) or (B) or both are
6 appropriate:

7 (A) the defendant is willing to undergo a court
8 approved counseling program for a minimum duration of
9 2 years; or

10 (B) the defendant is willing to participate in a
11 court approved plan, including, but not limited to,
12 the defendant's:

13 (i) removal from the household;

14 (ii) restricted contact with the victim;

15 (iii) continued financial support of the
16 family;

17 (iv) restitution for harm done to the victim;

18 and

19 (v) compliance with any other measures that
20 the court may deem appropriate; and

21 (2) the court orders the defendant to pay for the
22 victim's counseling services, to the extent that the court
23 finds, after considering the defendant's income and
24 assets, that the defendant is financially capable of
25 paying for such services, if the victim was under 18 years
26 of age at the time the offense was committed and requires

1 counseling as a result of the offense.

2 Probation may be revoked or modified pursuant to Section
3 5-6-4; except where the court determines at the hearing that
4 the defendant violated a condition of his or her probation
5 restricting contact with the victim or other family members or
6 commits another offense with the victim or other family
7 members, the court shall revoke the defendant's probation and
8 impose a term of imprisonment.

9 For the purposes of this Section, "family member" and
10 "victim" shall have the meanings ascribed to them in Section
11 11-0.1 of the Criminal Code of 2012.

12 (f) (Blank).

13 (g) Whenever a defendant is convicted of an offense under
14 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
15 11-14.3, 11-14.4 except for an offense that involves keeping a
16 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
17 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
18 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, the defendant shall undergo medical
20 testing to determine whether the defendant has any sexually
21 transmissible disease, including a test for infection with
22 human immunodeficiency virus (HIV) or any other identified
23 causative agent of acquired immunodeficiency syndrome (AIDS).
24 Any such medical test shall be performed only by appropriately
25 licensed medical practitioners and may include an analysis of
26 any bodily fluids as well as an examination of the defendant's

1 person. Except as otherwise provided by law, the results of
2 such test shall be kept strictly confidential by all medical
3 personnel involved in the testing and must be personally
4 delivered in a sealed envelope to the judge of the court in
5 which the conviction was entered for the judge's inspection in
6 camera. Acting in accordance with the best interests of the
7 victim and the public, the judge shall have the discretion to
8 determine to whom, if anyone, the results of the testing may be
9 revealed. The court shall notify the defendant of the test
10 results. The court shall also notify the victim if requested
11 by the victim, and if the victim is under the age of 15 and if
12 requested by the victim's parents or legal guardian, the court
13 shall notify the victim's parents or legal guardian of the
14 test results. The court shall provide information on the
15 availability of HIV testing and counseling at Department of
16 Public Health facilities to all parties to whom the results of
17 the testing are revealed and shall direct the State's Attorney
18 to provide the information to the victim when possible. The
19 court shall order that the cost of any such test shall be paid
20 by the county and may be taxed as costs against the convicted
21 defendant.

22 (g-5) When an inmate is tested for an airborne
23 communicable disease, as determined by the Illinois Department
24 of Public Health, including, but not limited to, tuberculosis,
25 the results of the test shall be personally delivered by the
26 warden or his or her designee in a sealed envelope to the judge

1 of the court in which the inmate must appear for the judge's
2 inspection in camera if requested by the judge. Acting in
3 accordance with the best interests of those in the courtroom,
4 the judge shall have the discretion to determine what if any
5 precautions need to be taken to prevent transmission of the
6 disease in the courtroom.

7 (h) Whenever a defendant is convicted of an offense under
8 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
9 defendant shall undergo medical testing to determine whether
10 the defendant has been exposed to human immunodeficiency virus
11 (HIV) or any other identified causative agent of acquired
12 immunodeficiency syndrome (AIDS). Except as otherwise provided
13 by law, the results of such test shall be kept strictly
14 confidential by all medical personnel involved in the testing
15 and must be personally delivered in a sealed envelope to the
16 judge of the court in which the conviction was entered for the
17 judge's inspection in camera. Acting in accordance with the
18 best interests of the public, the judge shall have the
19 discretion to determine to whom, if anyone, the results of the
20 testing may be revealed. The court shall notify the defendant
21 of a positive test showing an infection with the human
22 immunodeficiency virus (HIV). The court shall provide
23 information on the availability of HIV testing and counseling
24 at Department of Public Health facilities to all parties to
25 whom the results of the testing are revealed and shall direct
26 the State's Attorney to provide the information to the victim

1 when possible. The court shall order that the cost of any such
2 test shall be paid by the county and may be taxed as costs
3 against the convicted defendant.

4 (i) All fines and penalties imposed under this Section for
5 any violation of Chapters 3, 4, 6, and 11 of the Illinois
6 Vehicle Code, or a similar provision of a local ordinance, and
7 any violation of the Child Passenger Protection Act, or a
8 similar provision of a local ordinance, shall be collected and
9 disbursed by the circuit clerk as provided under the Criminal
10 and Traffic Assessment Act.

11 (j) In cases when prosecution for any violation of Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
13 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
14 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
15 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
16 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, any violation of the Illinois Controlled
18 Substances Act, any violation of the Cannabis Control Act, or
19 any violation of the Methamphetamine Control and Community
20 Protection Act results in conviction, a disposition of court
21 supervision, or an order of probation granted under Section 10
22 of the Cannabis Control Act, Section 410 of the Illinois
23 Controlled Substances Act, or Section 70 of the
24 Methamphetamine Control and Community Protection Act of a
25 defendant, the court shall determine whether the defendant is
26 employed by a facility or center as defined under the Child

1 Care Act of 1969, a public or private elementary or secondary
2 school, or otherwise works with children under 18 years of age
3 on a daily basis. When a defendant is so employed, the court
4 shall order the Clerk of the Court to send a copy of the
5 judgment of conviction or order of supervision or probation to
6 the defendant's employer by certified mail. If the employer of
7 the defendant is a school, the Clerk of the Court shall direct
8 the mailing of a copy of the judgment of conviction or order of
9 supervision or probation to the appropriate regional
10 superintendent of schools. The regional superintendent of
11 schools shall notify the State Board of Education of any
12 notification under this subsection.

13 (j-5) A defendant at least 17 years of age who is convicted
14 of a felony and who has not been previously convicted of a
15 misdemeanor or felony and who is sentenced to a term of
16 imprisonment in the Illinois Department of Corrections shall
17 as a condition of his or her sentence be required by the court
18 to attend educational courses designed to prepare the
19 defendant for a high school diploma and to work toward a high
20 school diploma or to work toward passing high school
21 equivalency testing or to work toward completing a vocational
22 training program offered by the Department of Corrections. If
23 a defendant fails to complete the educational training
24 required by his or her sentence during the term of
25 incarceration, the Prisoner Review Board shall, as a condition
26 of mandatory supervised release, require the defendant, at his

1 or her own expense, to pursue a course of study toward a high
2 school diploma or passage of high school equivalency testing.
3 The Prisoner Review Board shall revoke the mandatory
4 supervised release of a defendant who wilfully fails to comply
5 with this subsection (j-5) upon his or her release from
6 confinement in a penal institution while serving a mandatory
7 supervised release term; however, the inability of the
8 defendant after making a good faith effort to obtain financial
9 aid or pay for the educational training shall not be deemed a
10 wilful failure to comply. The Prisoner Review Board shall
11 recommit the defendant whose mandatory supervised release term
12 has been revoked under this subsection (j-5) as provided in
13 Section 3-3-9. This subsection (j-5) does not apply to a
14 defendant who has a high school diploma or has successfully
15 passed high school equivalency testing. This subsection (j-5)
16 does not apply to a defendant who is determined by the court to
17 be a person with a developmental disability or otherwise
18 mentally incapable of completing the educational or vocational
19 program.

20 (k) (Blank).

21 (l) (A) Except as provided in paragraph (C) of subsection
22 (l), whenever a defendant, who is not a citizen or national of
23 the United States, is convicted of any felony or misdemeanor
24 offense, the court after sentencing the defendant may, upon
25 motion of the State's Attorney, hold sentence in abeyance and
26 remand the defendant to the custody of the Attorney General of

1 the United States or his or her designated agent to be deported
2 when:

3 (1) a final order of deportation has been issued
4 against the defendant pursuant to proceedings under the
5 Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not
7 deprecate the seriousness of the defendant's conduct and
8 would not be inconsistent with the ends of justice.

9 Otherwise, the defendant shall be sentenced as provided in
10 this Chapter V.

11 (B) If the defendant has already been sentenced for a
12 felony or misdemeanor offense, or has been placed on probation
13 under Section 10 of the Cannabis Control Act, Section 410 of
14 the Illinois Controlled Substances Act, or Section 70 of the
15 Methamphetamine Control and Community Protection Act, the
16 court may, upon motion of the State's Attorney to suspend the
17 sentence imposed, commit the defendant to the custody of the
18 Attorney General of the United States or his or her designated
19 agent when:

20 (1) a final order of deportation has been issued
21 against the defendant pursuant to proceedings under the
22 Immigration and Nationality Act, and

23 (2) the deportation of the defendant would not
24 deprecate the seriousness of the defendant's conduct and
25 would not be inconsistent with the ends of justice.

26 (C) This subsection (1) does not apply to offenders who

1 are subject to the provisions of paragraph (2) of subsection
2 (a) of Section 3-6-3.

3 (D) Upon motion of the State's Attorney, if a defendant
4 sentenced under this Section returns to the jurisdiction of
5 the United States, the defendant shall be recommitted to the
6 custody of the county from which he or she was sentenced.
7 Thereafter, the defendant shall be brought before the
8 sentencing court, which may impose any sentence that was
9 available under Section 5-5-3 at the time of initial
10 sentencing. In addition, the defendant shall not be eligible
11 for additional earned sentence credit as provided under
12 Section 3-6-3.

13 (m) A person convicted of criminal defacement of property
14 under Section 21-1.3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, in which the property damage exceeds
16 \$300 and the property damaged is a school building, shall be
17 ordered to perform community service that may include cleanup,
18 removal, or painting over the defacement.

19 (n) The court may sentence a person convicted of a
20 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
21 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
22 of 1961 or the Criminal Code of 2012 (i) to an impact
23 incarceration program if the person is otherwise eligible for
24 that program under Section 5-8-1.1, (ii) to community service,
25 or (iii) if the person has a substance use disorder, as defined
26 in the Substance Use Disorder Act, to a treatment program

1 licensed under that Act.

2 (o) Whenever a person is convicted of a sex offense as
3 defined in Section 2 of the Sex Offender Registration Act, the
4 defendant's driver's license or permit shall be subject to
5 renewal on an annual basis in accordance with the provisions
6 of license renewal established by the Secretary of State.

7 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
8 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
9 5-27-22.)

10 (730 ILCS 5/5-5-3.2)

11 (Text of Section before amendment by P.A. 102-982)

12 Sec. 5-5-3.2. Factors in aggravation and extended-term
13 sentencing.

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

18 (1) the defendant's conduct caused or threatened
19 serious harm;

20 (2) the defendant received compensation for committing
21 the offense;

22 (3) the defendant has a history of prior delinquency
23 or criminal activity;

24 (4) the defendant, by the duties of his office or by
25 his position, was obliged to prevent the particular

1 offense committed or to bring the offenders committing it
2 to justice;

3 (5) the defendant held public office at the time of
4 the offense, and the offense related to the conduct of
5 that office;

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

9 (7) the sentence is necessary to deter others from
10 committing the same crime;

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

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

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

1 paragraph (O-1) of Section 1-103 of the Illinois Human
2 Rights Act;

3 (11) the offense took place in a place of worship or on
4 the grounds of a place of worship, immediately prior to,
5 during or immediately following worship services. For
6 purposes of this subparagraph, "place of worship" shall
7 mean any church, synagogue or other building, structure or
8 place used primarily for religious worship;

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

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

21 (14) the defendant held a position of trust or
22 supervision such as, but not limited to, family member as
23 defined in Section 11-0.1 of the Criminal Code of 2012,
24 teacher, scout leader, baby sitter, or day care worker, in
25 relation to a victim under 18 years of age, and the
26 defendant committed an offense in violation of Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
2 11-14.4 except for an offense that involves keeping a
3 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
4 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
5 or 12-16 of the Criminal Code of 1961 or the Criminal Code
6 of 2012 against that victim;

7 (15) the defendant committed an offense related to the
8 activities of an organized gang. For the purposes of this
9 factor, "organized gang" has the meaning ascribed to it in
10 Section 10 of the Streetgang Terrorism Omnibus Prevention
11 Act;

12 (16) the defendant committed an offense in violation
13 of one of the following Sections while in a school,
14 regardless of the time of day or time of year; on any
15 conveyance owned, leased, or contracted by a school to
16 transport students to or from school or a school related
17 activity; on the real property of a school; or on a public
18 way within 1,000 feet of the real property comprising any
19 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
20 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
21 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
22 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
23 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
24 for subdivision (a) (4) or (g) (1), of the Criminal Code of
25 1961 or the Criminal Code of 2012;

26 (16.5) the defendant committed an offense in violation

1 of one of the following Sections while in a day care
2 center, regardless of the time of day or time of year; on
3 the real property of a day care center, regardless of the
4 time of day or time of year; or on a public way within
5 1,000 feet of the real property comprising any day care
6 center, regardless of the time of day or time of year:
7 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
8 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
9 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
10 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
11 18-2, or 33A-2, or Section 12-3.05 except for subdivision
12 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
13 Criminal Code of 2012;

14 (17) the defendant committed the offense by reason of
15 any person's activity as a community policing volunteer or
16 to prevent any person from engaging in activity as a
17 community policing volunteer. For the purpose of this
18 Section, "community policing volunteer" has the meaning
19 ascribed to it in Section 2-3.5 of the Criminal Code of
20 2012;

21 (18) the defendant committed the offense in a nursing
22 home or on the real property comprising a nursing home.
23 For the purposes of this paragraph (18), "nursing home"
24 means a skilled nursing or intermediate long term care
25 facility that is subject to license by the Illinois
26 Department of Public Health under the Nursing Home Care

1 Act, the Specialized Mental Health Rehabilitation Act of
2 2013, the ID/DD Community Care Act, or the MC/DD Act;

3 (19) the defendant was a federally licensed firearm
4 dealer and was previously convicted of a violation of
5 subsection (a) of Section 3 of the Firearm Owners
6 Identification Card Act and has now committed either a
7 felony violation of the Firearm Owners Identification Card
8 Act or an act of armed violence while armed with a firearm;

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

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

25 (22) the defendant committed the offense against a
26 person that the defendant knew, or reasonably should have

1 known, was a member of the Armed Forces of the United
2 States serving on active duty. For purposes of this clause
3 (22), the term "Armed Forces" means any of the Armed
4 Forces of the United States, including a member of any
5 reserve component thereof or National Guard unit called to
6 active duty;

7 (23) the defendant committed the offense against a
8 person who was elderly or infirm or who was a person with a
9 disability by taking advantage of a family or fiduciary
10 relationship with the elderly or infirm person or person
11 with a disability;

12 (24) the defendant committed any offense under Section
13 11-20.1 of the Criminal Code of 1961 or the Criminal Code
14 of 2012 and possessed 100 or more images;

15 (25) the defendant committed the offense while the
16 defendant or the victim was in a train, bus, or other
17 vehicle used for public transportation;

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

1 (5), or (7) of subsection (a) of Section 11-20.1B or
2 Section 11-20.3 of the Criminal Code of 1961 where a child
3 engaged in, solicited for, depicted in, or posed in any
4 act of sexual penetration or bound, fettered, or subject
5 to sadistic, masochistic, or sadomasochistic abuse in a
6 sexual context;

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

24 (28) the defendant committed the offense of assault,
25 aggravated assault, battery, aggravated battery, robbery,
26 armed robbery, or aggravated robbery against a person that

1 the defendant knew or reasonably should have known was a
2 letter carrier or postal worker while that person was
3 performing his or her duties delivering mail for the
4 United States Postal Service;

5 (29) the defendant committed the offense of criminal
6 sexual assault, aggravated criminal sexual assault,
7 criminal sexual abuse, or aggravated criminal sexual abuse
8 against a victim with an intellectual disability, and the
9 defendant holds a position of trust, authority, or
10 supervision in relation to the victim;

11 (30) the defendant committed the offense of promoting
12 juvenile prostitution, patronizing a prostitute, or
13 patronizing a minor engaged in prostitution and at the
14 time of the commission of the offense knew that the
15 prostitute or minor engaged in prostitution was in the
16 custody or guardianship of the Department of Children and
17 Family Services;

18 (31) the defendant (i) committed the offense of
19 driving while under the influence of alcohol, other drug
20 or drugs, intoxicating compound or compounds or any
21 combination thereof in violation of Section 11-501 of the
22 Illinois Vehicle Code or a similar provision of a local
23 ordinance and (ii) the defendant during the commission of
24 the offense was driving his or her vehicle upon a roadway
25 designated for one-way traffic in the opposite direction
26 of the direction indicated by official traffic control

1 devices;

2 (32) the defendant committed the offense of reckless
3 homicide while committing a violation of Section 11-907 of
4 the Illinois Vehicle Code;

5 (33) the defendant was found guilty of an
6 administrative infraction related to an act or acts of
7 public indecency or sexual misconduct in the penal
8 institution. In this paragraph (33), "penal institution"
9 has the same meaning as in Section 2-14 of the Criminal
10 Code of 2012; or

11 (34) the defendant committed the offense of leaving
12 the scene of an accident in violation of subsection (b) of
13 Section 11-401 of the Illinois Vehicle Code and the
14 accident resulted in the death of a person and at the time
15 of the offense, the defendant was: (i) driving under the
16 influence of alcohol, other drug or drugs, intoxicating
17 compound or compounds or any combination thereof as
18 defined by Section 11-501 of the Illinois Vehicle Code; or
19 (ii) operating the motor vehicle while using an electronic
20 communication device as defined in Section 12-610.2 of the
21 Illinois Vehicle Code.

22 For the purposes of this Section:

23 "School" is defined as a public or private elementary or
24 secondary school, community college, college, or university.

25 "Day care center" means a public or private State
26 certified and licensed day care center as defined in Section

1 2.09 of the Child Care Act of 1969 that displays a sign in
2 plain view stating that the property is a day care center.

3 "Intellectual disability" means significantly subaverage
4 intellectual functioning which exists concurrently with
5 impairment in adaptive behavior.

6 "Public transportation" means the transportation or
7 conveyance of persons by means available to the general
8 public, and includes paratransit services.

9 "Traffic control devices" means all signs, signals,
10 markings, and devices that conform to the Illinois Manual on
11 Uniform Traffic Control Devices, placed or erected by
12 authority of a public body or official having jurisdiction,
13 for the purpose of regulating, warning, or guiding traffic.

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

17 (1) When a defendant is convicted of any felony, after
18 having been previously convicted in Illinois or any other
19 jurisdiction of the same or similar class felony or
20 greater class felony, when such conviction has occurred
21 within 10 years after the previous conviction, excluding
22 time spent in custody, and such charges are separately
23 brought and tried and arise out of different series of
24 acts; or

25 (2) When a defendant is convicted of any felony and
26 the court finds that the offense was accompanied by

1 exceptionally brutal or heinous behavior indicative of
2 wanton cruelty; or

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

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

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

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

11 (4) When a defendant is convicted of any felony and
12 the offense involved any of the following types of
13 specific misconduct committed as part of a ceremony, rite,
14 initiation, observance, performance, practice or activity
15 of any actual or ostensible religious, fraternal, or
16 social group:

17 (i) the brutalizing or torturing of humans or
18 animals;

19 (ii) the theft of human corpses;

20 (iii) the kidnapping of humans;

21 (iv) the desecration of any cemetery, religious,
22 fraternal, business, governmental, educational, or
23 other building or property; or

24 (v) ritualized abuse of a child; or

25 (5) When a defendant is convicted of a felony other
26 than conspiracy and the court finds that the felony was

1 committed under an agreement with 2 or more other persons
2 to commit that offense and the defendant, with respect to
3 the other individuals, occupied a position of organizer,
4 supervisor, financier, or any other position of management
5 or leadership, and the court further finds that the felony
6 committed was related to or in furtherance of the criminal
7 activities of an organized gang or was motivated by the
8 defendant's leadership in an organized gang; or

9 (6) When a defendant is convicted of an offense
10 committed while using a firearm with a laser sight
11 attached to it. For purposes of this paragraph, "laser
12 sight" has the meaning ascribed to it in Section 26-7 of
13 the Criminal Code of 2012; or

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

22 (8) When a defendant commits any felony and the
23 defendant used, possessed, exercised control over, or
24 otherwise directed an animal to assault a law enforcement
25 officer engaged in the execution of his or her official
26 duties or in furtherance of the criminal activities of an

1 organized gang in which the defendant is engaged; or

2 (9) When a defendant commits any felony and the
3 defendant knowingly video or audio records the offense
4 with the intent to disseminate the recording.

5 (c) The following factors may be considered by the court
6 as reasons to impose an extended term sentence under Section
7 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
8 offenses:

9 (1) When a defendant is convicted of first degree
10 murder, after having been previously convicted in Illinois
11 of any offense listed under paragraph (c)(2) of Section
12 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
13 occurred within 10 years after the previous conviction,
14 excluding time spent in custody, and the charges are
15 separately brought and tried and arise out of different
16 series of acts.

17 (1.5) When a defendant is convicted of first degree
18 murder, after having been previously convicted of domestic
19 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
20 (720 ILCS 5/12-3.3) committed on the same victim or after
21 having been previously convicted of violation of an order
22 of protection (720 ILCS 5/12-30) in which the same victim
23 was the protected person.

24 (2) When a defendant is convicted of voluntary
25 manslaughter, second degree murder, involuntary
26 manslaughter, or reckless homicide in which the defendant

1 has been convicted of causing the death of more than one
2 individual.

3 (3) When a defendant is convicted of aggravated
4 criminal sexual assault or criminal sexual assault, when
5 there is a finding that aggravated criminal sexual assault
6 or criminal sexual assault was also committed on the same
7 victim by one or more other individuals, and the defendant
8 voluntarily participated in the crime with the knowledge
9 of the participation of the others in the crime, and the
10 commission of the crime was part of a single course of
11 conduct during which there was no substantial change in
12 the nature of the criminal objective.

13 (4) If the victim was under 18 years of age at the time
14 of the commission of the offense, when a defendant is
15 convicted of aggravated criminal sexual assault or
16 predatory criminal sexual assault of a child under
17 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
18 of Section 12-14.1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

20 (5) When a defendant is convicted of a felony
21 violation of Section 24-1 of the Criminal Code of 1961 or
22 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
23 finding that the defendant is a member of an organized
24 gang.

25 (6) When a defendant was convicted of unlawful use of
26 weapons under Section 24-1 of the Criminal Code of 1961 or

1 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
2 a weapon that is not readily distinguishable as one of the
3 weapons enumerated in Section 24-1 of the Criminal Code of
4 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

5 (7) When a defendant is convicted of an offense
6 involving the illegal manufacture of a controlled
7 substance under Section 401 of the Illinois Controlled
8 Substances Act (720 ILCS 570/401), the illegal manufacture
9 of methamphetamine under Section 25 of the Methamphetamine
10 Control and Community Protection Act (720 ILCS 646/25), or
11 the illegal possession of explosives and an emergency
12 response officer in the performance of his or her duties
13 is killed or injured at the scene of the offense while
14 responding to the emergency caused by the commission of
15 the offense. In this paragraph, "emergency" means a
16 situation in which a person's life, health, or safety is
17 in jeopardy; and "emergency response officer" means a
18 peace officer, community policing volunteer, fireman,
19 emergency medical technician-ambulance, emergency medical
20 technician-intermediate, emergency medical
21 technician-paramedic, ambulance driver, other medical
22 assistance or first aid personnel, or hospital emergency
23 room personnel.

24 (8) When the defendant is convicted of attempted mob
25 action, solicitation to commit mob action, or conspiracy
26 to commit mob action under Section 8-1, 8-2, or 8-4 of the

1 Criminal Code of 2012, where the criminal object is a
2 violation of Section 25-1 of the Criminal Code of 2012,
3 and an electronic communication is used in the commission
4 of the offense. For the purposes of this paragraph (8),
5 "electronic communication" shall have the meaning provided
6 in Section 26.5-0.1 of the Criminal Code of 2012.

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

10 (e) The court may impose an extended term sentence under
11 Article 4.5 of Chapter V upon an offender who has been
12 convicted of a felony violation of Section 11-1.20, 11-1.30,
13 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
14 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
15 when the victim of the offense is under 18 years of age at the
16 time of the commission of the offense and, during the
17 commission of the offense, the victim was under the influence
18 of alcohol, regardless of whether or not the alcohol was
19 supplied by the offender; and the offender, at the time of the
20 commission of the offense, knew or should have known that the
21 victim had consumed alcohol.

22 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
23 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
24 8-20-21.)

25 (Text of Section after amendment by P.A. 102-982)

1 Sec. 5-5-3.2. Factors in aggravation and extended-term
2 sentencing.

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

7 (1) the defendant's conduct caused or threatened
8 serious harm;

9 (2) the defendant received compensation for committing
10 the offense;

11 (3) the defendant has a history of prior delinquency
12 or criminal activity;

13 (4) the defendant, by the duties of his office or by
14 his position, was obliged to prevent the particular
15 offense committed or to bring the offenders committing it
16 to justice;

17 (5) the defendant held public office at the time of
18 the offense, and the offense related to the conduct of
19 that office;

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

23 (7) the sentence is necessary to deter others from
24 committing the same crime;

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

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

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

17 (11) the offense took place in a place of worship or on
18 the grounds of a place of worship, immediately prior to,
19 during or immediately following worship services. For
20 purposes of this subparagraph, "place of worship" shall
21 mean any church, synagogue or other building, structure or
22 place used primarily for religious worship;

23 (12) the defendant was convicted of a felony committed
24 while he was on pretrial release or his own recognizance
25 pending trial for a prior felony and was convicted of such
26 prior felony, or the defendant was convicted of a felony

1 committed while he was serving a period of probation,
2 conditional discharge, or mandatory supervised release
3 under subsection (d) of Section 5-8-1 for a prior felony;

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

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

21 (15) the defendant committed an offense related to the
22 activities of an organized gang. For the purposes of this
23 factor, "organized gang" has the meaning ascribed to it in
24 Section 10 of the Streetgang Terrorism Omnibus Prevention
25 Act;

26 (16) the defendant committed an offense in violation

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

14 (16.5) the defendant committed an offense in violation
15 of one of the following Sections while in a day care
16 center, regardless of the time of day or time of year; on
17 the real property of a day care center, regardless of the
18 time of day or time of year; or on a public way within
19 1,000 feet of the real property comprising any day care
20 center, regardless of the time of day or time of year:
21 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
22 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
23 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
24 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
25 18-2, or 33A-2, or Section 12-3.05 except for subdivision
26 (a)(4) or (g)(1), of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

2 (17) the defendant committed the offense by reason of
3 any person's activity as a community policing volunteer or
4 to prevent any person from engaging in activity as a
5 community policing volunteer. For the purpose of this
6 Section, "community policing volunteer" has the meaning
7 ascribed to it in Section 2-3.5 of the Criminal Code of
8 2012;

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

17 (19) the defendant was a federally licensed firearm
18 dealer and was previously convicted of a violation of
19 subsection (a) of Section 3 of the Firearm Owners
20 Identification Card Act and has now committed either a
21 felony violation of the Firearm Owners Identification Card
22 Act or an act of armed violence while armed with a firearm;

23 (20) the defendant (i) committed the offense of
24 reckless homicide under Section 9-3 of the Criminal Code
25 of 1961 or the Criminal Code of 2012 or the offense of
26 driving under the influence of alcohol, other drug or

1 drugs, intoxicating compound or compounds or any
2 combination thereof under Section 11-501 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance
4 and (ii) was operating a motor vehicle in excess of 20
5 miles per hour over the posted speed limit as provided in
6 Article VI of Chapter 11 of the Illinois Vehicle Code;

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

13 (22) the defendant committed the offense against a
14 person that the defendant knew, or reasonably should have
15 known, was a member of the Armed Forces of the United
16 States serving on active duty. For purposes of this clause
17 (22), the term "Armed Forces" means any of the Armed
18 Forces of the United States, including a member of any
19 reserve component thereof or National Guard unit called to
20 active duty;

21 (23) the defendant committed the offense against a
22 person who was elderly or infirm or who was a person with a
23 disability by taking advantage of a family or fiduciary
24 relationship with the elderly or infirm person or person
25 with a disability;

26 (24) the defendant committed any offense under Section

1 11-20.1 of the Criminal Code of 1961 or the Criminal Code
2 of 2012 and possessed 100 or more images;

3 (25) the defendant committed the offense while the
4 defendant or the victim was in a train, bus, or other
5 vehicle used for public transportation;

6 (26) the defendant committed the offense of child
7 sexual abuse material ~~pornography~~ or aggravated child
8 pornography, specifically including paragraph (1), (2),
9 (3), (4), (5), or (7) of subsection (a) of Section 11-20.1
10 of the Criminal Code of 1961 or the Criminal Code of 2012
11 where a child engaged in, solicited for, depicted in, or
12 posed in any act of sexual penetration or bound, fettered,
13 or subject to sadistic, masochistic, or sadomasochistic
14 abuse in a sexual context and specifically including
15 paragraph (1), (2), (3), (4), (5), or (7) of subsection
16 (a) of Section 11-20.1B or Section 11-20.3 of the Criminal
17 Code of 1961 where a child engaged in, solicited for,
18 depicted in, or posed in any act of sexual penetration or
19 bound, fettered, or subject to sadistic, masochistic, or
20 sadomasochistic abuse in a sexual context;

21 (27) the defendant committed the offense of first
22 degree murder, assault, aggravated assault, battery,
23 aggravated battery, robbery, armed robbery, or aggravated
24 robbery against a person who was a veteran and the
25 defendant knew, or reasonably should have known, that the
26 person was a veteran performing duties as a representative

1 of a veterans' organization. For the purposes of this
2 paragraph (27), "veteran" means an Illinois resident who
3 has served as a member of the United States Armed Forces, a
4 member of the Illinois National Guard, or a member of the
5 United States Reserve Forces; and "veterans' organization"
6 means an organization comprised of members of which
7 substantially all are individuals who are veterans or
8 spouses, widows, or widowers of veterans, the primary
9 purpose of which is to promote the welfare of its members
10 and to provide assistance to the general public in such a
11 way as to confer a public benefit;

12 (28) the defendant committed the offense of assault,
13 aggravated assault, battery, aggravated battery, robbery,
14 armed robbery, or aggravated robbery against a person that
15 the defendant knew or reasonably should have known was a
16 letter carrier or postal worker while that person was
17 performing his or her duties delivering mail for the
18 United States Postal Service;

19 (29) the defendant committed the offense of criminal
20 sexual assault, aggravated criminal sexual assault,
21 criminal sexual abuse, or aggravated criminal sexual abuse
22 against a victim with an intellectual disability, and the
23 defendant holds a position of trust, authority, or
24 supervision in relation to the victim;

25 (30) the defendant committed the offense of promoting
26 juvenile prostitution, patronizing a prostitute, or

1 patronizing a minor engaged in prostitution and at the
2 time of the commission of the offense knew that the
3 prostitute or minor engaged in prostitution was in the
4 custody or guardianship of the Department of Children and
5 Family Services;

6 (31) the defendant (i) committed the offense of
7 driving while under the influence of alcohol, other drug
8 or drugs, intoxicating compound or compounds or any
9 combination thereof in violation of Section 11-501 of the
10 Illinois Vehicle Code or a similar provision of a local
11 ordinance and (ii) the defendant during the commission of
12 the offense was driving his or her vehicle upon a roadway
13 designated for one-way traffic in the opposite direction
14 of the direction indicated by official traffic control
15 devices;

16 (32) the defendant committed the offense of reckless
17 homicide while committing a violation of Section 11-907 of
18 the Illinois Vehicle Code;

19 (33) the defendant was found guilty of an
20 administrative infraction related to an act or acts of
21 public indecency or sexual misconduct in the penal
22 institution. In this paragraph (33), "penal institution"
23 has the same meaning as in Section 2-14 of the Criminal
24 Code of 2012; or

25 (34) the defendant committed the offense of leaving
26 the scene of a crash in violation of subsection (b) of

1 Section 11-401 of the Illinois Vehicle Code and the crash
2 resulted in the death of a person and at the time of the
3 offense, the defendant was: (i) driving under the
4 influence of alcohol, other drug or drugs, intoxicating
5 compound or compounds or any combination thereof as
6 defined by Section 11-501 of the Illinois Vehicle Code; or
7 (ii) operating the motor vehicle while using an electronic
8 communication device as defined in Section 12-610.2 of the
9 Illinois Vehicle Code.

10 For the purposes of this Section:

11 "School" is defined as a public or private elementary or
12 secondary school, community college, college, or university.

13 "Day care center" means a public or private State
14 certified and licensed day care center as defined in Section
15 2.09 of the Child Care Act of 1969 that displays a sign in
16 plain view stating that the property is a day care center.

17 "Intellectual disability" means significantly subaverage
18 intellectual functioning which exists concurrently with
19 impairment in adaptive behavior.

20 "Public transportation" means the transportation or
21 conveyance of persons by means available to the general
22 public, and includes paratransit services.

23 "Traffic control devices" means all signs, signals,
24 markings, and devices that conform to the Illinois Manual on
25 Uniform Traffic Control Devices, placed or erected by
26 authority of a public body or official having jurisdiction,

1 for the purpose of regulating, warning, or guiding traffic.

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

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

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

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

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

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

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

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

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

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

7 (ii) the theft of human corpses;

8 (iii) the kidnapping of humans;

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

12 (v) ritualized abuse of a child; or

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

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

1 the Criminal Code of 2012; or

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

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

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

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

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

1 occurred within 10 years after the previous conviction,
2 excluding time spent in custody, and the charges are
3 separately brought and tried and arise out of different
4 series of acts.

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

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

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

1 (4) If the victim was under 18 years of age at the time
2 of the commission of the offense, when a defendant is
3 convicted of aggravated criminal sexual assault or
4 predatory criminal sexual assault of a child under
5 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
6 of Section 12-14.1 of the Criminal Code of 1961 or the
7 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

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

13 (6) When a defendant was convicted of unlawful use of
14 weapons under Section 24-1 of the Criminal Code of 1961 or
15 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
16 a weapon that is not readily distinguishable as one of the
17 weapons enumerated in Section 24-1 of the Criminal Code of
18 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

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

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

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

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

24 (e) The court may impose an extended term sentence under
25 Article 4.5 of Chapter V upon an offender who has been
26 convicted of a felony violation of Section 11-1.20, 11-1.30,

1 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
2 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
3 when the victim of the offense is under 18 years of age at the
4 time of the commission of the offense and, during the
5 commission of the offense, the victim was under the influence
6 of alcohol, regardless of whether or not the alcohol was
7 supplied by the offender; and the offender, at the time of the
8 commission of the offense, knew or should have known that the
9 victim had consumed alcohol.

10 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
11 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
12 8-20-21; 102-982, eff. 7-1-23.)

13 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

14 Sec. 5-8-1. Natural life imprisonment; enhancements for
15 use of a firearm; mandatory supervised release terms.

16 (a) Except as otherwise provided in the statute defining
17 the offense or in Article 4.5 of Chapter V, a sentence of
18 imprisonment for a felony shall be a determinate sentence set
19 by the court under this Section, subject to Section 5-4.5-115
20 of this Code, according to the following limitations:

21 (1) for first degree murder,

22 (a) (blank),

23 (b) if a trier of fact finds beyond a reasonable
24 doubt that the murder was accompanied by exceptionally
25 brutal or heinous behavior indicative of wanton

1 cruelty or, except as set forth in subsection
2 (a) (1) (c) of this Section, that any of the aggravating
3 factors listed in subsection (b) or (b-5) of Section
4 9-1 of the Criminal Code of 1961 or the Criminal Code
5 of 2012 are present, the court may sentence the
6 defendant, subject to Section 5-4.5-105, to a term of
7 natural life imprisonment, or

8 (c) the court shall sentence the defendant to a
9 term of natural life imprisonment if the defendant, at
10 the time of the commission of the murder, had attained
11 the age of 18, and:

12 (i) has previously been convicted of first
13 degree murder under any state or federal law, or

14 (ii) is found guilty of murdering more than
15 one victim, or

16 (iii) is found guilty of murdering a peace
17 officer, fireman, or emergency management worker
18 when the peace officer, fireman, or emergency
19 management worker was killed in the course of
20 performing his official duties, or to prevent the
21 peace officer or fireman from performing his
22 official duties, or in retaliation for the peace
23 officer, fireman, or emergency management worker
24 from performing his official duties, and the
25 defendant knew or should have known that the
26 murdered individual was a peace officer, fireman,

1 or emergency management worker, or

2 (iv) is found guilty of murdering an employee
3 of an institution or facility of the Department of
4 Corrections, or any similar local correctional
5 agency, when the employee was killed in the course
6 of performing his official duties, or to prevent
7 the employee from performing his official duties,
8 or in retaliation for the employee performing his
9 official duties, or

10 (v) is found guilty of murdering an emergency
11 medical technician - ambulance, emergency medical
12 technician - intermediate, emergency medical
13 technician - paramedic, ambulance driver or other
14 medical assistance or first aid person while
15 employed by a municipality or other governmental
16 unit when the person was killed in the course of
17 performing official duties or to prevent the
18 person from performing official duties or in
19 retaliation for performing official duties and the
20 defendant knew or should have known that the
21 murdered individual was an emergency medical
22 technician - ambulance, emergency medical
23 technician - intermediate, emergency medical
24 technician - paramedic, ambulance driver, or other
25 medical assistant or first aid personnel, or

26 (vi) (blank), or

1 (vii) is found guilty of first degree murder
2 and the murder was committed by reason of any
3 person's activity as a community policing
4 volunteer or to prevent any person from engaging
5 in activity as a community policing volunteer. For
6 the purpose of this Section, "community policing
7 volunteer" has the meaning ascribed to it in
8 Section 2-3.5 of the Criminal Code of 2012.

9 For purposes of clause (v), "emergency medical
10 technician - ambulance", "emergency medical technician
11 - intermediate", "emergency medical technician -
12 paramedic", have the meanings ascribed to them in the
13 Emergency Medical Services (EMS) Systems Act.

14 (d) (i) if the person committed the offense while
15 armed with a firearm, 15 years shall be added to
16 the term of imprisonment imposed by the court;

17 (ii) if, during the commission of the offense, the
18 person personally discharged a firearm, 20 years shall
19 be added to the term of imprisonment imposed by the
20 court;

21 (iii) if, during the commission of the offense,
22 the person personally discharged a firearm that
23 proximately caused great bodily harm, permanent
24 disability, permanent disfigurement, or death to
25 another person, 25 years or up to a term of natural
26 life shall be added to the term of imprisonment

1 imposed by the court.

2 (2) (blank);

3 (2.5) for a person who has attained the age of 18 years
4 at the time of the commission of the offense and who is
5 convicted under the circumstances described in subdivision
6 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
7 subsection (b) of Section 12-13, subdivision (d)(2) of
8 Section 11-1.30 or paragraph (2) of subsection (d) of
9 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
10 paragraph (1.2) of subsection (b) of Section 12-14.1,
11 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
12 subsection (b) of Section 12-14.1 of the Criminal Code of
13 1961 or the Criminal Code of 2012, the sentence shall be a
14 term of natural life imprisonment.

15 (b) (Blank).

16 (c) (Blank).

17 (d) Subject to earlier termination under Section 3-3-8,
18 the parole or mandatory supervised release term shall be
19 written as part of the sentencing order and shall be as
20 follows:

21 (1) for first degree murder or for the offenses of
22 predatory criminal sexual assault of a child, aggravated
23 criminal sexual assault, and criminal sexual assault if
24 committed on or before December 12, 2005, 3 years;

25 (1.5) except as provided in paragraph (7) of this
26 subsection (d), for a Class X felony except for the

1 offenses of predatory criminal sexual assault of a child,
2 aggravated criminal sexual assault, and criminal sexual
3 assault if committed on or after December 13, 2005 (the
4 effective date of Public Act 94-715) and except for the
5 offense of aggravated child pornography under Section
6 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
7 subsection (c-5) of Section 11-20.1 of the Criminal Code
8 of 1961 or the Criminal Code of 2012, if committed on or
9 after January 1, 2009, 18 months;

10 (2) except as provided in paragraph (7) of this
11 subsection (d), for a Class 1 felony or a Class 2 felony
12 except for the offense of criminal sexual assault if
13 committed on or after December 13, 2005 (the effective
14 date of Public Act 94-715) and except for the offenses of
15 manufacture and dissemination of child sexual abuse
16 material ~~pornography~~ under clauses (a)(1) and (a)(2) of
17 Section 11-20.1 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, if committed on or after January 1,
19 2009, 12 months;

20 (3) except as provided in paragraph (4), (6), or (7)
21 of this subsection (d), for a Class 3 felony or a Class 4
22 felony, 6 months; no later than 45 days after the onset of
23 the term of mandatory supervised release, the Prisoner
24 Review Board shall conduct a discretionary discharge
25 review pursuant to the provisions of Section 3-3-8, which
26 shall include the results of a standardized risk and needs

1 assessment tool administered by the Department of
2 Corrections; the changes to this paragraph (3) made by
3 this amendatory Act of the 102nd General Assembly apply to
4 all individuals released on mandatory supervised release
5 on or after the effective date of this amendatory Act of
6 the 102nd General Assembly, including those individuals
7 whose sentences were imposed prior to the effective date
8 of this amendatory Act of the 102nd General Assembly;

9 (4) for defendants who commit the offense of predatory
10 criminal sexual assault of a child, aggravated criminal
11 sexual assault, or criminal sexual assault, on or after
12 December 13, 2005 (the effective date of Public Act
13 94-715), or who commit the offense of aggravated child
14 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
15 with sentencing under subsection (c-5) of Section 11-20.1
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 manufacture of child sexual abuse material ~~pornography~~, or
18 dissemination of child sexual abuse material ~~pornography~~
19 after January 1, 2009, the term of mandatory supervised
20 release shall range from a minimum of 3 years to a maximum
21 of the natural life of the defendant;

22 (5) if the victim is under 18 years of age, for a
23 second or subsequent offense of aggravated criminal sexual
24 abuse or felony criminal sexual abuse, 4 years, at least
25 the first 2 years of which the defendant shall serve in an
26 electronic monitoring or home detention program under

1 Article 8A of Chapter V of this Code;

2 (6) for a felony domestic battery, aggravated domestic
3 battery, stalking, aggravated stalking, and a felony
4 violation of an order of protection, 4 years;

5 (7) for any felony described in paragraph (a)(2)(ii),
6 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
7 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
8 3-6-3 of the Unified Code of Corrections requiring an
9 inmate to serve a minimum of 85% of their court-imposed
10 sentence, except for the offenses of predatory criminal
11 sexual assault of a child, aggravated criminal sexual
12 assault, and criminal sexual assault if committed on or
13 after December 13, 2005 (the effective date of Public Act
14 94-715) and except for the offense of aggravated child
15 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
16 with sentencing under subsection (c-5) of Section 11-20.1
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 if committed on or after January 1, 2009 and except as
19 provided in paragraph (4) or paragraph (6) of this
20 subsection (d), the term of mandatory supervised release
21 shall be as follows:

22 (A) Class X felony, 3 years;

23 (B) Class 1 or Class 2 felonies, 2 years;

24 (C) Class 3 or Class 4 felonies, 1 year.

25 (e) (Blank).

26 (f) (Blank).

1 (g) Notwithstanding any other provisions of this Act and
2 of Public Act 101-652: (i) the provisions of paragraph (3) of
3 subsection (d) are effective on July 1, 2022 and shall apply to
4 all individuals convicted on or after the effective date of
5 paragraph (3) of subsection (d); and (ii) the provisions of
6 paragraphs (1.5) and (2) of subsection (d) are effective on
7 July 1, 2021 and shall apply to all individuals convicted on or
8 after the effective date of paragraphs (1.5) and (2) of
9 subsection (d).

10 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
11 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.
12 1-7-22; 102-1104, eff. 12-6-22.)

13 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

14 (Text of Section before amendment by P.A. 102-982)

15 Sec. 5-8-4. Concurrent and consecutive terms of
16 imprisonment.

17 (a) Concurrent terms; multiple or additional sentences.
18 When an Illinois court (i) imposes multiple sentences of
19 imprisonment on a defendant at the same time or (ii) imposes a
20 sentence of imprisonment on a defendant who is already subject
21 to a sentence of imprisonment imposed by an Illinois court, a
22 court of another state, or a federal court, then the sentences
23 shall run concurrently unless otherwise determined by the
24 Illinois court under this Section.

25 (b) Concurrent terms; misdemeanor and felony. A defendant

1 serving a sentence for a misdemeanor who is convicted of a
2 felony and sentenced to imprisonment shall be transferred to
3 the Department of Corrections, and the misdemeanor sentence
4 shall be merged in and run concurrently with the felony
5 sentence.

6 (c) Consecutive terms; permissive. The court may impose
7 consecutive sentences in any of the following circumstances:

8 (1) If, having regard to the nature and circumstances
9 of the offense and the history and character of the
10 defendant, it is the opinion of the court that consecutive
11 sentences are required to protect the public from further
12 criminal conduct by the defendant, the basis for which the
13 court shall set forth in the record.

14 (2) If one of the offenses for which a defendant was
15 convicted was a violation of Section 32-5.2 (aggravated
16 false personation of a peace officer) of the Criminal Code
17 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
18 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
19 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
20 offense was committed in attempting or committing a
21 forcible felony.

22 (3) If a person charged with a felony commits a
23 separate felony while on pretrial release or in pretrial
24 detention in a county jail facility or county detention
25 facility, then the sentences imposed upon conviction of
26 these felonies may be served consecutively regardless of

1 the order in which the judgments of conviction are
2 entered.

3 (4) If a person commits a battery against a county
4 correctional officer or sheriff's employee while serving a
5 sentence or in pretrial detention in a county jail
6 facility, then the sentence imposed upon conviction of the
7 battery may be served consecutively with the sentence
8 imposed upon conviction of the earlier misdemeanor or
9 felony, regardless of the order in which the judgments of
10 conviction are entered.

11 (5) If a person admitted to pretrial release following
12 conviction of a felony commits a separate felony while
13 released pretrial or if a person detained in a county jail
14 facility or county detention facility following conviction
15 of a felony commits a separate felony while in detention,
16 then any sentence following conviction of the separate
17 felony may be consecutive to that of the original sentence
18 for which the defendant was released pretrial or detained.

19 (6) If a person is found to be in possession of an item
20 of contraband, as defined in Section 31A-0.1 of the
21 Criminal Code of 2012, while serving a sentence in a
22 county jail or while in pretrial detention in a county
23 jail, the sentence imposed upon conviction for the offense
24 of possessing contraband in a penal institution may be
25 served consecutively to the sentence imposed for the
26 offense for which the person is serving a sentence in the

1 county jail or while in pretrial detention, regardless of
2 the order in which the judgments of conviction are
3 entered.

4 (7) If a person is sentenced for a violation of a
5 condition of pretrial release under Section 32-10 of the
6 Criminal Code of 1961 or the Criminal Code of 2012, any
7 sentence imposed for that violation may be served
8 consecutive to the sentence imposed for the charge for
9 which pretrial release had been granted and with respect
10 to which the defendant has been convicted.

11 (d) Consecutive terms; mandatory. The court shall impose
12 consecutive sentences in each of the following circumstances:

13 (1) One of the offenses for which the defendant was
14 convicted was first degree murder or a Class X or Class 1
15 felony and the defendant inflicted severe bodily injury.

16 (2) The defendant was convicted of a violation of
17 Section 11-1.20 or 12-13 (criminal sexual assault),
18 11-1.30 or 12-14 (aggravated criminal sexual assault), or
19 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
20 child) of the Criminal Code of 1961 or the Criminal Code of
21 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
22 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
23 5/12-14.1).

24 (2.5) The defendant was convicted of a violation of
25 paragraph (1), (2), (3), (4), (5), or (7) of subsection
26 (a) of Section 11-20.1 (child pornography) or of paragraph

1 (1), (2), (3), (4), (5), or (7) of subsection (a) of
2 Section 11-20.1B or 11-20.3 (aggravated child pornography)
3 of the Criminal Code of 1961 or the Criminal Code of 2012;
4 or the defendant was convicted of a violation of paragraph
5 (6) of subsection (a) of Section 11-20.1 (child
6 pornography) or of paragraph (6) of subsection (a) of
7 Section 11-20.1B or 11-20.3 (aggravated child pornography)
8 of the Criminal Code of 1961 or the Criminal Code of 2012,
9 when the child depicted is under the age of 13.

10 (3) The defendant was convicted of armed violence
11 based upon the predicate offense of any of the following:
12 solicitation of murder, solicitation of murder for hire,
13 heinous battery as described in Section 12-4.1 or
14 subdivision (a)(2) of Section 12-3.05, aggravated battery
15 of a senior citizen as described in Section 12-4.6 or
16 subdivision (a)(4) of Section 12-3.05, criminal sexual
17 assault, a violation of subsection (g) of Section 5 of the
18 Cannabis Control Act (720 ILCS 550/5), cannabis
19 trafficking, a violation of subsection (a) of Section 401
20 of the Illinois Controlled Substances Act (720 ILCS
21 570/401), controlled substance trafficking involving a
22 Class X felony amount of controlled substance under
23 Section 401 of the Illinois Controlled Substances Act (720
24 ILCS 570/401), a violation of the Methamphetamine Control
25 and Community Protection Act (720 ILCS 646/), calculated
26 criminal drug conspiracy, or streetgang criminal drug

1 conspiracy.

2 (4) The defendant was convicted of the offense of
3 leaving the scene of a motor vehicle accident involving
4 death or personal injuries under Section 11-401 of the
5 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
6 aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof under Section 11-501 of the
9 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
10 homicide under Section 9-3 of the Criminal Code of 1961 or
11 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
12 offense described in item (A) and an offense described in
13 item (B).

14 (5) The defendant was convicted of a violation of
15 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
16 death) or Section 12-20.5 (dismembering a human body) of
17 the Criminal Code of 1961 or the Criminal Code of 2012 (720
18 ILCS 5/9-3.1 or 5/12-20.5).

19 (5.5) The defendant was convicted of a violation of
20 Section 24-3.7 (use of a stolen firearm in the commission
21 of an offense) of the Criminal Code of 1961 or the Criminal
22 Code of 2012.

23 (6) If the defendant was in the custody of the
24 Department of Corrections at the time of the commission of
25 the offense, the sentence shall be served consecutive to
26 the sentence under which the defendant is held by the

1 Department of Corrections.

2 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
3 for escape or attempted escape shall be served consecutive
4 to the terms under which the offender is held by the
5 Department of Corrections.

6 (8) (Blank).

7 (8.5) (Blank).

8 (9) (Blank).

9 (10) (Blank).

10 (11) (Blank).

11 (e) Consecutive terms; subsequent non-Illinois term. If an
12 Illinois court has imposed a sentence of imprisonment on a
13 defendant and the defendant is subsequently sentenced to a
14 term of imprisonment by a court of another state or a federal
15 court, then the Illinois sentence shall run consecutively to
16 the sentence imposed by the court of the other state or the
17 federal court. That same Illinois court, however, may order
18 that the Illinois sentence run concurrently with the sentence
19 imposed by the court of the other state or the federal court,
20 but only if the defendant applies to that same Illinois court
21 within 30 days after the sentence imposed by the court of the
22 other state or the federal court is finalized.

23 (f) Consecutive terms; aggregate maximums and minimums.
24 The aggregate maximum and aggregate minimum of consecutive
25 sentences shall be determined as follows:

26 (1) For sentences imposed under law in effect prior to

1 February 1, 1978, the aggregate maximum of consecutive
2 sentences shall not exceed the maximum term authorized
3 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
4 Chapter V for the 2 most serious felonies involved. The
5 aggregate minimum period of consecutive sentences shall
6 not exceed the highest minimum term authorized under
7 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
8 V for the 2 most serious felonies involved. When sentenced
9 only for misdemeanors, a defendant shall not be
10 consecutively sentenced to more than the maximum for one
11 Class A misdemeanor.

12 (2) For sentences imposed under the law in effect on
13 or after February 1, 1978, the aggregate of consecutive
14 sentences for offenses that were committed as part of a
15 single course of conduct during which there was no
16 substantial change in the nature of the criminal objective
17 shall not exceed the sum of the maximum terms authorized
18 under Article 4.5 of Chapter V for the 2 most serious
19 felonies involved, but no such limitation shall apply for
20 offenses that were not committed as part of a single
21 course of conduct during which there was no substantial
22 change in the nature of the criminal objective. When
23 sentenced only for misdemeanors, a defendant shall not be
24 consecutively sentenced to more than the maximum for one
25 Class A misdemeanor.

26 (g) Consecutive terms; manner served. In determining the

1 manner in which consecutive sentences of imprisonment, one or
2 more of which is for a felony, will be served, the Department
3 of Corrections shall treat the defendant as though he or she
4 had been committed for a single term subject to each of the
5 following:

6 (1) The maximum period of a term of imprisonment shall
7 consist of the aggregate of the maximums of the imposed
8 indeterminate terms, if any, plus the aggregate of the
9 imposed determinate sentences for felonies, plus the
10 aggregate of the imposed determinate sentences for
11 misdemeanors, subject to subsection (f) of this Section.

12 (2) The parole or mandatory supervised release term
13 shall be as provided in paragraph (e) of Section 5-4.5-50
14 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
15 involved.

16 (3) The minimum period of imprisonment shall be the
17 aggregate of the minimum and determinate periods of
18 imprisonment imposed by the court, subject to subsection
19 (f) of this Section.

20 (4) The defendant shall be awarded credit against the
21 aggregate maximum term and the aggregate minimum term of
22 imprisonment for all time served in an institution since
23 the commission of the offense or offenses and as a
24 consequence thereof at the rate specified in Section 3-6-3
25 (730 ILCS 5/3-6-3).

26 (h) Notwithstanding any other provisions of this Section,

1 all sentences imposed by an Illinois court under this Code
2 shall run concurrent to any and all sentences imposed under
3 the Juvenile Court Act of 1987.

4 (Source: P.A. 102-350, eff. 8-13-21; 102-1104, eff. 12-6-22.)

5 (Text of Section after amendment by P.A. 102-982)

6 Sec. 5-8-4. Concurrent and consecutive terms of
7 imprisonment.

8 (a) Concurrent terms; multiple or additional sentences.
9 When an Illinois court (i) imposes multiple sentences of
10 imprisonment on a defendant at the same time or (ii) imposes a
11 sentence of imprisonment on a defendant who is already subject
12 to a sentence of imprisonment imposed by an Illinois court, a
13 court of another state, or a federal court, then the sentences
14 shall run concurrently unless otherwise determined by the
15 Illinois court under this Section.

16 (b) Concurrent terms; misdemeanor and felony. A defendant
17 serving a sentence for a misdemeanor who is convicted of a
18 felony and sentenced to imprisonment shall be transferred to
19 the Department of Corrections, and the misdemeanor sentence
20 shall be merged in and run concurrently with the felony
21 sentence.

22 (c) Consecutive terms; permissive. The court may impose
23 consecutive sentences in any of the following circumstances:

24 (1) If, having regard to the nature and circumstances
25 of the offense and the history and character of the

1 defendant, it is the opinion of the court that consecutive
2 sentences are required to protect the public from further
3 criminal conduct by the defendant, the basis for which the
4 court shall set forth in the record.

5 (2) If one of the offenses for which a defendant was
6 convicted was a violation of Section 32-5.2 (aggravated
7 false personation of a peace officer) of the Criminal Code
8 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
9 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
10 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
11 offense was committed in attempting or committing a
12 forcible felony.

13 (3) If a person charged with a felony commits a
14 separate felony while on pretrial release or in pretrial
15 detention in a county jail facility or county detention
16 facility, then the sentences imposed upon conviction of
17 these felonies may be served consecutively regardless of
18 the order in which the judgments of conviction are
19 entered.

20 (4) If a person commits a battery against a county
21 correctional officer or sheriff's employee while serving a
22 sentence or in pretrial detention in a county jail
23 facility, then the sentence imposed upon conviction of the
24 battery may be served consecutively with the sentence
25 imposed upon conviction of the earlier misdemeanor or
26 felony, regardless of the order in which the judgments of

1 conviction are entered.

2 (5) If a person admitted to pretrial release following
3 conviction of a felony commits a separate felony while
4 released pretrial or if a person detained in a county jail
5 facility or county detention facility following conviction
6 of a felony commits a separate felony while in detention,
7 then any sentence following conviction of the separate
8 felony may be consecutive to that of the original sentence
9 for which the defendant was released pretrial or detained.

10 (6) If a person is found to be in possession of an item
11 of contraband, as defined in Section 31A-0.1 of the
12 Criminal Code of 2012, while serving a sentence in a
13 county jail or while in pretrial detention in a county
14 jail, the sentence imposed upon conviction for the offense
15 of possessing contraband in a penal institution may be
16 served consecutively to the sentence imposed for the
17 offense for which the person is serving a sentence in the
18 county jail or while in pretrial detention, regardless of
19 the order in which the judgments of conviction are
20 entered.

21 (7) If a person is sentenced for a violation of a
22 condition of pretrial release under Section 32-10 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, any
24 sentence imposed for that violation may be served
25 consecutive to the sentence imposed for the charge for
26 which pretrial release had been granted and with respect

1 to which the defendant has been convicted.

2 (d) Consecutive terms; mandatory. The court shall impose
3 consecutive sentences in each of the following circumstances:

4 (1) One of the offenses for which the defendant was
5 convicted was first degree murder or a Class X or Class 1
6 felony and the defendant inflicted severe bodily injury.

7 (2) The defendant was convicted of a violation of
8 Section 11-1.20 or 12-13 (criminal sexual assault),
9 11-1.30 or 12-14 (aggravated criminal sexual assault), or
10 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
11 child) of the Criminal Code of 1961 or the Criminal Code of
12 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
13 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
14 5/12-14.1).

15 (2.5) The defendant was convicted of a violation of
16 paragraph (1), (2), (3), (4), (5), or (7) of subsection
17 (a) of Section 11-20.1 (child sexual abuse material
18 ~~pornography~~) or of paragraph (1), (2), (3), (4), (5), or
19 (7) of subsection (a) of Section 11-20.1B or 11-20.3
20 (aggravated child pornography) of the Criminal Code of
21 1961 or the Criminal Code of 2012; or the defendant was
22 convicted of a violation of paragraph (6) of subsection
23 (a) of Section 11-20.1 (child sexual abuse material
24 ~~pornography~~) or of paragraph (6) of subsection (a) of
25 Section 11-20.1B or 11-20.3 (aggravated child pornography)
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 when the child depicted is under the age of 13.

2 (3) The defendant was convicted of armed violence
3 based upon the predicate offense of any of the following:
4 solicitation of murder, solicitation of murder for hire,
5 heinous battery as described in Section 12-4.1 or
6 subdivision (a)(2) of Section 12-3.05, aggravated battery
7 of a senior citizen as described in Section 12-4.6 or
8 subdivision (a)(4) of Section 12-3.05, criminal sexual
9 assault, a violation of subsection (g) of Section 5 of the
10 Cannabis Control Act (720 ILCS 550/5), cannabis
11 trafficking, a violation of subsection (a) of Section 401
12 of the Illinois Controlled Substances Act (720 ILCS
13 570/401), controlled substance trafficking involving a
14 Class X felony amount of controlled substance under
15 Section 401 of the Illinois Controlled Substances Act (720
16 ILCS 570/401), a violation of the Methamphetamine Control
17 and Community Protection Act (720 ILCS 646/), calculated
18 criminal drug conspiracy, or streetgang criminal drug
19 conspiracy.

20 (4) The defendant was convicted of the offense of
21 leaving the scene of a motor vehicle crash involving death
22 or personal injuries under Section 11-401 of the Illinois
23 Vehicle Code (625 ILCS 5/11-401) and either: (A)
24 aggravated driving under the influence of alcohol, other
25 drug or drugs, or intoxicating compound or compounds, or
26 any combination thereof under Section 11-501 of the

1 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
2 homicide under Section 9-3 of the Criminal Code of 1961 or
3 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
4 offense described in item (A) and an offense described in
5 item (B).

6 (5) The defendant was convicted of a violation of
7 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
8 death) or Section 12-20.5 (dismembering a human body) of
9 the Criminal Code of 1961 or the Criminal Code of 2012 (720
10 ILCS 5/9-3.1 or 5/12-20.5).

11 (5.5) The defendant was convicted of a violation of
12 Section 24-3.7 (use of a stolen firearm in the commission
13 of an offense) of the Criminal Code of 1961 or the Criminal
14 Code of 2012.

15 (6) If the defendant was in the custody of the
16 Department of Corrections at the time of the commission of
17 the offense, the sentence shall be served consecutive to
18 the sentence under which the defendant is held by the
19 Department of Corrections.

20 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
21 for escape or attempted escape shall be served consecutive
22 to the terms under which the offender is held by the
23 Department of Corrections.

24 (8) (Blank).

25 (8.5) (Blank).

26 (9) (Blank).

1 (10) (Blank).

2 (11) (Blank).

3 (e) Consecutive terms; subsequent non-Illinois term. If an
4 Illinois court has imposed a sentence of imprisonment on a
5 defendant and the defendant is subsequently sentenced to a
6 term of imprisonment by a court of another state or a federal
7 court, then the Illinois sentence shall run consecutively to
8 the sentence imposed by the court of the other state or the
9 federal court. That same Illinois court, however, may order
10 that the Illinois sentence run concurrently with the sentence
11 imposed by the court of the other state or the federal court,
12 but only if the defendant applies to that same Illinois court
13 within 30 days after the sentence imposed by the court of the
14 other state or the federal court is finalized.

15 (f) Consecutive terms; aggregate maximums and minimums.
16 The aggregate maximum and aggregate minimum of consecutive
17 sentences shall be determined as follows:

18 (1) For sentences imposed under law in effect prior to
19 February 1, 1978, the aggregate maximum of consecutive
20 sentences shall not exceed the maximum term authorized
21 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
22 Chapter V for the 2 most serious felonies involved. The
23 aggregate minimum period of consecutive sentences shall
24 not exceed the highest minimum term authorized under
25 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
26 V for the 2 most serious felonies involved. When sentenced

1 only for misdemeanors, a defendant shall not be
2 consecutively sentenced to more than the maximum for one
3 Class A misdemeanor.

4 (2) For sentences imposed under the law in effect on
5 or after February 1, 1978, the aggregate of consecutive
6 sentences for offenses that were committed as part of a
7 single course of conduct during which there was no
8 substantial change in the nature of the criminal objective
9 shall not exceed the sum of the maximum terms authorized
10 under Article 4.5 of Chapter V for the 2 most serious
11 felonies involved, but no such limitation shall apply for
12 offenses that were not committed as part of a single
13 course of conduct during which there was no substantial
14 change in the nature of the criminal objective. When
15 sentenced only for misdemeanors, a defendant shall not be
16 consecutively sentenced to more than the maximum for one
17 Class A misdemeanor.

18 (g) Consecutive terms; manner served. In determining the
19 manner in which consecutive sentences of imprisonment, one or
20 more of which is for a felony, will be served, the Department
21 of Corrections shall treat the defendant as though he or she
22 had been committed for a single term subject to each of the
23 following:

24 (1) The maximum period of a term of imprisonment shall
25 consist of the aggregate of the maximums of the imposed
26 indeterminate terms, if any, plus the aggregate of the

1 imposed determinate sentences for felonies, plus the
2 aggregate of the imposed determinate sentences for
3 misdemeanors, subject to subsection (f) of this Section.

4 (2) The parole or mandatory supervised release term
5 shall be as provided in paragraph (e) of Section 5-4.5-50
6 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
7 involved.

8 (3) The minimum period of imprisonment shall be the
9 aggregate of the minimum and determinate periods of
10 imprisonment imposed by the court, subject to subsection
11 (f) of this Section.

12 (4) The defendant shall be awarded credit against the
13 aggregate maximum term and the aggregate minimum term of
14 imprisonment for all time served in an institution since
15 the commission of the offense or offenses and as a
16 consequence thereof at the rate specified in Section 3-6-3
17 (730 ILCS 5/3-6-3).

18 (h) Notwithstanding any other provisions of this Section,
19 all sentences imposed by an Illinois court under this Code
20 shall run concurrent to any and all sentences imposed under
21 the Juvenile Court Act of 1987.

22 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;
23 102-1104, eff. 12-6-22.)

24 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)
25 Sec. 5-9-1.7. Sexual assault fines.

1 (a) Definitions. The terms used in this Section shall have
2 the following meanings ascribed to them:

3 (1) "Sexual assault" means the commission or attempted
4 commission of the following: sexual exploitation of a
5 child, criminal sexual assault, predatory criminal sexual
6 assault of a child, aggravated criminal sexual assault,
7 criminal sexual abuse, aggravated criminal sexual abuse,
8 indecent solicitation of a child, public indecency, sexual
9 relations within families, promoting juvenile
10 prostitution, soliciting for a juvenile prostitute,
11 keeping a place of juvenile prostitution, patronizing a
12 juvenile prostitute, juvenile pimping, exploitation of a
13 child, obscenity, child sexual abuse material ~~pornography~~,
14 aggravated child pornography, harmful material, or
15 ritualized abuse of a child, as those offenses are defined
16 in the Criminal Code of 1961 or the Criminal Code of 2012.

17 (2) (Blank).

18 (3) "Sexual assault organization" means any
19 not-for-profit organization providing comprehensive,
20 community-based services to victims of sexual assault.
21 "Community-based services" include, but are not limited
22 to, direct crisis intervention through a 24-hour response,
23 medical and legal advocacy, counseling, information and
24 referral services, training, and community education.

25 (b) (Blank).

26 (c) Sexual Assault Services Fund; administration. There is

1 created a Sexual Assault Services Fund. Moneys deposited into
2 the Fund under Section 15-20 and 15-40 of the Criminal and
3 Traffic Assessment Act shall be appropriated to the Department
4 of Public Health. Upon appropriation of moneys from the Sexual
5 Assault Services Fund, the Department of Public Health shall
6 make grants of these moneys from the Fund to sexual assault
7 organizations with whom the Department has contracts for the
8 purpose of providing community-based services to victims of
9 sexual assault. Grants made under this Section are in addition
10 to, and are not substitutes for, other grants authorized and
11 made by the Department.

12 (Source: P.A. 100-987, eff. 7-1-19.)

13 (730 ILCS 5/5-9-1.8)

14 Sec. 5-9-1.8. Child sexual abuse material ~~pornography~~
15 fines. Beginning July 1, 2006, 100% of the fines in excess of
16 \$10,000 collected for violations of Section 11-20.1 of the
17 Criminal Code of 1961 or the Criminal Code of 2012 shall be
18 deposited into the Child Abuse Prevention Fund. Moneys in the
19 Fund resulting from the fines shall be for the use of the
20 Department of Children and Family Services for grants to
21 private entities giving treatment and counseling to victims of
22 child sexual abuse.

23 (Source: P.A. 102-1071, eff. 6-10-22.)

24 Section 70. The Sex Offender Registration Act is amended

1 by changing Section 2 as follows:

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

3 Sec. 2. Definitions.

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

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

11 (a) is convicted of such offense or an attempt to
12 commit such offense; or

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

15 (c) is found not guilty by reason of insanity
16 pursuant to Section 104-25(c) of the Code of Criminal
17 Procedure of 1963 of such offense or an attempt to
18 commit such offense; or

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

24 (e) is found not guilty by reason of insanity
25 following a hearing conducted pursuant to a federal,

1 Uniform Code of Military Justice, sister state, or
2 foreign country law substantially similar to Section
3 104-25(c) of the Code of Criminal Procedure of 1963 of
4 such offense or of the attempted commission of such
5 offense; or

6 (f) is the subject of a finding not resulting in an
7 acquittal at a hearing conducted pursuant to a
8 federal, Uniform Code of Military Justice, sister
9 state, or foreign country law substantially similar to
10 Section 104-25(a) of the Code of Criminal Procedure of
11 1963 for the alleged violation or attempted commission
12 of such offense; or

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

17 (3) subject to the provisions of Section 2 of the
18 Interstate Agreements on Sexually Dangerous Persons Act;
19 or

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

24 (5) adjudicated a juvenile delinquent as the result of
25 committing or attempting to commit an act which, if
26 committed by an adult, would constitute any of the

1 offenses specified in item (B), (C), or (C-5) of this
2 Section or a violation of any substantially similar
3 federal, Uniform Code of Military Justice, sister state,
4 or foreign country law, or found guilty under Article V of
5 the Juvenile Court Act of 1987 of committing or attempting
6 to commit an act which, if committed by an adult, would
7 constitute any of the offenses specified in item (B), (C),
8 or (C-5) of this Section or a violation of any
9 substantially similar federal, Uniform Code of Military
10 Justice, sister state, or foreign country law.

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

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

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

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

21 11-20.1 (child sexual abuse material ~~pornography~~),
22 11-20.1B or 11-20.3 (aggravated child
23 pornography),
24 11-6 (indecent solicitation of a child),
25 11-9.1 (sexual exploitation of a child),
26 11-9.2 (custodial sexual misconduct),

1 11-9.5 (sexual misconduct with a person with a
2 disability),

3 11-14.4 (promoting juvenile prostitution),

4 11-15.1 (soliciting for a juvenile prostitute),

5 11-18.1 (patronizing a juvenile prostitute),

6 11-17.1 (keeping a place of juvenile
7 prostitution),

8 11-19.1 (juvenile pimping),

9 11-19.2 (exploitation of a child),

10 11-25 (grooming),

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

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

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

16 11-1.40 or 12-14.1 (predatory criminal sexual
17 assault of a child),

18 11-1.50 or 12-15 (criminal sexual abuse),

19 11-1.60 or 12-16 (aggravated criminal sexual
20 abuse),

21 12-33 (ritualized abuse of a child).

22 An attempt to commit any of these offenses.

23 (1.5) A violation of any of the following Sections of
24 the Criminal Code of 1961 or the Criminal Code of 2012,
25 when the victim is a person under 18 years of age, the
26 defendant is not a parent of the victim, the offense was

1 sexually motivated as defined in Section 10 of the Sex
2 Offender Evaluation and Treatment Act, and the offense was
3 committed on or after January 1, 1996:

4 10-1 (kidnapping),

5 10-2 (aggravated kidnapping),

6 10-3 (unlawful restraint),

7 10-3.1 (aggravated unlawful restraint).

8 If the offense was committed before January 1, 1996,
9 it is a sex offense requiring registration only when the
10 person is convicted of any felony after July 1, 2011, and
11 paragraph (2.1) of subsection (c) of Section 3 of this Act
12 applies.

13 (1.6) First degree murder under Section 9-1 of the
14 Criminal Code of 1961 or the Criminal Code of 2012,
15 provided the offense was sexually motivated as defined in
16 Section 10 of the Sex Offender Management Board Act.

17 (1.7) (Blank).

18 (1.8) A violation or attempted violation of Section
19 11-11 (sexual relations within families) of the Criminal
20 Code of 1961 or the Criminal Code of 2012, and the offense
21 was committed on or after June 1, 1997. If the offense was
22 committed before June 1, 1997, it is a sex offense
23 requiring registration only when the person is convicted
24 of any felony after July 1, 2011, and paragraph (2.1) of
25 subsection (c) of Section 3 of this Act applies.

26 (1.9) Child abduction under paragraph (10) of

1 subsection (b) of Section 10-5 of the Criminal Code of
2 1961 or the Criminal Code of 2012 committed by luring or
3 attempting to lure a child under the age of 16 into a motor
4 vehicle, building, house trailer, or dwelling place
5 without the consent of the parent or lawful custodian of
6 the child for other than a lawful purpose and the offense
7 was committed on or after January 1, 1998, provided the
8 offense was sexually motivated as defined in Section 10 of
9 the Sex Offender Management Board Act. If the offense was
10 committed before January 1, 1998, it is a sex offense
11 requiring registration only when the person is convicted
12 of any felony after July 1, 2011, and paragraph (2.1) of
13 subsection (c) of Section 3 of this Act applies.

14 (1.10) A violation or attempted violation of any of
15 the following Sections of the Criminal Code of 1961 or the
16 Criminal Code of 2012 when the offense was committed on or
17 after July 1, 1999:

18 10-4 (forcible detention, if the victim is under
19 18 years of age), provided the offense was sexually
20 motivated as defined in Section 10 of the Sex Offender
21 Management Board Act,

22 11-6.5 (indecent solicitation of an adult),

23 11-14.3 that involves soliciting for a prostitute,
24 or 11-15 (soliciting for a prostitute, if the victim
25 is under 18 years of age),

26 subdivision (a)(2)(A) or (a)(2)(B) of Section

1 11-14.3, or Section 11-16 (pandering, if the victim is
2 under 18 years of age),

3 11-18 (patronizing a prostitute, if the victim is
4 under 18 years of age),

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

8 If the offense was committed before July 1, 1999, it
9 is a sex offense requiring registration only when the
10 person is convicted of any felony after July 1, 2011, and
11 paragraph (2.1) of subsection (c) of Section 3 of this Act
12 applies.

13 (1.11) A violation or attempted violation of any of
14 the following Sections of the Criminal Code of 1961 or the
15 Criminal Code of 2012 when the offense was committed on or
16 after August 22, 2002:

17 11-9 or 11-30 (public indecency for a third or
18 subsequent conviction).

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

24 (1.12) A violation or attempted violation of Section
25 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
26 Criminal Code of 1961 or the Criminal Code of 2012

1 (permitting sexual abuse) when the offense was committed
2 on or after August 22, 2002. If the offense was committed
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 (2) A violation of any former law of this State
8 substantially equivalent to any offense listed in
9 subsection (B) of this Section.

10 (C) A conviction for an offense of federal law, Uniform
11 Code of Military Justice, or the law of another state or a
12 foreign country that is substantially equivalent to any
13 offense listed in subsections (B), (C), (E), and (E-5) of this
14 Section shall constitute a conviction for the purpose of this
15 Article. A finding or adjudication as a sexually dangerous
16 person or a sexually violent person under any federal law,
17 Uniform Code of Military Justice, or the law of another state
18 or foreign country that is substantially equivalent to the
19 Sexually Dangerous Persons Act or the Sexually Violent Persons
20 Commitment Act shall constitute an adjudication for the
21 purposes of this Article.

22 (C-5) A person at least 17 years of age at the time of the
23 commission of the offense who is convicted of first degree
24 murder under Section 9-1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, against a person under 18 years of age,
26 shall be required to register for natural life. A conviction

1 for an offense of federal, Uniform Code of Military Justice,
2 sister state, or foreign country law that is substantially
3 equivalent to any offense listed in subsection (C-5) of this
4 Section shall constitute a conviction for the purpose of this
5 Article. This subsection (C-5) applies to a person who
6 committed the offense before June 1, 1996 if: (i) the person is
7 incarcerated in an Illinois Department of Corrections facility
8 on August 20, 2004 (the effective date of Public Act 93-977),
9 or (ii) subparagraph (i) does not apply and the person is
10 convicted of any felony after July 1, 2011, and paragraph
11 (2.1) of subsection (c) of Section 3 of this Act applies.

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

24 (D) As used in this Article, "law enforcement agency
25 having jurisdiction" means the Chief of Police in each of the
26 municipalities in which the sex offender expects to reside,

1 work, or attend school (1) upon his or her discharge, parole or
2 release or (2) during the service of his or her sentence of
3 probation or conditional discharge, or the Sheriff of the
4 county, in the event no Police Chief exists or if the offender
5 intends to reside, work, or attend school in an unincorporated
6 area. "Law enforcement agency having jurisdiction" includes
7 the location where out-of-state students attend school and
8 where out-of-state employees are employed or are otherwise
9 required to register.

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

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

15 (1) Convicted for an offense of federal, Uniform Code
16 of Military Justice, sister state, or foreign country law
17 that is substantially equivalent to any offense listed in
18 subsection (E) or (E-5) of this Section shall constitute a
19 conviction for the purpose of this Article. Convicted of a
20 violation or attempted violation of any of the following
21 Sections of the Criminal Code of 1961 or the Criminal Code
22 of 2012:

23 10-5.1 (luring of a minor),

24 11-14.4 that involves keeping a place of juvenile
25 prostitution, or 11-17.1 (keeping a place of juvenile
26 prostitution),

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

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

5 11-20.1 (child sexual abuse material ~~pornography~~),

6 11-20.1B or 11-20.3 (aggravated child
7 pornography),

8 11-1.20 or 12-13 (criminal sexual assault),

9 11-1.30 or 12-14 (aggravated criminal sexual
10 assault),

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

13 11-1.60 or 12-16 (aggravated criminal sexual
14 abuse),

15 12-33 (ritualized abuse of a child);

16 (2) (blank);

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

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

25 (5) convicted of a second or subsequent offense which
26 requires registration pursuant to this Act. For purposes

1 of this paragraph (5), "convicted" shall include a
2 conviction under any substantially similar Illinois,
3 federal, Uniform Code of Military Justice, sister state,
4 or foreign country law;

5 (6) (blank); or

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

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

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

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

24 (3) when the victim is a person under 18 years of age,
25 the defendant is not a parent of the victim, the offense
26 was sexually motivated as defined in Section 10 of the Sex

1 Offender Management Board Act, and the offense was
2 committed on or after January 1, 1996: (A) Section 10-1
3 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
4 (C) Section 10-3 (unlawful restraint), and (D) Section
5 10-3.1 (aggravated unlawful restraint); and

6 (4) Section 10-5(b)(10) (child abduction committed by
7 luring or attempting to lure a child under the age of 16
8 into a motor vehicle, building, house trailer, or dwelling
9 place without the consent of the parent or lawful
10 custodian of the child for other than a lawful purpose and
11 the offense was committed on or after January 1, 1998,
12 provided the offense was sexually motivated as defined in
13 Section 10 of the Sex Offender Management Board Act).

14 (E-10) As used in this Article, "sexual predator" also
15 means a person required to register in another State due to a
16 conviction, adjudication or other action of any court
17 triggering an obligation to register as a sex offender, sexual
18 predator, or substantially similar status under the laws of
19 that State.

20 (F) As used in this Article, "out-of-state student" means
21 any sex offender, as defined in this Section, or sexual
22 predator who is enrolled in Illinois, on a full-time or
23 part-time basis, in any public or private educational
24 institution, including, but not limited to, any secondary
25 school, trade or professional institution, or institution of
26 higher learning.

1 (G) As used in this Article, "out-of-state employee" means
2 any sex offender, as defined in this Section, or sexual
3 predator who works in Illinois, regardless of whether the
4 individual receives payment for services performed, for a
5 period of time of 10 or more days or for an aggregate period of
6 time of 30 or more days during any calendar year. Persons who
7 operate motor vehicles in the State accrue one day of
8 employment time for any portion of a day spent in Illinois.

9 (H) As used in this Article, "school" means any public or
10 private educational institution, including, but not limited
11 to, any elementary or secondary school, trade or professional
12 institution, or institution of higher education.

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

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

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

21 Section 75. The Trafficking Victims Protection Act is
22 amended by changing Section 10 as follows:

23 (740 ILCS 128/10)

24 Sec. 10. Definitions. As used in this Act:

1 "Human trafficking" means a violation or attempted
2 violation of subsection (d) of Section 10-9 of the Criminal
3 Code of 2012.

4 "Involuntary servitude" means a violation or attempted
5 violation of subsection (b) of Section 10-9 of the Criminal
6 Code of 2012.

7 "Sex trade" means a violation or attempted violation of
8 any of the following Sections of the Criminal Code of 1961 or
9 the Criminal Code of 2012: 11-14.3 (promoting prostitution);
10 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting
11 for a prostitute); 11-15.1 (soliciting for a juvenile
12 prostitute); 11-16 (pandering); 11-17 (keeping a place of
13 prostitution); 11-17.1 (keeping a place of juvenile
14 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and
15 aggravated juvenile pimping); 11-19.2 (exploitation of a
16 child); 11-20 (obscenity); 11-20.1 (child sexual abuse
17 material pornography); 11-20.1B or 11-20.3 (aggravated child
18 pornography); or subsection (c) of Section 10-9 (involuntary
19 sexual servitude of a minor).

20 "Sex trade" activity may involve adults and youth of all
21 genders and sexual orientations.

22 "Victim of the sex trade" means, for the following sex
23 trade acts, the person or persons indicated:

24 (1) soliciting for a prostitute: the prostitute who is
25 the object of the solicitation;

26 (2) soliciting for a juvenile prostitute: the juvenile

1 prostitute, or person with a severe or profound
2 intellectual disability, who is the object of the
3 solicitation;

4 (3) promoting prostitution as described in subdivision
5 (a)(2)(A) or (a)(2)(B) of Section 11-14.3 of the Criminal
6 Code of 1961 or the Criminal Code of 2012, or pandering:
7 the person intended or compelled to act as a prostitute;

8 (4) keeping a place of prostitution: any person
9 intended or compelled to act as a prostitute, while
10 present at the place, during the time period in question;

11 (5) keeping a place of juvenile prostitution: any
12 juvenile intended or compelled to act as a prostitute,
13 while present at the place, during the time period in
14 question;

15 (6) promoting prostitution as described in subdivision
16 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961
17 or the Criminal Code of 2012, or pimping: the prostitute
18 from whom anything of value is received;

19 (7) promoting juvenile prostitution as described in
20 subdivision (a)(2) or (a)(3) of Section 11-14.4 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, or
22 juvenile pimping and aggravated juvenile pimping: the
23 juvenile, or person with a severe or profound intellectual
24 disability, from whom anything of value is received for
25 that person's act of prostitution;

26 (8) promoting juvenile prostitution as described in

1 subdivision (a) (4) of Section 11-14.4 of the Criminal Code
2 of 1961 or the Criminal Code of 2012, or exploitation of a
3 child: the juvenile, or person with a severe or profound
4 intellectual disability, intended or compelled to act as a
5 prostitute or from whom anything of value is received for
6 that person's act of prostitution;

7 (9) obscenity: any person who appears in or is
8 described or depicted in the offending conduct or
9 material;

10 (10) child sexual abuse material ~~pornography~~ or
11 aggravated child pornography: any child, or person with a
12 severe or profound intellectual disability, who appears in
13 or is described or depicted in the offending conduct or
14 material; or

15 (11) involuntary sexual servitude of a minor as
16 defined in subsection (c) of Section 10-9 of the Criminal
17 Code of 1961 or the Criminal Code of 2012.

18 (Source: P.A. 99-143, eff. 7-27-15; 100-939, eff. 1-1-19.)

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act.

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6	325 ILCS 5/4.5	
7	325 ILCS 5/11.1	from Ch. 23, par. 2061.1
8	325 ILCS 15/3	from Ch. 23, par. 2083
9	325 ILCS 40/2	from Ch. 23, par. 2252
10	325 ILCS 47/10	
11	705 ILCS 135/15-70	
12	705 ILCS 405/3-40	
13	720 ILCS 5/3-5	from Ch. 38, par. 3-5
14	720 ILCS 5/3-6	from Ch. 38, par. 3-6
15	720 ILCS 5/11-0.1	
16	720 ILCS 5/11-9.1	from Ch. 38, par. 11-9.1
17	720 ILCS 5/11-9.3	
18	720 ILCS 5/11-20.1	from Ch. 38, par. 11-20.1
19	720 ILCS 5/11-20.2	from Ch. 38, par. 11-20.2
20	720 ILCS 5/11-23	
21	720 ILCS 5/11-25	
22	720 ILCS 5/14-3	
23	720 ILCS 5/36-1	from Ch. 38, par. 36-1
24	725 ILCS 5/106B-10	
25	725 ILCS 5/115-7	from Ch. 38, par. 115-7

1	725 ILCS 5/115-7.3	
2	725 ILCS 5/124B-10	
3	725 ILCS 5/124B-100	
4	725 ILCS 5/124B-420	
5	725 ILCS 5/124B-500	
6	725 ILCS 215/2	from Ch. 38, par. 1702
7	725 ILCS 215/3	from Ch. 38, par. 1703
8	730 ILCS 5/3-1-2	from Ch. 38, par. 1003-1-2
9	730 ILCS 5/3-12.5-10	
10	730 ILCS 5/5-5-3	
11	730 ILCS 5/5-5-3.2	
12	730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
13	730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4
14	730 ILCS 5/5-9-1.7	from Ch. 38, par. 1005-9-1.7
15	730 ILCS 5/5-9-1.8	
16	730 ILCS 150/2	from Ch. 38, par. 222
17	740 ILCS 128/10	