

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 3. The Statute on Statutes is amended by adding
5 Section 1.45 as follows:

6 (5 ILCS 70/1.45 new)

7 Sec. 1.45. Prostitution, juvenile prostitution,
8 prostitute, juvenile prostitute; prior prosecutions. If any
9 person before the effective date of this amendatory Act of the
10 103rd General Assembly has been arrested, charged, prosecuted,
11 convicted, or sentenced for prostitution, juvenile
12 prostitution, or patronizing a minor engaged in prostitution
13 or has been referred to in any law enforcement record, court
14 record, or penal institution record as a prostitute or
15 juvenile prostitute, the changes of the names of the offenses
16 and the defendants to commercial sexual activity, commercial
17 sexual exploitation of a child, provider of commercial sexual
18 activity, or sexually exploited child do not affect any
19 arrest, prosecution, conviction, sentence, or penal
20 institution record for persons and offenses known as
21 prostitution, juvenile prostitution, patronizing a prostitute,
22 patronizing a juvenile prostitute, or patronizing a minor
23 engaged in prostitution or who has been referred to in any law

1 enforcement record, court record, or penal institution record
2 as a prostitute or juvenile prostitute before the effective
3 date of this amendatory Act of the 103rd General Assembly and
4 any arrest, conviction, sentence, and action taken for or
5 against a person incarcerated, on supervision, probation,
6 conditional discharge, or mandatory supervised release under
7 the former named offenses and persons shall remain valid.

8 Section 5. The Criminal Identification Act is amended by
9 changing Section 5.2 as follows:

10 (20 ILCS 2630/5.2)

11 Sec. 5.2. Expungement, sealing, and immediate sealing.

12 (a) General Provisions.

13 (1) Definitions. In this Act, words and phrases have
14 the meanings set forth in this subsection, except when a
15 particular context clearly requires a different meaning.

16 (A) The following terms shall have the meanings
17 ascribed to them in the following Sections of the
18 Unified Code of Corrections:

19 Business Offense, Section 5-1-2.

20 Charge, Section 5-1-3.

21 Court, Section 5-1-6.

22 Defendant, Section 5-1-7.

23 Felony, Section 5-1-9.

24 Imprisonment, Section 5-1-10.

1 Judgment, Section 5-1-12.
2 Misdemeanor, Section 5-1-14.
3 Offense, Section 5-1-15.
4 Parole, Section 5-1-16.
5 Petty Offense, Section 5-1-17.
6 Probation, Section 5-1-18.
7 Sentence, Section 5-1-19.
8 Supervision, Section 5-1-21.
9 Victim, Section 5-1-22.

10 (B) As used in this Section, "charge not initiated
11 by arrest" means a charge (as defined by Section 5-1-3
12 of the Unified Code of Corrections) brought against a
13 defendant where the defendant is not arrested prior to
14 or as a direct result of the charge.

15 (C) "Conviction" means a judgment of conviction or
16 sentence entered upon a plea of guilty or upon a
17 verdict or finding of guilty of an offense, rendered
18 by a legally constituted jury or by a court of
19 competent jurisdiction authorized to try the case
20 without a jury. An order of supervision successfully
21 completed by the petitioner is not a conviction. An
22 order of qualified probation (as defined in subsection
23 (a) (1) (J)) successfully completed by the petitioner is
24 not a conviction. An order of supervision or an order
25 of qualified probation that is terminated
26 unsatisfactorily is a conviction, unless the

1 unsatisfactory termination is reversed, vacated, or
2 modified and the judgment of conviction, if any, is
3 reversed or vacated.

4 (D) "Criminal offense" means a petty offense,
5 business offense, misdemeanor, felony, or municipal
6 ordinance violation (as defined in subsection
7 (a)(1)(H)). As used in this Section, a minor traffic
8 offense (as defined in subsection (a)(1)(G)) shall not
9 be considered a criminal offense.

10 (E) "Expunge" means to physically destroy the
11 records or return them to the petitioner and to
12 obliterate the petitioner's name from any official
13 index or public record, or both. Nothing in this Act
14 shall require the physical destruction of the circuit
15 court file, but such records relating to arrests or
16 charges, or both, ordered expunged shall be impounded
17 as required by subsections (d)(9)(A)(ii) and
18 (d)(9)(B)(ii).

19 (F) As used in this Section, "last sentence" means
20 the sentence, order of supervision, or order of
21 qualified probation (as defined by subsection
22 (a)(1)(J)), for a criminal offense (as defined by
23 subsection (a)(1)(D)) that terminates last in time in
24 any jurisdiction, regardless of whether the petitioner
25 has included the criminal offense for which the
26 sentence or order of supervision or qualified

1 probation was imposed in his or her petition. If
2 multiple sentences, orders of supervision, or orders
3 of qualified probation terminate on the same day and
4 are last in time, they shall be collectively
5 considered the "last sentence" regardless of whether
6 they were ordered to run concurrently.

7 (G) "Minor traffic offense" means a petty offense,
8 business offense, or Class C misdemeanor under the
9 Illinois Vehicle Code or a similar provision of a
10 municipal or local ordinance.

11 (G-5) "Minor Cannabis Offense" means a violation
12 of Section 4 or 5 of the Cannabis Control Act
13 concerning not more than 30 grams of any substance
14 containing cannabis, provided the violation did not
15 include a penalty enhancement under Section 7 of the
16 Cannabis Control Act and is not associated with an
17 arrest, conviction or other disposition for a violent
18 crime as defined in subsection (c) of Section 3 of the
19 Rights of Crime Victims and Witnesses Act.

20 (H) "Municipal ordinance violation" means an
21 offense defined by a municipal or local ordinance that
22 is criminal in nature and with which the petitioner
23 was charged or for which the petitioner was arrested
24 and released without charging.

25 (I) "Petitioner" means an adult or a minor
26 prosecuted as an adult who has applied for relief

1 under this Section.

2 (J) "Qualified probation" means an order of
3 probation under Section 10 of the Cannabis Control
4 Act, Section 410 of the Illinois Controlled Substances
5 Act, Section 70 of the Methamphetamine Control and
6 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
7 of the Unified Code of Corrections, Section
8 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
9 those provisions existed before their deletion by
10 Public Act 89-313), Section 10-102 of the Illinois
11 Alcoholism and Other Drug Dependency Act, Section
12 40-10 of the Substance Use Disorder Act, or Section 10
13 of the Steroid Control Act. For the purpose of this
14 Section, "successful completion" of an order of
15 qualified probation under Section 10-102 of the
16 Illinois Alcoholism and Other Drug Dependency Act and
17 Section 40-10 of the Substance Use Disorder Act means
18 that the probation was terminated satisfactorily and
19 the judgment of conviction was vacated.

20 (K) "Seal" means to physically and electronically
21 maintain the records, unless the records would
22 otherwise be destroyed due to age, but to make the
23 records unavailable without a court order, subject to
24 the exceptions in Sections 12 and 13 of this Act. The
25 petitioner's name shall also be obliterated from the
26 official index required to be kept by the circuit

1 court clerk under Section 16 of the Clerks of Courts
2 Act, but any index issued by the circuit court clerk
3 before the entry of the order to seal shall not be
4 affected.

5 (L) "Sexual offense committed against a minor"
6 includes, but is not limited to, the offenses of
7 indecent solicitation of a child or criminal sexual
8 abuse when the victim of such offense is under 18 years
9 of age.

10 (M) "Terminate" as it relates to a sentence or
11 order of supervision or qualified probation includes
12 either satisfactory or unsatisfactory termination of
13 the sentence, unless otherwise specified in this
14 Section. A sentence is terminated notwithstanding any
15 outstanding financial legal obligation.

16 (2) Minor Traffic Offenses. Orders of supervision or
17 convictions for minor traffic offenses shall not affect a
18 petitioner's eligibility to expunge or seal records
19 pursuant to this Section.

20 (2.5) Commencing 180 days after July 29, 2016 (the
21 effective date of Public Act 99-697), the law enforcement
22 agency issuing the citation shall automatically expunge,
23 on or before January 1 and July 1 of each year, the law
24 enforcement records of a person found to have committed a
25 civil law violation of subsection (a) of Section 4 of the
26 Cannabis Control Act or subsection (c) of Section 3.5 of

1 the Drug Paraphernalia Control Act in the law enforcement
2 agency's possession or control and which contains the
3 final satisfactory disposition which pertain to the person
4 issued a citation for that offense. The law enforcement
5 agency shall provide by rule the process for access,
6 review, and to confirm the automatic expungement by the
7 law enforcement agency issuing the citation. Commencing
8 180 days after July 29, 2016 (the effective date of Public
9 Act 99-697), the clerk of the circuit court shall expunge,
10 upon order of the court, or in the absence of a court order
11 on or before January 1 and July 1 of each year, the court
12 records of a person found in the circuit court to have
13 committed a civil law violation of subsection (a) of
14 Section 4 of the Cannabis Control Act or subsection (c) of
15 Section 3.5 of the Drug Paraphernalia Control Act in the
16 clerk's possession or control and which contains the final
17 satisfactory disposition which pertain to the person
18 issued a citation for any of those offenses.

19 (3) Exclusions. Except as otherwise provided in
20 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
21 of this Section, the court shall not order:

22 (A) the sealing or expungement of the records of
23 arrests or charges not initiated by arrest that result
24 in an order of supervision for or conviction of: (i)
25 any sexual offense committed against a minor; (ii)
26 Section 11-501 of the Illinois Vehicle Code or a

1 similar provision of a local ordinance; or (iii)
2 Section 11-503 of the Illinois Vehicle Code or a
3 similar provision of a local ordinance, unless the
4 arrest or charge is for a misdemeanor violation of
5 subsection (a) of Section 11-503 or a similar
6 provision of a local ordinance, that occurred prior to
7 the offender reaching the age of 25 years and the
8 offender has no other conviction for violating Section
9 11-501 or 11-503 of the Illinois Vehicle Code or a
10 similar provision of a local ordinance.

11 (B) the sealing or expungement of records of minor
12 traffic offenses (as defined in subsection (a)(1)(G)),
13 unless the petitioner was arrested and released
14 without charging.

15 (C) the sealing of the records of arrests or
16 charges not initiated by arrest which result in an
17 order of supervision or a conviction for the following
18 offenses:

19 (i) offenses included in Article 11 of the
20 Criminal Code of 1961 or the Criminal Code of 2012
21 or a similar provision of a local ordinance,
22 except Section 11-14 and a misdemeanor violation
23 of Section 11-30 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, or a similar provision
25 of a local ordinance;

26 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,

1 26-5, or 48-1 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, or a similar provision of a
3 local ordinance;

4 (iii) Section ~~Sections~~ 12-3.1 or 12-3.2 of the
5 Criminal Code of 1961 or the Criminal Code of
6 2012, or Section 125 of the Stalking No Contact
7 Order Act, or Section 219 of the Civil No Contact
8 Order Act, or a similar provision of a local
9 ordinance;

10 (iv) Class A misdemeanors or felony offenses
11 under the Humane Care for Animals Act; or

12 (v) any offense or attempted offense that
13 would subject a person to registration under the
14 Sex Offender Registration Act.

15 (D) (blank).

16 (b) Expungement.

17 (1) A petitioner may petition the circuit court to
18 expunge the records of his or her arrests and charges not
19 initiated by arrest when each arrest or charge not
20 initiated by arrest sought to be expunged resulted in: (i)
21 acquittal, dismissal, or the petitioner's release without
22 charging, unless excluded by subsection (a) (3) (B); (ii) a
23 conviction which was vacated or reversed, unless excluded
24 by subsection (a) (3) (B); (iii) an order of supervision and
25 such supervision was successfully completed by the
26 petitioner, unless excluded by subsection (a) (3) (A) or

1 (a) (3) (B); or (iv) an order of qualified probation (as
2 defined in subsection (a) (1) (J)) and such probation was
3 successfully completed by the petitioner.

4 (1.5) When a petitioner seeks to have a record of
5 arrest expunged under this Section, and the offender has
6 been convicted of a criminal offense, the State's Attorney
7 may object to the expungement on the grounds that the
8 records contain specific relevant information aside from
9 the mere fact of the arrest.

10 (2) Time frame for filing a petition to expunge.

11 (A) When the arrest or charge not initiated by
12 arrest sought to be expunged resulted in an acquittal,
13 dismissal, the petitioner's release without charging,
14 or the reversal or vacation of a conviction, there is
15 no waiting period to petition for the expungement of
16 such records.

17 (B) When the arrest or charge not initiated by
18 arrest sought to be expunged resulted in an order of
19 supervision, successfully completed by the petitioner,
20 the following time frames will apply:

21 (i) Those arrests or charges that resulted in
22 orders of supervision under Section 3-707, 3-708,
23 3-710, or 5-401.3 of the Illinois Vehicle Code or
24 a similar provision of a local ordinance, or under
25 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, or a

1 similar provision of a local ordinance, shall not
2 be eligible for expungement until 5 years have
3 passed following the satisfactory termination of
4 the supervision.

5 (i-5) Those arrests or charges that resulted
6 in orders of supervision for a misdemeanor
7 violation of subsection (a) of Section 11-503 of
8 the Illinois Vehicle Code or a similar provision
9 of a local ordinance, that occurred prior to the
10 offender reaching the age of 25 years and the
11 offender has no other conviction for violating
12 Section 11-501 or 11-503 of the Illinois Vehicle
13 Code or a similar provision of a local ordinance
14 shall not be eligible for expungement until the
15 petitioner has reached the age of 25 years.

16 (ii) Those arrests or charges that resulted in
17 orders of supervision for any other offenses shall
18 not be eligible for expungement until 2 years have
19 passed following the satisfactory termination of
20 the supervision.

21 (C) When the arrest or charge not initiated by
22 arrest sought to be expunged resulted in an order of
23 qualified probation, successfully completed by the
24 petitioner, such records shall not be eligible for
25 expungement until 5 years have passed following the
26 satisfactory termination of the probation.

1 (3) Those records maintained by the Illinois State
2 Police for persons arrested prior to their 17th birthday
3 shall be expunged as provided in Section 5-915 of the
4 Juvenile Court Act of 1987.

5 (4) Whenever a person has been arrested for or
6 convicted of any offense, in the name of a person whose
7 identity he or she has stolen or otherwise come into
8 possession of, the aggrieved person from whom the identity
9 was stolen or otherwise obtained without authorization,
10 upon learning of the person having been arrested using his
11 or her identity, may, upon verified petition to the chief
12 judge of the circuit wherein the arrest was made, have a
13 court order entered nunc pro tunc by the Chief Judge to
14 correct the arrest record, conviction record, if any, and
15 all official records of the arresting authority, the
16 Illinois State Police, other criminal justice agencies,
17 the prosecutor, and the trial court concerning such
18 arrest, if any, by removing his or her name from all such
19 records in connection with the arrest and conviction, if
20 any, and by inserting in the records the name of the
21 offender, if known or ascertainable, in lieu of the
22 aggrieved's name. The records of the circuit court clerk
23 shall be sealed until further order of the court upon good
24 cause shown and the name of the aggrieved person
25 obliterated on the official index required to be kept by
26 the circuit court clerk under Section 16 of the Clerks of

1 Courts Act, but the order shall not affect any index
2 issued by the circuit court clerk before the entry of the
3 order. Nothing in this Section shall limit the Illinois
4 State Police or other criminal justice agencies or
5 prosecutors from listing under an offender's name the
6 false names he or she has used.

7 (5) Whenever a person has been convicted of criminal
8 sexual assault, aggravated criminal sexual assault,
9 predatory criminal sexual assault of a child, criminal
10 sexual abuse, or aggravated criminal sexual abuse, the
11 victim of that offense may request that the State's
12 Attorney of the county in which the conviction occurred
13 file a verified petition with the presiding trial judge at
14 the petitioner's trial to have a court order entered to
15 seal the records of the circuit court clerk in connection
16 with the proceedings of the trial court concerning that
17 offense. However, the records of the arresting authority
18 and the Illinois State Police concerning the offense shall
19 not be sealed. The court, upon good cause shown, shall
20 make the records of the circuit court clerk in connection
21 with the proceedings of the trial court concerning the
22 offense available for public inspection.

23 (6) If a conviction has been set aside on direct
24 review or on collateral attack and the court determines by
25 clear and convincing evidence that the petitioner was
26 factually innocent of the charge, the court that finds the

1 petitioner factually innocent of the charge shall enter an
2 expungement order for the conviction for which the
3 petitioner has been determined to be innocent as provided
4 in subsection (b) of Section 5-5-4 of the Unified Code of
5 Corrections.

6 (7) Nothing in this Section shall prevent the Illinois
7 State Police from maintaining all records of any person
8 who is admitted to probation upon terms and conditions and
9 who fulfills those terms and conditions pursuant to
10 Section 10 of the Cannabis Control Act, Section 410 of the
11 Illinois Controlled Substances Act, Section 70 of the
12 Methamphetamine Control and Community Protection Act,
13 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
14 Corrections, Section 12-4.3 or subdivision (b)(1) of
15 Section 12-3.05 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, Section 10-102 of the Illinois
17 Alcoholism and Other Drug Dependency Act, Section 40-10 of
18 the Substance Use Disorder Act, or Section 10 of the
19 Steroid Control Act.

20 (8) If the petitioner has been granted a certificate
21 of innocence under Section 2-702 of the Code of Civil
22 Procedure, the court that grants the certificate of
23 innocence shall also enter an order expunging the
24 conviction for which the petitioner has been determined to
25 be innocent as provided in subsection (h) of Section 2-702
26 of the Code of Civil Procedure.

1 (c) Sealing.

2 (1) Applicability. Notwithstanding any other provision
3 of this Act to the contrary, and cumulative with any
4 rights to expungement of criminal records, this subsection
5 authorizes the sealing of criminal records of adults and
6 of minors prosecuted as adults. Subsection (g) of this
7 Section provides for immediate sealing of certain records.

8 (2) Eligible Records. The following records may be
9 sealed:

10 (A) All arrests resulting in release without
11 charging;

12 (B) Arrests or charges not initiated by arrest
13 resulting in acquittal, dismissal, or conviction when
14 the conviction was reversed or vacated, except as
15 excluded by subsection (a) (3) (B);

16 (C) Arrests or charges not initiated by arrest
17 resulting in orders of supervision, including orders
18 of supervision for municipal ordinance violations,
19 successfully completed by the petitioner, unless
20 excluded by subsection (a) (3);

21 (D) Arrests or charges not initiated by arrest
22 resulting in convictions, including convictions on
23 municipal ordinance violations, unless excluded by
24 subsection (a) (3);

25 (E) Arrests or charges not initiated by arrest
26 resulting in orders of first offender probation under

1 Section 10 of the Cannabis Control Act, Section 410 of
2 the Illinois Controlled Substances Act, Section 70 of
3 the Methamphetamine Control and Community Protection
4 Act, or Section 5-6-3.3 of the Unified Code of
5 Corrections; and

6 (F) Arrests or charges not initiated by arrest
7 resulting in felony convictions unless otherwise
8 excluded by subsection (a) paragraph (3) of this
9 Section.

10 (3) When Records Are Eligible to Be Sealed. Records
11 identified as eligible under subsection (c)(2) may be
12 sealed as follows:

13 (A) Records identified as eligible under
14 subsections ~~subsection~~ (c)(2)(A) and (c)(2)(B) may be
15 sealed at any time.

16 (B) Except as otherwise provided in subparagraph
17 (E) of this paragraph (3), records identified as
18 eligible under subsection (c)(2)(C) may be sealed 2
19 years after the termination of petitioner's last
20 sentence (as defined in subsection (a)(1)(F)).

21 (C) Except as otherwise provided in subparagraph
22 (E) of this paragraph (3), records identified as
23 eligible under subsections (c)(2)(D), (c)(2)(E), and
24 (c)(2)(F) may be sealed 3 years after the termination
25 of the petitioner's last sentence (as defined in
26 subsection (a)(1)(F)). Convictions requiring public

1 registration under the Arsonist Registration Act, the
2 Sex Offender Registration Act, or the Murderer and
3 Violent Offender Against Youth Registration Act may
4 not be sealed until the petitioner is no longer
5 required to register under that relevant Act.

6 (D) Records identified in subsection
7 (a) (3) (A) (iii) may be sealed after the petitioner has
8 reached the age of 25 years.

9 (E) Records identified as eligible under
10 subsection ~~subsections~~ (c) (2) (C), (c) (2) (D),
11 (c) (2) (E), or (c) (2) (F) may be sealed upon termination
12 of the petitioner's last sentence if the petitioner
13 earned a high school diploma, associate's degree,
14 career certificate, vocational technical
15 certification, or bachelor's degree, or passed the
16 high school level Test of General Educational
17 Development, during the period of his or her sentence
18 or mandatory supervised release. This subparagraph
19 shall apply only to a petitioner who has not completed
20 the same educational goal prior to the period of his or
21 her sentence or mandatory supervised release. If a
22 petition for sealing eligible records filed under this
23 subparagraph is denied by the court, the time periods
24 under subparagraph (B) or (C) shall apply to any
25 subsequent petition for sealing filed by the
26 petitioner.

1 (4) Subsequent felony convictions. A person may not
2 have subsequent felony conviction records sealed as
3 provided in this subsection (c) if he or she is convicted
4 of any felony offense after the date of the sealing of
5 prior felony convictions as provided in this subsection
6 (c). The court may, upon conviction for a subsequent
7 felony offense, order the unsealing of prior felony
8 conviction records previously ordered sealed by the court.

9 (5) Notice of eligibility for sealing. Upon entry of a
10 disposition for an eligible record under this subsection
11 (c), the petitioner shall be informed by the court of the
12 right to have the records sealed and the procedures for
13 the sealing of the records.

14 (d) Procedure. The following procedures apply to
15 expungement under subsections (b), (e), and (e-6) and sealing
16 under subsections (c) and (e-5):

17 (1) Filing the petition. Upon becoming eligible to
18 petition for the expungement or sealing of records under
19 this Section, the petitioner shall file a petition
20 requesting the expungement or sealing of records with the
21 clerk of the court where the arrests occurred or the
22 charges were brought, or both. If arrests occurred or
23 charges were brought in multiple jurisdictions, a petition
24 must be filed in each such jurisdiction. The petitioner
25 shall pay the applicable fee, except no fee shall be
26 required if the petitioner has obtained a court order

1 waiving fees under Supreme Court Rule 298 or it is
2 otherwise waived.

3 (1.5) County fee waiver pilot program. From August 9,
4 2019 (the effective date of Public Act 101-306) through
5 December 31, 2020, in a county of 3,000,000 or more
6 inhabitants, no fee shall be required to be paid by a
7 petitioner if the records sought to be expunged or sealed
8 were arrests resulting in release without charging or
9 arrests or charges not initiated by arrest resulting in
10 acquittal, dismissal, or conviction when the conviction
11 was reversed or vacated, unless excluded by subsection
12 (a)(3)(B). The provisions of this paragraph (1.5), other
13 than this sentence, are inoperative on and after January
14 1, 2022.

15 (2) Contents of petition. The petition shall be
16 verified and shall contain the petitioner's name, date of
17 birth, current address and, for each arrest or charge not
18 initiated by arrest sought to be sealed or expunged, the
19 case number, the date of arrest (if any), the identity of
20 the arresting authority, and such other information as the
21 court may require. During the pendency of the proceeding,
22 the petitioner shall promptly notify the circuit court
23 clerk of any change of his or her address. If the
24 petitioner has received a certificate of eligibility for
25 sealing from the Prisoner Review Board under paragraph
26 (10) of subsection (a) of Section 3-3-2 of the Unified

1 Code of Corrections, the certificate shall be attached to
2 the petition.

3 (3) Drug test. The petitioner must attach to the
4 petition proof that the petitioner has taken within 30
5 days before the filing of the petition a test showing the
6 absence within his or her body of all illegal substances
7 as defined by the Illinois Controlled Substances Act and
8 the Methamphetamine Control and Community Protection Act
9 if he or she is petitioning to:

10 (A) seal felony records under clause (c) (2) (E);

11 (B) seal felony records for a violation of the
12 Illinois Controlled Substances Act, the
13 Methamphetamine Control and Community Protection Act,
14 or the Cannabis Control Act under clause (c) (2) (F);

15 (C) seal felony records under subsection (e-5); or

16 (D) expunge felony records of a qualified
17 probation under clause (b) (1) (iv).

18 (4) Service of petition. The circuit court clerk shall
19 promptly serve a copy of the petition and documentation to
20 support the petition under subsection (e-5) or (e-6) on
21 the State's Attorney or prosecutor charged with the duty
22 of prosecuting the offense, the Illinois State Police, the
23 arresting agency and the chief legal officer of the unit
24 of local government effecting the arrest.

25 (5) Objections.

26 (A) Any party entitled to notice of the petition

1 may file an objection to the petition. All objections
2 shall be in writing, shall be filed with the circuit
3 court clerk, and shall state with specificity the
4 basis of the objection. Whenever a person who has been
5 convicted of an offense is granted a pardon by the
6 Governor which specifically authorizes expungement, an
7 objection to the petition may not be filed.

8 (B) Objections to a petition to expunge or seal
9 must be filed within 60 days of the date of service of
10 the petition.

11 (6) Entry of order.

12 (A) The Chief Judge of the circuit wherein the
13 charge was brought, any judge of that circuit
14 designated by the Chief Judge, or in counties of less
15 than 3,000,000 inhabitants, the presiding trial judge
16 at the petitioner's trial, if any, shall rule on the
17 petition to expunge or seal as set forth in this
18 subsection (d) (6).

19 (B) Unless the State's Attorney or prosecutor, the
20 Illinois State Police, the arresting agency, or the
21 chief legal officer files an objection to the petition
22 to expunge or seal within 60 days from the date of
23 service of the petition, the court shall enter an
24 order granting or denying the petition.

25 (C) Notwithstanding any other provision of law,
26 the court shall not deny a petition for sealing under

1 this Section because the petitioner has not satisfied
2 an outstanding legal financial obligation established,
3 imposed, or originated by a court, law enforcement
4 agency, or a municipal, State, county, or other unit
5 of local government, including, but not limited to,
6 any cost, assessment, fine, or fee. An outstanding
7 legal financial obligation does not include any court
8 ordered restitution to a victim under Section 5-5-6 of
9 the Unified Code of Corrections, unless the
10 restitution has been converted to a civil judgment.
11 Nothing in this subparagraph (C) waives, rescinds, or
12 abrogates a legal financial obligation or otherwise
13 eliminates or affects the right of the holder of any
14 financial obligation to pursue collection under
15 applicable federal, State, or local law.

16 (D) Notwithstanding any other provision of law,
17 the court shall not deny a petition to expunge or seal
18 under this Section because the petitioner has
19 submitted a drug test taken within 30 days before the
20 filing of the petition to expunge or seal that
21 indicates a positive test for the presence of cannabis
22 within the petitioner's body. In this subparagraph
23 (D), "cannabis" has the meaning ascribed to it in
24 Section 3 of the Cannabis Control Act.

25 (7) Hearings. If an objection is filed, the court
26 shall set a date for a hearing and notify the petitioner

1 and all parties entitled to notice of the petition of the
2 hearing date at least 30 days prior to the hearing. Prior
3 to the hearing, the State's Attorney shall consult with
4 the Illinois State Police as to the appropriateness of the
5 relief sought in the petition to expunge or seal. At the
6 hearing, the court shall hear evidence on whether the
7 petition should or should not be granted, and shall grant
8 or deny the petition to expunge or seal the records based
9 on the evidence presented at the hearing. The court may
10 consider the following:

11 (A) the strength of the evidence supporting the
12 defendant's conviction;

13 (B) the reasons for retention of the conviction
14 records by the State;

15 (C) the petitioner's age, criminal record history,
16 and employment history;

17 (D) the period of time between the petitioner's
18 arrest on the charge resulting in the conviction and
19 the filing of the petition under this Section; and

20 (E) the specific adverse consequences the
21 petitioner may be subject to if the petition is
22 denied.

23 (8) Service of order. After entering an order to
24 expunge or seal records, the court must provide copies of
25 the order to the Illinois State Police, in a form and
26 manner prescribed by the Illinois State Police, to the

1 petitioner, to the State's Attorney or prosecutor charged
2 with the duty of prosecuting the offense, to the arresting
3 agency, to the chief legal officer of the unit of local
4 government effecting the arrest, and to such other
5 criminal justice agencies as may be ordered by the court.

6 (9) Implementation of order.

7 (A) Upon entry of an order to expunge records
8 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
9 both:

10 (i) the records shall be expunged (as defined
11 in subsection (a) (1) (E)) by the arresting agency,
12 the Illinois State Police, and any other agency as
13 ordered by the court, within 60 days of the date of
14 service of the order, unless a motion to vacate,
15 modify, or reconsider the order is filed pursuant
16 to paragraph (12) of subsection (d) of this
17 Section;

18 (ii) the records of the circuit court clerk
19 shall be impounded until further order of the
20 court upon good cause shown and the name of the
21 petitioner obliterated on the official index
22 required to be kept by the circuit court clerk
23 under Section 16 of the Clerks of Courts Act, but
24 the order shall not affect any index issued by the
25 circuit court clerk before the entry of the order;
26 and

1 (iii) in response to an inquiry for expunged
2 records, the court, the Illinois State Police, or
3 the agency receiving such inquiry, shall reply as
4 it does in response to inquiries when no records
5 ever existed.

6 (B) Upon entry of an order to expunge records
7 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
8 both:

9 (i) the records shall be expunged (as defined
10 in subsection (a) (1) (E)) by the arresting agency
11 and any other agency as ordered by the court,
12 within 60 days of the date of service of the order,
13 unless a motion to vacate, modify, or reconsider
14 the order is filed pursuant to paragraph (12) of
15 subsection (d) of this Section;

16 (ii) the records of the circuit court clerk
17 shall be impounded until further order of the
18 court upon good cause shown and the name of the
19 petitioner obliterated on the official index
20 required to be kept by the circuit court clerk
21 under Section 16 of the Clerks of Courts Act, but
22 the order shall not affect any index issued by the
23 circuit court clerk before the entry of the order;

24 (iii) the records shall be impounded by the
25 Illinois State Police within 60 days of the date
26 of service of the order as ordered by the court,

1 unless a motion to vacate, modify, or reconsider
2 the order is filed pursuant to paragraph (12) of
3 subsection (d) of this Section;

4 (iv) records impounded by the Illinois State
5 Police may be disseminated by the Illinois State
6 Police only as required by law or to the arresting
7 authority, the State's Attorney, and the court
8 upon a later arrest for the same or a similar
9 offense or for the purpose of sentencing for any
10 subsequent felony, and to the Department of
11 Corrections upon conviction for any offense; and

12 (v) in response to an inquiry for such records
13 from anyone not authorized by law to access such
14 records, the court, the Illinois State Police, or
15 the agency receiving such inquiry shall reply as
16 it does in response to inquiries when no records
17 ever existed.

18 (B-5) Upon entry of an order to expunge records
19 under subsection (e-6):

20 (i) the records shall be expunged (as defined
21 in subsection (a)(1)(E)) by the arresting agency
22 and any other agency as ordered by the court,
23 within 60 days of the date of service of the order,
24 unless a motion to vacate, modify, or reconsider
25 the order is filed under paragraph (12) of
26 subsection (d) of this Section;

1 (ii) the records of the circuit court clerk
2 shall be impounded until further order of the
3 court upon good cause shown and the name of the
4 petitioner obliterated on the official index
5 required to be kept by the circuit court clerk
6 under Section 16 of the Clerks of Courts Act, but
7 the order shall not affect any index issued by the
8 circuit court clerk before the entry of the order;

9 (iii) the records shall be impounded by the
10 Illinois State Police within 60 days of the date
11 of service of the order as ordered by the court,
12 unless a motion to vacate, modify, or reconsider
13 the order is filed under paragraph (12) of
14 subsection (d) of this Section;

15 (iv) records impounded by the Illinois State
16 Police may be disseminated by the Illinois State
17 Police only as required by law or to the arresting
18 authority, the State's Attorney, and the court
19 upon a later arrest for the same or a similar
20 offense or for the purpose of sentencing for any
21 subsequent felony, and to the Department of
22 Corrections upon conviction for any offense; and

23 (v) in response to an inquiry for these
24 records from anyone not authorized by law to
25 access the records, the court, the Illinois State
26 Police, or the agency receiving the inquiry shall

1 reply as it does in response to inquiries when no
2 records ever existed.

3 (C) Upon entry of an order to seal records under
4 subsection (c), the arresting agency, any other agency
5 as ordered by the court, the Illinois State Police,
6 and the court shall seal the records (as defined in
7 subsection (a)(1)(K)). In response to an inquiry for
8 such records, from anyone not authorized by law to
9 access such records, the court, the Illinois State
10 Police, or the agency receiving such inquiry shall
11 reply as it does in response to inquiries when no
12 records ever existed.

13 (D) The Illinois State Police shall send written
14 notice to the petitioner of its compliance with each
15 order to expunge or seal records within 60 days of the
16 date of service of that order or, if a motion to
17 vacate, modify, or reconsider is filed, within 60 days
18 of service of the order resolving the motion, if that
19 order requires the Illinois State Police to expunge or
20 seal records. In the event of an appeal from the
21 circuit court order, the Illinois State Police shall
22 send written notice to the petitioner of its
23 compliance with an Appellate Court or Supreme Court
24 judgment to expunge or seal records within 60 days of
25 the issuance of the court's mandate. The notice is not
26 required while any motion to vacate, modify, or

1 reconsider, or any appeal or petition for
2 discretionary appellate review, is pending.

3 (E) Upon motion, the court may order that a sealed
4 judgment or other court record necessary to
5 demonstrate the amount of any legal financial
6 obligation due and owing be made available for the
7 limited purpose of collecting any legal financial
8 obligations owed by the petitioner that were
9 established, imposed, or originated in the criminal
10 proceeding for which those records have been sealed.
11 The records made available under this subparagraph (E)
12 shall not be entered into the official index required
13 to be kept by the circuit court clerk under Section 16
14 of the Clerks of Courts Act and shall be immediately
15 re-impounded upon the collection of the outstanding
16 financial obligations.

17 (F) Notwithstanding any other provision of this
18 Section, a circuit court clerk may access a sealed
19 record for the limited purpose of collecting payment
20 for any legal financial obligations that were
21 established, imposed, or originated in the criminal
22 proceedings for which those records have been sealed.

23 (10) Fees. The Illinois State Police may charge the
24 petitioner a fee equivalent to the cost of processing any
25 order to expunge or seal records. Notwithstanding any
26 provision of the Clerks of Courts Act to the contrary, the

1 circuit court clerk may charge a fee equivalent to the
2 cost associated with the sealing or expungement of records
3 by the circuit court clerk. From the total filing fee
4 collected for the petition to seal or expunge, the circuit
5 court clerk shall deposit \$10 into the Circuit Court Clerk
6 Operation and Administrative Fund, to be used to offset
7 the costs incurred by the circuit court clerk in
8 performing the additional duties required to serve the
9 petition to seal or expunge on all parties. The circuit
10 court clerk shall collect and remit the Illinois State
11 Police portion of the fee to the State Treasurer and it
12 shall be deposited in the State Police Services Fund. If
13 the record brought under an expungement petition was
14 previously sealed under this Section, the fee for the
15 expungement petition for that same record shall be waived.

16 (11) Final Order. No court order issued under the
17 expungement or sealing provisions of this Section shall
18 become final for purposes of appeal until 30 days after
19 service of the order on the petitioner and all parties
20 entitled to notice of the petition.

21 (12) Motion to Vacate, Modify, or Reconsider. Under
22 Section 2-1203 of the Code of Civil Procedure, the
23 petitioner or any party entitled to notice may file a
24 motion to vacate, modify, or reconsider the order granting
25 or denying the petition to expunge or seal within 60 days
26 of service of the order. If filed more than 60 days after

1 service of the order, a petition to vacate, modify, or
2 reconsider shall comply with subsection (c) of Section
3 2-1401 of the Code of Civil Procedure. Upon filing of a
4 motion to vacate, modify, or reconsider, notice of the
5 motion shall be served upon the petitioner and all parties
6 entitled to notice of the petition.

7 (13) Effect of Order. An order granting a petition
8 under the expungement or sealing provisions of this
9 Section shall not be considered void because it fails to
10 comply with the provisions of this Section or because of
11 any error asserted in a motion to vacate, modify, or
12 reconsider. The circuit court retains jurisdiction to
13 determine whether the order is voidable and to vacate,
14 modify, or reconsider its terms based on a motion filed
15 under paragraph (12) of this subsection (d).

16 (14) Compliance with Order Granting Petition to Seal
17 Records. Unless a court has entered a stay of an order
18 granting a petition to seal, all parties entitled to
19 notice of the petition must fully comply with the terms of
20 the order within 60 days of service of the order even if a
21 party is seeking relief from the order through a motion
22 filed under paragraph (12) of this subsection (d) or is
23 appealing the order.

24 (15) Compliance with Order Granting Petition to
25 Expunge Records. While a party is seeking relief from the
26 order granting the petition to expunge through a motion

1 filed under paragraph (12) of this subsection (d) or is
2 appealing the order, and unless a court has entered a stay
3 of that order, the parties entitled to notice of the
4 petition must seal, but need not expunge, the records
5 until there is a final order on the motion for relief or,
6 in the case of an appeal, the issuance of that court's
7 mandate.

8 (16) The changes to this subsection (d) made by Public
9 Act 98-163 apply to all petitions pending on August 5,
10 2013 (the effective date of Public Act 98-163) and to all
11 orders ruling on a petition to expunge or seal on or after
12 August 5, 2013 (the effective date of Public Act 98-163).

13 (e) Whenever a person who has been convicted of an offense
14 is granted a pardon by the Governor which specifically
15 authorizes expungement, he or she may, upon verified petition
16 to the Chief Judge of the circuit where the person had been
17 convicted, any judge of the circuit designated by the Chief
18 Judge, or in counties of less than 3,000,000 inhabitants, the
19 presiding trial judge at the defendant's trial, have a court
20 order entered expunging the record of arrest from the official
21 records of the arresting authority and order that the records
22 of the circuit court clerk and the Illinois State Police be
23 sealed until further order of the court upon good cause shown
24 or as otherwise provided herein, and the name of the defendant
25 obliterated from the official index requested to be kept by
26 the circuit court clerk under Section 16 of the Clerks of

1 Courts Act in connection with the arrest and conviction for
2 the offense for which he or she had been pardoned but the order
3 shall not affect any index issued by the circuit court clerk
4 before the entry of the order. All records sealed by the
5 Illinois State Police may be disseminated by the Illinois
6 State Police only to the arresting authority, the State's
7 Attorney, and the court upon a later arrest for the same or
8 similar offense or for the purpose of sentencing for any
9 subsequent felony. Upon conviction for any subsequent offense,
10 the Department of Corrections shall have access to all sealed
11 records of the Illinois State Police pertaining to that
12 individual. Upon entry of the order of expungement, the
13 circuit court clerk shall promptly mail a copy of the order to
14 the person who was pardoned.

15 (e-5) Whenever a person who has been convicted of an
16 offense is granted a certificate of eligibility for sealing by
17 the Prisoner Review Board which specifically authorizes
18 sealing, he or she may, upon verified petition to the Chief
19 Judge of the circuit where the person had been convicted, any
20 judge of the circuit designated by the Chief Judge, or in
21 counties of less than 3,000,000 inhabitants, the presiding
22 trial judge at the petitioner's trial, have a court order
23 entered sealing the record of arrest from the official records
24 of the arresting authority and order that the records of the
25 circuit court clerk and the Illinois State Police be sealed
26 until further order of the court upon good cause shown or as

1 otherwise provided herein, and the name of the petitioner
2 obliterated from the official index requested to be kept by
3 the circuit court clerk under Section 16 of the Clerks of
4 Courts Act in connection with the arrest and conviction for
5 the offense for which he or she had been granted the
6 certificate but the order shall not affect any index issued by
7 the circuit court clerk before the entry of the order. All
8 records sealed by the Illinois State Police may be
9 disseminated by the Illinois State Police only as required by
10 this Act or to the arresting authority, a law enforcement
11 agency, the State's Attorney, and the court upon a later
12 arrest for the same or similar offense or for the purpose of
13 sentencing for any subsequent felony. Upon conviction for any
14 subsequent offense, the Department of Corrections shall have
15 access to all sealed records of the Illinois State Police
16 pertaining to that individual. Upon entry of the order of
17 sealing, the circuit court clerk shall promptly mail a copy of
18 the order to the person who was granted the certificate of
19 eligibility for sealing.

20 (e-6) Whenever a person who has been convicted of an
21 offense is granted a certificate of eligibility for
22 expungement by the Prisoner Review Board which specifically
23 authorizes expungement, he or she may, upon verified petition
24 to the Chief Judge of the circuit where the person had been
25 convicted, any judge of the circuit designated by the Chief
26 Judge, or in counties of less than 3,000,000 inhabitants, the

1 presiding trial judge at the petitioner's trial, have a court
2 order entered expunging the record of arrest from the official
3 records of the arresting authority and order that the records
4 of the circuit court clerk and the Illinois State Police be
5 sealed until further order of the court upon good cause shown
6 or as otherwise provided herein, and the name of the
7 petitioner obliterated from the official index requested to be
8 kept by the circuit court clerk under Section 16 of the Clerks
9 of Courts Act in connection with the arrest and conviction for
10 the offense for which he or she had been granted the
11 certificate but the order shall not affect any index issued by
12 the circuit court clerk before the entry of the order. All
13 records sealed by the Illinois State Police may be
14 disseminated by the Illinois State Police only as required by
15 this Act or to the arresting authority, a law enforcement
16 agency, the State's Attorney, and the court upon a later
17 arrest for the same or similar offense or for the purpose of
18 sentencing for any subsequent felony. Upon conviction for any
19 subsequent offense, the Department of Corrections shall have
20 access to all expunged records of the Illinois State Police
21 pertaining to that individual. Upon entry of the order of
22 expungement, the circuit court clerk shall promptly mail a
23 copy of the order to the person who was granted the certificate
24 of eligibility for expungement.

25 (f) Subject to available funding, the Illinois Department
26 of Corrections shall conduct a study of the impact of sealing,

1 especially on employment and recidivism rates, utilizing a
2 random sample of those who apply for the sealing of their
3 criminal records under Public Act 93-211. At the request of
4 the Illinois Department of Corrections, records of the
5 Illinois Department of Employment Security shall be utilized
6 as appropriate to assist in the study. The study shall not
7 disclose any data in a manner that would allow the
8 identification of any particular individual or employing unit.
9 The study shall be made available to the General Assembly no
10 later than September 1, 2010.

11 (g) Immediate Sealing.

12 (1) Applicability. Notwithstanding any other provision
13 of this Act to the contrary, and cumulative with any
14 rights to expungement or sealing of criminal records, this
15 subsection authorizes the immediate sealing of criminal
16 records of adults and of minors prosecuted as adults.

17 (2) Eligible Records. Arrests or charges not initiated
18 by arrest resulting in acquittal or dismissal with
19 prejudice, except as excluded by subsection (a)(3)(B),
20 that occur on or after January 1, 2018 (the effective date
21 of Public Act 100-282), may be sealed immediately if the
22 petition is filed with the circuit court clerk on the same
23 day and during the same hearing in which the case is
24 disposed.

25 (3) When Records are Eligible to be Immediately
26 Sealed. Eligible records under paragraph (2) of this

1 subsection (g) may be sealed immediately after entry of
2 the final disposition of a case, notwithstanding the
3 disposition of other charges in the same case.

4 (4) Notice of Eligibility for Immediate Sealing. Upon
5 entry of a disposition for an eligible record under this
6 subsection (g), the defendant shall be informed by the
7 court of his or her right to have eligible records
8 immediately sealed and the procedure for the immediate
9 sealing of these records.

10 (5) Procedure. The following procedures apply to
11 immediate sealing under this subsection (g).

12 (A) Filing the Petition. Upon entry of the final
13 disposition of the case, the defendant's attorney may
14 immediately petition the court, on behalf of the
15 defendant, for immediate sealing of eligible records
16 under paragraph (2) of this subsection (g) that are
17 entered on or after January 1, 2018 (the effective
18 date of Public Act 100-282). The immediate sealing
19 petition may be filed with the circuit court clerk
20 during the hearing in which the final disposition of
21 the case is entered. If the defendant's attorney does
22 not file the petition for immediate sealing during the
23 hearing, the defendant may file a petition for sealing
24 at any time as authorized under subsection (c) (3) (A).

25 (B) Contents of Petition. The immediate sealing
26 petition shall be verified and shall contain the

1 petitioner's name, date of birth, current address, and
2 for each eligible record, the case number, the date of
3 arrest if applicable, the identity of the arresting
4 authority if applicable, and other information as the
5 court may require.

6 (C) Drug Test. The petitioner shall not be
7 required to attach proof that he or she has passed a
8 drug test.

9 (D) Service of Petition. A copy of the petition
10 shall be served on the State's Attorney in open court.
11 The petitioner shall not be required to serve a copy of
12 the petition on any other agency.

13 (E) Entry of Order. The presiding trial judge
14 shall enter an order granting or denying the petition
15 for immediate sealing during the hearing in which it
16 is filed. Petitions for immediate sealing shall be
17 ruled on in the same hearing in which the final
18 disposition of the case is entered.

19 (F) Hearings. The court shall hear the petition
20 for immediate sealing on the same day and during the
21 same hearing in which the disposition is rendered.

22 (G) Service of Order. An order to immediately seal
23 eligible records shall be served in conformance with
24 subsection (d) (8).

25 (H) Implementation of Order. An order to
26 immediately seal records shall be implemented in

1 conformance with subsections (d) (9) (C) and (d) (9) (D).

2 (I) Fees. The fee imposed by the circuit court
3 clerk and the Illinois State Police shall comply with
4 paragraph (1) of subsection (d) of this Section.

5 (J) Final Order. No court order issued under this
6 subsection (g) shall become final for purposes of
7 appeal until 30 days after service of the order on the
8 petitioner and all parties entitled to service of the
9 order in conformance with subsection (d) (8).

10 (K) Motion to Vacate, Modify, or Reconsider. Under
11 Section 2-1203 of the Code of Civil Procedure, the
12 petitioner, State's Attorney, or the Illinois State
13 Police may file a motion to vacate, modify, or
14 reconsider the order denying the petition to
15 immediately seal within 60 days of service of the
16 order. If filed more than 60 days after service of the
17 order, a petition to vacate, modify, or reconsider
18 shall comply with subsection (c) of Section 2-1401 of
19 the Code of Civil Procedure.

20 (L) Effect of Order. An order granting an
21 immediate sealing petition shall not be considered
22 void because it fails to comply with the provisions of
23 this Section or because of an error asserted in a
24 motion to vacate, modify, or reconsider. The circuit
25 court retains jurisdiction to determine whether the
26 order is voidable, and to vacate, modify, or

1 reconsider its terms based on a motion filed under
2 subparagraph (L) of this subsection (g).

3 (M) Compliance with Order Granting Petition to
4 Seal Records. Unless a court has entered a stay of an
5 order granting a petition to immediately seal, all
6 parties entitled to service of the order must fully
7 comply with the terms of the order within 60 days of
8 service of the order.

9 (h) Sealing; trafficking victims.

10 (1) A trafficking victim as defined by paragraph (10)
11 of subsection (a) of Section 10-9 of the Criminal Code of
12 2012 shall be eligible to petition for immediate sealing
13 of his or her criminal record upon the completion of his or
14 her last sentence if his or her participation in the
15 underlying offense was a direct result of human
16 trafficking under Section 10-9 of the Criminal Code of
17 2012 or a severe form of trafficking under the federal
18 Trafficking Victims Protection Act.

19 (2) A petitioner under this subsection (h), in
20 addition to the requirements provided under paragraph (4)
21 of subsection (d) of this Section, shall include in his or
22 her petition a clear and concise statement that: (A) he or
23 she was a victim of human trafficking at the time of the
24 offense; and (B) that his or her participation in the
25 offense was a direct result of human trafficking under
26 Section 10-9 of the Criminal Code of 2012 or a severe form

1 of trafficking under the federal Trafficking Victims
2 Protection Act.

3 (3) If an objection is filed alleging that the
4 petitioner is not entitled to immediate sealing under this
5 subsection (h), the court shall conduct a hearing under
6 paragraph (7) of subsection (d) of this Section and the
7 court shall determine whether the petitioner is entitled
8 to immediate sealing under this subsection (h). A
9 petitioner is eligible for immediate relief under this
10 subsection (h) if he or she shows, by a preponderance of
11 the evidence, that: (A) he or she was a victim of human
12 trafficking at the time of the offense; and (B) that his or
13 her participation in the offense was a direct result of
14 human trafficking under Section 10-9 of the Criminal Code
15 of 2012 or a severe form of trafficking under the federal
16 Trafficking Victims Protection Act.

17 (i) Minor Cannabis Offenses under the Cannabis Control
18 Act.

19 (1) Expungement of Arrest Records of Minor Cannabis
20 Offenses.

21 (A) The Illinois State Police and all law
22 enforcement agencies within the State shall
23 automatically expunge all criminal history records of
24 an arrest, charge not initiated by arrest, order of
25 supervision, or order of qualified probation for a
26 Minor Cannabis Offense committed prior to June 25,

1 2019 (the effective date of Public Act 101-27) if:

2 (i) One year or more has elapsed since the
3 date of the arrest or law enforcement interaction
4 documented in the records; and

5 (ii) No criminal charges were filed relating
6 to the arrest or law enforcement interaction or
7 criminal charges were filed and subsequently
8 dismissed or vacated or the arrestee was
9 acquitted.

10 (B) If the law enforcement agency is unable to
11 verify satisfaction of condition (ii) in paragraph
12 (A), records that satisfy condition (i) in paragraph
13 (A) shall be automatically expunged.

14 (C) Records shall be expunged by the law
15 enforcement agency under the following timelines:

16 (i) Records created prior to June 25, 2019
17 (the effective date of Public Act 101-27), but on
18 or after January 1, 2013, shall be automatically
19 expunged prior to January 1, 2021;

20 (ii) Records created prior to January 1, 2013,
21 but on or after January 1, 2000, shall be
22 automatically expunged prior to January 1, 2023;

23 (iii) Records created prior to January 1, 2000
24 shall be automatically expunged prior to January
25 1, 2025.

26 In response to an inquiry for expunged records,

1 the law enforcement agency receiving such inquiry
2 shall reply as it does in response to inquiries when no
3 records ever existed; however, it shall provide a
4 certificate of disposition or confirmation that the
5 record was expunged to the individual whose record was
6 expunged if such a record exists.

7 (D) Nothing in this Section shall be construed to
8 restrict or modify an individual's right to have that
9 individual's records expunged except as otherwise may
10 be provided in this Act, or diminish or abrogate any
11 rights or remedies otherwise available to the
12 individual.

13 (2) Pardons Authorizing Expungement of Minor Cannabis
14 Offenses.

15 (A) Upon June 25, 2019 (the effective date of
16 Public Act 101-27), the Department of State Police
17 shall review all criminal history record information
18 and identify all records that meet all of the
19 following criteria:

20 (i) one or more convictions for a Minor
21 Cannabis Offense;

22 (ii) the conviction identified in paragraph
23 (2) (A) (i) did not include a penalty enhancement
24 under Section 7 of the Cannabis Control Act; and

25 (iii) the conviction identified in paragraph
26 (2) (A) (i) is not associated with a conviction for

1 a violent crime as defined in subsection (c) of
2 Section 3 of the Rights of Crime Victims and
3 Witnesses Act.

4 (B) Within 180 days after June 25, 2019 (the
5 effective date of Public Act 101-27), the Department
6 of State Police shall notify the Prisoner Review Board
7 of all such records that meet the criteria established
8 in paragraph (2) (A).

9 (i) The Prisoner Review Board shall notify the
10 State's Attorney of the county of conviction of
11 each record identified by State Police in
12 paragraph (2) (A) that is classified as a Class 4
13 felony. The State's Attorney may provide a written
14 objection to the Prisoner Review Board on the sole
15 basis that the record identified does not meet the
16 criteria established in paragraph (2) (A). Such an
17 objection must be filed within 60 days or by such
18 later date set by the Prisoner Review Board in the
19 notice after the State's Attorney received notice
20 from the Prisoner Review Board.

21 (ii) In response to a written objection from a
22 State's Attorney, the Prisoner Review Board is
23 authorized to conduct a non-public hearing to
24 evaluate the information provided in the
25 objection.

26 (iii) The Prisoner Review Board shall make a

1 confidential and privileged recommendation to the
2 Governor as to whether to grant a pardon
3 authorizing expungement for each of the records
4 identified by the Department of State Police as
5 described in paragraph (2) (A).

6 (C) If an individual has been granted a pardon
7 authorizing expungement as described in this Section,
8 the Prisoner Review Board, through the Attorney
9 General, shall file a petition for expungement with
10 the Chief Judge of the circuit or any judge of the
11 circuit designated by the Chief Judge where the
12 individual had been convicted. Such petition may
13 include more than one individual. Whenever an
14 individual who has been convicted of an offense is
15 granted a pardon by the Governor that specifically
16 authorizes expungement, an objection to the petition
17 may not be filed. Petitions to expunge under this
18 subsection (i) may include more than one individual.
19 Within 90 days of the filing of such a petition, the
20 court shall enter an order expunging the records of
21 arrest from the official records of the arresting
22 authority and order that the records of the circuit
23 court clerk and the Illinois State Police be expunged
24 and the name of the defendant obliterated from the
25 official index requested to be kept by the circuit
26 court clerk under Section 16 of the Clerks of Courts

1 Act in connection with the arrest and conviction for
2 the offense for which the individual had received a
3 pardon but the order shall not affect any index issued
4 by the circuit court clerk before the entry of the
5 order. Upon entry of the order of expungement, the
6 circuit court clerk shall promptly provide a copy of
7 the order and a certificate of disposition to the
8 individual who was pardoned to the individual's last
9 known address or by electronic means (if available) or
10 otherwise make it available to the individual upon
11 request.

12 (D) Nothing in this Section is intended to
13 diminish or abrogate any rights or remedies otherwise
14 available to the individual.

15 (3) Any individual may file a motion to vacate and
16 expunge a conviction for a misdemeanor or Class 4 felony
17 violation of Section 4 or Section 5 of the Cannabis
18 Control Act. Motions to vacate and expunge under this
19 subsection (i) may be filed with the circuit court, Chief
20 Judge of a judicial circuit or any judge of the circuit
21 designated by the Chief Judge. The circuit court clerk
22 shall promptly serve a copy of the motion to vacate and
23 expunge, and any supporting documentation, on the State's
24 Attorney or prosecutor charged with the duty of
25 prosecuting the offense. When considering such a motion to
26 vacate and expunge, a court shall consider the following:

1 the reasons to retain the records provided by law
2 enforcement, the petitioner's age, the petitioner's age at
3 the time of offense, the time since the conviction, and
4 the specific adverse consequences if denied. An individual
5 may file such a petition after the completion of any
6 non-financial sentence or non-financial condition imposed
7 by the conviction. Within 60 days of the filing of such
8 motion, a State's Attorney may file an objection to such a
9 petition along with supporting evidence. If a motion to
10 vacate and expunge is granted, the records shall be
11 expunged in accordance with subparagraphs (d)(8) and
12 (d)(9)(A) of this Section. An agency providing civil legal
13 aid, as defined by Section 15 of the Public Interest
14 Attorney Assistance Act, assisting individuals seeking to
15 file a motion to vacate and expunge under this subsection
16 may file motions to vacate and expunge with the Chief
17 Judge of a judicial circuit or any judge of the circuit
18 designated by the Chief Judge, and the motion may include
19 more than one individual. Motions filed by an agency
20 providing civil legal aid concerning more than one
21 individual may be prepared, presented, and signed
22 electronically.

23 (4) Any State's Attorney may file a motion to vacate
24 and expunge a conviction for a misdemeanor or Class 4
25 felony violation of Section 4 or Section 5 of the Cannabis
26 Control Act. Motions to vacate and expunge under this

1 subsection (i) may be filed with the circuit court, Chief
2 Judge of a judicial circuit or any judge of the circuit
3 designated by the Chief Judge, and may include more than
4 one individual. Motions filed by a State's Attorney
5 concerning more than one individual may be prepared,
6 presented, and signed electronically. When considering
7 such a motion to vacate and expunge, a court shall
8 consider the following: the reasons to retain the records
9 provided by law enforcement, the individual's age, the
10 individual's age at the time of offense, the time since
11 the conviction, and the specific adverse consequences if
12 denied. Upon entry of an order granting a motion to vacate
13 and expunge records pursuant to this Section, the State's
14 Attorney shall notify the Prisoner Review Board within 30
15 days. Upon entry of the order of expungement, the circuit
16 court clerk shall promptly provide a copy of the order and
17 a certificate of disposition to the individual whose
18 records will be expunged to the individual's last known
19 address or by electronic means (if available) or otherwise
20 make available to the individual upon request. If a motion
21 to vacate and expunge is granted, the records shall be
22 expunged in accordance with subparagraphs (d)(8) and
23 (d)(9)(A) of this Section.

24 (5) In the public interest, the State's Attorney of a
25 county has standing to file motions to vacate and expunge
26 pursuant to this Section in the circuit court with

1 jurisdiction over the underlying conviction.

2 (6) If a person is arrested for a Minor Cannabis
3 Offense as defined in this Section before June 25, 2019
4 (the effective date of Public Act 101-27) and the person's
5 case is still pending but a sentence has not been imposed,
6 the person may petition the court in which the charges are
7 pending for an order to summarily dismiss those charges
8 against him or her, and expunge all official records of
9 his or her arrest, plea, trial, conviction, incarceration,
10 supervision, or expungement. If the court determines, upon
11 review, that: (A) the person was arrested before June 25,
12 2019 (the effective date of Public Act 101-27) for an
13 offense that has been made eligible for expungement; (B)
14 the case is pending at the time; and (C) the person has not
15 been sentenced of the minor cannabis violation eligible
16 for expungement under this subsection, the court shall
17 consider the following: the reasons to retain the records
18 provided by law enforcement, the petitioner's age, the
19 petitioner's age at the time of offense, the time since
20 the conviction, and the specific adverse consequences if
21 denied. If a motion to dismiss and expunge is granted, the
22 records shall be expunged in accordance with subparagraph
23 (d) (9) (A) of this Section.

24 (7) A person imprisoned solely as a result of one or
25 more convictions for Minor Cannabis Offenses under this
26 subsection (i) shall be released from incarceration upon

1 the issuance of an order under this subsection.

2 (8) The Illinois State Police shall allow a person to
3 use the access and review process, established in the
4 Illinois State Police, for verifying that his or her
5 records relating to Minor Cannabis Offenses of the
6 Cannabis Control Act eligible under this Section have been
7 expunged.

8 (9) No conviction vacated pursuant to this Section
9 shall serve as the basis for damages for time unjustly
10 served as provided in the Court of Claims Act.

11 (10) Effect of Expungement. A person's right to
12 expunge an expungeable offense shall not be limited under
13 this Section. The effect of an order of expungement shall
14 be to restore the person to the status he or she occupied
15 before the arrest, charge, or conviction.

16 (11) Information. The Illinois State Police shall post
17 general information on its website about the expungement
18 process described in this subsection (i).

19 (j) Felony Commercial Sexual Activity ~~Prostitution~~
20 Convictions.

21 (1) Any individual may file a motion to vacate and
22 expunge a conviction for a prior Class 4 felony violation
23 of commercial sexual activity ~~prostitution~~. Motions to
24 vacate and expunge under this subsection (j) may be filed
25 with the circuit court, Chief Judge of a judicial circuit,
26 or any judge of the circuit designated by the Chief Judge.

1 When considering the motion to vacate and expunge, a court
2 shall consider the following:

3 (A) the reasons to retain the records provided by
4 law enforcement;

5 (B) the petitioner's age;

6 (C) the petitioner's age at the time of offense;
7 and

8 (D) the time since the conviction, and the
9 specific adverse consequences if denied. An individual
10 may file the petition after the completion of any
11 sentence or condition imposed by the conviction.
12 Within 60 days of the filing of the motion, a State's
13 Attorney may file an objection to the petition along
14 with supporting evidence. If a motion to vacate and
15 expunge is granted, the records shall be expunged in
16 accordance with subparagraph (d)(9)(A) of this
17 Section. An agency providing civil legal aid, as
18 defined in Section 15 of the Public Interest Attorney
19 Assistance Act, assisting individuals seeking to file
20 a motion to vacate and expunge under this subsection
21 may file motions to vacate and expunge with the Chief
22 Judge of a judicial circuit or any judge of the circuit
23 designated by the Chief Judge, and the motion may
24 include more than one individual.

25 (2) Any State's Attorney may file a motion to vacate
26 and expunge a conviction for a Class 4 felony violation of

1 commercial sexual activity ~~prostitution~~. Motions to vacate
2 and expunge under this subsection (j) may be filed with
3 the circuit court, Chief Judge of a judicial circuit, or
4 any judge of the circuit court designated by the Chief
5 Judge, and may include more than one individual. When
6 considering the motion to vacate and expunge, a court
7 shall consider the following reasons:

8 (A) the reasons to retain the records provided by
9 law enforcement;

10 (B) the petitioner's age;

11 (C) the petitioner's age at the time of offense;

12 (D) the time since the conviction; and

13 (E) the specific adverse consequences if denied.

14 If the State's Attorney files a motion to vacate and
15 expunge records for felony commercial sexual activity
16 ~~prostitution~~ convictions pursuant to this Section, the
17 State's Attorney shall notify the Prisoner Review Board
18 within 30 days of the filing. If a motion to vacate and
19 expunge is granted, the records shall be expunged in
20 accordance with subparagraph (d) (9) (A) of this Section.

21 (3) In the public interest, the State's Attorney of a
22 county has standing to file motions to vacate and expunge
23 pursuant to this Section in the circuit court with
24 jurisdiction over the underlying conviction.

25 (4) The Illinois State Police shall allow a person to
26 use the access and review process, established in the

1 Illinois State Police, for verifying that his or her
2 records relating to felony commercial sexual activity
3 ~~prostitution~~ eligible under this Section have been
4 expunged.

5 (5) No conviction vacated pursuant to this Section
6 shall serve as the basis for damages for time unjustly
7 served as provided in the Court of Claims Act.

8 (6) Effect of Expungement. A person's right to expunge
9 an expungeable offense shall not be limited under this
10 Section. The effect of an order of expungement shall be to
11 restore the person to the status he or she occupied before
12 the arrest, charge, or conviction.

13 (7) Information. The Illinois State Police shall post
14 general information on its website about the expungement
15 process described in this subsection (j).

16 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
17 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
18 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
19 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
20 5-13-22; 102-933, eff. 1-1-23; revised 12-8-22.)

21 Section 10. The Sex Offender Management Board Act is
22 amended by changing Section 10 as follows:

23 (20 ILCS 4026/10)

24 Sec. 10. Definitions. In this Act, unless the context

1 otherwise requires:

2 (a) "Board" means the Sex Offender Management Board
3 created in Section 15.

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

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

16 (1) indecent solicitation of a child, in violation of
17 Section 11-6 of the Criminal Code of 1961 or the Criminal
18 Code of 2012;

19 (2) indecent solicitation of an adult, in violation of
20 Section 11-6.5 of the Criminal Code of 1961 or the
21 Criminal Code of 2012;

22 (3) public indecency, in violation of Section 11-9 or
23 11-30 of the Criminal Code of 1961 or the Criminal Code of
24 2012;

25 (4) sexual exploitation of a child, in violation of
26 Section 11-9.1 of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

2 (5) sexual relations within families, in violation of
3 Section 11-11 of the Criminal Code of 1961 or the Criminal
4 Code of 2012;

5 (6) promoting commercial sexual exploitation of a
6 child ~~juvenile prostitution~~ or soliciting for a sexually
7 exploited child ~~juvenile prostitute~~, in violation of
8 Section 11-14.4 or 11-15.1 of the Criminal Code of 1961 or
9 the Criminal Code of 2012;

10 (7) promoting commercial sexual exploitation of a
11 child ~~juvenile prostitution~~ or keeping a place of
12 commercial sexual exploitation of a child ~~juvenile~~
13 ~~prostitution~~, in violation of Section 11-14.4 or 11-17.1
14 of the Criminal Code of 1961 or the Criminal Code of 2012;

15 (8) patronizing a sexually exploited child ~~juvenile~~
16 ~~prostitute~~, in violation of Section 11-18.1 of the
17 Criminal Code of 1961 or the Criminal Code of 2012;

18 (9) promoting commercial sexual exploitation of a
19 child ~~juvenile prostitution~~ or juvenile pimping, in
20 violation of Section 11-14.4 or 11-19.1 of the Criminal
21 Code of 1961 or the Criminal Code of 2012;

22 (10) promoting commercial sexual exploitation of a
23 child ~~juvenile prostitution~~ or exploitation of a child, in
24 violation of Section 11-14.4 or 11-19.2 of the Criminal
25 Code of 1961 or the Criminal Code of 2012;

26 (11) child pornography, in violation of Section

1 11-20.1 of the Criminal Code of 1961 or the Criminal Code
2 of 2012;

3 (11.5) aggravated child pornography, in violation of
4 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

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

7 (13) criminal sexual assault, in violation of Section
8 11-1.20 or 12-13 of the Criminal Code of 1961 or the
9 Criminal Code of 2012;

10 (13.5) grooming, in violation of Section 11-25 of the
11 Criminal Code of 1961 or the Criminal Code of 2012;

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

15 (14.5) traveling to meet a minor or traveling to meet
16 a child, in violation of Section 11-26 of the Criminal
17 Code of 1961 or the Criminal Code of 2012;

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

21 (16) criminal sexual abuse, in violation of Section
22 11-1.50 or 12-15 of the Criminal Code of 1961 or the
23 Criminal Code of 2012;

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

1 (18) ritualized abuse of a child, in violation of
2 Section 12-33 of the Criminal Code of 1961 or the Criminal
3 Code of 2012;

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

6 (20) any felony offense under Illinois law that is
7 sexually motivated.

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

11 (e) "Sexually motivated" means one or more of the facts of
12 the underlying offense indicates conduct that is of a sexual
13 nature or that shows an intent to engage in behavior of a
14 sexual nature.

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

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

21 (h) "Associate sex offender provider" means a person
22 licensed under the Sex Offender Evaluation and Treatment
23 Provider Act to provide sex offender evaluations and to
24 provide sex offender treatment under the supervision of a
25 licensed sex offender evaluator or a licensed sex offender
26 treatment provider.

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

2 Section 15. The Counties Code is amended by changing
3 Section 5-10008 as follows:

4 (55 ILCS 5/5-10008) (from Ch. 34, par. 5-10008)

5 Sec. 5-10008. Prohibited persons. It shall be unlawful for
6 any known provider of commercial sexual activity ~~prostitute,~~
7 male or female procurer, vagrant, or intoxicated person to be
8 present at any dance hall or road house licensed under this
9 Division.

10 (Source: P.A. 86-962.)

11 Section 20. The Illinois Municipal Code is amended by
12 changing Section 11-5-4 as follows:

13 (65 ILCS 5/11-5-4) (from Ch. 24, par. 11-5-4)

14 Sec. 11-5-4. The corporate authorities of each
15 municipality may prevent vagrancy, begging, and commercial
16 sexual activity ~~prostitution.~~

17 (Source: Laws 1961, p. 576.)

18 Section 25. The Massage Licensing Act is amended by
19 changing Sections 15 and 45 as follows:

20 (225 ILCS 57/15)

1 (Section scheduled to be repealed on January 1, 2027)

2 Sec. 15. Licensure requirements.

3 (a) Persons engaged in massage for compensation must be
4 licensed by the Department. The Department shall issue a
5 license to an individual who meets all of the following
6 requirements:

7 (1) The applicant has applied in writing on the
8 prescribed forms and has paid the required fees.

9 (2) The applicant is at least 18 years of age and of
10 good moral character. In determining good moral character,
11 the Department may take into consideration conviction of
12 any crime under the laws of the United States or any state
13 or territory thereof that is a felony or a misdemeanor or
14 any crime that is directly related to the practice of the
15 profession. Such a conviction shall not operate
16 automatically as a complete bar to a license, except in
17 the case of any conviction for commercial sexual activity
18 ~~prostitution~~, rape, or sexual misconduct, or where the
19 applicant is a registered sex offender.

20 (3) The applicant has successfully completed a massage
21 therapy program approved by the Department that requires a
22 minimum of 500 hours, except applicants applying on or
23 after January 1, 2014 shall meet a minimum requirement of
24 600 hours, and has passed a competency examination
25 approved by the Department.

26 (b) Each applicant for licensure as a massage therapist

1 shall have his or her fingerprints submitted to the Illinois
2 State Police in an electronic format that complies with the
3 form and manner for requesting and furnishing criminal history
4 record information as prescribed by the Illinois State Police.
5 These fingerprints shall be checked against the Illinois State
6 Police and Federal Bureau of Investigation criminal history
7 record databases now and hereafter filed. The Illinois State
8 Police shall charge applicants a fee for conducting the
9 criminal history records check, which shall be deposited into
10 the State Police Services Fund and shall not exceed the actual
11 cost of the records check. The Illinois State Police shall
12 furnish, pursuant to positive identification, records of
13 Illinois convictions to the Department. The Department may
14 require applicants to pay a separate fingerprinting fee,
15 either to the Department or to a vendor. The Department, in its
16 discretion, may allow an applicant who does not have
17 reasonable access to a designated vendor to provide his or her
18 fingerprints in an alternative manner. The Department may
19 adopt any rules necessary to implement this Section.

20 (Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21;
21 102-813, eff. 5-13-22.)

22 (225 ILCS 57/45)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 45. Grounds for discipline.

25 (a) The Department may refuse to issue or renew, or may

1 revoke, suspend, place on probation, reprimand, or take other
2 disciplinary or non-disciplinary action, as the Department
3 considers appropriate, including the imposition of fines not
4 to exceed \$10,000 for each violation, with regard to any
5 license or licensee for any one or more of the following:

6 (1) violations of this Act or of the rules adopted
7 under this Act;

8 (2) conviction by plea of guilty or nolo contendere,
9 finding of guilt, jury verdict, or entry of judgment or by
10 sentencing of any crime, including, but not limited to,
11 convictions, preceding sentences of supervision,
12 conditional discharge, or first offender probation, under
13 the laws of any jurisdiction of the United States: (i)
14 that is a felony; or (ii) that is a misdemeanor, an
15 essential element of which is dishonesty, or that is
16 directly related to the practice of the profession;

17 (3) professional incompetence;

18 (4) advertising in a false, deceptive, or misleading
19 manner, including failing to use the massage therapist's
20 own license number in an advertisement;

21 (5) aiding, abetting, assisting, procuring, advising,
22 employing, or contracting with any unlicensed person to
23 practice massage contrary to any rules or provisions of
24 this Act;

25 (6) engaging in immoral conduct in the commission of
26 any act, such as sexual abuse, sexual misconduct, or

1 sexual exploitation, related to the licensee's practice;

2 (7) engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public;

5 (8) practicing or offering to practice beyond the
6 scope permitted by law or accepting and performing
7 professional responsibilities which the licensee knows or
8 has reason to know that he or she is not competent to
9 perform;

10 (9) knowingly delegating professional
11 responsibilities to a person unqualified by training,
12 experience, or licensure to perform;

13 (10) failing to provide information in response to a
14 written request made by the Department within 60 days;

15 (11) having a habitual or excessive use of or
16 addiction to alcohol, narcotics, stimulants, or any other
17 chemical agent or drug which results in the inability to
18 practice with reasonable judgment, skill, or safety;

19 (12) having a pattern of practice or other behavior
20 that demonstrates incapacity or incompetence to practice
21 under this Act;

22 (13) discipline by another state, District of
23 Columbia, territory, or foreign nation, if at least one of
24 the grounds for the discipline is the same or
25 substantially equivalent to those set forth in this
26 Section;

1 (14) a finding by the Department that the licensee,
2 after having his or her license placed on probationary
3 status, has violated the terms of probation;

4 (15) willfully making or filing false records or
5 reports in his or her practice, including, but not limited
6 to, false records filed with State agencies or
7 departments;

8 (16) making a material misstatement in furnishing
9 information to the Department or otherwise making
10 misleading, deceptive, untrue, or fraudulent
11 representations in violation of this Act or otherwise in
12 the practice of the profession;

13 (17) fraud or misrepresentation in applying for or
14 procuring a license under this Act or in connection with
15 applying for renewal of a license under this Act;

16 (18) inability to practice the profession with
17 reasonable judgment, skill, or safety as a result of
18 physical illness, including, but not limited to,
19 deterioration through the aging process, loss of motor
20 skill, or a mental illness or disability;

21 (19) charging for professional services not rendered,
22 including filing false statements for the collection of
23 fees for which services are not rendered;

24 (20) practicing under a false or, except as provided
25 by law, an assumed name; or

26 (21) cheating on or attempting to subvert the

1 licensing examination administered under this Act.

2 All fines shall be paid within 60 days of the effective
3 date of the order imposing the fine.

4 (b) A person not licensed under this Act and engaged in the
5 business of offering massage therapy services through others,
6 shall not aid, abet, assist, procure, advise, employ, or
7 contract with any unlicensed person to practice massage
8 therapy contrary to any rules or provisions of this Act. A
9 person violating this subsection (b) shall be treated as a
10 licensee for the purposes of disciplinary action under this
11 Section and shall be subject to cease and desist orders as
12 provided in Section 90 of this Act.

13 (c) The Department shall revoke any license issued under
14 this Act of any person who is convicted of commercial sexual
15 activity ~~prostitution~~, rape, sexual misconduct, or any crime
16 that subjects the licensee to compliance with the requirements
17 of the Sex Offender Registration Act and any such conviction
18 shall operate as a permanent bar in the State of Illinois to
19 practice as a massage therapist.

20 (d) The Department may refuse to issue or may suspend the
21 license of any person who fails to file a tax return, to pay
22 the tax, penalty, or interest shown in a filed tax return, or
23 to pay any final assessment of tax, penalty, or interest, as
24 required by any tax Act administered by the Illinois
25 Department of Revenue, until such time as the requirements of
26 the tax Act are satisfied in accordance with subsection (g) of

1 Section 2105-15 of the Civil Administrative Code of Illinois.

2 (e) (Blank).

3 (f) In cases where the Department of Healthcare and Family
4 Services has previously determined that a licensee or a
5 potential licensee is more than 30 days delinquent in the
6 payment of child support and has subsequently certified the
7 delinquency to the Department, the Department may refuse to
8 issue or renew or may revoke or suspend that person's license
9 or may take other disciplinary action against that person
10 based solely upon the certification of delinquency made by the
11 Department of Healthcare and Family Services in accordance
12 with item (5) of subsection (a) of Section 2105-15 of the Civil
13 Administrative Code of Illinois.

14 (g) The determination by a circuit court that a licensee
15 is subject to involuntary admission or judicial admission, as
16 provided in the Mental Health and Developmental Disabilities
17 Code, operates as an automatic suspension. The suspension will
18 end only upon a finding by a court that the patient is no
19 longer subject to involuntary admission or judicial admission
20 and the issuance of a court order so finding and discharging
21 the patient.

22 (h) In enforcing this Act, the Department or Board, upon a
23 showing of a possible violation, may compel an individual
24 licensed to practice under this Act, or who has applied for
25 licensure under this Act, to submit to a mental or physical
26 examination, or both, as required by and at the expense of the

1 Department. The Department or Board may order the examining
2 physician to present testimony concerning the mental or
3 physical examination of the licensee or applicant. No
4 information shall be excluded by reason of any common law or
5 statutory privilege relating to communications between the
6 licensee or applicant and the examining physician. The
7 examining physicians shall be specifically designated by the
8 Board or Department. The individual to be examined may have,
9 at his or her own expense, another physician of his or her
10 choice present during all aspects of this examination. The
11 examination shall be performed by a physician licensed to
12 practice medicine in all its branches. Failure of an
13 individual to submit to a mental or physical examination, when
14 directed, shall result in an automatic suspension without
15 hearing.

16 A person holding a license under this Act or who has
17 applied for a license under this Act who, because of a physical
18 or mental illness or disability, including, but not limited
19 to, deterioration through the aging process or loss of motor
20 skill, is unable to practice the profession with reasonable
21 judgment, skill, or safety, may be required by the Department
22 to submit to care, counseling, or treatment by physicians
23 approved or designated by the Department as a condition, term,
24 or restriction for continued, reinstated, or renewed licensure
25 to practice. Submission to care, counseling, or treatment as
26 required by the Department shall not be considered discipline

1 of a license. If the licensee refuses to enter into a care,
2 counseling, or treatment agreement or fails to abide by the
3 terms of the agreement, the Department may file a complaint to
4 revoke, suspend, or otherwise discipline the license of the
5 individual. The Secretary may order the license suspended
6 immediately, pending a hearing by the Department. Fines shall
7 not be assessed in disciplinary actions involving physical or
8 mental illness or impairment.

9 In instances in which the Secretary immediately suspends a
10 person's license under this Section, a hearing on that
11 person's license must be convened by the Department within 15
12 days after the suspension and completed without appreciable
13 delay. The Department and Board shall have the authority to
14 review the subject individual's record of treatment and
15 counseling regarding the impairment to the extent permitted by
16 applicable federal statutes and regulations safeguarding the
17 confidentiality of medical records.

18 An individual licensed under this Act and affected under
19 this Section shall be afforded an opportunity to demonstrate
20 to the Department or Board that he or she can resume practice
21 in compliance with acceptable and prevailing standards under
22 the provisions of his or her license.

23 (Source: P.A. 102-20, eff. 1-1-22.)

24 Section 30. The Private Employment Agency Act is amended
25 by changing Section 10 as follows:

1 (225 ILCS 515/10) (from Ch. 111, par. 910)

2 Sec. 10. Licensee prohibitions. No licensee shall send or
3 cause to be sent any female help or servants, inmate, or
4 performer to enter any questionable place, or place of bad
5 repute, house of ill-fame, or assignation house, or to any
6 house or place of amusement kept for immoral purposes, or
7 place resorted to for the purpose of commercial sexual
8 activity ~~prostitution~~ or gambling house, the character of
9 which licensee knows either actually or by reputation.

10 No licensee shall permit questionable characters,
11 providers of commercial sexual activity ~~prostitutes~~, gamblers,
12 intoxicated persons, or procurers to frequent the agency.

13 No licensee shall accept any application for employment
14 made by or on behalf of any child, or shall place or assist in
15 placing any such child in any employment whatever, in
16 violation of the Child Labor Law. A violation of any provision
17 of this Section shall be a Class A misdemeanor.

18 No licensee shall publish or cause to be published any
19 fraudulent or misleading notice or advertisement of its
20 employment agencies by means of cards, circulars, or signs, or
21 in newspapers or other publications; and all letterheads,
22 receipts, and blanks shall contain the full name and address
23 of the employment agency and licensee shall state in all
24 notices and advertisements the fact that licensee is, or
25 conducts, a private employment agency.

1 No licensee shall print, publish, or paint on any sign or
2 window, or insert in any newspaper or publication, a name
3 similar to that of the Illinois Public Employment Office.

4 No licensee shall print or stamp on any receipt or on any
5 contract used by that agency any part of this Act, unless the
6 entire Section from which that part is taken is printed or
7 stamped thereon.

8 All written communications sent out by any licensee,
9 directly or indirectly, to any person or firm with regard to
10 employees or employment shall contain therein definite
11 information that such person is a private employment agency.

12 No licensee or his or her employees shall knowingly give
13 any false or misleading information, or make any false or
14 misleading promise to any applicant who shall apply for
15 employment or employees.

16 (Source: P.A. 90-372, eff. 7-1-98.)

17 Section 35. The Liquor Control Act of 1934 is amended by
18 changing Section 6-2 as follows:

19 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

20 Sec. 6-2. Issuance of licenses to certain persons
21 prohibited.

22 (a) Except as otherwise provided in subsection (b) of this
23 Section and in paragraph (1) of subsection (a) of Section
24 3-12, no license of any kind issued by the State Commission or

1 any local commission shall be issued to:

2 (1) A person who is not a resident of any city, village
3 or county in which the premises covered by the license are
4 located; except in case of railroad or boat licenses.

5 (2) A person who is not of good character and
6 reputation in the community in which he resides.

7 (3) (Blank).

8 (4) A person who has been convicted of a felony under
9 any Federal or State law, unless the Commission determines
10 that such person will not be impaired by the conviction in
11 engaging in the licensed practice after considering
12 matters set forth in such person's application in
13 accordance with Section 6-2.5 of this Act and the
14 Commission's investigation.

15 (5) A person who has been convicted of keeping a place
16 of commercial sexual activity ~~prostitution~~ or keeping a
17 place of commercial sexual exploitation of a child
18 ~~juvenile prostitution~~, promoting commercial sexual
19 activity ~~prostitution~~ that involves keeping a place of
20 commercial sexual activity ~~prostitution~~, or promoting
21 commercial sexual exploitation of a child ~~juvenile~~
22 ~~prostitution~~ that involves keeping a place of commercial
23 sexual exploitation of a child ~~juvenile prostitution~~.

24 (6) A person who has been convicted of pandering.

25 (7) A person whose license issued under this Act has
26 been revoked for cause.

1 (8) A person who at the time of application for
2 renewal of any license issued hereunder would not be
3 eligible for such license upon a first application.

4 (9) A copartnership, if any general partnership
5 thereof, or any limited partnership thereof, owning more
6 than 5% of the aggregate limited partner interest in such
7 copartnership would not be eligible to receive a license
8 hereunder for any reason other than residence within the
9 political subdivision, unless residency is required by
10 local ordinance.

11 (10) A corporation or limited liability company, if
12 any member, officer, manager or director thereof, or any
13 stockholder or stockholders owning in the aggregate more
14 than 5% of the stock of such corporation, would not be
15 eligible to receive a license hereunder for any reason
16 other than residence within the political subdivision.

17 (10a) A corporation or limited liability company
18 unless it is incorporated or organized in Illinois, or
19 unless it is a foreign corporation or foreign limited
20 liability company which is qualified under the Business
21 Corporation Act of 1983 or the Limited Liability Company
22 Act to transact business in Illinois. The Commission shall
23 permit and accept from an applicant for a license under
24 this Act proof prepared from the Secretary of State's
25 website that the corporation or limited liability company
26 is in good standing and is qualified under the Business

1 Corporation Act of 1983 or the Limited Liability Company
2 Act to transact business in Illinois.

3 (11) A person whose place of business is conducted by
4 a manager or agent unless the manager or agent possesses
5 the same qualifications required by the licensee.

6 (12) A person who has been convicted of a violation of
7 any Federal or State law concerning the manufacture,
8 possession or sale of alcoholic liquor, subsequent to the
9 passage of this Act or has forfeited his bond to appear in
10 court to answer charges for any such violation, unless the
11 Commission determines, in accordance with Section 6-2.5 of
12 this Act, that the person will not be impaired by the
13 conviction in engaging in the licensed practice.

14 (13) A person who does not beneficially own the
15 premises for which a license is sought, or does not have a
16 lease thereon for the full period for which the license is
17 to be issued.

18 (14) Any law enforcing public official, including
19 members of local liquor control commissions, any mayor,
20 alderperson, or member of the city council or commission,
21 any president of the village board of trustees, any member
22 of a village board of trustees, or any president or member
23 of a county board; and no such official shall have a direct
24 interest in the manufacture, sale, or distribution of
25 alcoholic liquor, except that a license may be granted to
26 such official in relation to premises that are not located

1 within the territory subject to the jurisdiction of that
2 official if the issuance of such license is approved by
3 the State Liquor Control Commission and except that a
4 license may be granted, in a city or village with a
5 population of 55,000 or less, to any alderperson, member
6 of a city council, or member of a village board of trustees
7 in relation to premises that are located within the
8 territory subject to the jurisdiction of that official if
9 (i) the sale of alcoholic liquor pursuant to the license
10 is incidental to the selling of food, (ii) the issuance of
11 the license is approved by the State Commission, (iii) the
12 issuance of the license is in accordance with all
13 applicable local ordinances in effect where the premises
14 are located, and (iv) the official granted a license does
15 not vote on alcoholic liquor issues pending before the
16 board or council to which the license holder is elected.
17 Notwithstanding any provision of this paragraph (14) to
18 the contrary, an alderperson or member of a city council
19 or commission, a member of a village board of trustees
20 other than the president of the village board of trustees,
21 or a member of a county board other than the president of a
22 county board may have a direct interest in the
23 manufacture, sale, or distribution of alcoholic liquor as
24 long as he or she is not a law enforcing public official, a
25 mayor, a village board president, or president of a county
26 board. To prevent any conflict of interest, the elected

1 official with the direct interest in the manufacture,
2 sale, or distribution of alcoholic liquor shall not
3 participate in any meetings, hearings, or decisions on
4 matters impacting the manufacture, sale, or distribution
5 of alcoholic liquor. Furthermore, the mayor of a city with
6 a population of 55,000 or less or the president of a
7 village with a population of 55,000 or less may have an
8 interest in the manufacture, sale, or distribution of
9 alcoholic liquor as long as the council or board over
10 which he or she presides has made a local liquor control
11 commissioner appointment that complies with the
12 requirements of Section 4-2 of this Act.

13 (15) A person who is not a beneficial owner of the
14 business to be operated by the licensee.

15 (16) A person who has been convicted of a gambling
16 offense as proscribed by any of subsections (a) (3)
17 through (a) (11) of Section 28-1 of, or as proscribed by
18 Section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
19 Criminal Code of 2012, or as proscribed by a statute
20 replaced by any of the aforesaid statutory provisions.

21 (17) A person or entity to whom a federal wagering
22 stamp has been issued by the federal government, unless
23 the person or entity is eligible to be issued a license
24 under the Raffles and Poker Runs Act or the Illinois Pull
25 Tabs and Jar Games Act.

26 (18) A person who intends to sell alcoholic liquors

1 for use or consumption on his or her licensed retail
2 premises who does not have liquor liability insurance
3 coverage for that premises in an amount that is at least
4 equal to the maximum liability amounts set out in
5 subsection (a) of Section 6-21.

6 (19) A person who is licensed by any licensing
7 authority as a manufacturer of beer, or any partnership,
8 corporation, limited liability company, or trust or any
9 subsidiary, affiliate, or agent thereof, or any other form
10 of business enterprise licensed as a manufacturer of beer,
11 having any legal, equitable, or beneficial interest,
12 directly or indirectly, in a person licensed in this State
13 as a distributor or importing distributor. For purposes of
14 this paragraph (19), a person who is licensed by any
15 licensing authority as a "manufacturer of beer" shall also
16 mean a brewer and a non-resident dealer who is also a
17 manufacturer of beer, including a partnership,
18 corporation, limited liability company, or trust or any
19 subsidiary, affiliate, or agent thereof, or any other form
20 of business enterprise licensed as a manufacturer of beer.

21 (20) A person who is licensed in this State as a
22 distributor or importing distributor, or any partnership,
23 corporation, limited liability company, or trust or any
24 subsidiary, affiliate, or agent thereof, or any other form
25 of business enterprise licensed in this State as a
26 distributor or importing distributor having any legal,

1 equitable, or beneficial interest, directly or indirectly,
2 in a person licensed as a manufacturer of beer by any
3 licensing authority, or any partnership, corporation,
4 limited liability company, or trust or any subsidiary,
5 affiliate, or agent thereof, or any other form of business
6 enterprise, except for a person who owns, on or after the
7 effective date of this amendatory Act of the 98th General
8 Assembly, no more than 5% of the outstanding shares of a
9 manufacturer of beer whose shares are publicly traded on
10 an exchange within the meaning of the Securities Exchange
11 Act of 1934. For the purposes of this paragraph (20), a
12 person who is licensed by any licensing authority as a
13 "manufacturer of beer" shall also mean a brewer and a
14 non-resident dealer who is also a manufacturer of beer,
15 including a partnership, corporation, limited liability
16 company, or trust or any subsidiary, affiliate, or agent
17 thereof, or any other form of business enterprise licensed
18 as a manufacturer of beer.

19 (b) A criminal conviction of a corporation is not grounds
20 for the denial, suspension, or revocation of a license applied
21 for or held by the corporation if the criminal conviction was
22 not the result of a violation of any federal or State law
23 concerning the manufacture, possession or sale of alcoholic
24 liquor, the offense that led to the conviction did not result
25 in any financial gain to the corporation and the corporation
26 has terminated its relationship with each director, officer,

1 employee, or controlling shareholder whose actions directly
2 contributed to the conviction of the corporation. The
3 Commission shall determine if all provisions of this
4 subsection (b) have been met before any action on the
5 corporation's license is initiated.

6 (Source: P.A. 101-541, eff. 8-23-19; 102-15, eff. 6-17-21.)

7 Section 40. The Intergovernmental Missing Child Recovery
8 Act of 1984 is amended by changing Section 2 as follows:

9 (325 ILCS 40/2) (from Ch. 23, par. 2252)

10 Sec. 2. As used in this Act:

11 (a) (Blank).

12 (b) "Director" means the Director of the Illinois State
13 Police.

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

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

20 (e) A "LEADS terminal" is an interactive computerized
21 communication and processing unit which permits a direct
22 on-line communication with the Illinois State Police's central
23 data repository, the Law Enforcement Agencies Data System
24 (LEADS).

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

5 (g) (Blank).

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

9 (i) "Exploitation" means activities and actions which
10 include, but are not limited to, child pornography, aggravated
11 child pornography, commercial sexual exploitation of a child
12 ~~child prostitution~~, child sexual abuse, drug and substance
13 abuse by children, and child suicide.

14 (j) (Blank).

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

16 Section 45. The Illinois Vehicle Code is amended by
17 changing Section 6-206 as follows:

18 (625 ILCS 5/6-206)

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

20 Sec. 6-206. Discretionary authority to suspend or revoke
21 license or permit; right to a hearing.

22 (a) The Secretary of State is authorized to suspend or
23 revoke the driving privileges of any person without
24 preliminary hearing upon a showing of the person's records or

1 other sufficient evidence that the person:

2 1. Has committed an offense for which mandatory
3 revocation of a driver's license or permit is required
4 upon conviction;

5 2. Has been convicted of not less than 3 offenses
6 against traffic regulations governing the movement of
7 vehicles committed within any 12-month period. No
8 revocation or suspension shall be entered more than 6
9 months after the date of last conviction;

10 3. Has been repeatedly involved as a driver in motor
11 vehicle collisions or has been repeatedly convicted of
12 offenses against laws and ordinances regulating the
13 movement of traffic, to a degree that indicates lack of
14 ability to exercise ordinary and reasonable care in the
15 safe operation of a motor vehicle or disrespect for the
16 traffic laws and the safety of other persons upon the
17 highway;

18 4. Has by the unlawful operation of a motor vehicle
19 caused or contributed to an accident resulting in injury
20 requiring immediate professional treatment in a medical
21 facility or doctor's office to any person, except that any
22 suspension or revocation imposed by the Secretary of State
23 under the provisions of this subsection shall start no
24 later than 6 months after being convicted of violating a
25 law or ordinance regulating the movement of traffic, which
26 violation is related to the accident, or shall start not

1 more than one year after the date of the accident,
2 whichever date occurs later;

3 5. Has permitted an unlawful or fraudulent use of a
4 driver's license, identification card, or permit;

5 6. Has been lawfully convicted of an offense or
6 offenses in another state, including the authorization
7 contained in Section 6-203.1, which if committed within
8 this State would be grounds for suspension or revocation;

9 7. Has refused or failed to submit to an examination
10 provided for by Section 6-207 or has failed to pass the
11 examination;

12 8. Is ineligible for a driver's license or permit
13 under the provisions of Section 6-103;

14 9. Has made a false statement or knowingly concealed a
15 material fact or has used false information or
16 identification in any application for a license,
17 identification card, or permit;

18 10. Has possessed, displayed, or attempted to
19 fraudulently use any license, identification card, or
20 permit not issued to the person;

21 11. Has operated a motor vehicle upon a highway of
22 this State when the person's driving privilege or
23 privilege to obtain a driver's license or permit was
24 revoked or suspended unless the operation was authorized
25 by a monitoring device driving permit, judicial driving
26 permit issued prior to January 1, 2009, probationary

1 license to drive, or restricted driving permit issued
2 under this Code;

3 12. Has submitted to any portion of the application
4 process for another person or has obtained the services of
5 another person to submit to any portion of the application
6 process for the purpose of obtaining a license,
7 identification card, or permit for some other person;

8 13. Has operated a motor vehicle upon a highway of
9 this State when the person's driver's license or permit
10 was invalid under the provisions of Sections 6-107.1 and
11 6-110;

12 14. Has committed a violation of Section 6-301,
13 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
14 14B of the Illinois Identification Card Act or a similar
15 offense in another state if, at the time of the offense,
16 the person held an Illinois driver's license or
17 identification card;

18 15. Has been convicted of violating Section 21-2 of
19 the Criminal Code of 1961 or the Criminal Code of 2012
20 relating to criminal trespass to vehicles if the person
21 exercised actual physical control over the vehicle during
22 the commission of the offense, in which case the
23 suspension shall be for one year;

24 16. Has been convicted of violating Section 11-204 of
25 this Code relating to fleeing from a peace officer;

26 17. Has refused to submit to a test, or tests, as

1 required under Section 11-501.1 of this Code and the
2 person has not sought a hearing as provided for in Section
3 11-501.1;

4 18. (Blank);

5 19. Has committed a violation of paragraph (a) or (b)
6 of Section 6-101 relating to driving without a driver's
7 license;

8 20. Has been convicted of violating Section 6-104
9 relating to classification of driver's license;

10 21. Has been convicted of violating Section 11-402 of
11 this Code relating to leaving the scene of an accident
12 resulting in damage to a vehicle in excess of \$1,000, in
13 which case the suspension shall be for one year;

14 22. Has used a motor vehicle in violating paragraph
15 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
16 the Criminal Code of 1961 or the Criminal Code of 2012
17 relating to unlawful use of weapons, in which case the
18 suspension shall be for one year;

19 23. Has, as a driver, been convicted of committing a
20 violation of paragraph (a) of Section 11-502 of this Code
21 for a second or subsequent time within one year of a
22 similar violation;

23 24. Has been convicted by a court-martial or punished
24 by non-judicial punishment by military authorities of the
25 United States at a military installation in Illinois or in
26 another state of or for a traffic-related offense that is

1 the same as or similar to an offense specified under
2 Section 6-205 or 6-206 of this Code;

3 25. Has permitted any form of identification to be
4 used by another in the application process in order to
5 obtain or attempt to obtain a license, identification
6 card, or permit;

7 26. Has altered or attempted to alter a license or has
8 possessed an altered license, identification card, or
9 permit;

10 27. (Blank);

11 28. Has been convicted for a first time of the illegal
12 possession, while operating or in actual physical control,
13 as a driver, of a motor vehicle, of any controlled
14 substance prohibited under the Illinois Controlled
15 Substances Act, any cannabis prohibited under the Cannabis
16 Control Act, or any methamphetamine prohibited under the
17 Methamphetamine Control and Community Protection Act, in
18 which case the person's driving privileges shall be
19 suspended for one year. Any defendant found guilty of this
20 offense while operating a motor vehicle shall have an
21 entry made in the court record by the presiding judge that
22 this offense did occur while the defendant was operating a
23 motor vehicle and order the clerk of the court to report
24 the violation to the Secretary of State;

25 29. Has been convicted of the following offenses that
26 were committed while the person was operating or in actual

1 physical control, as a driver, of a motor vehicle:
2 criminal sexual assault, predatory criminal sexual assault
3 of a child, aggravated criminal sexual assault, criminal
4 sexual abuse, aggravated criminal sexual abuse, juvenile
5 pimping, soliciting for a sexually exploited child
6 ~~juvenile prostitute~~, promoting commercial sexual
7 exploitation of a child ~~juvenile prostitution~~ as described
8 in subdivision (a)(1), (a)(2), or (a)(3) of Section
9 11-14.4 of the Criminal Code of 1961 or the Criminal Code
10 of 2012, and the manufacture, sale or delivery of
11 controlled substances or instruments used for illegal drug
12 use or abuse in which case the driver's driving privileges
13 shall be suspended for one year;

14 30. Has been convicted a second or subsequent time for
15 any combination of the offenses named in paragraph 29 of
16 this subsection, in which case the person's driving
17 privileges shall be suspended for 5 years;

18 31. Has refused to submit to a test as required by
19 Section 11-501.6 of this Code or Section 5-16c of the Boat
20 Registration and Safety Act or has submitted to a test
21 resulting in an alcohol concentration of 0.08 or more or
22 any amount of a drug, substance, or compound resulting
23 from the unlawful use or consumption of cannabis as listed
24 in the Cannabis Control Act, a controlled substance as
25 listed in the Illinois Controlled Substances Act, an
26 intoxicating compound as listed in the Use of Intoxicating

1 Compounds Act, or methamphetamine as listed in the
2 Methamphetamine Control and Community Protection Act, in
3 which case the penalty shall be as prescribed in Section
4 6-208.1;

5 32. Has been convicted of Section 24-1.2 of the
6 Criminal Code of 1961 or the Criminal Code of 2012
7 relating to the aggravated discharge of a firearm if the
8 offender was located in a motor vehicle at the time the
9 firearm was discharged, in which case the suspension shall
10 be for 3 years;

11 33. Has as a driver, who was less than 21 years of age
12 on the date of the offense, been convicted a first time of
13 a violation of paragraph (a) of Section 11-502 of this
14 Code or a similar provision of a local ordinance;

15 34. Has committed a violation of Section 11-1301.5 of
16 this Code or a similar provision of a local ordinance;

17 35. Has committed a violation of Section 11-1301.6 of
18 this Code or a similar provision of a local ordinance;

19 36. Is under the age of 21 years at the time of arrest
20 and has been convicted of not less than 2 offenses against
21 traffic regulations governing the movement of vehicles
22 committed within any 24-month period. No revocation or
23 suspension shall be entered more than 6 months after the
24 date of last conviction;

25 37. Has committed a violation of subsection (c) of
26 Section 11-907 of this Code that resulted in damage to the

1 property of another or the death or injury of another;

2 38. Has been convicted of a violation of Section 6-20
3 of the Liquor Control Act of 1934 or a similar provision of
4 a local ordinance and the person was an occupant of a motor
5 vehicle at the time of the violation;

6 39. Has committed a second or subsequent violation of
7 Section 11-1201 of this Code;

8 40. Has committed a violation of subsection (a-1) of
9 Section 11-908 of this Code;

10 41. Has committed a second or subsequent violation of
11 Section 11-605.1 of this Code, a similar provision of a
12 local ordinance, or a similar violation in any other state
13 within 2 years of the date of the previous violation, in
14 which case the suspension shall be for 90 days;

15 42. Has committed a violation of subsection (a-1) of
16 Section 11-1301.3 of this Code or a similar provision of a
17 local ordinance;

18 43. Has received a disposition of court supervision
19 for a violation of subsection (a), (d), or (e) of Section
20 6-20 of the Liquor Control Act of 1934 or a similar
21 provision of a local ordinance and the person was an
22 occupant of a motor vehicle at the time of the violation,
23 in which case the suspension shall be for a period of 3
24 months;

25 44. Is under the age of 21 years at the time of arrest
26 and has been convicted of an offense against traffic

1 regulations governing the movement of vehicles after
2 having previously had his or her driving privileges
3 suspended or revoked pursuant to subparagraph 36 of this
4 Section;

5 45. Has, in connection with or during the course of a
6 formal hearing conducted under Section 2-118 of this Code:
7 (i) committed perjury; (ii) submitted fraudulent or
8 falsified documents; (iii) submitted documents that have
9 been materially altered; or (iv) submitted, as his or her
10 own, documents that were in fact prepared or composed for
11 another person;

12 46. Has committed a violation of subsection (j) of
13 Section 3-413 of this Code;

14 47. Has committed a violation of subsection (a) of
15 Section 11-502.1 of this Code;

16 48. Has submitted a falsified or altered medical
17 examiner's certificate to the Secretary of State or
18 provided false information to obtain a medical examiner's
19 certificate;

20 49. Has been convicted of a violation of Section
21 11-1002 or 11-1002.5 that resulted in a Type A injury to
22 another, in which case the driving privileges of the
23 person shall be suspended for 12 months;

24 50. Has committed a violation of subsection (b-5) of
25 Section 12-610.2 that resulted in great bodily harm,
26 permanent disability, or disfigurement, in which case the

1 driving privileges of the person shall be suspended for 12
2 months;

3 51. Has committed a violation of Section 10-15 Of the
4 Cannabis Regulation and Tax Act or a similar provision of
5 a local ordinance while in a motor vehicle; or

6 52. Has committed a violation of subsection (b) of
7 Section 10-20 of the Cannabis Regulation and Tax Act or a
8 similar provision of a local ordinance.

9 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
10 and 27 of this subsection, license means any driver's license,
11 any traffic ticket issued when the person's driver's license
12 is deposited in lieu of bail, a suspension notice issued by the
13 Secretary of State, a duplicate or corrected driver's license,
14 a probationary driver's license, or a temporary driver's
15 license.

16 (b) If any conviction forming the basis of a suspension or
17 revocation authorized under this Section is appealed, the
18 Secretary of State may rescind or withhold the entry of the
19 order of suspension or revocation, as the case may be,
20 provided that a certified copy of a stay order of a court is
21 filed with the Secretary of State. If the conviction is
22 affirmed on appeal, the date of the conviction shall relate
23 back to the time the original judgment of conviction was
24 entered and the 6-month limitation prescribed shall not apply.

25 (c) 1. Upon suspending or revoking the driver's license or
26 permit of any person as authorized in this Section, the

1 Secretary of State shall immediately notify the person in
2 writing of the revocation or suspension. The notice to be
3 deposited in the United States mail, postage prepaid, to the
4 last known address of the person.

5 2. If the Secretary of State suspends the driver's license
6 of a person under subsection 2 of paragraph (a) of this
7 Section, a person's privilege to operate a vehicle as an
8 occupation shall not be suspended, provided an affidavit is
9 properly completed, the appropriate fee received, and a permit
10 issued prior to the effective date of the suspension, unless 5
11 offenses were committed, at least 2 of which occurred while
12 operating a commercial vehicle in connection with the driver's
13 regular occupation. All other driving privileges shall be
14 suspended by the Secretary of State. Any driver prior to
15 operating a vehicle for occupational purposes only must submit
16 the affidavit on forms to be provided by the Secretary of State
17 setting forth the facts of the person's occupation. The
18 affidavit shall also state the number of offenses committed
19 while operating a vehicle in connection with the driver's
20 regular occupation. The affidavit shall be accompanied by the
21 driver's license. Upon receipt of a properly completed
22 affidavit, the Secretary of State shall issue the driver a
23 permit to operate a vehicle in connection with the driver's
24 regular occupation only. Unless the permit is issued by the
25 Secretary of State prior to the date of suspension, the
26 privilege to drive any motor vehicle shall be suspended as set

1 forth in the notice that was mailed under this Section. If an
2 affidavit is received subsequent to the effective date of this
3 suspension, a permit may be issued for the remainder of the
4 suspension period.

5 The provisions of this subparagraph shall not apply to any
6 driver required to possess a CDL for the purpose of operating a
7 commercial motor vehicle.

8 Any person who falsely states any fact in the affidavit
9 required herein shall be guilty of perjury under Section 6-302
10 and upon conviction thereof shall have all driving privileges
11 revoked without further rights.

12 3. At the conclusion of a hearing under Section 2-118 of
13 this Code, the Secretary of State shall either rescind or
14 continue an order of revocation or shall substitute an order
15 of suspension; or, good cause appearing therefor, rescind,
16 continue, change, or extend the order of suspension. If the
17 Secretary of State does not rescind the order, the Secretary
18 may upon application, to relieve undue hardship (as defined by
19 the rules of the Secretary of State), issue a restricted
20 driving permit granting the privilege of driving a motor
21 vehicle between the petitioner's residence and petitioner's
22 place of employment or within the scope of the petitioner's
23 employment-related duties, or to allow the petitioner to
24 transport himself or herself, or a family member of the
25 petitioner's household to a medical facility, to receive
26 necessary medical care, to allow the petitioner to transport

1 himself or herself to and from alcohol or drug remedial or
2 rehabilitative activity recommended by a licensed service
3 provider, or to allow the petitioner to transport himself or
4 herself or a family member of the petitioner's household to
5 classes, as a student, at an accredited educational
6 institution, or to allow the petitioner to transport children,
7 elderly persons, or persons with disabilities who do not hold
8 driving privileges and are living in the petitioner's
9 household to and from daycare. The petitioner must demonstrate
10 that no alternative means of transportation is reasonably
11 available and that the petitioner will not endanger the public
12 safety or welfare.

13 (A) If a person's license or permit is revoked or
14 suspended due to 2 or more convictions of violating
15 Section 11-501 of this Code or a similar provision of a
16 local ordinance or a similar out-of-state offense, or
17 Section 9-3 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, where the use of alcohol or other drugs is
19 recited as an element of the offense, or a similar
20 out-of-state offense, or a combination of these offenses,
21 arising out of separate occurrences, that person, if
22 issued a restricted driving permit, may not operate a
23 vehicle unless it has been equipped with an ignition
24 interlock device as defined in Section 1-129.1.

25 (B) If a person's license or permit is revoked or
26 suspended 2 or more times due to any combination of:

1 (i) a single conviction of violating Section
2 11-501 of this Code or a similar provision of a local
3 ordinance or a similar out-of-state offense or Section
4 9-3 of the Criminal Code of 1961 or the Criminal Code
5 of 2012, where the use of alcohol or other drugs is
6 recited as an element of the offense, or a similar
7 out-of-state offense; or

8 (ii) a statutory summary suspension or revocation
9 under Section 11-501.1; or

10 (iii) a suspension under Section 6-203.1;
11 arising out of separate occurrences; that person, if
12 issued a restricted driving permit, may not operate a
13 vehicle unless it has been equipped with an ignition
14 interlock device as defined in Section 1-129.1.

15 (B-5) If a person's license or permit is revoked or
16 suspended due to a conviction for a violation of
17 subparagraph (C) or (F) of paragraph (1) of subsection (d)
18 of Section 11-501 of this Code, or a similar provision of a
19 local ordinance or similar out-of-state offense, that
20 person, if issued a restricted driving permit, may not
21 operate a vehicle unless it has been equipped with an
22 ignition interlock device as defined in Section 1-129.1.

23 (C) The person issued a permit conditioned upon the
24 use of an ignition interlock device must pay to the
25 Secretary of State DUI Administration Fund an amount not
26 to exceed \$30 per month. The Secretary shall establish by

1 rule the amount and the procedures, terms, and conditions
2 relating to these fees.

3 (D) If the restricted driving permit is issued for
4 employment purposes, then the prohibition against
5 operating a motor vehicle that is not equipped with an
6 ignition interlock device does not apply to the operation
7 of an occupational vehicle owned or leased by that
8 person's employer when used solely for employment
9 purposes. For any person who, within a 5-year period, is
10 convicted of a second or subsequent offense under Section
11 11-501 of this Code, or a similar provision of a local
12 ordinance or similar out-of-state offense, this employment
13 exemption does not apply until either a one-year period
14 has elapsed during which that person had his or her
15 driving privileges revoked or a one-year period has
16 elapsed during which that person had a restricted driving
17 permit which required the use of an ignition interlock
18 device on every motor vehicle owned or operated by that
19 person.

20 (E) In each case the Secretary may issue a restricted
21 driving permit for a period deemed appropriate, except
22 that all permits shall expire no later than 2 years from
23 the date of issuance. A restricted driving permit issued
24 under this Section shall be subject to cancellation,
25 revocation, and suspension by the Secretary of State in
26 like manner and for like cause as a driver's license

1 issued under this Code may be cancelled, revoked, or
2 suspended; except that a conviction upon one or more
3 offenses against laws or ordinances regulating the
4 movement of traffic shall be deemed sufficient cause for
5 the revocation, suspension, or cancellation of a
6 restricted driving permit. The Secretary of State may, as
7 a condition to the issuance of a restricted driving
8 permit, require the applicant to participate in a
9 designated driver remedial or rehabilitative program. The
10 Secretary of State is authorized to cancel a restricted
11 driving permit if the permit holder does not successfully
12 complete the program.

13 (F) A person subject to the provisions of paragraph 4
14 of subsection (b) of Section 6-208 of this Code may make
15 application for a restricted driving permit at a hearing
16 conducted under Section 2-118 of this Code after the
17 expiration of 5 years from the effective date of the most
18 recent revocation or after 5 years from the date of
19 release from a period of imprisonment resulting from a
20 conviction of the most recent offense, whichever is later,
21 provided the person, in addition to all other requirements
22 of the Secretary, shows by clear and convincing evidence:

23 (i) a minimum of 3 years of uninterrupted
24 abstinence from alcohol and the unlawful use or
25 consumption of cannabis under the Cannabis Control
26 Act, a controlled substance under the Illinois

1 Controlled Substances Act, an intoxicating compound
2 under the Use of Intoxicating Compounds Act, or
3 methamphetamine under the Methamphetamine Control and
4 Community Protection Act; and

5 (ii) the successful completion of any
6 rehabilitative treatment and involvement in any
7 ongoing rehabilitative activity that may be
8 recommended by a properly licensed service provider
9 according to an assessment of the person's alcohol or
10 drug use under Section 11-501.01 of this Code.

11 In determining whether an applicant is eligible for a
12 restricted driving permit under this subparagraph (F), the
13 Secretary may consider any relevant evidence, including,
14 but not limited to, testimony, affidavits, records, and
15 the results of regular alcohol or drug tests. Persons
16 subject to the provisions of paragraph 4 of subsection (b)
17 of Section 6-208 of this Code and who have been convicted
18 of more than one violation of paragraph (3), paragraph
19 (4), or paragraph (5) of subsection (a) of Section 11-501
20 of this Code shall not be eligible to apply for a
21 restricted driving permit under this subparagraph (F).

22 A restricted driving permit issued under this
23 subparagraph (F) shall provide that the holder may only
24 operate motor vehicles equipped with an ignition interlock
25 device as required under paragraph (2) of subsection (c)
26 of Section 6-205 of this Code and subparagraph (A) of

1 paragraph 3 of subsection (c) of this Section. The
2 Secretary may revoke a restricted driving permit or amend
3 the conditions of a restricted driving permit issued under
4 this subparagraph (F) if the holder operates a vehicle
5 that is not equipped with an ignition interlock device, or
6 for any other reason authorized under this Code.

7 A restricted driving permit issued under this
8 subparagraph (F) shall be revoked, and the holder barred
9 from applying for or being issued a restricted driving
10 permit in the future, if the holder is convicted of a
11 violation of Section 11-501 of this Code, a similar
12 provision of a local ordinance, or a similar offense in
13 another state.

14 (c-3) In the case of a suspension under paragraph 43 of
15 subsection (a), reports received by the Secretary of State
16 under this Section shall, except during the actual time the
17 suspension is in effect, be privileged information and for use
18 only by the courts, police officers, prosecuting authorities,
19 the driver licensing administrator of any other state, the
20 Secretary of State, or the parent or legal guardian of a driver
21 under the age of 18. However, beginning January 1, 2008, if the
22 person is a CDL holder, the suspension shall also be made
23 available to the driver licensing administrator of any other
24 state, the U.S. Department of Transportation, and the affected
25 driver or motor carrier or prospective motor carrier upon
26 request.

1 (c-4) In the case of a suspension under paragraph 43 of
2 subsection (a), the Secretary of State shall notify the person
3 by mail that his or her driving privileges and driver's
4 license will be suspended one month after the date of the
5 mailing of the notice.

6 (c-5) The Secretary of State may, as a condition of the
7 reissuance of a driver's license or permit to an applicant
8 whose driver's license or permit has been suspended before he
9 or she reached the age of 21 years pursuant to any of the
10 provisions of this Section, require the applicant to
11 participate in a driver remedial education course and be
12 retested under Section 6-109 of this Code.

13 (d) This Section is subject to the provisions of the
14 Driver License Compact.

15 (e) The Secretary of State shall not issue a restricted
16 driving permit to a person under the age of 16 years whose
17 driving privileges have been suspended or revoked under any
18 provisions of this Code.

19 (f) In accordance with 49 CFR 384, the Secretary of State
20 may not issue a restricted driving permit for the operation of
21 a commercial motor vehicle to a person holding a CDL whose
22 driving privileges have been suspended, revoked, cancelled, or
23 disqualified under any provisions of this Code.

24 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
25 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
26 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,

1 eff. 5-13-22; revised 12-14-22.)

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

3 Sec. 6-206. Discretionary authority to suspend or revoke
4 license or permit; right to a hearing.

5 (a) The Secretary of State is authorized to suspend or
6 revoke the driving privileges of any person without
7 preliminary hearing upon a showing of the person's records or
8 other sufficient evidence that the person:

9 1. Has committed an offense for which mandatory
10 revocation of a driver's license or permit is required
11 upon conviction;

12 2. Has been convicted of not less than 3 offenses
13 against traffic regulations governing the movement of
14 vehicles committed within any 12-month period. No
15 revocation or suspension shall be entered more than 6
16 months after the date of last conviction;

17 3. Has been repeatedly involved as a driver in motor
18 vehicle collisions or has been repeatedly convicted of
19 offenses against laws and ordinances regulating the
20 movement of traffic, to a degree that indicates lack of
21 ability to exercise ordinary and reasonable care in the
22 safe operation of a motor vehicle or disrespect for the
23 traffic laws and the safety of other persons upon the
24 highway;

25 4. Has by the unlawful operation of a motor vehicle

1 caused or contributed to a crash resulting in injury
2 requiring immediate professional treatment in a medical
3 facility or doctor's office to any person, except that any
4 suspension or revocation imposed by the Secretary of State
5 under the provisions of this subsection shall start no
6 later than 6 months after being convicted of violating a
7 law or ordinance regulating the movement of traffic, which
8 violation is related to the crash, or shall start not more
9 than one year after the date of the crash, whichever date
10 occurs later;

11 5. Has permitted an unlawful or fraudulent use of a
12 driver's license, identification card, or permit;

13 6. Has been lawfully convicted of an offense or
14 offenses in another state, including the authorization
15 contained in Section 6-203.1, which if committed within
16 this State would be grounds for suspension or revocation;

17 7. Has refused or failed to submit to an examination
18 provided for by Section 6-207 or has failed to pass the
19 examination;

20 8. Is ineligible for a driver's license or permit
21 under the provisions of Section 6-103;

22 9. Has made a false statement or knowingly concealed a
23 material fact or has used false information or
24 identification in any application for a license,
25 identification card, or permit;

26 10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of
4 this State when the person's driving privilege or
5 privilege to obtain a driver's license or permit was
6 revoked or suspended unless the operation was authorized
7 by a monitoring device driving permit, judicial driving
8 permit issued prior to January 1, 2009, probationary
9 license to drive, or restricted driving permit issued
10 under this Code;

11 12. Has submitted to any portion of the application
12 process for another person or has obtained the services of
13 another person to submit to any portion of the application
14 process for the purpose of obtaining a license,
15 identification card, or permit for some other person;

16 13. Has operated a motor vehicle upon a highway of
17 this State when the person's driver's license or permit
18 was invalid under the provisions of Sections 6-107.1 and
19 6-110;

20 14. Has committed a violation of Section 6-301,
21 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
22 14B of the Illinois Identification Card Act or a similar
23 offense in another state if, at the time of the offense,
24 the person held an Illinois driver's license or
25 identification card;

26 15. Has been convicted of violating Section 21-2 of

1 the Criminal Code of 1961 or the Criminal Code of 2012
2 relating to criminal trespass to vehicles if the person
3 exercised actual physical control over the vehicle during
4 the commission of the offense, in which case the
5 suspension shall be for one year;

6 16. Has been convicted of violating Section 11-204 of
7 this Code relating to fleeing from a peace officer;

8 17. Has refused to submit to a test, or tests, as
9 required under Section 11-501.1 of this Code and the
10 person has not sought a hearing as provided for in Section
11 11-501.1;

12 18. (Blank);

13 19. Has committed a violation of paragraph (a) or (b)
14 of Section 6-101 relating to driving without a driver's
15 license;

16 20. Has been convicted of violating Section 6-104
17 relating to classification of driver's license;

18 21. Has been convicted of violating Section 11-402 of
19 this Code relating to leaving the scene of a crash
20 resulting in damage to a vehicle in excess of \$1,000, in
21 which case the suspension shall be for one year;

22 22. Has used a motor vehicle in violating paragraph
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
24 the Criminal Code of 1961 or the Criminal Code of 2012
25 relating to unlawful use of weapons, in which case the
26 suspension shall be for one year;

1 23. Has, as a driver, been convicted of committing a
2 violation of paragraph (a) of Section 11-502 of this Code
3 for a second or subsequent time within one year of a
4 similar violation;

5 24. Has been convicted by a court-martial or punished
6 by non-judicial punishment by military authorities of the
7 United States at a military installation in Illinois or in
8 another state of or for a traffic-related offense that is
9 the same as or similar to an offense specified under
10 Section 6-205 or 6-206 of this Code;

11 25. Has permitted any form of identification to be
12 used by another in the application process in order to
13 obtain or attempt to obtain a license, identification
14 card, or permit;

15 26. Has altered or attempted to alter a license or has
16 possessed an altered license, identification card, or
17 permit;

18 27. (Blank);

19 28. Has been convicted for a first time of the illegal
20 possession, while operating or in actual physical control,
21 as a driver, of a motor vehicle, of any controlled
22 substance prohibited under the Illinois Controlled
23 Substances Act, any cannabis prohibited under the Cannabis
24 Control Act, or any methamphetamine prohibited under the
25 Methamphetamine Control and Community Protection Act, in
26 which case the person's driving privileges shall be

1 suspended for one year. Any defendant found guilty of this
2 offense while operating a motor vehicle shall have an
3 entry made in the court record by the presiding judge that
4 this offense did occur while the defendant was operating a
5 motor vehicle and order the clerk of the court to report
6 the violation to the Secretary of State;

7 29. Has been convicted of the following offenses that
8 were committed while the person was operating or in actual
9 physical control, as a driver, of a motor vehicle:
10 criminal sexual assault, predatory criminal sexual assault
11 of a child, aggravated criminal sexual assault, criminal
12 sexual abuse, aggravated criminal sexual abuse, juvenile
13 pimping, soliciting for a sexually exploited child
14 ~~juvenile prostitute~~, promoting commercial sexual
15 exploitation of a child ~~juvenile prostitution~~ as described
16 in subdivision (a)(1), (a)(2), or (a)(3) of Section
17 11-14.4 of the Criminal Code of 1961 or the Criminal Code
18 of 2012, and the manufacture, sale or delivery of
19 controlled substances or instruments used for illegal drug
20 use or abuse in which case the driver's driving privileges
21 shall be suspended for one year;

22 30. Has been convicted a second or subsequent time for
23 any combination of the offenses named in paragraph 29 of
24 this subsection, in which case the person's driving
25 privileges shall be suspended for 5 years;

26 31. Has refused to submit to a test as required by

1 Section 11-501.6 of this Code or Section 5-16c of the Boat
2 Registration and Safety Act or has submitted to a test
3 resulting in an alcohol concentration of 0.08 or more or
4 any amount of a drug, substance, or compound resulting
5 from the unlawful use or consumption of cannabis as listed
6 in the Cannabis Control Act, a controlled substance as
7 listed in the Illinois Controlled Substances Act, an
8 intoxicating compound as listed in the Use of Intoxicating
9 Compounds Act, or methamphetamine as listed in the
10 Methamphetamine Control and Community Protection Act, in
11 which case the penalty shall be as prescribed in Section
12 6-208.1;

13 32. Has been convicted of Section 24-1.2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012
15 relating to the aggravated discharge of a firearm if the
16 offender was located in a motor vehicle at the time the
17 firearm was discharged, in which case the suspension shall
18 be for 3 years;

19 33. Has as a driver, who was less than 21 years of age
20 on the date of the offense, been convicted a first time of
21 a violation of paragraph (a) of Section 11-502 of this
22 Code or a similar provision of a local ordinance;

23 34. Has committed a violation of Section 11-1301.5 of
24 this Code or a similar provision of a local ordinance;

25 35. Has committed a violation of Section 11-1301.6 of
26 this Code or a similar provision of a local ordinance;

1 36. Is under the age of 21 years at the time of arrest
2 and has been convicted of not less than 2 offenses against
3 traffic regulations governing the movement of vehicles
4 committed within any 24-month period. No revocation or
5 suspension shall be entered more than 6 months after the
6 date of last conviction;

7 37. Has committed a violation of subsection (c) of
8 Section 11-907 of this Code that resulted in damage to the
9 property of another or the death or injury of another;

10 38. Has been convicted of a violation of Section 6-20
11 of the Liquor Control Act of 1934 or a similar provision of
12 a local ordinance and the person was an occupant of a motor
13 vehicle at the time of the violation;

14 39. Has committed a second or subsequent violation of
15 Section 11-1201 of this Code;

16 40. Has committed a violation of subsection (a-1) of
17 Section 11-908 of this Code;

18 41. Has committed a second or subsequent violation of
19 Section 11-605.1 of this Code, a similar provision of a
20 local ordinance, or a similar violation in any other state
21 within 2 years of the date of the previous violation, in
22 which case the suspension shall be for 90 days;

23 42. Has committed a violation of subsection (a-1) of
24 Section 11-1301.3 of this Code or a similar provision of a
25 local ordinance;

26 43. Has received a disposition of court supervision

1 for a violation of subsection (a), (d), or (e) of Section
2 6-20 of the Liquor Control Act of 1934 or a similar
3 provision of a local ordinance and the person was an
4 occupant of a motor vehicle at the time of the violation,
5 in which case the suspension shall be for a period of 3
6 months;

7 44. Is under the age of 21 years at the time of arrest
8 and has been convicted of an offense against traffic
9 regulations governing the movement of vehicles after
10 having previously had his or her driving privileges
11 suspended or revoked pursuant to subparagraph 36 of this
12 Section;

13 45. Has, in connection with or during the course of a
14 formal hearing conducted under Section 2-118 of this Code:
15 (i) committed perjury; (ii) submitted fraudulent or
16 falsified documents; (iii) submitted documents that have
17 been materially altered; or (iv) submitted, as his or her
18 own, documents that were in fact prepared or composed for
19 another person;

20 46. Has committed a violation of subsection (j) of
21 Section 3-413 of this Code;

22 47. Has committed a violation of subsection (a) of
23 Section 11-502.1 of this Code;

24 48. Has submitted a falsified or altered medical
25 examiner's certificate to the Secretary of State or
26 provided false information to obtain a medical examiner's

1 certificate;

2 49. Has been convicted of a violation of Section
3 11-1002 or 11-1002.5 that resulted in a Type A injury to
4 another, in which case the driving privileges of the
5 person shall be suspended for 12 months;

6 50. Has committed a violation of subsection (b-5) of
7 Section 12-610.2 that resulted in great bodily harm,
8 permanent disability, or disfigurement, in which case the
9 driving privileges of the person shall be suspended for 12
10 months;

11 51. Has committed a violation of Section 10-15 Of the
12 Cannabis Regulation and Tax Act or a similar provision of
13 a local ordinance while in a motor vehicle; or

14 52. Has committed a violation of subsection (b) of
15 Section 10-20 of the Cannabis Regulation and Tax Act or a
16 similar provision of a local ordinance.

17 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
18 and 27 of this subsection, license means any driver's license,
19 any traffic ticket issued when the person's driver's license
20 is deposited in lieu of bail, a suspension notice issued by the
21 Secretary of State, a duplicate or corrected driver's license,
22 a probationary driver's license, or a temporary driver's
23 license.

24 (b) If any conviction forming the basis of a suspension or
25 revocation authorized under this Section is appealed, the
26 Secretary of State may rescind or withhold the entry of the

1 order of suspension or revocation, as the case may be,
2 provided that a certified copy of a stay order of a court is
3 filed with the Secretary of State. If the conviction is
4 affirmed on appeal, the date of the conviction shall relate
5 back to the time the original judgment of conviction was
6 entered and the 6-month limitation prescribed shall not apply.

7 (c) 1. Upon suspending or revoking the driver's license or
8 permit of any person as authorized in this Section, the
9 Secretary of State shall immediately notify the person in
10 writing of the revocation or suspension. The notice to be
11 deposited in the United States mail, postage prepaid, to the
12 last known address of the person.

13 2. If the Secretary of State suspends the driver's license
14 of a person under subsection 2 of paragraph (a) of this
15 Section, a person's privilege to operate a vehicle as an
16 occupation shall not be suspended, provided an affidavit is
17 properly completed, the appropriate fee received, and a permit
18 issued prior to the effective date of the suspension, unless 5
19 offenses were committed, at least 2 of which occurred while
20 operating a commercial vehicle in connection with the driver's
21 regular occupation. All other driving privileges shall be
22 suspended by the Secretary of State. Any driver prior to
23 operating a vehicle for occupational purposes only must submit
24 the affidavit on forms to be provided by the Secretary of State
25 setting forth the facts of the person's occupation. The
26 affidavit shall also state the number of offenses committed

1 while operating a vehicle in connection with the driver's
2 regular occupation. The affidavit shall be accompanied by the
3 driver's license. Upon receipt of a properly completed
4 affidavit, the Secretary of State shall issue the driver a
5 permit to operate a vehicle in connection with the driver's
6 regular occupation only. Unless the permit is issued by the
7 Secretary of State prior to the date of suspension, the
8 privilege to drive any motor vehicle shall be suspended as set
9 forth in the notice that was mailed under this Section. If an
10 affidavit is received subsequent to the effective date of this
11 suspension, a permit may be issued for the remainder of the
12 suspension period.

13 The provisions of this subparagraph shall not apply to any
14 driver required to possess a CDL for the purpose of operating a
15 commercial motor vehicle.

16 Any person who falsely states any fact in the affidavit
17 required herein shall be guilty of perjury under Section 6-302
18 and upon conviction thereof shall have all driving privileges
19 revoked without further rights.

20 3. At the conclusion of a hearing under Section 2-118 of
21 this Code, the Secretary of State shall either rescind or
22 continue an order of revocation or shall substitute an order
23 of suspension; or, good cause appearing therefor, rescind,
24 continue, change, or extend the order of suspension. If the
25 Secretary of State does not rescind the order, the Secretary
26 may upon application, to relieve undue hardship (as defined by

1 the rules of the Secretary of State), issue a restricted
2 driving permit granting the privilege of driving a motor
3 vehicle between the petitioner's residence and petitioner's
4 place of employment or within the scope of the petitioner's
5 employment-related duties, or to allow the petitioner to
6 transport himself or herself, or a family member of the
7 petitioner's household to a medical facility, to receive
8 necessary medical care, to allow the petitioner to transport
9 himself or herself to and from alcohol or drug remedial or
10 rehabilitative activity recommended by a licensed service
11 provider, or to allow the petitioner to transport himself or
12 herself or a family member of the petitioner's household to
13 classes, as a student, at an accredited educational
14 institution, or to allow the petitioner to transport children,
15 elderly persons, or persons with disabilities who do not hold
16 driving privileges and are living in the petitioner's
17 household to and from daycare. The petitioner must demonstrate
18 that no alternative means of transportation is reasonably
19 available and that the petitioner will not endanger the public
20 safety or welfare.

21 (A) If a person's license or permit is revoked or
22 suspended due to 2 or more convictions of violating
23 Section 11-501 of this Code or a similar provision of a
24 local ordinance or a similar out-of-state offense, or
25 Section 9-3 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, where the use of alcohol or other drugs is

1 recited as an element of the offense, or a similar
2 out-of-state offense, or a combination of these offenses,
3 arising out of separate occurrences, that person, if
4 issued a restricted driving permit, may not operate a
5 vehicle unless it has been equipped with an ignition
6 interlock device as defined in Section 1-129.1.

7 (B) If a person's license or permit is revoked or
8 suspended 2 or more times due to any combination of:

9 (i) a single conviction of violating Section
10 11-501 of this Code or a similar provision of a local
11 ordinance or a similar out-of-state offense or Section
12 9-3 of the Criminal Code of 1961 or the Criminal Code
13 of 2012, where the use of alcohol or other drugs is
14 recited as an element of the offense, or a similar
15 out-of-state offense; or

16 (ii) a statutory summary suspension or revocation
17 under Section 11-501.1; or

18 (iii) a suspension under Section 6-203.1;

19 arising out of separate occurrences; that person, if
20 issued a restricted driving permit, may not operate a
21 vehicle unless it has been equipped with an ignition
22 interlock device as defined in Section 1-129.1.

23 (B-5) If a person's license or permit is revoked or
24 suspended due to a conviction for a violation of
25 subparagraph (C) or (F) of paragraph (1) of subsection (d)
26 of Section 11-501 of this Code, or a similar provision of a

1 local ordinance or similar out-of-state offense, that
2 person, if issued a restricted driving permit, may not
3 operate a vehicle unless it has been equipped with an
4 ignition interlock device as defined in Section 1-129.1.

5 (C) The person issued a permit conditioned upon the
6 use of an ignition interlock device must pay to the
7 Secretary of State DUI Administration Fund an amount not
8 to exceed \$30 per month. The Secretary shall establish by
9 rule the amount and the procedures, terms, and conditions
10 relating to these fees.

11 (D) If the restricted driving permit is issued for
12 employment purposes, then the prohibition against
13 operating a motor vehicle that is not equipped with an
14 ignition interlock device does not apply to the operation
15 of an occupational vehicle owned or leased by that
16 person's employer when used solely for employment
17 purposes. For any person who, within a 5-year period, is
18 convicted of a second or subsequent offense under Section
19 11-501 of this Code, or a similar provision of a local
20 ordinance or similar out-of-state offense, this employment
21 exemption does not apply until either a one-year period
22 has elapsed during which that person had his or her
23 driving privileges revoked or a one-year period has
24 elapsed during which that person had a restricted driving
25 permit which required the use of an ignition interlock
26 device on every motor vehicle owned or operated by that

1 person.

2 (E) In each case the Secretary may issue a restricted
3 driving permit for a period deemed appropriate, except
4 that all permits shall expire no later than 2 years from
5 the date of issuance. A restricted driving permit issued
6 under this Section shall be subject to cancellation,
7 revocation, and suspension by the Secretary of State in
8 like manner and for like cause as a driver's license
9 issued under this Code may be cancelled, revoked, or
10 suspended; except that a conviction upon one or more
11 offenses against laws or ordinances regulating the
12 movement of traffic shall be deemed sufficient cause for
13 the revocation, suspension, or cancellation of a
14 restricted driving permit. The Secretary of State may, as
15 a condition to the issuance of a restricted driving
16 permit, require the applicant to participate in a
17 designated driver remedial or rehabilitative program. The
18 Secretary of State is authorized to cancel a restricted
19 driving permit if the permit holder does not successfully
20 complete the program.

21 (F) A person subject to the provisions of paragraph 4
22 of subsection (b) of Section 6-208 of this Code may make
23 application for a restricted driving permit at a hearing
24 conducted under Section 2-118 of this Code after the
25 expiration of 5 years from the effective date of the most
26 recent revocation or after 5 years from the date of

1 release from a period of imprisonment resulting from a
2 conviction of the most recent offense, whichever is later,
3 provided the person, in addition to all other requirements
4 of the Secretary, shows by clear and convincing evidence:

5 (i) a minimum of 3 years of uninterrupted
6 abstinence from alcohol and the unlawful use or
7 consumption of cannabis under the Cannabis Control
8 Act, a controlled substance under the Illinois
9 Controlled Substances Act, an intoxicating compound
10 under the Use of Intoxicating Compounds Act, or
11 methamphetamine under the Methamphetamine Control and
12 Community Protection Act; and

13 (ii) the successful completion of any
14 rehabilitative treatment and involvement in any
15 ongoing rehabilitative activity that may be
16 recommended by a properly licensed service provider
17 according to an assessment of the person's alcohol or
18 drug use under Section 11-501.01 of this Code.

19 In determining whether an applicant is eligible for a
20 restricted driving permit under this subparagraph (F), the
21 Secretary may consider any relevant evidence, including,
22 but not limited to, testimony, affidavits, records, and
23 the results of regular alcohol or drug tests. Persons
24 subject to the provisions of paragraph 4 of subsection (b)
25 of Section 6-208 of this Code and who have been convicted
26 of more than one violation of paragraph (3), paragraph

1 (4), or paragraph (5) of subsection (a) of Section 11-501
2 of this Code shall not be eligible to apply for a
3 restricted driving permit under this subparagraph (F).

4 A restricted driving permit issued under this
5 subparagraph (F) shall provide that the holder may only
6 operate motor vehicles equipped with an ignition interlock
7 device as required under paragraph (2) of subsection (c)
8 of Section 6-205 of this Code and subparagraph (A) of
9 paragraph 3 of subsection (c) of this Section. The
10 Secretary may revoke a restricted driving permit or amend
11 the conditions of a restricted driving permit issued under
12 this subparagraph (F) if the holder operates a vehicle
13 that is not equipped with an ignition interlock device, or
14 for any other reason authorized under this Code.

15 A restricted driving permit issued under this
16 subparagraph (F) shall be revoked, and the holder barred
17 from applying for or being issued a restricted driving
18 permit in the future, if the holder is convicted of a
19 violation of Section 11-501 of this Code, a similar
20 provision of a local ordinance, or a similar offense in
21 another state.

22 (c-3) In the case of a suspension under paragraph 43 of
23 subsection (a), reports received by the Secretary of State
24 under this Section shall, except during the actual time the
25 suspension is in effect, be privileged information and for use
26 only by the courts, police officers, prosecuting authorities,

1 the driver licensing administrator of any other state, the
2 Secretary of State, or the parent or legal guardian of a driver
3 under the age of 18. However, beginning January 1, 2008, if the
4 person is a CDL holder, the suspension shall also be made
5 available to the driver licensing administrator of any other
6 state, the U.S. Department of Transportation, and the affected
7 driver or motor carrier or prospective motor carrier upon
8 request.

9 (c-4) In the case of a suspension under paragraph 43 of
10 subsection (a), the Secretary of State shall notify the person
11 by mail that his or her driving privileges and driver's
12 license will be suspended one month after the date of the
13 mailing of the notice.

14 (c-5) The Secretary of State may, as a condition of the
15 reissuance of a driver's license or permit to an applicant
16 whose driver's license or permit has been suspended before he
17 or she reached the age of 21 years pursuant to any of the
18 provisions of this Section, require the applicant to
19 participate in a driver remedial education course and be
20 retested under Section 6-109 of this Code.

21 (d) This Section is subject to the provisions of the
22 Driver License Compact.

23 (e) The Secretary of State shall not issue a restricted
24 driving permit to a person under the age of 16 years whose
25 driving privileges have been suspended or revoked under any
26 provisions of this Code.

1 (f) In accordance with 49 CFR 384, the Secretary of State
2 may not issue a restricted driving permit for the operation of
3 a commercial motor vehicle to a person holding a CDL whose
4 driving privileges have been suspended, revoked, cancelled, or
5 disqualified under any provisions of this Code.

6 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
7 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
8 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,
9 eff. 5-13-22; 102-982, eff. 7-1-23; revised 12-14-22.)

10 Section 50. The Juvenile Court Act of 1987 is amended by
11 changing Section 2-3 as follows:

12 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

13 Sec. 2-3. Neglected or abused minor.

14 (1) Those who are neglected include:

15 (a) any minor under 18 years of age or a minor 18 years
16 of age or older for whom the court has made a finding of
17 probable cause to believe that the minor is abused,
18 neglected, or dependent under subsection (1) of Section
19 2-10 prior to the minor's 18th birthday who is not
20 receiving the proper or necessary support, education as
21 required by law, or medical or other remedial care
22 recognized under State law as necessary for a minor's
23 well-being, or other care necessary for his or her
24 well-being, including adequate food, clothing and shelter,

1 or who is abandoned by his or her parent or parents or
2 other person or persons responsible for the minor's
3 welfare, except that a minor shall not be considered
4 neglected for the sole reason that the minor's parent or
5 parents or other person or persons responsible for the
6 minor's welfare have left the minor in the care of an adult
7 relative for any period of time, who the parent or parents
8 or other person responsible for the minor's welfare know
9 is both a mentally capable adult relative and physically
10 capable adult relative, as defined by this Act; or

11 (b) any minor under 18 years of age or a minor 18 years
12 of age or older for whom the court has made a finding of
13 probable cause to believe that the minor is abused,
14 neglected, or dependent under subsection (1) of Section
15 2-10 prior to the minor's 18th birthday whose environment
16 is injurious to his or her welfare; or

17 (c) any newborn infant whose blood, urine, or meconium
18 contains any amount of a controlled substance as defined
19 in subsection (f) of Section 102 of the Illinois
20 Controlled Substances Act, as now or hereafter amended, or
21 a metabolite of a controlled substance, with the exception
22 of controlled substances or metabolites of such
23 substances, the presence of which in the newborn infant is
24 the result of medical treatment administered to the mother
25 or the newborn infant; or

26 (d) any minor under the age of 14 years whose parent or

1 other person responsible for the minor's welfare leaves
2 the minor without supervision for an unreasonable period
3 of time without regard for the mental or physical health,
4 safety, or welfare of that minor; or

5 (e) any minor who has been provided with interim
6 crisis intervention services under Section 3-5 of this Act
7 and whose parent, guardian, or custodian refuses to permit
8 the minor to return home unless the minor is an immediate
9 physical danger to himself, herself, or others living in
10 the home.

11 Whether the minor was left without regard for the mental
12 or physical health, safety, or welfare of that minor or the
13 period of time was unreasonable shall be determined by
14 considering the following factors, including but not limited
15 to:

16 (1) the age of the minor;

17 (2) the number of minors left at the location;

18 (3) special needs of the minor, including whether the
19 minor is a person with a physical or mental disability, or
20 otherwise in need of ongoing prescribed medical treatment
21 such as periodic doses of insulin or other medications;

22 (4) the duration of time in which the minor was left
23 without supervision;

24 (5) the condition and location of the place where the
25 minor was left without supervision;

26 (6) the time of day or night when the minor was left

1 without supervision;

2 (7) the weather conditions, including whether the
3 minor was left in a location with adequate protection from
4 the natural elements such as adequate heat or light;

5 (8) the location of the parent or guardian at the time
6 the minor was left without supervision, the physical
7 distance the minor was from the parent or guardian at the
8 time the minor was without supervision;

9 (9) whether the minor's movement was restricted, or
10 the minor was otherwise locked within a room or other
11 structure;

12 (10) whether the minor was given a phone number of a
13 person or location to call in the event of an emergency and
14 whether the minor was capable of making an emergency call;

15 (11) whether there was food and other provision left
16 for the minor;

17 (12) whether any of the conduct is attributable to
18 economic hardship or illness and the parent, guardian or
19 other person having physical custody or control of the
20 child made a good faith effort to provide for the health
21 and safety of the minor;

22 (13) the age and physical and mental capabilities of
23 the person or persons who provided supervision for the
24 minor;

25 (14) whether the minor was left under the supervision
26 of another person;

1 (15) any other factor that would endanger the health
2 and safety of that particular minor.

3 A minor shall not be considered neglected for the sole
4 reason that the minor has been relinquished in accordance with
5 the Abandoned Newborn Infant Protection Act.

6 (2) Those who are abused include any minor under 18 years
7 of age or a minor 18 years of age or older for whom the court
8 has made a finding of probable cause to believe that the minor
9 is abused, neglected, or dependent under subsection (1) of
10 Section 2-10 prior to the minor's 18th birthday whose parent
11 or immediate family member, or any person responsible for the
12 minor's welfare, or any person who is in the same family or
13 household as the minor, or any individual residing in the same
14 home as the minor, or a paramour of the minor's parent:

15 (i) inflicts, causes to be inflicted, or allows to be
16 inflicted upon such minor physical injury, by other than
17 accidental means, which causes death, disfigurement,
18 impairment of physical or emotional health, or loss or
19 impairment of any bodily function;

20 (ii) creates a substantial risk of physical injury to
21 such minor by other than accidental means which would be
22 likely to cause death, disfigurement, impairment of
23 emotional health, or loss or impairment of any bodily
24 function;

25 (iii) commits or allows to be committed any sex
26 offense against such minor, as such sex offenses are

1 defined in the Criminal Code of 1961 or the Criminal Code
2 of 2012, or in the Wrongs to Children Act, and extending
3 those definitions of sex offenses to include minors under
4 18 years of age;

5 (iv) commits or allows to be committed an act or acts
6 of torture upon such minor;

7 (v) inflicts excessive corporal punishment;

8 (vi) commits or allows to be committed the offense of
9 involuntary servitude, involuntary sexual servitude of a
10 minor, or trafficking in persons as defined in Section
11 10-9 of the Criminal Code of 1961 or the Criminal Code of
12 2012, upon such minor; or

13 (vii) allows, encourages or requires a minor to commit
14 any act of commercial sexual activity ~~prostitution~~, as
15 defined in the Criminal Code of 1961 or the Criminal Code
16 of 2012, and extending those definitions to include minors
17 under 18 years of age.

18 A minor shall not be considered abused for the sole reason
19 that the minor has been relinquished in accordance with the
20 Abandoned Newborn Infant Protection Act.

21 (3) This Section does not apply to a minor who would be
22 included herein solely for the purpose of qualifying for
23 financial assistance for himself, his parents, guardian or
24 custodian.

25 (4) The changes made by this amendatory Act of the 101st
26 General Assembly apply to a case that is pending on or after

1 the effective date of this amendatory Act of the 101st General
2 Assembly.

3 (Source: P.A. 101-79, eff. 7-12-19.)

4 Section 55. The Criminal Code of 2012 is amended by
5 changing Sections 1-6, 3-6, 8-2, 10-9, 11-0.1, 11-9.1A,
6 11-9.3, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-18, 11-18.1,
7 14-3, 33G-3, and 36-1 and the heading of subdivision 15 of
8 Article 11 as follows:

9 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

10 Sec. 1-6. Place of trial.

11 (a) Generally.

12 Criminal actions shall be tried in the county where the
13 offense was committed, except as otherwise provided by law.
14 The State is not required to prove during trial that the
15 alleged offense occurred in any particular county in this
16 State. When a defendant contests the place of trial under this
17 Section, all proceedings regarding this issue shall be
18 conducted under Section 114-1 of the Code of Criminal
19 Procedure of 1963. All objections of improper place of trial
20 are waived by a defendant unless made before trial.

21 (b) Assailant and Victim in Different Counties.

22 If a person committing an offense upon the person of
23 another is located in one county and his victim is located in
24 another county at the time of the commission of the offense,

1 trial may be had in either of said counties.

2 (c) Death and Cause of Death in Different Places or
3 Undetermined.

4 If cause of death is inflicted in one county and death
5 ensues in another county, the offender may be tried in either
6 county. If neither the county in which the cause of death was
7 inflicted nor the county in which death ensued are known
8 before trial, the offender may be tried in the county where the
9 body was found.

10 (d) Offense Commenced Outside the State.

11 If the commission of an offense commenced outside the
12 State is consummated within this State, the offender shall be
13 tried in the county where the offense is consummated.

14 (e) Offenses Committed in Bordering Navigable Waters.

15 If an offense is committed on any of the navigable waters
16 bordering on this State, the offender may be tried in any
17 county adjacent to such navigable water.

18 (f) Offenses Committed while in Transit.

19 If an offense is committed upon any railroad car, vehicle,
20 watercraft or aircraft passing within this State, and it
21 cannot readily be determined in which county the offense was
22 committed, the offender may be tried in any county through
23 which such railroad car, vehicle, watercraft or aircraft has
24 passed.

25 (g) Theft.

26 A person who commits theft of property may be tried in any

1 county in which he exerted control over such property.

2 (h) Bigamy.

3 A person who commits the offense of bigamy may be tried in
4 any county where the bigamous marriage or bigamous
5 cohabitation has occurred.

6 (i) Kidnaping.

7 A person who commits the offense of kidnaping may be tried
8 in any county in which his victim has traveled or has been
9 confined during the course of the offense.

10 (j) Pandering.

11 A person who commits the offense of pandering as set forth
12 in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 may
13 be tried in any county in which the commercial sexual activity
14 ~~prostitution~~ was practiced or in any county in which any act in
15 furtherance of the offense shall have been committed.

16 (k) Treason.

17 A person who commits the offense of treason may be tried in
18 any county.

19 (l) Criminal Defamation.

20 If criminal defamation is spoken, printed or written in
21 one county and is received or circulated in another or other
22 counties, the offender shall be tried in the county where the
23 defamation is spoken, printed or written. If the defamation is
24 spoken, printed or written outside this state, or the offender
25 resides outside this state, the offender may be tried in any
26 county in this state in which the defamation was circulated or

1 received.

2 (m) Inchoate Offenses.

3 A person who commits an inchoate offense may be tried in
4 any county in which any act which is an element of the offense,
5 including the agreement in conspiracy, is committed.

6 (n) Accountability for Conduct of Another.

7 Where a person in one county solicits, aids, abets,
8 agrees, or attempts to aid another in the planning or
9 commission of an offense in another county, he may be tried for
10 the offense in either county.

11 (o) Child Abduction.

12 A person who commits the offense of child abduction may be
13 tried in any county in which his victim has traveled, been
14 detained, concealed or removed to during the course of the
15 offense. Notwithstanding the foregoing, unless for good cause
16 shown, the preferred place of trial shall be the county of the
17 residence of the lawful custodian.

18 (p) A person who commits the offense of narcotics
19 racketeering may be tried in any county where cannabis or a
20 controlled substance which is the basis for the charge of
21 narcotics racketeering was used; acquired; transferred or
22 distributed to, from or through; or any county where any act
23 was performed to further the use; acquisition, transfer or
24 distribution of said cannabis or controlled substance; any
25 money, property, property interest, or any other asset
26 generated by narcotics activities was acquired, used, sold,

1 transferred or distributed to, from or through; or, any
2 enterprise interest obtained as a result of narcotics
3 racketeering was acquired, used, transferred or distributed
4 to, from or through, or where any activity was conducted by the
5 enterprise or any conduct to further the interests of such an
6 enterprise.

7 (q) A person who commits the offense of money laundering
8 may be tried in any county where any part of a financial
9 transaction in criminally derived property took place or in
10 any county where any money or monetary instrument which is the
11 basis for the offense was acquired, used, sold, transferred or
12 distributed to, from or through.

13 (r) A person who commits the offense of cannabis
14 trafficking or controlled substance trafficking may be tried
15 in any county.

16 (s) A person who commits the offense of online sale of
17 stolen property, online theft by deception, or electronic
18 fencing may be tried in any county where any one or more
19 elements of the offense took place, regardless of whether the
20 element of the offense was the result of acts by the accused,
21 the victim or by another person, and regardless of whether the
22 defendant was ever physically present within the boundaries of
23 the county.

24 (t) A person who commits the offense of identity theft or
25 aggravated identity theft may be tried in any one of the
26 following counties in which: (1) the offense occurred; (2) the

1 information used to commit the offense was illegally used; or
2 (3) the victim resides.

3 (u) A person who commits the offense of financial
4 exploitation of an elderly person or a person with a
5 disability may be tried in any one of the following counties in
6 which: (1) any part of the offense occurred; or (2) the victim
7 or one of the victims reside.

8 If a person is charged with more than one violation of
9 identity theft or aggravated identity theft and those
10 violations may be tried in more than one county, any of those
11 counties is a proper venue for all of the violations.

12 (Source: P.A. 101-394, eff. 1-1-20.)

13 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

14 Sec. 3-6. Extended limitations. The period within which a
15 prosecution must be commenced under the provisions of Section
16 3-5 or other applicable statute is extended under the
17 following conditions:

18 (a) A prosecution for theft involving a breach of a
19 fiduciary obligation to the aggrieved person may be commenced
20 as follows:

21 (1) If the aggrieved person is a minor or a person
22 under legal disability, then during the minority or legal
23 disability or within one year after the termination
24 thereof.

25 (2) In any other instance, within one year after the

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

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

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

24 (b-6) When the victim is 18 years of age or over at the
25 time of the offense, a prosecution for involuntary servitude,
26 involuntary sexual servitude of a minor, or trafficking in

1 persons and related offenses under Section 10-9 of this Code
2 may be commenced within 25 years after the commission of the
3 offense.

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

7 (c) (Blank).

8 (d) A prosecution for child pornography, aggravated child
9 pornography, indecent solicitation of a child, soliciting for
10 a sexually exploited child ~~juvenile prostitute~~, juvenile
11 pimping, exploitation of a child, or promoting commercial
12 sexual exploitation of a child ~~juvenile prostitution~~ except
13 for keeping a place of commercial sexual exploitation of a
14 child ~~juvenile prostitution~~ may be commenced within one year
15 of the victim attaining the age of 18 years. However, in no
16 such case shall the time period for prosecution expire sooner
17 than 3 years after the commission of the offense.

18 (e) Except as otherwise provided in subdivision (j), a
19 prosecution for any offense involving sexual conduct or sexual
20 penetration, as defined in Section 11-0.1 of this Code, where
21 the defendant was within a professional or fiduciary
22 relationship or a purported professional or fiduciary
23 relationship with the victim at the time of the commission of
24 the offense may be commenced within one year after the
25 discovery of the offense by the victim.

26 (f) A prosecution for any offense set forth in Section 44

1 of the Environmental Protection Act may be commenced within 5
2 years after the discovery of such an offense by a person or
3 agency having the legal duty to report the offense or in the
4 absence of such discovery, within 5 years after the proper
5 prosecuting officer becomes aware of the offense.

6 (f-5) A prosecution for any offense set forth in Section
7 16-30 of this Code may be commenced within 5 years after the
8 discovery of the offense by the victim of that offense.

9 (g) (Blank).

10 (h) (Blank).

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

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

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

1 (j) (1) When the victim is under 18 years of age at the
2 time of the offense, a prosecution for criminal sexual
3 assault, aggravated criminal sexual assault, predatory
4 criminal sexual assault of a child, aggravated criminal sexual
5 abuse, felony criminal sexual abuse, or female genital
6 mutilation may be commenced at any time.

7 (2) When in circumstances other than as described in
8 paragraph (1) of this subsection (j), when the victim is under
9 18 years of age at the time of the offense, a prosecution for
10 failure of a person who is required to report an alleged or
11 suspected commission of criminal sexual assault, aggravated
12 criminal sexual assault, predatory criminal sexual assault of
13 a child, aggravated criminal sexual abuse, or felony criminal
14 sexual abuse under the Abused and Neglected Child Reporting
15 Act may be commenced within 20 years after the child victim
16 attains 18 years of age.

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

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

24 (j-5) A prosecution for armed robbery, home invasion,
25 kidnapping, or aggravated kidnaping may be commenced at any
26 time if it arises out of the same course of conduct and meets

1 the criteria under one of the offenses in subsection (j) of
2 this Section.

3 (k) (Blank).

4 (l) A prosecution for any offense set forth in Section
5 26-4 of this Code may be commenced within one year after the
6 discovery of the offense by the victim of that offense.

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

19 (m) The prosecution shall not be required to prove at
20 trial facts which extend the general limitations in Section
21 3-5 of this Code when the facts supporting extension of the
22 period of general limitations are properly pled in the
23 charging document. Any challenge relating to the extension of
24 the general limitations period as defined in this Section
25 shall be exclusively conducted under Section 114-1 of the Code
26 of Criminal Procedure of 1963.

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

8 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
9 101-130, eff. 1-1-20; 101-285, eff. 1-1-20; 102-558, eff.
10 8-20-21.)

11 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

12 Sec. 8-2. Conspiracy.

13 (a) Elements of the offense. A person commits the offense
14 of conspiracy when, with intent that an offense be committed,
15 he or she agrees with another to the commission of that
16 offense. No person may be convicted of conspiracy to commit an
17 offense unless an act in furtherance of that agreement is
18 alleged and proved to have been committed by him or her or by a
19 co-conspirator.

20 (b) Co-conspirators. It is not a defense to conspiracy
21 that the person or persons with whom the accused is alleged to
22 have conspired:

23 (1) have not been prosecuted or convicted,

24 (2) have been convicted of a different offense,

25 (3) are not amenable to justice,

1 (4) have been acquitted, or

2 (5) lacked the capacity to commit an offense.

3 (c) Sentence.

4 (1) Except as otherwise provided in this subsection or
5 Code, a person convicted of conspiracy to commit:

6 (A) a Class X felony shall be sentenced for a Class
7 1 felony;

8 (B) a Class 1 felony shall be sentenced for a Class
9 2 felony;

10 (C) a Class 2 felony shall be sentenced for a Class
11 3 felony;

12 (D) a Class 3 felony shall be sentenced for a Class
13 4 felony;

14 (E) a Class 4 felony shall be sentenced for a Class
15 4 felony; and

16 (F) a misdemeanor may be fined or imprisoned or
17 both not to exceed the maximum provided for the
18 offense that is the object of the conspiracy.

19 (2) A person convicted of conspiracy to commit any of
20 the following offenses shall be sentenced for a Class X
21 felony:

22 (A) aggravated insurance fraud conspiracy when the
23 person is an organizer of the conspiracy (720 ILCS
24 5/46-4); or

25 (B) aggravated governmental entity insurance fraud
26 conspiracy when the person is an organizer of the

1 conspiracy (720 ILCS 5/46-4).

2 (3) A person convicted of conspiracy to commit any of
3 the following offenses shall be sentenced for a Class 1
4 felony:

5 (A) first degree murder (720 ILCS 5/9-1); or

6 (B) aggravated insurance fraud (720 ILCS 5/46-3)
7 or aggravated governmental insurance fraud (720 ILCS
8 5/46-3).

9 (4) A person convicted of conspiracy to commit
10 insurance fraud (720 ILCS 5/46-3) or governmental entity
11 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a
12 Class 2 felony.

13 (5) A person convicted of conspiracy to commit any of
14 the following offenses shall be sentenced for a Class 3
15 felony:

16 (A) soliciting for a provider of commercial sexual
17 activity ~~prostitute~~ (720 ILCS 5/11-14.3(a)(1));

18 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or
19 5/11-14.3(a)(2)(B));

20 (C) keeping a place of commercial sexual activity
21 ~~prostitution~~ (720 ILCS 5/11-14.3(a)(1));

22 (D) pimping (720 ILCS 5/11-14.3(a)(2)(C));

23 (E) unlawful use of weapons under Section
24 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

25 (F) unlawful use of weapons under Section
26 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

- 1 (G) gambling (720 ILCS 5/28-1);
- 2 (H) keeping a gambling place (720 ILCS 5/28-3);
- 3 (I) registration of federal gambling stamps
4 violation (720 ILCS 5/28-4);
- 5 (J) look-alike substances violation (720 ILCS
6 570/404);
- 7 (K) miscellaneous controlled substance violation
8 under Section 406(b) (720 ILCS 570/406(b)); or
- 9 (L) an inchoate offense related to any of the
10 principal offenses set forth in this item (5).

11 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11.)

12 (720 ILCS 5/10-9)

13 Sec. 10-9. Trafficking in persons, involuntary servitude,
14 and related offenses.

15 (a) Definitions. In this Section:

16 (1) "Intimidation" has the meaning prescribed in Section
17 12-6.

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

21 (2.5) "Company" means any sole proprietorship,
22 organization, association, corporation, partnership, joint
23 venture, limited partnership, limited liability partnership,
24 limited liability limited partnership, limited liability
25 company, or other entity or business association, including

1 all wholly owned subsidiaries, majority-owned subsidiaries,
2 parent companies, or affiliates of those entities or business
3 associations, that exist for the purpose of making profit.

4 (3) "Financial harm" includes intimidation that brings
5 about financial loss, criminal usury, or employment contracts
6 that violate the Frauds Act.

7 (4) (Blank).

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

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

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

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

22 (8) "Services" means activities resulting from a
23 relationship between a person and the actor in which the
24 person performs activities under the supervision of or for the
25 benefit of the actor. Commercial sexual activity and
26 sexually-explicit performances are forms of activities that

1 are "services" under this Section. Nothing in this definition
2 may be construed to legitimize or legalize commercial sexual
3 activity ~~prostitution~~.

4 (9) "Sexually-explicit performance" means a live,
5 recorded, broadcast (including over the Internet), or public
6 act or show intended to arouse or satisfy the sexual desires or
7 appeal to the prurient interests of patrons.

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

10 (b) Involuntary servitude. A person commits involuntary
11 servitude when he or she knowingly subjects, attempts to
12 subject, or engages in a conspiracy to subject another person
13 to labor or services obtained or maintained through any of the
14 following means, or any combination of these means:

15 (1) causes or threatens to cause physical harm to any
16 person;

17 (2) physically restrains or threatens to physically
18 restrain another person;

19 (3) abuses or threatens to abuse the law or legal
20 process;

21 (4) knowingly destroys, conceals, removes,
22 confiscates, or possesses any actual or purported passport
23 or other immigration document, or any other actual or
24 purported government identification document, of another
25 person;

26 (5) uses intimidation, or exerts financial control

1 over any person; or

2 (6) uses any scheme, plan, or pattern intended to
3 cause the person to believe that, if the person did not
4 perform the labor or services, that person or another
5 person would suffer serious harm or physical restraint.

6 Sentence. Except as otherwise provided in subsection (e)
7 or (f), a violation of subsection (b) (1) is a Class X felony,
8 (b) (2) is a Class 1 felony, (b) (3) is a Class 2 felony, (b) (4)
9 is a Class 3 felony, (b) (5) and (b) (6) is a Class 4 felony.

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

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

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

23 (3) there is overt force or threat.

24 Sentence. Except as otherwise provided in subsection (e)
25 or (f), a violation of subsection (c) (1) is a Class 1 felony,
26 (c) (2) is a Class X felony, and (c) (3) is a Class X felony.

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

15 Sentence. Except as otherwise provided in subsection (e)
16 or (f), a violation of this subsection by a person is a Class 1
17 felony. A violation of this subsection by a company is a
18 business offense for which a fine of up to \$100,000 may be
19 imposed.

20 (e) Aggravating factors. A violation of this Section
21 involving kidnapping or an attempt to kidnap, aggravated
22 criminal sexual assault or an attempt to commit aggravated
23 criminal sexual assault, or an attempt to commit first degree
24 murder is a Class X felony.

25 (f) Sentencing considerations.

26 (1) Bodily injury. If, pursuant to a violation of this

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

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

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

22 (g-5) Fine distribution. If the court imposes a fine under
23 subsection (b), (c), or (d) of this Section, it shall be
24 collected and distributed to the Specialized Services for
25 Survivors of Human Trafficking Fund in accordance with Section
26 5-9-1.21 of the Unified Code of Corrections.

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

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

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

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

1 (720 ILCS 5/11-0.1)

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

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

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

11 "Advance commercial sexual activity prostitution" means:

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

17 (A) Soliciting another for the purpose of
18 commercial sexual activity prostitution.

19 (B) Arranging or offering to arrange a meeting of
20 persons for the purpose of commercial sexual activity
21 prostitution.

22 (C) Directing another to a place knowing the
23 direction is for the purpose of commercial sexual
24 activity prostitution.

25 (2) Keeping a place of commercial sexual activity

1 ~~prostitution~~ by controlling or exercising control over the
2 use of any place that could offer seclusion or shelter for
3 the practice of commercial sexual activity ~~prostitution~~
4 and performing any of the following acts when acting other
5 than as a provider of commercial sexual activity
6 ~~prostitute~~ or a patron of a provider of commercial sexual
7 activity ~~prostitute~~:

8 (A) Knowingly granting or permitting the use of
9 the place for the purpose of commercial sexual
10 activity ~~prostitution~~.

11 (B) Granting or permitting the use of the place
12 under circumstances from which he or she could
13 reasonably know that the place is used or is to be used
14 for purposes of commercial sexual activity
15 ~~prostitution~~.

16 (C) Permitting the continued use of the place
17 after becoming aware of facts or circumstances from
18 which he or she should reasonably know that the place
19 is being used for purposes of commercial sexual
20 activity ~~prostitution~~.

21 "Agency". See Section 11-9.5.

22 "Arranges". See Section 11-6.5.

23 "Bodily harm" means physical harm, and includes, but is
24 not limited to, sexually transmitted disease, pregnancy, and
25 impotence.

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

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

2 "Child pornography". See Section 11-20.1.

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

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

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

6 "Consent" means a freely given agreement to the act of
7 sexual penetration or sexual conduct in question. Lack of
8 verbal or physical resistance or submission by the victim
9 resulting from the use of force or threat of force by the
10 accused shall not constitute consent. The manner of dress of
11 the victim at the time of the offense shall not constitute
12 consent.

13 "Custody". See Section 11-9.2.

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

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

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

17 "Disseminate". See Section 11-20.1.

18 "Distribute". See Section 11-21.

19 "Family member" means a parent, grandparent, child, aunt,
20 uncle, great-aunt, or great-uncle, whether by whole blood,
21 half-blood, or adoption, and includes a step-grandparent,
22 step-parent, or step-child. "Family member" also means, if the
23 victim is a child under 18 years of age, an accused who has
24 resided in the household with the child continuously for at
25 least 6 months.

26 "Force or threat of force" means the use of force or

1 violence or the threat of force or violence, including, but
2 not limited to, the following situations:

3 (1) when the accused threatens to use force or
4 violence on the victim or on any other person, and the
5 victim under the circumstances reasonably believes that
6 the accused has the ability to execute that threat; or

7 (2) when the accused overcomes the victim by use of
8 superior strength or size, physical restraint, or physical
9 confinement.

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

11 "Loiter". See Section 9.3.

12 "Material". See Section 11-21.

13 "Minor". See Section 11-21.

14 "Nudity". See Section 11-21.

15 "Obscene". See Section 11-20.

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

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

18 "Person responsible for the child's welfare". See Section
19 11-9.1A.

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

21 "Playground". See Section 11-9.3.

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

23 "Produce". See Section 11-20.1.

24 "Profit from commercial sexual activity ~~prostitution~~"
25 means, when acting other than as a provider of commercial
26 sexual activity ~~prostitute~~, to receive anything of value for

1 personally rendered commercial sexual activity prostitution
2 services or to receive anything of value from a provider of
3 commercial sexual activity prostitute, if the thing received
4 is not for lawful consideration and the person knows it was
5 earned in whole or in part from the practice of commercial
6 sexual activity prostitution.

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

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

9 "Reproduce". See Section 11-20.1.

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

11 "School". See Section 11-9.3.

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

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

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

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

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

24 "Sexual penetration" means any contact, however slight,
25 between the sex organ or anus of one person and an object or
26 the sex organ, mouth, or anus of another person, or any

1 intrusion, however slight, of any part of the body of one
2 person or of any animal or object into the sex organ or anus of
3 another person, including, but not limited to, cunnilingus,
4 fellatio, or anal penetration. Evidence of emission of semen
5 is not required to prove sexual penetration.

6 "Solicit". See Section 11-6.

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

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

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

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

11 "Unable to give knowing consent" includes when the accused
12 administers any intoxicating or anesthetic substance, or any
13 controlled substance causing the victim to become unconscious
14 of the nature of the act and this condition was known, or
15 reasonably should have been known by the accused. "Unable to
16 give knowing consent" also includes when the victim has taken
17 an intoxicating substance or any controlled substance causing
18 the victim to become unconscious of the nature of the act, and
19 this condition was known or reasonably should have been known
20 by the accused, but the accused did not provide or administer
21 the intoxicating substance. As used in this paragraph,
22 "unconscious of the nature of the act" means incapable of
23 resisting because the victim meets any one of the following
24 conditions:

25 (1) was unconscious or asleep;

26 (2) was not aware, knowing, perceiving, or cognizant

1 that the act occurred;

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

5 (4) was not aware, knowing, perceiving, or cognizant
6 of the essential characteristics of the act due to the
7 perpetrator's fraudulent representation that the sexual
8 penetration served a professional purpose when it served
9 no professional purpose.

10 A victim is presumed "unable to give knowing consent" when
11 the victim:

12 (1) is committed to the care and custody or
13 supervision of the Illinois Department of Corrections
14 (IDOC) and the accused is an employee or volunteer who is
15 not married to the victim who knows or reasonably should
16 know that the victim is committed to the care and custody
17 or supervision of such department;

18 (2) is committed to or placed with the Department of
19 Children and Family Services (DCFS) and in residential
20 care, and the accused employee is not married to the
21 victim, and knows or reasonably should know that the
22 victim is committed to or placed with DCFS and in
23 residential care;

24 (3) is a client or patient and the accused is a health
25 care provider or mental health care provider and the
26 sexual conduct or sexual penetration occurs during a

1 treatment session, consultation, interview, or
2 examination;

3 (4) is a resident or inpatient of a residential
4 facility and the accused is an employee of the facility
5 who is not married to such resident or inpatient who
6 provides direct care services, case management services,
7 medical or other clinical services, habilitative services
8 or direct supervision of the residents in the facility in
9 which the resident resides; or an officer or other
10 employee, consultant, contractor or volunteer of the
11 residential facility, who knows or reasonably should know
12 that the person is a resident of such facility; or

13 (5) is detained or otherwise in the custody of a
14 police officer, peace officer, or other law enforcement
15 official who: (i) is detaining or maintaining custody of
16 such person; or (ii) knows, or reasonably should know,
17 that at the time of the offense, such person was detained
18 or in custody and the police officer, peace officer, or
19 other law enforcement official is not married to such
20 detainee.

21 "Victim" means a person alleging to have been subjected to
22 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,
23 11-1.50, or 11-1.60 of this Code.

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

25 (720 ILCS 5/11-9.1A)

1 Sec. 11-9.1A. Permitting sexual abuse of a child.

2 (a) A person responsible for a child's welfare commits
3 permitting sexual abuse of a child if the person has actual
4 knowledge of and permits an act of sexual abuse upon the child,
5 or permits the child to engage in commercial sexual activity
6 ~~prostitution~~ as defined in Section 11-14 of this Code.

7 (b) In this Section:

8 "Actual knowledge" includes credible allegations made by
9 the child.

10 "Child" means a minor under the age of 17 years.

11 "Person responsible for the child's welfare" means the
12 child's parent, step-parent, legal guardian, or other person
13 having custody of a child, who is responsible for the child's
14 care at the time of the alleged sexual abuse.

15 "Commercial sexual activity ~~Prostitution~~" means commercial
16 sexual activity ~~prostitution~~ as defined in Section 11-14 of
17 this Code.

18 "Sexual abuse" includes criminal sexual abuse or criminal
19 sexual assault as defined in Section 11-1.20, 11-1.30,
20 11-1.40, 11-1.50, or 11-1.60 of this Code.

21 (c) This Section does not apply to a person responsible
22 for the child's welfare who, having reason to believe that
23 sexual abuse has occurred, makes timely and reasonable efforts
24 to stop the sexual abuse by reporting the sexual abuse in
25 conformance with the Abused and Neglected Child Reporting Act
26 or by reporting the sexual abuse, or causing a report to be

1 made, to medical or law enforcement authorities or anyone who
2 is a mandated reporter under Section 4 of the Abused and
3 Neglected Child Reporting Act.

4 (d) Whenever a law enforcement officer has reason to
5 believe that the child or the person responsible for the
6 child's welfare has been abused by a family or household
7 member as defined by the Illinois Domestic Violence Act of
8 1986, the officer shall immediately use all reasonable means
9 to prevent further abuse under Section 112A-30 of the Code of
10 Criminal Procedure of 1963.

11 (e) An order of protection under Section 111-8 of the Code
12 of Criminal Procedure of 1963 shall be sought in all cases
13 where there is reason to believe that a child has been sexually
14 abused by a family or household member. In considering
15 appropriate available remedies, it shall be presumed that
16 awarding physical care or custody to the abuser is not in the
17 child's best interest.

18 (f) A person may not be charged with the offense of
19 permitting sexual abuse of a child under this Section until
20 the person who committed the offense is charged with criminal
21 sexual assault, aggravated criminal sexual assault, predatory
22 criminal sexual assault of a child, criminal sexual abuse,
23 aggravated criminal sexual abuse, or commercial sexual
24 activity ~~prostitution~~.

25 (g) A person convicted of permitting the sexual abuse of a
26 child is guilty of a Class 1 felony. As a condition of any

1 sentence of supervision, probation, conditional discharge, or
2 mandatory supervised release, any person convicted under this
3 Section shall be ordered to undergo child sexual abuse,
4 domestic violence, or other appropriate counseling for a
5 specified duration with a qualified social or mental health
6 worker.

7 (h) It is an affirmative defense to a charge of permitting
8 sexual abuse of a child under this Section that the person
9 responsible for the child's welfare had a reasonable
10 apprehension that timely action to stop the abuse or
11 commercial sexual activity ~~prostitution~~ would result in the
12 imminent infliction of death, great bodily harm, permanent
13 disfigurement, or permanent disability to that person or
14 another in retaliation for reporting.

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

16 (720 ILCS 5/11-9.3)

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

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

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

25 (a-5) It is unlawful for a child sex offender to knowingly
26 be present within 100 feet of a site posted as a pick-up or

1 discharge stop for a conveyance owned, leased, or contracted
2 by a school to transport students to or from school or a school
3 related activity when one or more persons under the age of 18
4 are present at the site.

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

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

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

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

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

1 sex offender from residing within 500 feet of a school
2 building or the real property comprising any school that
3 persons under 18 attend if the property is owned by the child
4 sex offender and was purchased before July 7, 2000 (the
5 effective date of Public Act 91-911).

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

26 (b-15) It is unlawful for a child sex offender to

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

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

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

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

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

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

25 (c-5) It is unlawful for a child sex offender to knowingly
26 operate, manage, be employed by, or be associated with any

1 carnival, amusement enterprise, or county or State fair when
2 persons under the age of 18 are present.

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

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

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

24 (d) Definitions. In this Section:

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

26 (i) has been charged under Illinois law, or any

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

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

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

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

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

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

1 such offense; or

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

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

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

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

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

25 (i) A violation of any of the following Sections
26 of the Criminal Code of 1961 or the Criminal Code of

1 2012: 10-4 (forcible detention), 10-7 (aiding or
2 abetting child abduction under Section 10-5(b)(10)),
3 10-5(b)(10) (child luring), 11-1.40 (predatory
4 criminal sexual assault of a child), 11-6 (indecent
5 solicitation of a child), 11-6.5 (indecent
6 solicitation of an adult), 11-9.1 (sexual exploitation
7 of a child), 11-9.2 (custodial sexual misconduct),
8 11-9.5 (sexual misconduct with a person with a
9 disability), 11-11 (sexual relations within families),
10 11-14.3(a)(1) (promoting commercial sexual activity
11 ~~prostitution~~ by advancing commercial sexual activity
12 ~~prostitution~~), 11-14.3(a)(2)(A) (promoting commercial
13 sexual activity ~~prostitution~~ by profiting from
14 commercial sexual activity ~~prostitution~~ by compelling
15 a person to be a provider of commercial sexual
16 activity ~~prostitute~~), 11-14.3(a)(2)(C) (promoting
17 commercial sexual activity ~~prostitution~~ by profiting
18 from commercial sexual activity ~~prostitution~~ by means
19 other than as described in subparagraphs (A) and (B)
20 of paragraph (2) of subsection (a) of Section
21 11-14.3), 11-14.4 (promoting commercial sexual
22 exploitation of a child ~~juvenile prostitution~~),
23 11-18.1 (patronizing a sexually exploited child
24 ~~juvenile prostitute~~), 11-20.1 (child pornography),
25 11-20.1B (aggravated child pornography), 11-21
26 (harmful material), 11-25 (grooming), 11-26 (traveling

1 to meet a minor or traveling to meet a child), 12-33
2 (ritualized abuse of a child), 11-20 (obscenity) (when
3 that offense was committed in any school, on real
4 property comprising any school, in any conveyance
5 owned, leased, or contracted by a school to transport
6 students to or from school or a school related
7 activity, or in a public park), 11-30 (public
8 indecency) (when committed in a school, on real
9 property comprising a school, in any conveyance owned,
10 leased, or contracted by a school to transport
11 students to or from school or a school related
12 activity, or in a public park). An attempt to commit
13 any of these offenses.

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

22 (iii) A violation of any of the following Sections
23 of the Criminal Code of 1961 or the Criminal Code of
24 2012, when the victim is a person under 18 years of age
25 and the defendant is not a parent of the victim:

26 10-1 (kidnapping),

1 10-2 (aggravated kidnapping),
2 10-3 (unlawful restraint),
3 10-3.1 (aggravated unlawful restraint),
4 11-9.1(A) (permitting sexual abuse of a child).

5 An attempt to commit any of these offenses.

6 (iv) A violation of any former law of this State
7 substantially equivalent to any offense listed in
8 clause (2)(i) or (2)(ii) of subsection (d) of this
9 Section.

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

12 (i) A violation of any of the following Sections
13 of the Criminal Code of 1961 or the Criminal Code of
14 2012:

15 10-5(b)(10) (child luring), 10-7 (aiding or
16 abetting child abduction under Section 10-5(b)(10)),
17 11-1.40 (predatory criminal sexual assault of a
18 child), 11-6 (indecent solicitation of a child),
19 11-6.5 (indecent solicitation of an adult), 11-9.2
20 (custodial sexual misconduct), 11-9.5 (sexual
21 misconduct with a person with a disability), 11-11
22 (sexual relations within families), 11-14.3(a)(1)
23 (promoting commercial sexual activity ~~prostitution~~ by
24 advancing commercial sexual activity ~~prostitution~~),
25 11-14.3(a)(2)(A) (promoting commercial sexual activity
26 ~~prostitution~~ by profiting from commercial sexual

1 activity prostitution by compelling a person to be a
2 provider of commercial sexual activity prostitute),
3 11-14.3(a)(2)(C) (promoting commercial sexual activity
4 prostitution by profiting from commercial sexual
5 activity prostitution by means other than as described
6 in subparagraphs (A) and (B) of paragraph (2) of
7 subsection (a) of Section 11-14.3), 11-14.4 (promoting
8 commercial sexual exploitation of a child juvenile
9 prostitution), 11-18.1 (patronizing a sexually
10 exploited child juvenile prostitute), 11-20.1 (child
11 pornography), 11-20.1B (aggravated child pornography),
12 11-25 (grooming), 11-26 (traveling to meet a minor or
13 traveling to meet a child), or 12-33 (ritualized abuse
14 of a child). An attempt to commit any of these
15 offenses.

16 (ii) 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
19 age: 11-1.20 (criminal sexual assault), 11-1.30
20 (aggravated criminal sexual assault), 11-1.60
21 (aggravated criminal sexual abuse), and subsection (a)
22 of Section 11-1.50 (criminal sexual abuse). An attempt
23 to commit any of these offenses.

24 (iii) A violation of any of the following Sections
25 of the Criminal Code of 1961 or the Criminal Code of
26 2012, when the victim is a person under 18 years of age

1 and the defendant is not a parent of the victim:
2 10-1 (kidnapping),
3 10-2 (aggravated kidnapping),
4 10-3 (unlawful restraint),
5 10-3.1 (aggravated unlawful restraint),
6 11-9.1(A) (permitting sexual abuse of a child).

7 An attempt to commit any of these offenses.

8 (iv) A violation of any former law of this State
9 substantially equivalent to any offense listed in this
10 paragraph (2.5) of this subsection.

11 (3) A conviction for an offense of federal law or the
12 law of another state that is substantially equivalent to
13 any offense listed in paragraph (2) of subsection (d) of
14 this Section shall constitute a conviction for the purpose
15 of this Section. A finding or adjudication as a sexually
16 dangerous person under any federal law or law of another
17 state that is substantially equivalent to the Sexually
18 Dangerous Persons Act shall constitute an adjudication for
19 the purposes of this Section.

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

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

26 (6) "Day care center" has the meaning ascribed to it

1 in Section 2.09 of the Child Care Act of 1969.

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

4 (8) "Facility providing programs or services directed
5 towards persons under the age of 18" means any facility
6 providing programs or services exclusively directed
7 towards persons under the age of 18.

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

10 (10) "Internet" has the meaning set forth in Section
11 16-0.1 of this Code.

12 (11) "Loiter" means:

13 (i) Standing, sitting idly, whether or not the
14 person is in a vehicle, or remaining in or around
15 school or public park property.

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

20 (iii) Entering or remaining in a building in or
21 around school property, other than the offender's
22 residence.

23 (12) "Part day child care facility" has the meaning
24 ascribed to it in Section 2.10 of the Child Care Act of
25 1969.

26 (13) "Playground" means a piece of land owned or

1 controlled by a unit of local government that is
2 designated by the unit of local government for use solely
3 or primarily for children's recreation.

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

7 (15) "School" means a public or private preschool or
8 elementary or secondary school.

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

12 (e) For the purposes of this Section, the 500 feet
13 distance shall be measured from: (1) the edge of the property
14 of the school building or the real property comprising the
15 school that is closest to the edge of the property of the child
16 sex offender's residence or where he or she is loitering, and
17 (2) the edge of the property comprising the public park
18 building or the real property comprising the public park,
19 playground, child care institution, day care center, part day
20 child care facility, or facility providing programs or
21 services exclusively directed toward persons under 18 years of
22 age, or a victim of the sex offense who is under 21 years of
23 age, to the edge of the child sex offender's place of residence
24 or place where he or she is loitering.

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

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

2 (720 ILCS 5/Art. 11 Subdiv. 15 heading)

3 SUBDIVISION 15. COMMERCIAL SEXUAL ACTIVITY ~~PROSTITUTION~~

4 OFFENSES

5 (Source: P.A. 96-1551, eff. 7-1-11.)

6 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

7 Sec. 11-14. Commercial sexual activity ~~Prostitution~~.

8 (a) Any person who knowingly performs, offers or agrees to
9 perform any act of sexual penetration as defined in Section
10 11-0.1 of this Code for anything of value, or any touching or
11 fondling of the sex organs of one person by another person, for
12 anything of value, for the purpose of sexual arousal or
13 gratification commits an act of commercial sexual activity
14 ~~prostitution~~.

15 (b) Sentence. A violation of this Section is a Class A
16 misdemeanor.

17 (c) (Blank).

18 (c-5) It is an affirmative defense to a charge under this
19 Section that the accused engaged in or performed commercial
20 sexual activity ~~prostitution~~ as a result of being a victim of
21 involuntary servitude or trafficking in persons as defined in
22 Section 10-9 of this Code.

23 (d) Notwithstanding the foregoing, if it is determined,
24 after a reasonable detention for investigative purposes, that

1 a person suspected of or charged with a violation of this
2 Section is a person under the age of 18, that person shall be
3 immune from prosecution for a commercial sexual activity
4 ~~prostitution~~ offense under this Section, and shall be subject
5 to the temporary protective custody provisions of Sections 2-5
6 and 2-6 of the Juvenile Court Act of 1987. Pursuant to the
7 provisions of Section 2-6 of the Juvenile Court Act of 1987, a
8 law enforcement officer who takes a person under 18 years of
9 age into custody under this Section shall immediately report
10 an allegation of a violation of Section 10-9 of this Code to
11 the Illinois Department of Children and Family Services State
12 Central Register, which shall commence an initial
13 investigation into child abuse or child neglect within 24
14 hours pursuant to Section 7.4 of the Abused and Neglected
15 Child Reporting Act.

16 (Source: P.A. 98-164, eff. 1-1-14; 98-538, eff. 8-23-13;
17 98-756, eff. 7-16-14; 99-109, eff. 7-22-15.)

18 (720 ILCS 5/11-14.1)

19 Sec. 11-14.1. Solicitation of a sexual act.

20 (a) Any person who offers a person not his or her spouse
21 any money, property, token, object, or article or anything of
22 value for that person or any other person not his or her spouse
23 to perform any act of sexual penetration as defined in Section
24 11-0.1 of this Code, or any touching or fondling of the sex
25 organs of one person by another person for the purpose of

1 sexual arousal or gratification, commits solicitation of a
2 sexual act.

3 (b) Sentence. Solicitation of a sexual act is a Class A
4 misdemeanor. Solicitation of a sexual act from a person who is
5 under the age of 18 or who is a person with a severe or
6 profound intellectual disability is a Class 4 felony. If the
7 court imposes a fine under this subsection (b), it shall be
8 collected and distributed to the Specialized Services for
9 Survivors of Human Trafficking Fund in accordance with Section
10 5-9-1.21 of the Unified Code of Corrections.

11 (b-5) (Blank).

12 (c) This Section does not apply to a person engaged in
13 commercial sexual activity ~~prostitution~~ who is under 18 years
14 of age.

15 (d) A person cannot be convicted under this Section if the
16 practice of commercial sexual activity ~~prostitution~~ underlying
17 the offense consists exclusively of the accused's own acts of
18 commercial sexual activity ~~prostitution~~ under Section 11-14 of
19 this Code.

20 (Source: P.A. 102-939, eff. 1-1-23.)

21 (720 ILCS 5/11-14.3)

22 Sec. 11-14.3. Promoting commercial sexual activity
23 ~~prostitution~~.

24 (a) Any person who knowingly performs any of the following
25 acts commits promoting commercial sexual activity

1 ~~prostitution:~~

2 (1) advances commercial sexual activity ~~prostitution~~
3 as defined in Section 11-0.1;

4 (2) profits from commercial sexual activity
5 ~~prostitution~~ by:

6 (A) compelling a person to become a provider of
7 commercial sexual activity ~~prostitute~~;

8 (B) arranging or offering to arrange a situation
9 in which a person may practice commercial sexual
10 activity ~~prostitution~~; or

11 (C) any means other than those described in
12 subparagraph (A) or (B), including from a person who
13 patronizes a provider of commercial sexual activity
14 ~~prostitute~~. This paragraph (C) does not apply to a
15 person engaged in commercial sexual activity
16 ~~prostitution~~ who is under 18 years of age. A person
17 cannot be convicted of promoting commercial sexual
18 activity ~~prostitution~~ under this paragraph (C) if the
19 practice of commercial sexual activity ~~prostitution~~
20 underlying the offense consists exclusively of the
21 accused's own acts of commercial sexual activity
22 ~~prostitution~~ under Section 11-14 of this Code.

23 (b) Sentence.

24 (1) A violation of subdivision (a)(1) is a Class 4
25 felony, unless committed within 1,000 feet of real
26 property comprising a school, in which case it is a Class 3

1 felony. A second or subsequent violation of subdivision
2 (a)(1), or any combination of convictions under
3 subdivision (a)(1), (a)(2)(A), or (a)(2)(B) and Section
4 11-14 (commercial sexual activity prostitution), 11-14.1
5 (solicitation of a sexual act), 11-14.4 (promoting
6 commercial sexual exploitation of a child juvenile
7 prostitution), 11-15 (soliciting for a provider of
8 commercial sexual activity prostitute), 11-15.1
9 (soliciting for a sexually exploited child juvenile
10 prostitute), 11-16 (pandering), 11-17 (keeping a place of
11 commercial sexual activity prostitution), 11-17.1 (keeping
12 a place of commercial sexual exploitation of a child
13 juvenile prostitution), 11-18 (patronizing a provider of
14 commercial sexual activity prostitute), 11-18.1
15 (patronizing a sexually exploited child juvenile
16 prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or
17 aggravated juvenile pimping), or 11-19.2 (exploitation of
18 a child), is a Class 3 felony.

19 (2) A violation of subdivision (a)(2)(A) or (a)(2)(B)
20 is a Class 4 felony, unless committed within 1,000 feet of
21 real property comprising a school, in which case it is a
22 Class 3 felony.

23 (3) A violation of subdivision (a)(2)(C) is a Class 4
24 felony, unless committed within 1,000 feet of real
25 property comprising a school, in which case it is a Class 3
26 felony. A second or subsequent violation of subdivision

1 (a)(2)(C), or any combination of convictions under
2 subdivision (a)(2)(C) and subdivision (a)(1), (a)(2)(A),
3 or (a)(2)(B) of this Section (promoting commercial sexual
4 activity prostitution), 11-14 (commercial sexual activity
5 prostitution), 11-14.1 (solicitation of a sexual act),
6 11-14.4 (promoting commercial sexual exploitation of a
7 child juvenile prostitution), 11-15 (soliciting for a
8 provider of commercial sexual activity prostitute),
9 11-15.1 (soliciting for a sexually exploited child
10 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a
11 place of commercial sexual activity prostitution), 11-17.1
12 (keeping a place of commercial sexual exploitation of a
13 child juvenile prostitution), 11-18 (patronizing a
14 provider of commercial sexual activity prostitute),
15 11-18.1 (patronizing a sexually exploited child juvenile
16 prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or
17 aggravated juvenile pimping), or 11-19.2 (exploitation of
18 a child), is a Class 3 felony.

19 If the court imposes a fine under this subsection (b), it
20 shall be collected and distributed to the Specialized Services
21 for Survivors of Human Trafficking Fund in accordance with
22 Section 5-9-1.21 of the Unified Code of Corrections.

23 (Source: P.A. 98-1013, eff. 1-1-15.)

24 (720 ILCS 5/11-14.4)

25 Sec. 11-14.4. Promoting commercial sexual exploitation of

1 a child juvenile prostitution.

2 (a) Any person who knowingly performs any of the following
3 acts commits promoting commercial sexual exploitation of a
4 child juvenile prostitution:

5 (1) advances commercial sexual activity prostitution
6 as defined in Section 11-0.1, where the minor engaged in
7 commercial sexual activity prostitution, or any person
8 engaged in commercial sexual activity prostitution in the
9 place, is under 18 years of age or is a person with a
10 severe or profound intellectual disability at the time of
11 the offense;

12 (2) profits from commercial sexual activity
13 prostitution by any means where the provider of commercial
14 sexual activity prostituted person is a sexually exploited
15 child under 18 years of age or is a person with a severe or
16 profound intellectual disability at the time of the
17 offense;

18 (3) profits from commercial sexual activity
19 prostitution by any means where the sexually exploited
20 child prostituted person is under 13 years of age at the
21 time of the offense;

22 (4) confines a child under the age of 18 or a person
23 with a severe or profound intellectual disability against
24 his or her will by the infliction or threat of imminent
25 infliction of great bodily harm or permanent disability or
26 disfigurement or by administering to the child or the

1 person with a severe or profound intellectual disability,
2 without his or her consent or by threat or deception and
3 for other than medical purposes, any alcoholic intoxicant
4 or a drug as defined in the Illinois Controlled Substances
5 Act or the Cannabis Control Act or methamphetamine as
6 defined in the Methamphetamine Control and Community
7 Protection Act and:

8 (A) compels the child or the person with a severe
9 or profound intellectual disability to engage in
10 commercial sexual activity ~~prostitution~~;

11 (B) arranges a situation in which the child or the
12 person with a severe or profound intellectual
13 disability may practice commercial sexual activity
14 ~~prostitution~~; or

15 (C) profits from commercial sexual activity
16 ~~prostitution~~ by the child or the person with a severe
17 or profound intellectual disability.

18 (b) For purposes of this Section, administering drugs, as
19 defined in subdivision (a) (4), or an alcoholic intoxicant to a
20 child under the age of 13 or a person with a severe or profound
21 intellectual disability shall be deemed to be without consent
22 if the administering is done without the consent of the
23 parents or legal guardian or if the administering is performed
24 by the parents or legal guardian for other than medical
25 purposes.

26 (c) If the accused did not have a reasonable opportunity

1 to observe the provider of commercial sexual activity
2 ~~prostituted person~~, it is an affirmative defense to a charge
3 of promoting commercial sexual exploitation of a child
4 ~~juvenile prostitution~~, except for a charge under subdivision
5 (a) (4), that the accused reasonably believed the person was of
6 the age of 18 years or over or was not a person with a severe
7 or profound intellectual disability at the time of the act
8 giving rise to the charge.

9 (d) Sentence. A violation of subdivision (a) (1) is a Class
10 1 felony, unless committed within 1,000 feet of real property
11 comprising a school, in which case it is a Class X felony. A
12 violation of subdivision (a) (2) is a Class 1 felony. A
13 violation of subdivision (a) (3) is a Class X felony. A
14 violation of subdivision (a) (4) is a Class X felony, for which
15 the person shall be sentenced to a term of imprisonment of not
16 less than 6 years and not more than 60 years. A second or
17 subsequent violation of subdivision (a) (1), (a) (2), or (a) (3),
18 or any combination of convictions under subdivision (a) (1),
19 (a) (2), or (a) (3) and Sections 11-14 (commercial sexual
20 activity prostitution), 11-14.1 (solicitation of a sexual
21 act), 11-14.3 (promoting commercial sexual activity
22 ~~prostitution~~), 11-15 (soliciting for a provider of commercial
23 sexual activity prostitute), 11-15.1 (soliciting for a
24 sexually exploited child juvenile prostitute), 11-16
25 (pandering), 11-17 (keeping a place of commercial sexual
26 activity prostitution), 11-17.1 (keeping a place of commercial

1 sexual exploitation of a child ~~juvenile prostitution~~), 11-18
2 (patronizing a provider of commercial sexual activity
3 ~~prostitute~~), 11-18.1 (patronizing a sexually exploited child
4 ~~juvenile prostitute~~), 11-19 (pimping), 11-19.1 (juvenile
5 pimping or aggravated juvenile pimping), or 11-19.2
6 (exploitation of a child) of this Code, is a Class X felony.

7 (e) Forfeiture. Any person convicted of a violation of
8 this Section that involves promoting commercial sexual
9 exploitation of a child ~~juvenile prostitution~~ by keeping a
10 place of commercial sexual exploitation of a child ~~juvenile~~
11 ~~prostitution~~ or convicted of a violation of subdivision (a) (4)
12 is subject to the property forfeiture provisions set forth in
13 Article 124B of the Code of Criminal Procedure of 1963.

14 (f) For the purposes of this Section, "provider of
15 commercial sexual activity ~~prostituted person~~" means any
16 person who engages in, or agrees or offers to engage in, any
17 act of sexual penetration as defined in Section 11-0.1 of this
18 Code for any money, property, token, object, or article or
19 anything of value, or any touching or fondling of the sex
20 organs of one person by another person, for any money,
21 property, token, object, or article or anything of value, for
22 the purpose of sexual arousal or gratification.

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

24 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

25 Sec. 11-18. Patronizing a provider of commercial sexual

1 ~~activity prostitute.~~

2 (a) Any person who knowingly performs any of the following
3 acts with a person not his or her spouse commits patronizing a
4 provider of commercial sexual activity prostitute:

5 (1) Engages in an act of sexual penetration as defined
6 in Section 11-0.1 of this Code with a provider of
7 commercial sexual activity prostitute; or

8 (2) Enters or remains in a place of commercial sexual
9 activity prostitution with intent to engage in an act of
10 sexual penetration as defined in Section 11-0.1 of this
11 Code; or

12 (3) Engages in any touching or fondling with a
13 provider of commercial sexual activity prostitute of the
14 sex organs of one person by the other person, with the
15 intent to achieve sexual arousal or gratification.

16 (b) Sentence.

17 Patronizing a provider of commercial sexual activity
18 ~~prostitute~~ is a Class 4 felony, unless committed within 1,000
19 feet of real property comprising a school, in which case it is
20 a Class 3 felony. A person convicted of a second or subsequent
21 violation of this Section, or of any combination of such
22 number of convictions under this Section and Sections 11-14
23 (commercial sexual activity prostitution), 11-14.1
24 (solicitation of a sexual act), 11-14.3 (promoting commercial
25 sexual activity prostitution), 11-14.4 (promoting commercial
26 sexual exploitation of a child juvenile prostitution), 11-15

1 (soliciting for a provider of commercial sexual activity
2 ~~prostitute~~), 11-15.1 (soliciting for a sexually exploited
3 child juvenile prostitute), 11-16 (pandering), 11-17 (keeping
4 a place of commercial sexual activity prostitution), 11-17.1
5 (keeping a place of commercial sexual exploitation of a child
6 ~~juvenile prostitution~~), 11-18.1 (patronizing a sexually
7 exploited child juvenile prostitute), 11-19 (pimping), 11-19.1
8 (juvenile pimping or aggravated juvenile pimping), or 11-19.2
9 (exploitation of a child) of this Code, is guilty of a Class 3
10 felony. If the court imposes a fine under this subsection (b),
11 it shall be collected and distributed to the Specialized
12 Services for Survivors of Human Trafficking Fund in accordance
13 with Section 5-9-1.21 of the Unified Code of Corrections.

14 (c) (Blank).

15 (Source: P.A. 98-1013, eff. 1-1-15.)

16 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

17 Sec. 11-18.1. Patronizing a sexually exploited child ~~minor~~
18 ~~engaged in prostitution.~~

19 (a) Any person who engages in an act of sexual penetration
20 as defined in Section 11-0.1 of this Code with a person who is
21 under 18 years of age engaged in commercial sexual activity
22 ~~prostitution who is under 18 years of age~~ or is a person with a
23 severe or profound intellectual disability commits patronizing
24 a sexually exploited child ~~minor engaged in prostitution.~~

25 (a-5) Any person who engages in any touching or fondling,

1 with a person engaged in commercial sexual activity
2 ~~prostitution~~ who either is a sexually exploited child ~~under 18~~
3 ~~years of age~~ or is a person with a severe or profound
4 intellectual disability, of the sex organs of one person by
5 the other person, with the intent to achieve sexual arousal or
6 gratification, commits patronizing a sexually exploited child
7 ~~minor engaged in prostitution~~.

8 (b) It is an affirmative defense to the charge of
9 patronizing a sexually exploited child ~~minor engaged in~~
10 ~~prostitution~~ that the accused reasonably believed that the
11 person was of the age of 18 years or over or was not a person
12 with a severe or profound intellectual disability at the time
13 of the act giving rise to the charge.

14 (c) Sentence. A person who commits patronizing a sexually
15 exploited child ~~juvenile prostitute~~ is guilty of a Class 3
16 felony, unless committed within 1,000 feet of real property
17 comprising a school, in which case it is a Class 2 felony. A
18 person convicted of a second or subsequent violation of this
19 Section, or of any combination of such number of convictions
20 under this Section and Sections 11-14 (commercial sexual
21 activity ~~prostitution~~), 11-14.1 (solicitation of a sexual
22 act), 11-14.3 (promoting commercial sexual activity
23 ~~prostitution~~), 11-14.4 (promoting commercial sexual
24 exploitation of a child ~~juvenile prostitution~~), 11-15
25 (soliciting for a provider of commercial sexual activity
26 ~~prostitute~~), 11-15.1 (soliciting for a sexually exploited

1 child juvenile prostitute), 11-16 (pandering), 11-17 (keeping
2 a place of commercial sexual activity prostitution), 11-17.1
3 (keeping a place of commercial sexual exploitation of a child
4 juvenile prostitution), 11-18 (patronizing a provider of
5 commercial sexual activity prostitute), 11-19 (pimping),
6 11-19.1 (juvenile pimping or aggravated juvenile pimping), or
7 11-19.2 (exploitation of a child) of this Code, is guilty of a
8 Class 2 felony. The fact of such conviction is not an element
9 of the offense and may not be disclosed to the jury during
10 trial unless otherwise permitted by issues properly raised
11 during such trial.

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

13 (720 ILCS 5/14-3)

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

16 (a) Listening to radio, wireless electronic
17 communications, and television communications of any sort
18 where the same are publicly made;

19 (b) Hearing conversation when heard by employees of
20 any common carrier by wire incidental to the normal course
21 of their employment in the operation, maintenance or
22 repair of the equipment of such common carrier by wire so
23 long as no information obtained thereby is used or
24 divulged by the hearer;

25 (c) Any broadcast by radio, television or otherwise

1 whether it be a broadcast or recorded for the purpose of
2 later broadcasts of any function where the public is in
3 attendance and the conversations are overheard incidental
4 to the main purpose for which such broadcasts are then
5 being made;

6 (d) Recording or listening with the aid of any device
7 to any emergency communication made in the normal course
8 of operations by any federal, state or local law
9 enforcement agency or institutions dealing in emergency
10 services, including, but not limited to, hospitals,
11 clinics, ambulance services, fire fighting agencies, any
12 public utility, emergency repair facility, civilian
13 defense establishment or military installation;

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

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

1 individual or business by the operation of this Section;

2 (g) With prior notification to the State's Attorney of
3 the county in which it is to occur, recording or listening
4 with the aid of any device to any conversation where a law
5 enforcement officer, or any person acting at the direction
6 of law enforcement, is a party to the conversation and has
7 consented to it being intercepted or recorded under
8 circumstances where the use of the device is necessary for
9 the protection of the law enforcement officer or any
10 person acting at the direction of law enforcement, in the
11 course of an investigation of a forcible felony, a felony
12 offense of involuntary servitude, involuntary sexual
13 servitude of a minor, or trafficking in persons under
14 Section 10-9 of this Code, an offense involving commercial
15 sexual activity ~~prostitution~~, solicitation of a sexual
16 act, or pandering, a felony violation of the Illinois
17 Controlled Substances Act, a felony violation of the
18 Cannabis Control Act, a felony violation of the
19 Methamphetamine Control and Community Protection Act, any
20 "streetgang related" or "gang-related" felony as those
21 terms are defined in the Illinois Streetgang Terrorism
22 Omnibus Prevention Act, or any felony offense involving
23 any weapon listed in paragraphs (1) through (11) of
24 subsection (a) of Section 24-1 of this Code. Any recording
25 or evidence derived as the result of this exemption shall
26 be inadmissible in any proceeding, criminal, civil or

1 administrative, except (i) where a party to the
2 conversation suffers great bodily injury or is killed
3 during such conversation, or (ii) when used as direct
4 impeachment of a witness concerning matters contained in
5 the interception or recording. The Director of the
6 Illinois State Police shall issue regulations as are
7 necessary concerning the use of devices, retention of tape
8 recordings, and reports regarding their use;

9 (g-5) (Blank);

10 (g-6) With approval of the State's Attorney of the
11 county in which it is to occur, recording or listening
12 with the aid of any device to any conversation where a law
13 enforcement officer, or any person acting at the direction
14 of law enforcement, is a party to the conversation and has
15 consented to it being intercepted or recorded in the
16 course of an investigation of child pornography,
17 aggravated child pornography, indecent solicitation of a
18 child, luring of a minor, sexual exploitation of a child,
19 aggravated criminal sexual abuse in which the victim of
20 the offense was at the time of the commission of the
21 offense under 18 years of age, or criminal sexual abuse by
22 force or threat of force in which the victim of the offense
23 was at the time of the commission of the offense under 18
24 years of age. In all such cases, an application for an
25 order approving the previous or continuing use of an
26 eavesdropping device must be made within 48 hours of the

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

1 relevant and otherwise admissible, it shall be admissible
2 at the trial of the criminal case. Absent such a ruling,
3 any such recording or evidence shall not be admissible at
4 the trial of the criminal case;

5 (h) Recordings made simultaneously with the use of an
6 in-car video camera recording of an oral conversation
7 between a uniformed peace officer, who has identified his
8 or her office, and a person in the presence of the peace
9 officer whenever (i) an officer assigned a patrol vehicle
10 is conducting an enforcement stop; or (ii) patrol vehicle
11 emergency lights are activated or would otherwise be
12 activated if not for the need to conceal the presence of
13 law enforcement.

14 For the purposes of this subsection (h), "enforcement
15 stop" means an action by a law enforcement officer in
16 relation to enforcement and investigation duties,
17 including but not limited to, traffic stops, pedestrian
18 stops, abandoned vehicle contacts, motorist assists,
19 commercial motor vehicle stops, roadside safety checks,
20 requests for identification, or responses to requests for
21 emergency assistance;

22 (h-5) Recordings of utterances made by a person while
23 in the presence of a uniformed peace officer and while an
24 occupant of a police vehicle including, but not limited
25 to, (i) recordings made simultaneously with the use of an
26 in-car video camera and (ii) recordings made in the

1 presence of the peace officer utilizing video or audio
2 systems, or both, authorized by the law enforcement
3 agency;

4 (h-10) Recordings made simultaneously with a video
5 camera recording during the use of a taser or similar
6 weapon or device by a peace officer if the weapon or device
7 is equipped with such camera;

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

21 (i) Recording of a conversation made by or at the
22 request of a person, not a law enforcement officer or
23 agent of a law enforcement officer, who is a party to the
24 conversation, under reasonable suspicion that another
25 party to the conversation is committing, is about to
26 commit, or has committed a criminal offense against the

1 person or a member of his or her immediate household, and
2 there is reason to believe that evidence of the criminal
3 offense may be obtained by the recording;

4 (j) The use of a telephone monitoring device by either
5 (1) a corporation or other business entity engaged in
6 marketing or opinion research or (2) a corporation or
7 other business entity engaged in telephone solicitation,
8 as defined in this subsection, to record or listen to oral
9 telephone solicitation conversations or marketing or
10 opinion research conversations by an employee of the
11 corporation or other business entity when:

12 (i) the monitoring is used for the purpose of
13 service quality control of marketing or opinion
14 research or telephone solicitation, the education or
15 training of employees or contractors engaged in
16 marketing or opinion research or telephone
17 solicitation, or internal research related to
18 marketing or opinion research or telephone
19 solicitation; and

20 (ii) the monitoring is used with the consent of at
21 least one person who is an active party to the
22 marketing or opinion research conversation or
23 telephone solicitation conversation being monitored.

24 No communication or conversation or any part, portion,
25 or aspect of the communication or conversation made,
26 acquired, or obtained, directly or indirectly, under this

1 exemption (j), may be, directly or indirectly, furnished
2 to any law enforcement officer, agency, or official for
3 any purpose or used in any inquiry or investigation, or
4 used, directly or indirectly, in any administrative,
5 judicial, or other proceeding, or divulged to any third
6 party.

7 When recording or listening authorized by this
8 subsection (j) on telephone lines used for marketing or
9 opinion research or telephone solicitation purposes
10 results in recording or listening to a conversation that
11 does not relate to marketing or opinion research or
12 telephone solicitation; the person recording or listening
13 shall, immediately upon determining that the conversation
14 does not relate to marketing or opinion research or
15 telephone solicitation, terminate the recording or
16 listening and destroy any such recording as soon as is
17 practicable.

18 Business entities that use a telephone monitoring or
19 telephone recording system pursuant to this exemption (j)
20 shall provide current and prospective employees with
21 notice that the monitoring or recordings may occur during
22 the course of their employment. The notice shall include
23 prominent signage notification within the workplace.

24 Business entities that use a telephone monitoring or
25 telephone recording system pursuant to this exemption (j)
26 shall provide their employees or agents with access to

1 personal-only telephone lines which may be pay telephones,
2 that are not subject to telephone monitoring or telephone
3 recording.

4 For the purposes of this subsection (j), "telephone
5 solicitation" means a communication through the use of a
6 telephone by live operators:

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

8 (ii) receiving orders for the sale of goods or
9 services;

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

11 or

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

14 For the purposes of this subsection (j), "marketing or
15 opinion research" means a marketing or opinion research
16 interview conducted by a live telephone interviewer
17 engaged by a corporation or other business entity whose
18 principal business is the design, conduct, and analysis of
19 polls and surveys measuring the opinions, attitudes, and
20 responses of respondents toward products and services, or
21 social or political issues, or both;

22 (k) Electronic recordings, including but not limited
23 to, a motion picture, videotape, digital, or other visual
24 or audio recording, made of a custodial interrogation of
25 an individual at a police station or other place of
26 detention by a law enforcement officer under Section

1 5-401.5 of the Juvenile Court Act of 1987 or Section
2 103-2.1 of the Code of Criminal Procedure of 1963;

3 (1) Recording the interview or statement of any person
4 when the person knows that the interview is being
5 conducted by a law enforcement officer or prosecutor and
6 the interview takes place at a police station that is
7 currently participating in the Custodial Interview Pilot
8 Program established under the Illinois Criminal Justice
9 Information Act;

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

22 Recordings made pursuant to this subsection (m) shall
23 be confidential records and may only be used by school
24 officials (or their designees) and law enforcement
25 personnel for investigations, school disciplinary actions
26 and hearings, proceedings under the Juvenile Court Act of

1 1987, and criminal prosecutions, related to incidents
2 occurring in or around the school bus;

3 (n) Recording or listening to an audio transmission
4 from a microphone placed by a person under the authority
5 of a law enforcement agency inside a bait car surveillance
6 vehicle while simultaneously capturing a photographic or
7 video image;

8 (o) The use of an eavesdropping camera or audio device
9 during an ongoing hostage or barricade situation by a law
10 enforcement officer or individual acting on behalf of a
11 law enforcement officer when the use of such device is
12 necessary to protect the safety of the general public,
13 hostages, or law enforcement officers or anyone acting on
14 their behalf;

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

24 (q) (1) With prior request to and written or verbal
25 approval of the State's Attorney of the county in which
26 the conversation is anticipated to occur, recording or

1 listening with the aid of an eavesdropping device to a
2 conversation in which a law enforcement officer, or any
3 person acting at the direction of a law enforcement
4 officer, is a party to the conversation and has consented
5 to the conversation being intercepted or recorded in the
6 course of an investigation of a qualified offense. The
7 State's Attorney may grant this approval only after
8 determining that reasonable cause exists to believe that
9 inculpatory conversations concerning a qualified offense
10 will occur with a specified individual or individuals
11 within a designated period of time.

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

23 (A) his or her full or partial name, nickname or
24 alias;

25 (B) a physical description; or

26 (C) failing either (A) or (B) of this paragraph

1 (2), any other supporting information known to the law
2 enforcement officer at the time of the request that
3 gives rise to reasonable cause to believe that the
4 specified individual will participate in an
5 inculpatory conversation concerning a qualified
6 offense.

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

10 (A) a recording or interception conducted by a
11 specified law enforcement officer or person acting at
12 the direction of a law enforcement officer;

13 (B) recording or intercepting conversations with
14 the individuals specified in the request for approval,
15 provided that the verbal approval shall be deemed to
16 include the recording or intercepting of conversations
17 with other individuals, unknown to the law enforcement
18 officer at the time of the request for approval, who
19 are acting in conjunction with or as co-conspirators
20 with the individuals specified in the request for
21 approval in the commission of a qualified offense;

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

24 (D) the written request for approval, if
25 applicable, or the written memorialization must be
26 filed, along with the written approval, with the

1 circuit clerk of the jurisdiction on the next business
2 day following the expiration of the authorized period
3 of time, and shall be subject to review by the Chief
4 Judge or his or her designee as deemed appropriate by
5 the court.

6 (3.5) The written memorialization of the request for
7 approval and the written approval by the State's Attorney
8 may be in any format, including via facsimile, email, or
9 otherwise, so long as it is capable of being filed with the
10 circuit clerk.

11 (3.10) Beginning March 1, 2015, each State's Attorney
12 shall annually submit a report to the General Assembly
13 disclosing:

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

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

18 (4) Admissibility of evidence. No part of the contents
19 of any wire, electronic, or oral communication that has
20 been recorded or intercepted as a result of this exception
21 may be received in evidence in any trial, hearing, or
22 other proceeding in or before any court, grand jury,
23 department, officer, agency, regulatory body, legislative
24 committee, or other authority of this State, or a
25 political subdivision of the State, other than in a
26 prosecution of:

1 (A) the qualified offense for which approval was
2 given to record or intercept a conversation under this
3 subsection (q);

4 (B) a forcible felony committed directly in the
5 course of the investigation of the qualified offense
6 for which approval was given to record or intercept a
7 conversation under this subsection (q); or

8 (C) any other forcible felony committed while the
9 recording or interception was approved in accordance
10 with this subsection (q), but for this specific
11 category of prosecutions, only if the law enforcement
12 officer or person acting at the direction of a law
13 enforcement officer who has consented to the
14 conversation being intercepted or recorded suffers
15 great bodily injury or is killed during the commission
16 of the charged forcible felony.

17 (5) Compliance with the provisions of this subsection
18 is a prerequisite to the admissibility in evidence of any
19 part of the contents of any wire, electronic or oral
20 communication that has been intercepted as a result of
21 this exception, but nothing in this subsection shall be
22 deemed to prevent a court from otherwise excluding the
23 evidence on any other ground recognized by State or
24 federal law, nor shall anything in this subsection be
25 deemed to prevent a court from independently reviewing the
26 admissibility of the evidence for compliance with the

1 Fourth Amendment to the U.S. Constitution or with Article
2 I, Section 6 of the Illinois Constitution.

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

16 (6.5) The Illinois State Police shall adopt rules as
17 are necessary concerning the use of devices, retention of
18 recordings, and reports regarding their use under this
19 subsection (q).

20 (7) Definitions. For the purposes of this subsection
21 (q) only:

22 "Forcible felony" includes and is limited to those
23 offenses contained in Section 2-8 of the Criminal Code
24 of 1961 as of the effective date of this amendatory Act
25 of the 97th General Assembly, and only as those
26 offenses have been defined by law or judicial

1 interpretation as of that date.

2 "Qualified offense" means and is limited to:

3 (A) a felony violation of the Cannabis Control
4 Act, the Illinois Controlled Substances Act, or
5 the Methamphetamine Control and Community
6 Protection Act, except for violations of:

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

8 (ii) Section 402 of the Illinois
9 Controlled Substances Act; and

10 (iii) Section 60 of the Methamphetamine
11 Control and Community Protection Act; and

12 (B) first degree murder, solicitation of
13 murder for hire, predatory criminal sexual assault
14 of a child, criminal sexual assault, aggravated
15 criminal sexual assault, aggravated arson,
16 kidnapping, aggravated kidnapping, child
17 abduction, trafficking in persons, involuntary
18 servitude, involuntary sexual servitude of a
19 minor, or gunrunning.

20 "State's Attorney" includes and is limited to the
21 State's Attorney or an assistant State's Attorney
22 designated by the State's Attorney to provide verbal
23 approval to record or intercept conversations under
24 this subsection (q).

25 (8) Sunset. This subsection (q) is inoperative on and
26 after January 1, 2027. No conversations intercepted

1 pursuant to this subsection (q), while operative, shall be
2 inadmissible in a court of law by virtue of the
3 inoperability of this subsection (q) on January 1, 2027.

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

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

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

22 (720 ILCS 5/33G-3)

23 (Section scheduled to be repealed on June 11, 2023)

24 Sec. 33G-3. Definitions. As used in this Article:

25 (a) "Another state" means any State of the United States

1 (other than the State of Illinois), or the District of
2 Columbia, or the Commonwealth of Puerto Rico, or any territory
3 or possession of the United States, or any political
4 subdivision, or any department, agency, or instrumentality
5 thereof.

6 (b) "Enterprise" includes:

7 (1) any partnership, corporation, association,
8 business or charitable trust, or other legal entity; and

9 (2) any group of individuals or other legal entities,
10 or any combination thereof, associated in fact although
11 not itself a legal entity. An association in fact must be
12 held together by a common purpose of engaging in a course
13 of conduct, and it may be associated together for purposes
14 that are both legal and illegal. An association in fact
15 must:

16 (A) have an ongoing organization or structure,
17 either formal or informal;

18 (B) the various members of the group must function
19 as a continuing unit, even if the group changes
20 membership by gaining or losing members over time; and

21 (C) have an ascertainable structure distinct from
22 that inherent in the conduct of a pattern of predicate
23 activity.

24 As used in this Article, "enterprise" includes licit and
25 illicit enterprises.

26 (c) "Labor organization" includes any organization, labor

1 union, craft union, or any voluntary unincorporated
2 association designed to further the cause of the rights of
3 union labor that is constituted for the purpose, in whole or in
4 part, of collective bargaining or of dealing with employers
5 concerning grievances, terms or conditions of employment, or
6 apprenticeships or applications for apprenticeships, or of
7 other mutual aid or protection in connection with employment,
8 including apprenticeships or applications for apprenticeships.

9 (d) "Operation or management" means directing or carrying
10 out the enterprise's affairs and is limited to any person who
11 knowingly serves as a leader, organizer, operator, manager,
12 director, supervisor, financier, advisor, recruiter, supplier,
13 or enforcer of an enterprise in violation of this Article.

14 (e) "Predicate activity" means any act that is a Class 2
15 felony or higher and constitutes a violation or violations of
16 any of the following provisions of the laws of the State of
17 Illinois (as amended or revised as of the date the activity
18 occurred or, in the instance of a continuing offense, the date
19 that charges under this Article are filed in a particular
20 matter in the State of Illinois) or any act under the law of
21 another jurisdiction for an offense that could be charged as a
22 Class 2 felony or higher in this State:

23 (1) under the Criminal Code of 1961 or the Criminal
24 Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1
25 (first degree murder), 9-3.3 (drug-induced homicide), 10-1
26 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1

1 (aggravated unlawful restraint), 10-4 (forcible
2 detention), 10-5(b)(10) (child abduction), 10-9
3 (trafficking in persons, involuntary servitude, and
4 related offenses), 11-1.20 (criminal sexual assault),
5 11-1.30 (aggravated criminal sexual assault), 11-1.40
6 (predatory criminal sexual assault of a child), 11-1.60
7 (aggravated criminal sexual abuse), 11-6 (indecent
8 solicitation of a child), 11-6.5 (indecent solicitation of
9 an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting
10 commercial sexual activity ~~prostitution~~), 11-14.4
11 (promoting commercial sexual exploitation of a child
12 ~~juvenile prostitution~~), 11-18.1 (patronizing a sexually
13 exploited child ~~minor engaged in prostitution~~; patronizing
14 a sexually exploited child ~~juvenile prostitute~~), 12-3.05
15 (aggravated battery), 12-6.4 (criminal street gang
16 recruitment), 12-6.5 (compelling organization membership
17 of persons), 12-7.3 (stalking), 12-7.4 (aggravated
18 stalking), 12-7.5 (cyberstalking), 12-11 or 19-6 (home
19 invasion), 12-11.1 or 18-6 (vehicular invasion), 18-1
20 (robbery; aggravated robbery), 18-2 (armed robbery), 18-3
21 (vehicular hijacking), 18-4 (aggravated vehicular
22 hijacking), 18-5 (aggravated robbery), 19-1 (burglary),
23 19-3 (residential burglary), 20-1 (arson; residential
24 arson; place of worship arson), 20-1.1 (aggravated arson),
25 20-1.2 (residential arson), 20-1.3 (place of worship
26 arson), 24-1.2 (aggravated discharge of a firearm),

1 24-1.2-5 (aggravated discharge of a machine gun or
2 silencer equipped firearm), 24-1.8 (unlawful possession of
3 a firearm by a street gang member), 24-3.2 (unlawful
4 discharge of firearm projectiles), 24-3.9 (aggravated
5 possession of a stolen firearm), 24-3A (gunrunning), 26-5
6 or 48-1 (dog-fighting), 29D-14.9 (terrorism), 29D-15
7 (soliciting support for terrorism), 29D-15.1 (causing a
8 catastrophe), 29D-15.2 (possession of a deadly substance),
9 29D-20 (making a terrorist threat), 29D-25 (falsely making
10 a terrorist threat), 29D-29.9 (material support for
11 terrorism), 29D-35 (hindering prosecution of terrorism),
12 31A-1.2 (unauthorized contraband in a penal institution),
13 or 33A-3 (armed violence);

14 (2) under the Cannabis Control Act: Sections 5
15 (manufacture or delivery of cannabis), 5.1 (cannabis
16 trafficking), or 8 (production or possession of cannabis
17 plants), provided the offense either involves more than
18 500 grams of any substance containing cannabis or involves
19 more than 50 cannabis sativa plants;

20 (3) under the Illinois Controlled Substances Act:
21 Sections 401 (manufacture or delivery of a controlled
22 substance), 401.1 (controlled substance trafficking), 405
23 (calculated criminal drug conspiracy), or 405.2 (street
24 gang criminal drug conspiracy); or

25 (4) under the Methamphetamine Control and Community
26 Protection Act: Sections 15 (methamphetamine

1 manufacturing), or 55 (methamphetamine delivery).

2 (f) "Pattern of predicate activity" means:

3 (1) at least 3 occurrences of predicate activity that
4 are in some way related to each other and that have
5 continuity between them, and that are separate acts. Acts
6 are related to each other if they are not isolated events,
7 including if they have similar purposes, or results, or
8 participants, or victims, or are committed a similar way,
9 or have other similar distinguishing characteristics, or
10 are part of the affairs of the same enterprise. There is
11 continuity between acts if they are ongoing over a
12 substantial period, or if they are part of the regular way
13 some entity does business or conducts its affairs; and

14 (2) which occurs after the effective date of this
15 Article, and the last of which falls within 3 years
16 (excluding any period of imprisonment) after the first
17 occurrence of predicate activity.

18 (g) "Unlawful death" includes the following offenses:
19 under the Code of 1961 or the Criminal Code of 2012: Sections
20 9-1 (first degree murder) or 9-2 (second degree murder).

21 (Source: P.A. 97-686, eff. 6-11-12; 97-1150, eff. 1-25-13.)

22 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

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

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

25 (a) Any vessel or watercraft, vehicle, or aircraft is

1 subject to forfeiture under this Article if the vessel or
2 watercraft, vehicle, or aircraft is used with the knowledge
3 and consent of the owner in the commission of or in the attempt
4 to commit as defined in Section 8-4 of this Code:

5 (1) an offense prohibited by Section 9-1 (first degree
6 murder), Section 9-3 (involuntary manslaughter and
7 reckless homicide), Section 10-2 (aggravated kidnaping),
8 Section 11-1.20 (criminal sexual assault), Section 11-1.30
9 (aggravated criminal sexual assault), Section 11-1.40
10 (predatory criminal sexual assault of a child), subsection
11 (a) of Section 11-1.50 (criminal sexual abuse), subsection
12 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
13 sexual abuse), Section 11-6 (indecent solicitation of a
14 child), Section 11-14.4 (promoting commercial sexual
15 exploitation of a child ~~juvenile prostitution~~ except for
16 keeping a place of commercial sexual exploitation of a
17 child ~~juvenile prostitution~~), Section 11-20.1 (child
18 pornography), paragraph (a)(1), (a)(2), (a)(4), (b)(1),
19 (b)(2), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or
20 (e)(7) of Section 12-3.05 (aggravated battery), Section
21 12-7.3 (stalking), Section 12-7.4 (aggravated stalking),
22 Section 16-1 (theft if the theft is of precious metal or of
23 scrap metal), subdivision (f)(2) or (f)(3) of Section
24 16-25 (retail theft), Section 18-2 (armed robbery),
25 Section 19-1 (burglary), Section 19-2 (possession of
26 burglary tools), Section 19-3 (residential burglary),

1 Section 20-1 (arson; residential arson; place of worship
2 arson), Section 20-2 (possession of explosives or
3 explosive or incendiary devices), subdivision (a)(6) or
4 (a)(7) of Section 24-1 (unlawful use of weapons), Section
5 24-1.2 (aggravated discharge of a firearm), Section
6 24-1.2-5 (aggravated discharge of a machine gun or a
7 firearm equipped with a device designed or used for
8 silencing the report of a firearm), Section 24-1.5
9 (reckless discharge of a firearm), Section 28-1
10 (gambling), or Section 29D-15.2 (possession of a deadly
11 substance) of this Code;

12 (2) an offense prohibited by Section 21, 22, 23, 24 or
13 26 of the Cigarette Tax Act if the vessel or watercraft,
14 vehicle, or aircraft contains more than 10 cartons of such
15 cigarettes;

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

20 (4) an offense prohibited by Section 44 of the
21 Environmental Protection Act;

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

25 (6) an offense prohibited by Section 11-501 of the
26 Illinois Vehicle Code (driving while under the influence

1 of alcohol or other drug or drugs, intoxicating compound
2 or compounds or any combination thereof) or a similar
3 provision of a local ordinance, and:

4 (A) during a period in which his or her driving
5 privileges are revoked or suspended if the revocation
6 or suspension was for:

7 (i) Section 11-501 (driving under the
8 influence of alcohol or other drug or drugs,
9 intoxicating compound or compounds or any
10 combination thereof),

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

13 (iii) paragraph (b) of Section 11-401 (motor
14 vehicle accidents involving death or personal
15 injuries), or

16 (iv) reckless homicide as defined in Section
17 9-3 of this Code;

18 (B) has been previously convicted of reckless
19 homicide or a similar provision of a law of another
20 state relating to reckless homicide in which the
21 person was determined to have been under the influence
22 of alcohol, other drug or drugs, or intoxicating
23 compound or compounds as an element of the offense or
24 the person has previously been convicted of committing
25 a violation of driving under the influence of alcohol
26 or other drug or drugs, intoxicating compound or

1 compounds or any combination thereof and was involved
2 in a motor vehicle accident that resulted in death,
3 great bodily harm, or permanent disability or
4 disfigurement to another, when the violation was a
5 proximate cause of the death or injuries;

6 (C) the person committed a violation of driving
7 under the influence of alcohol or other drug or drugs,
8 intoxicating compound or compounds or any combination
9 thereof under Section 11-501 of the Illinois Vehicle
10 Code or a similar provision for the third or
11 subsequent time;

12 (D) he or she did not possess a valid driver's
13 license or permit or a valid restricted driving permit
14 or a valid judicial driving permit or a valid
15 monitoring device driving permit; or

16 (E) he or she knew or should have known that the
17 vehicle he or she was driving was not covered by a
18 liability insurance policy;

19 (7) an offense described in subsection (g) of Section
20 6-303 of the Illinois Vehicle Code;

21 (8) an offense described in subsection (e) of Section
22 6-101 of the Illinois Vehicle Code; or

23 (9) (A) operating a watercraft under the influence of
24 alcohol, other drug or drugs, intoxicating compound or
25 compounds, or combination thereof under Section 5-16 of
26 the Boat Registration and Safety Act during a period in

1 which his or her privileges to operate a watercraft are
2 revoked or suspended and the revocation or suspension was
3 for operating a watercraft under the influence of alcohol,
4 other drug or drugs, intoxicating compound or compounds,
5 or combination thereof; (B) operating a watercraft under
6 the influence of alcohol, other drug or drugs,
7 intoxicating compound or compounds, or combination thereof
8 and has been previously convicted of reckless homicide or
9 a similar provision of a law in another state relating to
10 reckless homicide in which the person was determined to
11 have been under the influence of alcohol, other drug or
12 drugs, intoxicating compound or compounds, or combination
13 thereof as an element of the offense or the person has
14 previously been convicted of committing a violation of
15 operating a watercraft under the influence of alcohol,
16 other drug or drugs, intoxicating compound or compounds,
17 or combination thereof and was involved in an accident
18 that resulted in death, great bodily harm, or permanent
19 disability or disfigurement to another, when the violation
20 was a proximate cause of the death or injuries; or (C) the
21 person committed a violation of operating a watercraft
22 under the influence of alcohol, other drug or drugs,
23 intoxicating compound or compounds, or combination thereof
24 under Section 5-16 of the Boat Registration and Safety Act
25 or a similar provision for the third or subsequent time.

26 (b) In addition, any mobile or portable equipment used in

1 the commission of an act which is in violation of Section 7g of
2 the Metropolitan Water Reclamation District Act shall be
3 subject to seizure and forfeiture under the same procedures
4 provided in this Article for the seizure and forfeiture of
5 vessels or watercraft, vehicles, and aircraft, and any such
6 equipment shall be deemed a vessel or watercraft, vehicle, or
7 aircraft for purposes of this Article.

8 (c) In addition, when a person discharges a firearm at
9 another individual from a vehicle with the knowledge and
10 consent of the owner of the vehicle and with the intent to
11 cause death or great bodily harm to that individual and as a
12 result causes death or great bodily harm to that individual,
13 the vehicle shall be subject to seizure and forfeiture under
14 the same procedures provided in this Article for the seizure
15 and forfeiture of vehicles used in violations of clauses (1),
16 (2), (3), or (4) of subsection (a) of this Section.

17 (d) If the spouse of the owner of a vehicle seized for an
18 offense described in subsection (g) of Section 6-303 of the
19 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
20 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
21 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
22 Code makes a showing that the seized vehicle is the only source
23 of transportation and it is determined that the financial
24 hardship to the family as a result of the seizure outweighs the
25 benefit to the State from the seizure, the vehicle may be
26 forfeited to the spouse or family member and the title to the

1 vehicle shall be transferred to the spouse or family member
2 who is properly licensed and who requires the use of the
3 vehicle for employment or family transportation purposes. A
4 written declaration of forfeiture of a vehicle under this
5 Section shall be sufficient cause for the title to be
6 transferred to the spouse or family member. The provisions of
7 this paragraph shall apply only to one forfeiture per vehicle.
8 If the vehicle is the subject of a subsequent forfeiture
9 proceeding by virtue of a subsequent conviction of either
10 spouse or the family member, the spouse or family member to
11 whom the vehicle was forfeited under the first forfeiture
12 proceeding may not utilize the provisions of this paragraph in
13 another forfeiture proceeding. If the owner of the vehicle
14 seized owns more than one vehicle, the procedure set out in
15 this paragraph may be used for only one vehicle.

16 (e) In addition, property subject to forfeiture under
17 Section 40 of the Illinois Streetgang Terrorism Omnibus
18 Prevention Act may be seized and forfeited under this Article.

19 (Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)

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

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

22 (a) Any vessel or watercraft, vehicle, or aircraft is
23 subject to forfeiture under this Article if the vessel or
24 watercraft, vehicle, or aircraft is used with the knowledge
25 and consent of the owner in the commission of or in the attempt

1 to commit as defined in Section 8-4 of this Code:

2 (1) an offense prohibited by Section 9-1 (first degree
3 murder), Section 9-3 (involuntary manslaughter and
4 reckless homicide), Section 10-2 (aggravated kidnaping),
5 Section 11-1.20 (criminal sexual assault), Section 11-1.30
6 (aggravated criminal sexual assault), Section 11-1.40
7 (predatory criminal sexual assault of a child), subsection
8 (a) of Section 11-1.50 (criminal sexual abuse), subsection
9 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
10 sexual abuse), Section 11-6 (indecent solicitation of a
11 child), Section 11-14.4 (promoting commercial sexual
12 exploitation of a child ~~juvenile prostitution~~ except for
13 keeping a place of commercial sexual exploitation of a
14 child ~~juvenile prostitution~~), Section 11-20.1 (child
15 pornography), paragraph (a)(1), (a)(2), (a)(4), (b)(1),
16 (b)(2), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or
17 (e)(7) of Section 12-3.05 (aggravated battery), Section
18 12-7.3 (stalking), Section 12-7.4 (aggravated stalking),
19 Section 16-1 (theft if the theft is of precious metal or of
20 scrap metal), subdivision (f)(2) or (f)(3) of Section
21 16-25 (retail theft), Section 18-2 (armed robbery),
22 Section 19-1 (burglary), Section 19-2 (possession of
23 burglary tools), Section 19-3 (residential burglary),
24 Section 20-1 (arson; residential arson; place of worship
25 arson), Section 20-2 (possession of explosives or
26 explosive or incendiary devices), subdivision (a)(6) or

1 (a) (7) of Section 24-1 (unlawful use of weapons), Section
2 24-1.2 (aggravated discharge of a firearm), Section
3 24-1.2-5 (aggravated discharge of a machine gun or a
4 firearm equipped with a device designed or used for
5 silencing the report of a firearm), Section 24-1.5
6 (reckless discharge of a firearm), Section 28-1
7 (gambling), or Section 29D-15.2 (possession of a deadly
8 substance) of this Code;

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

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

17 (4) an offense prohibited by Section 44 of the
18 Environmental Protection Act;

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

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

1 (A) during a period in which his or her driving
2 privileges are revoked or suspended if the revocation
3 or suspension was for:

4 (i) Section 11-501 (driving under the
5 influence of alcohol or other drug or drugs,
6 intoxicating compound or compounds or any
7 combination thereof),

8 (ii) Section 11-501.1 (statutory summary
9 suspension or revocation),

10 (iii) paragraph (b) of Section 11-401 (motor
11 vehicle crashes involving death or personal
12 injuries), or

13 (iv) reckless homicide as defined in Section
14 9-3 of this Code;

15 (B) has been previously convicted of reckless
16 homicide or a similar provision of a law of another
17 state relating to reckless homicide in which the
18 person was determined to have been under the influence
19 of alcohol, other drug or drugs, or intoxicating
20 compound or compounds as an element of the offense or
21 the person has previously been convicted of committing
22 a violation of driving under the influence of alcohol
23 or other drug or drugs, intoxicating compound or
24 compounds or any combination thereof and was involved
25 in a motor vehicle crash that resulted in death, great
26 bodily harm, or permanent disability or disfigurement

1 to another, when the violation was a proximate cause
2 of the death or injuries;

3 (C) the person committed a violation of driving
4 under the influence of alcohol or other drug or drugs,
5 intoxicating compound or compounds or any combination
6 thereof under Section 11-501 of the Illinois Vehicle
7 Code or a similar provision for the third or
8 subsequent time;

9 (D) he or she did not possess a valid driver's
10 license or permit or a valid restricted driving permit
11 or a valid judicial driving permit or a valid
12 monitoring device driving permit; or

13 (E) he or she knew or should have known that the
14 vehicle he or she was driving was not covered by a
15 liability insurance policy;

16 (7) an offense described in subsection (g) of Section
17 6-303 of the Illinois Vehicle Code;

18 (8) an offense described in subsection (e) of Section
19 6-101 of the Illinois Vehicle Code; or

20 (9) (A) operating a watercraft under the influence of
21 alcohol, other drug or drugs, intoxicating compound or
22 compounds, or combination thereof under Section 5-16 of
23 the Boat Registration and Safety Act during a period in
24 which his or her privileges to operate a watercraft are
25 revoked or suspended and the revocation or suspension was
26 for operating a watercraft under the influence of alcohol,

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

23 (b) In addition, any mobile or portable equipment used in
24 the commission of an act which is in violation of Section 7g of
25 the Metropolitan Water Reclamation District Act shall be
26 subject to seizure and forfeiture under the same procedures

1 provided in this Article for the seizure and forfeiture of
2 vessels or watercraft, vehicles, and aircraft, and any such
3 equipment shall be deemed a vessel or watercraft, vehicle, or
4 aircraft for purposes of this Article.

5 (c) In addition, when a person discharges a firearm at
6 another individual from a vehicle with the knowledge and
7 consent of the owner of the vehicle and with the intent to
8 cause death or great bodily harm to that individual and as a
9 result causes death or great bodily harm to that individual,
10 the vehicle shall be subject to seizure and forfeiture under
11 the same procedures provided in this Article for the seizure
12 and forfeiture of vehicles used in violations of clauses (1),
13 (2), (3), or (4) of subsection (a) of this Section.

14 (d) If the spouse of the owner of a vehicle seized for an
15 offense described in subsection (g) of Section 6-303 of the
16 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
17 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
18 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
19 Code makes a showing that the seized vehicle is the only source
20 of transportation and it is determined that the financial
21 hardship to the family as a result of the seizure outweighs the
22 benefit to the State from the seizure, the vehicle may be
23 forfeited to the spouse or family member and the title to the
24 vehicle shall be transferred to the spouse or family member
25 who is properly licensed and who requires the use of the
26 vehicle for employment or family transportation purposes. A

1 written declaration of forfeiture of a vehicle under this
2 Section shall be sufficient cause for the title to be
3 transferred to the spouse or family member. The provisions of
4 this paragraph shall apply only to one forfeiture per vehicle.
5 If the vehicle is the subject of a subsequent forfeiture
6 proceeding by virtue of a subsequent conviction of either
7 spouse or the family member, the spouse or family member to
8 whom the vehicle was forfeited under the first forfeiture
9 proceeding may not utilize the provisions of this paragraph in
10 another forfeiture proceeding. If the owner of the vehicle
11 seized owns more than one vehicle, the procedure set out in
12 this paragraph may be used for only one vehicle.

13 (e) In addition, property subject to forfeiture under
14 Section 40 of the Illinois Streetgang Terrorism Omnibus
15 Prevention Act may be seized and forfeited under this Article.

16 (Source: P.A. 102-982, eff. 7-1-23.)

17 Section 60. The Improper Supervision of Children Act is
18 amended by changing Section 1 as follows:

19 (720 ILCS 640/1) (from Ch. 23, par. 2369)

20 Sec. 1. Any parent, legal guardian or other person commits
21 improper supervision of a child when he knowingly permits a
22 child in his custody or control under the age of 18 years to
23 associate with known thieves, burglars, felons, narcotic
24 addicts or other persons of ill repute, visit a place of

1 commercial sexual activity ~~prostitution~~, commit a lewd act,
2 commit an act tending to break the peace or violate a municipal
3 curfew ordinance.

4 (Source: Laws 1961, p. 2454.)

5 Section 65. The Code of Criminal Procedure of 1963 is
6 amended by changing Sections 108B-3, 111-8, 115-6.1, 116-2.1,
7 124B-10, 124B-100, and 124B-300 as follows:

8 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

9 Sec. 108B-3. Authorization for the interception of private
10 communication.

11 (a) The State's Attorney, or a person designated in
12 writing or by law to act for him and to perform his duties
13 during his absence or disability, may authorize, in writing,
14 an ex parte application to the chief judge of a court of
15 competent jurisdiction for an order authorizing the
16 interception of a private communication when no party has
17 consented to the interception and (i) the interception may
18 provide evidence of, or may assist in the apprehension of a
19 person who has committed, is committing or is about to commit,
20 a violation of Section 8-1(b) (solicitation of murder), 8-1.2
21 (solicitation of murder for hire), 9-1 (first degree murder),
22 10-9 (involuntary servitude, involuntary sexual servitude of a
23 minor, or trafficking in persons), paragraph (1), (2), or (3)
24 of subsection (a) of Section 11-14.4 (promoting commercial

1 sexual exploitation of a child ~~juvenile prostitution~~),
2 subdivision (a)(2)(A) or (a)(2)(B) of Section 11-14.3
3 (promoting commercial sexual activity ~~prostitution~~), 11-15.1
4 (soliciting for a sexually exploited child ~~minor engaged in~~
5 ~~prostitution~~), 11-16 (pandering), 11-17.1 (keeping a place of
6 commercial sexual exploitation of a child ~~juvenile~~
7 ~~prostitution~~), 11-18.1 (patronizing a sexually exploited child
8 ~~minor engaged in prostitution~~), 11-19.1 (juvenile pimping and
9 aggravated juvenile pimping), or 29B-1 (money laundering) of
10 the Criminal Code of 1961 or the Criminal Code of 2012, Section
11 401, 401.1 (controlled substance trafficking), 405, 405.1
12 (criminal drug conspiracy) or 407 of the Illinois Controlled
13 Substances Act or any Section of the Methamphetamine Control
14 and Community Protection Act, a violation of Section 24-2.1,
15 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or
16 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),
17 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or the
18 Criminal Code of 2012 or conspiracy to commit money laundering
19 or conspiracy to commit first degree murder; (ii) in response
20 to a clear and present danger of imminent death or great bodily
21 harm to persons resulting from: (1) a kidnapping or the
22 holding of a hostage by force or the threat of the imminent use
23 of force; or (2) the occupation by force or the threat of the
24 imminent use of force of any premises, place, vehicle, vessel
25 or aircraft; (iii) to aid an investigation or prosecution of a
26 civil action brought under the Illinois Streetgang Terrorism

1 Omnibus Prevention Act when there is probable cause to believe
2 the interception of the private communication will provide
3 evidence that a streetgang is committing, has committed, or
4 will commit a second or subsequent gang-related offense or
5 that the interception of the private communication will aid in
6 the collection of a judgment entered under that Act; or (iv)
7 upon information and belief that a streetgang has committed,
8 is committing, or is about to commit a felony.

9 (b) The State's Attorney or a person designated in writing
10 or by law to act for the State's Attorney and to perform his or
11 her duties during his or her absence or disability, may
12 authorize, in writing, an ex parte application to the chief
13 judge of a circuit court for an order authorizing the
14 interception of a private communication when no party has
15 consented to the interception and the interception may provide
16 evidence of, or may assist in the apprehension of a person who
17 has committed, is committing or is about to commit, a
18 violation of an offense under Article 29D of the Criminal Code
19 of 1961 or the Criminal Code of 2012.

20 (b-1) Subsection (b) is inoperative on and after January
21 1, 2005.

22 (b-2) No conversations recorded or monitored pursuant to
23 subsection (b) shall be made inadmissible in a court of law by
24 virtue of subsection (b-1).

25 (c) As used in this Section, "streetgang" and
26 "gang-related" have the meanings ascribed to them in Section

1 10 of the Illinois Streetgang Terrorism Omnibus Prevention
2 Act.

3 (Source: P.A. 96-710, eff. 1-1-10; 96-1464, eff. 8-20-10;
4 97-897, eff. 1-1-13; 97-1150, eff. 1-25-13.)

5 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

6 Sec. 111-8. Orders of protection to prohibit domestic
7 violence.

8 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
9 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
10 11-1.60, 11-14.3 that involves soliciting for a provider of
11 commercial sexual activity ~~prostitute~~, 11-14.4 that involves
12 soliciting for a sexually exploited child ~~juvenile prostitute~~,
13 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,
14 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,
15 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,
16 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1,
17 21-2, 21-3, or 26.5-2 of the Criminal Code of 1961 or the
18 Criminal Code of 2012 or Section 1-1 of the Harassing and
19 Obscene Communications Act is alleged in an information,
20 complaint or indictment on file, and the alleged offender and
21 victim are family or household members, as defined in the
22 Illinois Domestic Violence Act of 1986, as now or hereafter
23 amended, the People through the respective State's Attorneys
24 may by separate petition and upon notice to the defendant,
25 except as provided in subsection (c) herein, request the court

1 to issue an order of protection.

2 (b) In addition to any other remedies specified in Section
3 208 of the Illinois Domestic Violence Act of 1986, as now or
4 hereafter amended, the order may direct the defendant to
5 initiate no contact with the alleged victim or victims who are
6 family or household members and to refrain from entering the
7 residence, school or place of business of the alleged victim
8 or victims.

9 (c) The court may grant emergency relief without notice
10 upon a showing of immediate and present danger of abuse to the
11 victim or minor children of the victim and may enter a
12 temporary order pending notice and full hearing on the matter.
13 (Source: P.A. 99-642, eff. 7-28-16.)

14 (725 ILCS 5/115-6.1)

15 Sec. 115-6.1. Commercial sexual activity ~~Prostitution~~;
16 affirmative defense.

17 (a) In prosecutions for commercial sexual activity
18 ~~prostitution~~, when the accused intends to raise at trial the
19 affirmative defense provided in subsection (c-5) of Section
20 11-14 of the Criminal Code of 2012 and has reason to believe
21 that the evidence presented in asserting that defense may
22 jeopardize the safety of the accused, courtroom personnel, or
23 others impacted by human trafficking, the accused may file
24 under seal a motion for an in camera hearing to review the
25 accused's safety concerns. Upon receipt of the motion and

1 notice to the parties, the court shall conduct an in camera
2 hearing, with counsel present, limited to review of potential
3 safety concerns. The court shall cause an official record of
4 the in camera hearing to be made, which shall be kept under
5 seal. The court shall not consider the merits of the
6 affirmative defense during the in camera review.

7 (b) If the court finds by a preponderance of the evidence
8 that the assertion of an affirmative defense under subsection
9 (c-5) of Section 11-14 of the Criminal Code of 2012 by the
10 accused in open court would likely jeopardize the safety of
11 the accused, court personnel, or other persons, the court may
12 clear the courtroom with the agreement of the accused, order
13 additional in camera hearings, seal the records, prohibit
14 court personnel from disclosing the proceedings without prior
15 court approval, or take any other appropriate measure that in
16 the court's discretion will enhance the safety of the
17 proceedings and ensure the accused a full and fair opportunity
18 to assert his or her affirmative defense.

19 (c) Statements made by the accused during the in camera
20 hearing to review safety concerns shall not be admissible
21 against the accused for the crimes charged.

22 (Source: P.A. 99-109, eff. 7-22-15.)

23 (725 ILCS 5/116-2.1)

24 Sec. 116-2.1. Motion to vacate commercial sexual activity
25 ~~prostitution~~ convictions for sex trafficking victims.

1 (a) A motion under this Section may be filed at any time
2 following the entry of a verdict or finding of guilty where the
3 conviction was under Section 11-14 (commercial sexual activity
4 ~~prostitution~~) or Section 11-14.2 (first offender; felony
5 commercial sexual activity prostitution) of the Criminal Code
6 of 1961 or the Criminal Code of 2012 or a similar local
7 ordinance and the defendant's participation in the offense was
8 a result of having been a trafficking victim under Section
9 10-9 (involuntary servitude, involuntary sexual servitude of a
10 minor, or trafficking in persons) of the Criminal Code of 1961
11 or the Criminal Code of 2012; or a victim of a severe form of
12 trafficking under the federal Trafficking Victims Protection
13 Act (22 U.S.C. Section 7102(13)); provided that:

14 (1) a motion under this Section shall state why the
15 facts giving rise to this motion were not presented to the
16 trial court, and shall be made with due diligence, after
17 the defendant has ceased to be a victim of such
18 trafficking or has sought services for victims of such
19 trafficking, subject to reasonable concerns for the safety
20 of the defendant, family members of the defendant, or
21 other victims of such trafficking that may be jeopardized
22 by the bringing of such motion, or for other reasons
23 consistent with the purpose of this Section; and

24 (2) reasonable notice of the motion shall be served
25 upon the State.

26 (b) The court may grant the motion if, in the discretion of

1 the court, the violation was a result of the defendant having
2 been a victim of human trafficking. Evidence of such may
3 include, but is not limited to:

4 (1) certified records of federal or State court
5 proceedings which demonstrate that the defendant was a
6 victim of a trafficker charged with a trafficking offense
7 under Section 10-9 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, or under 22 U.S.C. Chapter 78;

9 (2) certified records of "approval notices" or "law
10 enforcement certifications" generated from federal
11 immigration proceedings available to such victims; or

12 (3) a sworn statement from a trained professional
13 staff of a victim services organization, an attorney, a
14 member of the clergy, or a medical or other professional
15 from whom the defendant has sought assistance in
16 addressing the trauma associated with being trafficked.

17 Alternatively, the court may consider such other evidence
18 as it deems of sufficient credibility and probative value in
19 determining whether the defendant is a trafficking victim or
20 victim of a severe form of trafficking.

21 (c) If the court grants a motion under this Section, it
22 must vacate the conviction and may take such additional action
23 as is appropriate in the circumstances.

24 (Source: P.A. 97-267, eff. 1-1-12; 97-897, eff. 1-1-13;
25 97-1150, eff. 1-25-13.)

1 (725 ILCS 5/124B-10)

2 Sec. 124B-10. Applicability; offenses. This Article
3 applies to forfeiture of property in connection with the
4 following:

5 (1) A violation of Section 10-9 or 10A-10 of the
6 Criminal Code of 1961 or the Criminal Code of 2012
7 (involuntary servitude; involuntary servitude of a minor;
8 or trafficking in persons).

9 (2) A violation of subdivision (a)(1) of Section
10 11-14.4 of the Criminal Code of 1961 or the Criminal Code
11 of 2012 (promoting commercial sexual exploitation of a
12 child ~~juvenile prostitution~~) or a violation of Section
13 11-17.1 of the Criminal Code of 1961 (keeping a place of
14 commercial sexual exploitation of a child ~~juvenile~~
15 ~~prostitution~~).

16 (3) A violation of subdivision (a)(4) of Section
17 11-14.4 of the Criminal Code of 1961 or the Criminal Code
18 of 2012 (promoting commercial sexual exploitation of a
19 child ~~juvenile prostitution~~) or a violation of Section
20 11-19.2 of the Criminal Code of 1961 (exploitation of a
21 child).

22 (4) A second or subsequent violation of Section 11-20
23 of the Criminal Code of 1961 or the Criminal Code of 2012
24 (obscenity).

25 (5) A violation of Section 11-20.1 of the Criminal
26 Code of 1961 or the Criminal Code of 2012 (child

1 pornography).

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

4 (6.5) A violation of Section 11-23.5 of the Criminal
5 Code of 2012.

6 (7) A violation of Section 12C-65 of the Criminal Code
7 of 2012 or Article 44 of the Criminal Code of 1961
8 (unlawful transfer of a telecommunications device to a
9 minor).

10 (8) A violation of Section 17-50 or Section 16D-5 of
11 the Criminal Code of 2012 or the Criminal Code of 1961
12 (computer fraud).

13 (9) A felony violation of Section 17-6.3 or Article
14 17B of the Criminal Code of 2012 or the Criminal Code of
15 1961 (WIC fraud).

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

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

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

23 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;
24 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.
25 6-1-15.)

1 (725 ILCS 5/124B-100)

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

4 (1) In the case of forfeiture authorized under Section
5 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
6 Criminal Code of 2012, "offense" means the offense of
7 involuntary servitude, involuntary servitude of a minor,
8 or trafficking in persons in violation of Section 10-9 or
9 10A-10 of those Codes.

10 (2) In the case of forfeiture authorized under
11 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,
12 of the Criminal Code of 1961 or the Criminal Code of 2012,
13 "offense" means the offense of promoting commercial sexual
14 exploitation of a child ~~juvenile prostitution~~ or keeping a
15 place of commercial sexual exploitation of a child
16 ~~juvenile prostitution~~ in violation of subdivision (a) (1)
17 of Section 11-14.4, or Section 11-17.1, of those Codes.

18 (3) In the case of forfeiture authorized under
19 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
20 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 "offense" means the offense of promoting commercial sexual
22 exploitation of a child ~~juvenile prostitution~~ or
23 exploitation of a child in violation of subdivision (a) (4)
24 of Section 11-14.4, or Section 11-19.2, of those Codes.

25 (4) In the case of forfeiture authorized under Section
26 11-20 of the Criminal Code of 1961 or the Criminal Code of

1 2012, "offense" means the offense of obscenity in
2 violation of that Section.

3 (5) In the case of forfeiture authorized under Section
4 11-20.1 of the Criminal Code of 1961 or the Criminal Code
5 of 2012, "offense" means the offense of child pornography
6 in violation of Section 11-20.1 of that Code.

7 (6) In the case of forfeiture authorized under Section
8 11-20.1B or 11-20.3 of the Criminal Code of 1961,
9 "offense" means the offense of aggravated child
10 pornography in violation of Section 11-20.1B or 11-20.3 of
11 that Code.

12 (7) In the case of forfeiture authorized under Section
13 12C-65 of the Criminal Code of 2012 or Article 44 of the
14 Criminal Code of 1961, "offense" means the offense of
15 unlawful transfer of a telecommunications device to a
16 minor in violation of Section 12C-65 or Article 44 of
17 those Codes.

18 (8) In the case of forfeiture authorized under Section
19 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
20 Code of 2012, "offense" means the offense of computer
21 fraud in violation of Section 17-50 or 16D-5 of those
22 Codes.

23 (9) In the case of forfeiture authorized under Section
24 17-6.3 or Article 17B of the Criminal Code of 1961 or the
25 Criminal Code of 2012, "offense" means any felony
26 violation of Section 17-6.3 or Article 17B of those Codes.

1 (10) In the case of forfeiture authorized under
2 Section 29D-65 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, "offense" means any offense under
4 Article 29D of that Code.

5 (11) In the case of forfeiture authorized under
6 Section 4.01 of the Humane Care for Animals Act, Section
7 26-5 of the Criminal Code of 1961, or Section 48-1 of the
8 Criminal Code of 2012, "offense" means any felony offense
9 under either of those Sections.

10 (12) In the case of forfeiture authorized under
11 Section 124B-1000(b) of the Code of Criminal Procedure of
12 1963, "offense" means an offense in violation of the
13 Criminal Code of 1961, the Criminal Code of 2012, the
14 Illinois Controlled Substances Act, the Cannabis Control
15 Act, or the Methamphetamine Control and Community
16 Protection Act, or an offense involving a
17 telecommunications device possessed by a person on the
18 real property of any elementary or secondary school
19 without authority of the school principal.

20 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
21 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
22 1-1-13; 97-1150, eff. 1-25-13.)

23 (725 ILCS 5/124B-300)

24 Sec. 124B-300. Persons and property subject to forfeiture.
25 A person who commits the offense of involuntary servitude,

1 involuntary servitude of a minor, or trafficking of persons
2 under Section 10A-10 or Section 10-9 of the Criminal Code of
3 1961 or the Criminal Code of 2012, promoting commercial sexual
4 exploitation of a child ~~juvenile prostitution~~, keeping a place
5 of commercial sexual exploitation of a child ~~juvenile~~
6 ~~prostitution~~, or promoting commercial sexual activity
7 ~~prostitution~~ that involves keeping a place of commercial
8 sexual activity ~~prostitution~~ under subsection (a)(1) or (a)(4)
9 of Section 11-14.4 or under Section 11-14.3, 11-17.1, or
10 11-19.2 of the Criminal Code of 1961 or of the Criminal Code of
11 2012 shall forfeit to the State of Illinois any profits or
12 proceeds and any property he or she has acquired or maintained
13 in violation of Section 10A-10 or Section 10-9 of the Criminal
14 Code of 1961 or the Criminal Code of 2012, promoting
15 commercial sexual exploitation of a child ~~juvenile~~
16 ~~prostitution~~, keeping a place of commercial sexual
17 exploitation of a child ~~juvenile prostitution~~, or promoting
18 commercial sexual activity ~~prostitution~~ that involves keeping
19 a place of commercial sexual activity ~~prostitution~~ under
20 subsection (a)(1) or (a)(4) of Section 11-14.4 or under
21 Section 11-14.3, 11-17.1, or 11-19.2 of the Criminal Code of
22 1961 or of the Criminal Code of 2012 that the sentencing court
23 determines, after a forfeiture hearing under this Article, to
24 have been acquired or maintained as a result of maintaining a
25 person in involuntary servitude or participating in
26 trafficking of persons.

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

2 Section 67. The Sexually Violent Persons Commitment Act is
3 amended by changing Section 40 as follows:

4 (725 ILCS 207/40)

5 Sec. 40. Commitment.

6 (a) If a court or jury determines that the person who is
7 the subject of a petition under Section 15 of this Act is a
8 sexually violent person, the court shall order the person to
9 be committed to the custody of the Department for control,
10 care and treatment until such time as the person is no longer a
11 sexually violent person.

12 (b)(1) The court shall enter an initial commitment order
13 under this Section pursuant to a hearing held as soon as
14 practicable after the judgment is entered that the person who
15 is the subject of a petition under Section 15 is a sexually
16 violent person. If the court lacks sufficient information to
17 make the determination required by paragraph (b)(2) of this
18 Section immediately after trial, it may adjourn the hearing
19 and order the Department to conduct a predisposition
20 investigation or a supplementary mental examination, or both,
21 to assist the court in framing the commitment order. If the
22 Department's examining evaluator previously rendered an
23 opinion that the person who is the subject of a petition under
24 Section 15 does not meet the criteria to be found a sexually

1 violent person, then another evaluator shall conduct the
2 predisposition investigation and/or supplementary mental
3 examination. A supplementary mental examination under this
4 Section shall be conducted in accordance with Section 3-804 of
5 the Mental Health and Developmental Disabilities Code. The
6 State has the right to have the person evaluated by experts
7 chosen by the State.

8 (2) An order for commitment under this Section shall
9 specify either institutional care in a secure facility, as
10 provided under Section 50 of this Act, or conditional release.
11 In determining whether commitment shall be for institutional
12 care in a secure facility or for conditional release, the
13 court shall consider the nature and circumstances of the
14 behavior that was the basis of the allegation in the petition
15 under paragraph (b)(1) of Section 15, the person's mental
16 history and present mental condition, and what arrangements
17 are available to ensure that the person has access to and will
18 participate in necessary treatment. All treatment, whether in
19 institutional care, in a secure facility, or while on
20 conditional release, shall be conducted in conformance with
21 the standards developed under the Sex Offender Management
22 Board Act and conducted by a treatment provider licensed under
23 the Sex Offender Evaluation and Treatment Provider Act. The
24 Department shall arrange for control, care and treatment of
25 the person in the least restrictive manner consistent with the
26 requirements of the person and in accordance with the court's

1 commitment order.

2 (3) If the court finds that the person is appropriate for
3 conditional release, the court shall notify the Department.
4 The Department shall prepare a plan that identifies the
5 treatment and services, if any, that the person will receive
6 in the community. The plan shall address the person's need, if
7 any, for supervision, counseling, medication, community
8 support services, residential services, vocational services,
9 and alcohol or other drug abuse treatment. The Department may
10 contract with a county health department, with another public
11 agency or with a private agency to provide the treatment and
12 services identified in the plan. The plan shall specify who
13 will be responsible for providing the treatment and services
14 identified in the plan. The plan shall be presented to the
15 court for its approval within 60 days after the court finding
16 that the person is appropriate for conditional release, unless
17 the Department and the person to be released request
18 additional time to develop the plan. The conditional release
19 program operated under this Section is not subject to the
20 provisions of the Mental Health and Developmental Disabilities
21 Confidentiality Act.

22 (4) An order for conditional release places the person in
23 the custody and control of the Department. A person on
24 conditional release is subject to the conditions set by the
25 court and to the rules of the Department. Before a person is
26 placed on conditional release by the court under this Section,

1 the court shall so notify the municipal police department and
2 county sheriff for the municipality and county in which the
3 person will be residing. The notification requirement under
4 this Section does not apply if a municipal police department
5 or county sheriff submits to the court a written statement
6 waiving the right to be notified. Notwithstanding any other
7 provision in the Act, the person being supervised on
8 conditional release shall not reside at the same street
9 address as another sex offender being supervised on
10 conditional release under this Act, mandatory supervised
11 release, parole, aftercare release, probation, or any other
12 manner of supervision. If the Department alleges that a
13 released person has violated any condition or rule, or that
14 the safety of others requires that conditional release be
15 revoked, he or she may be taken into custody under the rules of
16 the Department.

17 At any time during which the person is on conditional
18 release, if the Department determines that the person has
19 violated any condition or rule, or that the safety of others
20 requires that conditional release be revoked, the Department
21 may request the Attorney General or State's Attorney to
22 request the court to issue an emergency ex parte order
23 directing any law enforcement officer to take the person into
24 custody and transport the person to the county jail. The
25 Department may request, or the Attorney General or State's
26 Attorney may request independently of the Department, that a

1 petition to revoke conditional release be filed. When a
2 petition is filed, the court may order the Department to issue
3 a notice to the person to be present at the Department or other
4 agency designated by the court, order a summons to the person
5 to be present, or order a body attachment for all law
6 enforcement officers to take the person into custody and
7 transport him or her to the county jail, hospital, or
8 treatment facility. The Department shall submit a statement
9 showing probable cause of the detention and a petition to
10 revoke the order for conditional release to the committing
11 court within 48 hours after the detention. The court shall
12 hear the petition within 30 days, unless the hearing or time
13 deadline is waived by the detained person. Pending the
14 revocation hearing, the Department may detain the person in a
15 jail, in a hospital or treatment facility. The State has the
16 burden of proving by clear and convincing evidence that any
17 rule or condition of release has been violated, or that the
18 safety of others requires that the conditional release be
19 revoked. If the court determines after hearing that any rule
20 or condition of release has been violated, or that the safety
21 of others requires that conditional release be revoked, it may
22 revoke the order for conditional release and order that the
23 released person be placed in an appropriate institution until
24 the person is discharged from the commitment under Section 65
25 of this Act or until again placed on conditional release under
26 Section 60 of this Act.

1 (5) An order for conditional release places the person in
2 the custody, care, and control of the Department. The court
3 shall order the person be subject to the following rules of
4 conditional release, in addition to any other conditions
5 ordered, and the person shall be given a certificate setting
6 forth the conditions of conditional release. These conditions
7 shall be that the person:

8 (A) not violate any criminal statute of any
9 jurisdiction;

10 (B) report to or appear in person before such person
11 or agency as directed by the court and the Department;

12 (C) refrain from possession of a firearm or other
13 dangerous weapon;

14 (D) not leave the State without the consent of the
15 court or, in circumstances in which the reason for the
16 absence is of such an emergency nature, that prior consent
17 by the court is not possible without the prior
18 notification and approval of the Department;

19 (E) at the direction of the Department, notify third
20 parties of the risks that may be occasioned by his or her
21 criminal record or sexual offending history or
22 characteristics, and permit the supervising officer or
23 agent to make the notification requirement;

24 (F) attend and fully participate in assessment,
25 treatment, and behavior monitoring including, but not
26 limited to, medical, psychological or psychiatric

1 treatment specific to sexual offending, drug addiction, or
2 alcoholism, to the extent appropriate to the person based
3 upon the recommendation and findings made in the
4 Department evaluation or based upon any subsequent
5 recommendations by the Department;

6 (G) waive confidentiality allowing the court and
7 Department access to assessment or treatment results or
8 both;

9 (H) work regularly at a Department approved occupation
10 or pursue a course of study or vocational training and
11 notify the Department within 72 hours of any change in
12 employment, study, or training;

13 (I) not be employed or participate in any volunteer
14 activity that involves contact with children, except under
15 circumstances approved in advance and in writing by the
16 Department officer;

17 (J) submit to the search of his or her person,
18 residence, vehicle, or any personal or real property under
19 his or her control at any time by the Department;

20 (K) financially support his or her dependents and
21 provide the Department access to any requested financial
22 information;

23 (L) serve a term of home confinement, the conditions
24 of which shall be that the person:

25 (i) remain within the interior premises of the
26 place designated for his or her confinement during the

1 hours designated by the Department;

2 (ii) admit any person or agent designated by the
3 Department into the offender's place of confinement at
4 any time for purposes of verifying the person's
5 compliance with the condition of his or her
6 confinement;

7 (iii) if deemed necessary by the Department, be
8 placed on an electronic monitoring device;

9 (M) comply with the terms and conditions of an order
10 of protection issued by the court pursuant to the Illinois
11 Domestic Violence Act of 1986. A copy of the order of
12 protection shall be transmitted to the Department by the
13 clerk of the court;

14 (N) refrain from entering into a designated geographic
15 area except upon terms the Department finds appropriate.
16 The terms may include consideration of the purpose of the
17 entry, the time of day, others accompanying the person,
18 and advance approval by the Department;

19 (O) refrain from having any contact, including written
20 or oral communications, directly or indirectly, with
21 certain specified persons including, but not limited to,
22 the victim or the victim's family, and report any
23 incidental contact with the victim or the victim's family
24 to the Department within 72 hours; refrain from entering
25 onto the premises of, traveling past, or loitering near
26 the victim's residence, place of employment, or other

1 places frequented by the victim;

2 (P) refrain from having any contact, including written
3 or oral communications, directly or indirectly, with
4 particular types of persons, including but not limited to
5 members of street gangs, drug users, drug dealers, or
6 providers of commercial sexual activity ~~prostitutes~~;

7 (Q) refrain from all contact, direct or indirect,
8 personally, by telephone, letter, or through another
9 person, with minor children without prior identification
10 and approval of the Department;

11 (R) refrain from having in his or her body the
12 presence of alcohol or any illicit drug prohibited by the
13 Cannabis Control Act, the Illinois Controlled Substances
14 Act, or the Methamphetamine Control and Community
15 Protection Act, unless prescribed by a physician, and
16 submit samples of his or her breath, saliva, blood, or
17 urine for tests to determine the presence of alcohol or
18 any illicit drug;

19 (S) not establish a dating, intimate, or sexual
20 relationship with a person without prior written
21 notification to the Department;

22 (T) neither possess or have under his or her control
23 any material that is pornographic, sexually oriented, or
24 sexually stimulating, or that depicts or alludes to sexual
25 activity or depicts minors under the age of 18, including
26 but not limited to visual, auditory, telephonic,

1 electronic media, or any matter obtained through access to
2 any computer or material linked to computer access use;

3 (U) not patronize any business providing sexually
4 stimulating or sexually oriented entertainment nor utilize
5 "900" or adult telephone numbers or any other sex-related
6 telephone numbers;

7 (V) not reside near, visit, or be in or about parks,
8 schools, day care centers, swimming pools, beaches,
9 theaters, or any other places where minor children
10 congregate without advance approval of the Department and
11 report any incidental contact with minor children to the
12 Department within 72 hours;

13 (W) not establish any living arrangement or residence
14 without prior approval of the Department;

15 (X) not publish any materials or print any
16 advertisements without providing a copy of the proposed
17 publications to the Department officer and obtaining
18 permission prior to publication;

19 (Y) not leave the county except with prior permission
20 of the Department and provide the Department officer or
21 agent with written travel routes to and from work and any
22 other designated destinations;

23 (Z) not possess or have under his or her control
24 certain specified items of contraband related to the
25 incidence of sexually offending items including video or
26 still camera items or children's toys;

1 (AA) provide a written daily log of activities as
2 directed by the Department;

3 (BB) comply with all other special conditions that the
4 Department may impose that restrict the person from
5 high-risk situations and limit access or potential
6 victims.

7 (6) A person placed on conditional release and who during
8 the term undergoes mandatory drug or alcohol testing or is
9 assigned to be placed on an approved electronic monitoring
10 device may be ordered to pay all costs incidental to the
11 mandatory drug or alcohol testing and all costs incidental to
12 the approved electronic monitoring in accordance with the
13 person's ability to pay those costs. The Department may
14 establish reasonable fees for the cost of maintenance,
15 testing, and incidental expenses related to the mandatory drug
16 or alcohol testing and all costs incidental to approved
17 electronic monitoring.

18 (Source: P.A. 97-1098, eff. 7-1-14 (see Section 5 of P.A.
19 98-612 for the effective date of P.A. 97-1098); 98-558, eff.
20 1-1-14.)

21 Section 70. The Statewide Grand Jury Act is amended by
22 changing Sections 2 and 3 as follows:

23 (725 ILCS 215/2) (from Ch. 38, par. 1702)

24 Sec. 2. (a) County grand juries and State's Attorneys have

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

1 located, it is the purpose of this Act to create a limited,
2 multicounty Statewide Grand Jury with authority to
3 investigate, indict, and prosecute: narcotic activity,
4 including cannabis and controlled substance trafficking,
5 narcotics racketeering, money laundering, violations of the
6 Cannabis and Controlled Substances Tax Act, and violations of
7 Article 29D of the Criminal Code of 1961 or the Criminal Code
8 of 2012; the unlawful sale and transfer of firearms;
9 gunrunning; and streetgang related felonies.

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

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

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

24 (725 ILCS 215/3) (from Ch. 38, par. 1703)

25 Sec. 3. Written application for the appointment of a

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

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

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

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

23 (2) if one or more of the State's Attorneys having
24 jurisdiction over an offense or offenses to be
25 investigated fails to consent to the impaneling of the
26 Statewide Grand Jury, the Attorney General shall set forth

1 good cause for impaneling the Statewide Grand Jury.

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

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

20 (a-5) For violations facilitated by the use of a
21 computer, including the use of the Internet, the World
22 Wide Web, electronic mail, message board, newsgroup, or
23 any other commercial or noncommercial on-line service, of
24 any of the following offenses: indecent solicitation of a
25 child, sexual exploitation of a child, soliciting for a
26 sexually exploited child ~~juvenile prostitute~~, keeping a

1 place of commercial sexual exploitation of a child
2 ~~juvenile prostitution~~, juvenile pimping, child
3 pornography, aggravated child pornography, or promoting
4 commercial sexual exploitation of a child ~~juvenile~~
5 ~~prostitution~~ except as described in subdivision (a) (4) of
6 Section 11-14.4 of the Criminal Code of 1961 or the
7 Criminal Code of 2012; and

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

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

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

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

24 Section 75. The Unified Code of Corrections is amended by
25 changing Sections 3-1-2, 3-2.5-95, 3-3-7, 5-5-3, 5-5-3.2,

1 5-6-3, 5-6-3.1, 5-9-1.7, and 5-9-1.21 as follows:

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

3 Sec. 3-1-2. Definitions.

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

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

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

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

1 ~~prostitute~~), 11-17.1 (keeping a place of commercial sexual
2 exploitation of a child ~~juvenile prostitution~~), 11-18.1
3 (patronizing a sexually exploited child ~~juvenile~~
4 ~~prostitute~~), 11-19.1 (juvenile pimping), 11-19.2
5 (exploitation of a child), 11-20.1 (child pornography),
6 11-20.1B or 11-20.3 (aggravated child pornography),
7 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
8 child), or 12-33 (ritualized abuse of a child). An attempt
9 to commit any of these offenses.

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

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

- 21 10-1 (kidnapping),
22 10-2 (aggravated kidnapping),
23 10-3 (unlawful restraint),
24 10-3.1 (aggravated unlawful restraint).

25 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 this
2 subsection (a-5).

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

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

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

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

1 over-write files in a way so as to make previous computer
2 activity, including, but not limited to, website access, more
3 difficult to discover.

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

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

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

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

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

23 (f-5) (Blank).

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

26 (h) "Discipline" means the rules and regulations for the

1 maintenance of order and the protection of persons and
2 property within the institutions and facilities of the
3 Department and their enforcement.

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

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

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

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

1 conditions justify revocation of parole or release, and to
2 assume all other functions previously exercised by the
3 Illinois Parole and Pardon Board.

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

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

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

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

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

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

23 (730 ILCS 5/3-2.5-95)

24 Sec. 3-2.5-95. Conditions of aftercare release.

25 (a) The conditions of aftercare release for all youth

1 committed to the Department under the Juvenile Court Act of
2 1987 shall be such as the Department of Juvenile Justice deems
3 necessary to assist the youth in leading a law-abiding life.
4 The conditions of every aftercare release are that the youth:

5 (1) not violate any criminal statute of any
6 jurisdiction during the aftercare release term;

7 (2) refrain from possessing a firearm or other
8 dangerous weapon;

9 (3) report to an agent of the Department;

10 (4) permit the agent or aftercare specialist to visit
11 the youth at his or her home, employment, or elsewhere to
12 the extent necessary for the agent or aftercare specialist
13 to discharge his or her duties;

14 (5) reside at a Department-approved host site;

15 (6) secure permission before visiting or writing a
16 committed person in an Illinois Department of Corrections
17 or Illinois Department of Juvenile Justice facility;

18 (7) report all arrests to an agent of the Department
19 as soon as permitted by the arresting authority but in no
20 event later than 24 hours after release from custody and
21 immediately report service or notification of an order of
22 protection, a civil no contact order, or a stalking no
23 contact order to an agent of the Department;

24 (8) obtain permission of an agent of the Department
25 before leaving the State of Illinois;

26 (9) obtain permission of an agent of the Department

1 before changing his or her residence or employment;

2 (10) consent to a search of his or her person,
3 property, or residence under his or her control;

4 (11) refrain from the use or possession of narcotics
5 or other controlled substances in any form, or both, or
6 any paraphernalia related to those substances and submit
7 to a urinalysis test as instructed by an agent of the
8 Department;

9 (12) not frequent places where controlled substances
10 are illegally sold, used, distributed, or administered;

11 (13) not knowingly associate with other persons on
12 parole, aftercare release, or mandatory supervised release
13 without prior written permission of his or her aftercare
14 specialist and not associate with persons who are members
15 of an organized gang as that term is defined in the
16 Illinois Streetgang Terrorism Omnibus Prevention Act;

17 (14) provide true and accurate information, as it
18 relates to his or her adjustment in the community while on
19 aftercare release or to his or her conduct while
20 incarcerated, in response to inquiries by an agent of the
21 Department;

22 (15) follow any specific instructions provided by the
23 agent that are consistent with furthering conditions set
24 and approved by the Department or by law to achieve the
25 goals and objectives of his or her aftercare release or to
26 protect the public; these instructions by the agent may be

1 modified at any time, as the agent deems appropriate;

2 (16) comply with the terms and conditions of an order
3 of protection issued under the Illinois Domestic Violence
4 Act of 1986; an order of protection issued by the court of
5 another state, tribe, or United States territory; a no
6 contact order issued under the Civil No Contact Order Act;
7 or a no contact order issued under the Stalking No Contact
8 Order Act;

9 (17) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, and a sex offender
11 treatment provider has evaluated and recommended further
12 sex offender treatment while on aftercare release, the
13 youth shall undergo treatment by a sex offender treatment
14 provider or associate sex offender provider as defined in
15 the Sex Offender Management Board Act at his or her
16 expense based on his or her ability to pay for the
17 treatment;

18 (18) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, refrain from residing
20 at the same address or in the same condominium unit or
21 apartment unit or in the same condominium complex or
22 apartment complex with another person he or she knows or
23 reasonably should know is a convicted sex offender or has
24 been placed on supervision for a sex offense; the
25 provisions of this paragraph do not apply to a person
26 convicted of a sex offense who is placed in a Department of

1 Corrections licensed transitional housing facility for sex
2 offenders, or is in any facility operated or licensed by
3 the Department of Children and Family Services or by the
4 Department of Human Services, or is in any licensed
5 medical facility;

6 (19) if convicted for an offense that would qualify
7 the offender as a sexual predator under the Sex Offender
8 Registration Act wear an approved electronic monitoring
9 device as defined in Section 5-8A-2 for the duration of
10 the youth's aftercare release term and if convicted for an
11 offense of criminal sexual assault, aggravated criminal
12 sexual assault, predatory criminal sexual assault of a
13 child, criminal sexual abuse, aggravated criminal sexual
14 abuse, or ritualized abuse of a child when the victim was
15 under 18 years of age at the time of the commission of the
16 offense and the offender used force or the threat of force
17 in the commission of the offense wear an approved
18 electronic monitoring device as defined in Section 5-8A-2
19 that has Global Positioning System (GPS) capability for
20 the duration of the youth's aftercare release term;

21 (20) if convicted for an offense that would qualify
22 the offender as a child sex offender as defined in Section
23 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, refrain from communicating with or
25 contacting, by means of the Internet, a person who is not
26 related to the offender and whom the offender reasonably

1 believes to be under 18 years of age; for purposes of this
2 paragraph (20), "Internet" has the meaning ascribed to it
3 in Section 16-0.1 of the Criminal Code of 2012; and a
4 person is not related to the offender if the person is not:
5 (A) the spouse, brother, or sister of the offender; (B) a
6 descendant of the offender; (C) a first or second cousin
7 of the offender; or (D) a step-child or adopted child of
8 the offender;

9 (21) if convicted under Section 11-6, 11-20.1,
10 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
11 or the Criminal Code of 2012, consent to search of
12 computers, PDAs, cellular phones, and other devices under
13 his or her control that are capable of accessing the
14 Internet or storing electronic files, in order to confirm
15 Internet protocol addresses reported in accordance with
16 the Sex Offender Registration Act and compliance with
17 conditions in this Act;

18 (22) if convicted for an offense that would qualify
19 the offender as a sex offender or sexual predator under
20 the Sex Offender Registration Act, not possess
21 prescription drugs for erectile dysfunction;

22 (23) if convicted for an offense under Section 11-6,
23 11-9.1, 11-14.4 that involves soliciting for a sexually
24 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,
25 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
26 or the Criminal Code of 2012, or any attempt to commit any

1 of these offenses:

2 (A) not access or use a computer or any other
3 device with Internet capability without the prior
4 written approval of the Department;

5 (B) submit to periodic unannounced examinations of
6 the youth's computer or any other device with Internet
7 capability by the youth's aftercare specialist, a law
8 enforcement officer, or assigned computer or
9 information technology specialist, including the
10 retrieval and copying of all data from the computer or
11 device and any internal or external peripherals and
12 removal of the information, equipment, or device to
13 conduct a more thorough inspection;

14 (C) submit to the installation on the youth's
15 computer or device with Internet capability, at the
16 youth's expense, of one or more hardware or software
17 systems to monitor the Internet use; and

18 (D) submit to any other appropriate restrictions
19 concerning the youth's use of or access to a computer
20 or any other device with Internet capability imposed
21 by the Department or the youth's aftercare specialist;

22 (24) if convicted of a sex offense as defined in the
23 Sex Offender Registration Act, refrain from accessing or
24 using a social networking website as defined in Section
25 17-0.5 of the Criminal Code of 2012;

26 (25) if convicted of a sex offense as defined in

1 Section 2 of the Sex Offender Registration Act that
2 requires the youth to register as a sex offender under
3 that Act, not knowingly use any computer scrub software on
4 any computer that the youth uses;

5 (26) if convicted of a sex offense as defined in
6 subsection (a-5) of Section 3-1-2 of this Code, unless the
7 youth is a parent or guardian of a person under 18 years of
8 age present in the home and no non-familial minors are
9 present, not participate in a holiday event involving
10 children under 18 years of age, such as distributing candy
11 or other items to children on Halloween, wearing a Santa
12 Claus costume on or preceding Christmas, being employed as
13 a department store Santa Claus, or wearing an Easter Bunny
14 costume on or preceding Easter;

15 (27) if convicted of a violation of an order of
16 protection under Section 12-3.4 or Section 12-30 of the
17 Criminal Code of 1961 or the Criminal Code of 2012, be
18 placed under electronic surveillance as provided in
19 Section 5-8A-7 of this Code; and

20 (28) if convicted of a violation of the
21 Methamphetamine Control and Community Protection Act, the
22 Methamphetamine Precursor Control Act, or a
23 methamphetamine related offense, be:

24 (A) prohibited from purchasing, possessing, or
25 having under his or her control any product containing
26 pseudoephedrine unless prescribed by a physician; and

1 (B) prohibited from purchasing, possessing, or
2 having under his or her control any product containing
3 ammonium nitrate.

4 (b) The Department may in addition to other conditions
5 require that the youth:

6 (1) work or pursue a course of study or vocational
7 training;

8 (2) undergo medical or psychiatric treatment, or
9 treatment for drug addiction or alcoholism;

10 (3) attend or reside in a facility established for the
11 instruction or residence of persons on probation or
12 aftercare release;

13 (4) support his or her dependents;

14 (5) if convicted for an offense that would qualify the
15 youth as a child sex offender as defined in Section 11-9.3
16 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code
17 of 2012, refrain from communicating with or contacting, by
18 means of the Internet, a person who is related to the youth
19 and whom the youth reasonably believes to be under 18
20 years of age; for purposes of this paragraph (5),
21 "Internet" has the meaning ascribed to it in Section
22 16-0.1 of the Criminal Code of 2012; and a person is
23 related to the youth if the person is: (A) the spouse,
24 brother, or sister of the youth; (B) a descendant of the
25 youth; (C) a first or second cousin of the youth; or (D) a
26 step-child or adopted child of the youth;

1 (6) if convicted for an offense that would qualify as
2 a sex offense as defined in the Sex Offender Registration
3 Act:

4 (A) not access or use a computer or any other
5 device with Internet capability without the prior
6 written approval of the Department;

7 (B) submit to periodic unannounced examinations of
8 the youth's computer or any other device with Internet
9 capability by the youth's aftercare specialist, a law
10 enforcement officer, or assigned computer or
11 information technology specialist, including the
12 retrieval and copying of all data from the computer or
13 device and any internal or external peripherals and
14 removal of the information, equipment, or device to
15 conduct a more thorough inspection;

16 (C) submit to the installation on the youth's
17 computer or device with Internet capability, at the
18 youth's offender's expense, of one or more hardware or
19 software systems to monitor the Internet use; and

20 (D) submit to any other appropriate restrictions
21 concerning the youth's use of or access to a computer
22 or any other device with Internet capability imposed
23 by the Department or the youth's aftercare specialist;
24 and

25 (7) in addition to other conditions:

26 (A) reside with his or her parents or in a foster

1 home;
2 (B) attend school;
3 (C) attend a non-residential program for youth; or
4 (D) contribute to his or her own support at home or
5 in a foster home.

6 (c) In addition to the conditions under subsections (a)
7 and (b) of this Section, youths required to register as sex
8 offenders under the Sex Offender Registration Act, upon
9 release from the custody of the Department of Juvenile
10 Justice, may be required by the Department to comply with the
11 following specific conditions of release:

12 (1) reside only at a Department approved location;

13 (2) comply with all requirements of the Sex Offender
14 Registration Act;

15 (3) notify third parties of the risks that may be
16 occasioned by his or her criminal record;

17 (4) obtain the approval of an agent of the Department
18 prior to accepting employment or pursuing a course of
19 study or vocational training and notify the Department
20 prior to any change in employment, study, or training;

21 (5) not be employed or participate in any volunteer
22 activity that involves contact with children, except under
23 circumstances approved in advance and in writing by an
24 agent of the Department;

25 (6) be electronically monitored for a specified period
26 of time from the date of release as determined by the

1 Department;

2 (7) refrain from entering into a designated geographic
3 area except upon terms approved in advance by an agent of
4 the Department; these terms may include consideration of
5 the purpose of the entry, the time of day, and others
6 accompanying the youth;

7 (8) refrain from having any contact, including written
8 or oral communications, directly or indirectly, personally
9 or by telephone, letter, or through a third party with
10 certain specified persons including, but not limited to,
11 the victim or the victim's family without the prior
12 written approval of an agent of the Department;

13 (9) refrain from all contact, directly or indirectly,
14 personally, by telephone, letter, or through a third
15 party, with minor children without prior identification
16 and approval of an agent of the Department;

17 (10) neither possess or have under his or her control
18 any material that is sexually oriented, sexually
19 stimulating, or that shows male or female sex organs or
20 any pictures depicting children under 18 years of age nude
21 or any written or audio material describing sexual
22 intercourse or that depicts or alludes to sexual activity,
23 including, but not limited to, visual, auditory,
24 telephonic, or electronic media, or any matter obtained
25 through access to any computer or material linked to
26 computer access use;

1 (11) not patronize any business providing sexually
2 stimulating or sexually oriented entertainment nor utilize
3 "900" or adult telephone numbers;

4 (12) not reside near, visit, or be in or about parks,
5 schools, day care centers, swimming pools, beaches,
6 theaters, or any other places where minor children
7 congregate without advance approval of an agent of the
8 Department and immediately report any incidental contact
9 with minor children to the Department;

10 (13) not possess or have under his or her control
11 certain specified items of contraband related to the
12 incidence of sexually offending as determined by an agent
13 of the Department;

14 (14) may be required to provide a written daily log of
15 activities if directed by an agent of the Department;

16 (15) comply with all other special conditions that the
17 Department may impose that restrict the youth from
18 high-risk situations and limit access to potential
19 victims;

20 (16) take an annual polygraph exam;

21 (17) maintain a log of his or her travel; or

22 (18) obtain prior approval of an agent of the
23 Department before driving alone in a motor vehicle.

24 (d) The conditions under which the aftercare release is to
25 be served shall be communicated to the youth in writing prior
26 to his or her release, and he or she shall sign the same before

1 release. A signed copy of these conditions, including a copy
2 of an order of protection if one had been issued by the
3 criminal court, shall be retained by the youth and another
4 copy forwarded to the officer or aftercare specialist in
5 charge of his or her supervision.

6 (e) After a revocation hearing under Section 3-3-9.5, the
7 Department of Juvenile Justice may modify or enlarge the
8 conditions of aftercare release.

9 (f) The Department shall inform all youth of the optional
10 services available to them upon release and shall assist youth
11 in availing themselves of the optional services upon their
12 release on a voluntary basis.

13 (Source: P.A. 99-628, eff. 1-1-17.)

14 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

15 Sec. 3-3-7. Conditions of parole or mandatory supervised
16 release.

17 (a) The conditions of parole or mandatory supervised
18 release shall be such as the Prisoner Review Board deems
19 necessary to assist the subject in leading a law-abiding life.
20 The conditions of every parole and mandatory supervised
21 release are that the subject:

22 (1) not violate any criminal statute of any
23 jurisdiction during the parole or release term;

24 (2) refrain from possessing a firearm or other
25 dangerous weapon;

1 (3) report to an agent of the Department of
2 Corrections;

3 (4) permit the agent to visit him or her at his or her
4 home, employment, or elsewhere to the extent necessary for
5 the agent to discharge his or her duties;

6 (5) attend or reside in a facility established for the
7 instruction or residence of persons on parole or mandatory
8 supervised release;

9 (6) secure permission before visiting or writing a
10 committed person in an Illinois Department of Corrections
11 facility;

12 (7) report all arrests to an agent of the Department
13 of Corrections as soon as permitted by the arresting
14 authority but in no event later than 24 hours after
15 release from custody and immediately report service or
16 notification of an order of protection, a civil no contact
17 order, or a stalking no contact order to an agent of the
18 Department of Corrections;

19 (7.5) if convicted of a sex offense as defined in the
20 Sex Offender Management Board Act, the individual shall
21 undergo and successfully complete sex offender treatment
22 conducted in conformance with the standards developed by
23 the Sex Offender Management Board Act by a treatment
24 provider approved by the Board;

25 (7.6) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, refrain from residing

1 at the same address or in the same condominium unit or
2 apartment unit or in the same condominium complex or
3 apartment complex with another person he or she knows or
4 reasonably should know is a convicted sex offender or has
5 been placed on supervision for a sex offense; the
6 provisions of this paragraph do not apply to a person
7 convicted of a sex offense who is placed in a Department of
8 Corrections licensed transitional housing facility for sex
9 offenders, or is in any facility operated or licensed by
10 the Department of Children and Family Services or by the
11 Department of Human Services, or is in any licensed
12 medical facility;

13 (7.7) if convicted for an offense that would qualify
14 the accused as a sexual predator under the Sex Offender
15 Registration Act on or after January 1, 2007 (the
16 effective date of Public Act 94-988), wear an approved
17 electronic monitoring device as defined in Section 5-8A-2
18 for the duration of the person's parole, mandatory
19 supervised release term, or extended mandatory supervised
20 release term and if convicted for an offense of criminal
21 sexual assault, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, criminal
23 sexual abuse, aggravated criminal sexual abuse, or
24 ritualized abuse of a child committed on or after August
25 11, 2009 (the effective date of Public Act 96-236) when
26 the victim was under 18 years of age at the time of the

1 commission of the offense and the defendant used force or
2 the threat of force in the commission of the offense wear
3 an approved electronic monitoring device as defined in
4 Section 5-8A-2 that has Global Positioning System (GPS)
5 capability for the duration of the person's parole,
6 mandatory supervised release term, or extended mandatory
7 supervised release term;

8 (7.8) if convicted for an offense committed on or
9 after June 1, 2008 (the effective date of Public Act
10 95-464) that would qualify the accused as a child sex
11 offender as defined in Section 11-9.3 or 11-9.4 of the
12 Criminal Code of 1961 or the Criminal Code of 2012,
13 refrain from communicating with or contacting, by means of
14 the Internet, a person who is not related to the accused
15 and whom the accused reasonably believes to be under 18
16 years of age; for purposes of this paragraph (7.8),
17 "Internet" has the meaning ascribed to it in Section
18 16-0.1 of the Criminal Code of 2012; and a person is not
19 related to the accused if the person is not: (i) the
20 spouse, brother, or sister of the accused; (ii) a
21 descendant of the accused; (iii) a first or second cousin
22 of the accused; or (iv) a step-child or adopted child of
23 the accused;

24 (7.9) if convicted under Section 11-6, 11-20.1,
25 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
26 or the Criminal Code of 2012, consent to search of

1 computers, PDAs, cellular phones, and other devices under
2 his or her control that are capable of accessing the
3 Internet or storing electronic files, in order to confirm
4 Internet protocol addresses reported in accordance with
5 the Sex Offender Registration Act and compliance with
6 conditions in this Act;

7 (7.10) if convicted for an offense that would qualify
8 the accused as a sex offender or sexual predator under the
9 Sex Offender Registration Act on or after June 1, 2008
10 (the effective date of Public Act 95-640), not possess
11 prescription drugs for erectile dysfunction;

12 (7.11) if convicted for an offense under Section 11-6,
13 11-9.1, 11-14.4 that involves soliciting for a sexually
14 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,
15 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
16 or the Criminal Code of 2012, or any attempt to commit any
17 of these offenses, committed on or after June 1, 2009 (the
18 effective date of Public Act 95-983):

19 (i) not access or use a computer or any other
20 device with Internet capability without the prior
21 written approval of the Department;

22 (ii) submit to periodic unannounced examinations
23 of the offender's computer or any other device with
24 Internet capability by the offender's supervising
25 agent, a law enforcement officer, or assigned computer
26 or information technology specialist, including the

1 retrieval and copying of all data from the computer or
2 device and any internal or external peripherals and
3 removal of such information, equipment, or device to
4 conduct a more thorough inspection;

5 (iii) submit to the installation on the offender's
6 computer or device with Internet capability, at the
7 offender's expense, of one or more hardware or
8 software systems to monitor the Internet use; and

9 (iv) submit to any other appropriate restrictions
10 concerning the offender's use of or access to a
11 computer or any other device with Internet capability
12 imposed by the Board, the Department or the offender's
13 supervising agent;

14 (7.12) if convicted of a sex offense as defined in the
15 Sex Offender Registration Act committed on or after
16 January 1, 2010 (the effective date of Public Act 96-262),
17 refrain from accessing or using a social networking
18 website as defined in Section 17-0.5 of the Criminal Code
19 of 2012;

20 (7.13) if convicted of a sex offense as defined in
21 Section 2 of the Sex Offender Registration Act committed
22 on or after January 1, 2010 (the effective date of Public
23 Act 96-362) that requires the person to register as a sex
24 offender under that Act, may not knowingly use any
25 computer scrub software on any computer that the sex
26 offender uses;

1 (8) obtain permission of an agent of the Department of
2 Corrections before leaving the State of Illinois;

3 (9) obtain permission of an agent of the Department of
4 Corrections before changing his or her residence or
5 employment;

6 (10) consent to a search of his or her person,
7 property, or residence under his or her control;

8 (11) refrain from the use or possession of narcotics
9 or other controlled substances in any form, or both, or
10 any paraphernalia related to those substances and submit
11 to a urinalysis test as instructed by a parole agent of the
12 Department of Corrections;

13 (12) not knowingly frequent places where controlled
14 substances are illegally sold, used, distributed, or
15 administered;

16 (13) except when the association described in either
17 subparagraph (A) or (B) of this paragraph (13) involves
18 activities related to community programs, worship
19 services, volunteering, engaging families, or some other
20 pro-social activity in which there is no evidence of
21 criminal intent:

22 (A) not knowingly associate with other persons on
23 parole or mandatory supervised release without prior
24 written permission of his or her parole agent; or

25 (B) not knowingly associate with persons who are
26 members of an organized gang as that term is defined in

1 the Illinois Streetgang Terrorism Omnibus Prevention
2 Act;

3 (14) provide true and accurate information, as it
4 relates to his or her adjustment in the community while on
5 parole or mandatory supervised release or to his or her
6 conduct while incarcerated, in response to inquiries by
7 his or her parole agent or of the Department of
8 Corrections;

9 (15) follow any specific instructions provided by the
10 parole agent that are consistent with furthering
11 conditions set and approved by the Prisoner Review Board
12 or by law, exclusive of placement on electronic detention,
13 to achieve the goals and objectives of his or her parole or
14 mandatory supervised release or to protect the public.
15 These instructions by the parole agent may be modified at
16 any time, as the agent deems appropriate;

17 (16) if convicted of a sex offense as defined in
18 subsection (a-5) of Section 3-1-2 of this Code, unless the
19 offender is a parent or guardian of the person under 18
20 years of age present in the home and no non-familial
21 minors are present, not participate in a holiday event
22 involving children under 18 years of age, such as
23 distributing candy or other items to children on
24 Halloween, wearing a Santa Claus costume on or preceding
25 Christmas, being employed as a department store Santa
26 Claus, or wearing an Easter Bunny costume on or preceding

1 Easter;

2 (17) if convicted of a violation of an order of
3 protection under Section 12-3.4 or Section 12-30 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, be
5 placed under electronic surveillance as provided in
6 Section 5-8A-7 of this Code;

7 (18) comply with the terms and conditions of an order
8 of protection issued pursuant to the Illinois Domestic
9 Violence Act of 1986; an order of protection issued by the
10 court of another state, tribe, or United States territory;
11 a no contact order issued pursuant to the Civil No Contact
12 Order Act; or a no contact order issued pursuant to the
13 Stalking No Contact Order Act;

14 (19) if convicted of a violation of the
15 Methamphetamine Control and Community Protection Act, the
16 Methamphetamine Precursor Control Act, or a
17 methamphetamine related offense, be:

18 (A) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 pseudoephedrine unless prescribed by a physician; and

21 (B) prohibited from purchasing, possessing, or
22 having under his or her control any product containing
23 ammonium nitrate;

24 (20) if convicted of a hate crime under Section 12-7.1
25 of the Criminal Code of 2012, perform public or community
26 service of no less than 200 hours and enroll in an

1 educational program discouraging hate crimes involving the
2 protected class identified in subsection (a) of Section
3 12-7.1 of the Criminal Code of 2012 that gave rise to the
4 offense the offender committed ordered by the court; and

5 (21) be evaluated by the Department of Corrections
6 prior to release using a validated risk assessment and be
7 subject to a corresponding level of supervision. In
8 accordance with the findings of that evaluation:

9 (A) All subjects found to be at a moderate or high
10 risk to recidivate, or on parole or mandatory
11 supervised release for first degree murder, a forcible
12 felony as defined in Section 2-8 of the Criminal Code
13 of 2012, any felony that requires registration as a
14 sex offender under the Sex Offender Registration Act,
15 or a Class X felony or Class 1 felony that is not a
16 violation of the Cannabis Control Act, the Illinois
17 Controlled Substances Act, or the Methamphetamine
18 Control and Community Protection Act, shall be subject
19 to high level supervision. The Department shall define
20 high level supervision based upon evidence-based and
21 research-based practices. Notwithstanding this
22 placement on high level supervision, placement of the
23 subject on electronic monitoring or detention shall
24 not occur unless it is required by law or expressly
25 ordered or approved by the Prisoner Review Board.

26 (B) All subjects found to be at a low risk to

1 recidivate shall be subject to low-level supervision,
2 except for those subjects on parole or mandatory
3 supervised release for first degree murder, a forcible
4 felony as defined in Section 2-8 of the Criminal Code
5 of 2012, any felony that requires registration as a
6 sex offender under the Sex Offender Registration Act,
7 or a Class X felony or Class 1 felony that is not a
8 violation of the Cannabis Control Act, the Illinois
9 Controlled Substances Act, or the Methamphetamine
10 Control and Community Protection Act. Low level
11 supervision shall require the subject to check in with
12 the supervising officer via phone or other electronic
13 means. Notwithstanding this placement on low level
14 supervision, placement of the subject on electronic
15 monitoring or detention shall not occur unless it is
16 required by law or expressly ordered or approved by
17 the Prisoner Review Board.

18 (b) The Board may in addition to other conditions require
19 that the subject:

20 (1) work or pursue a course of study or vocational
21 training;

22 (2) undergo medical or psychiatric treatment, or
23 treatment for drug addiction or alcoholism;

24 (3) attend or reside in a facility established for the
25 instruction or residence of persons on probation or
26 parole;

1 (4) support his or her dependents;

2 (5) (blank);

3 (6) (blank);

4 (7) (blank);

5 (7.5) if convicted for an offense committed on or
6 after the effective date of this amendatory Act of the
7 95th General Assembly that would qualify the accused as a
8 child sex offender as defined in Section 11-9.3 or 11-9.4
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 refrain from communicating with or contacting, by means of
11 the Internet, a person who is related to the accused and
12 whom the accused reasonably believes to be under 18 years
13 of age; for purposes of this paragraph (7.5), "Internet"
14 has the meaning ascribed to it in Section 16-0.1 of the
15 Criminal Code of 2012; and a person is related to the
16 accused if the person is: (i) the spouse, brother, or
17 sister of the accused; (ii) a descendant of the accused;
18 (iii) a first or second cousin of the accused; or (iv) a
19 step-child or adopted child of the accused;

20 (7.6) if convicted for an offense committed on or
21 after June 1, 2009 (the effective date of Public Act
22 95-983) that would qualify as a sex offense as defined in
23 the Sex Offender Registration Act:

24 (i) not access or use a computer or any other
25 device with Internet capability without the prior
26 written approval of the Department;

1 (ii) submit to periodic unannounced examinations
2 of the offender's computer or any other device with
3 Internet capability by the offender's supervising
4 agent, a law enforcement officer, or assigned computer
5 or information technology specialist, including the
6 retrieval and copying of all data from the computer or
7 device and any internal or external peripherals and
8 removal of such information, equipment, or device to
9 conduct a more thorough inspection;

10 (iii) submit to the installation on the offender's
11 computer or device with Internet capability, at the
12 offender's expense, of one or more hardware or
13 software systems to monitor the Internet use; and

14 (iv) submit to any other appropriate restrictions
15 concerning the offender's use of or access to a
16 computer or any other device with Internet capability
17 imposed by the Board, the Department or the offender's
18 supervising agent; and

19 (8) in addition, if a minor:

20 (i) reside with his or her parents or in a foster
21 home;

22 (ii) attend school;

23 (iii) attend a non-residential program for youth;

24 or

25 (iv) contribute to his or her own support at home
26 or in a foster home.

1 (b-1) In addition to the conditions set forth in
2 subsections (a) and (b), persons required to register as sex
3 offenders pursuant to the Sex Offender Registration Act, upon
4 release from the custody of the Illinois Department of
5 Corrections, may be required by the Board to comply with the
6 following specific conditions of release:

7 (1) reside only at a Department approved location;

8 (2) comply with all requirements of the Sex Offender
9 Registration Act;

10 (3) notify third parties of the risks that may be
11 occasioned by his or her criminal record;

12 (4) obtain the approval of an agent of the Department
13 of Corrections prior to accepting employment or pursuing a
14 course of study or vocational training and notify the
15 Department prior to any change in employment, study, or
16 training;

17 (5) not be employed or participate in any volunteer
18 activity that involves contact with children, except under
19 circumstances approved in advance and in writing by an
20 agent of the Department of Corrections;

21 (6) be electronically monitored for a minimum of 12
22 months from the date of release as determined by the
23 Board;

24 (7) refrain from entering into a designated geographic
25 area except upon terms approved in advance by an agent of
26 the Department of Corrections. The terms may include

1 consideration of the purpose of the entry, the time of
2 day, and others accompanying the person;

3 (8) refrain from having any contact, including written
4 or oral communications, directly or indirectly, personally
5 or by telephone, letter, or through a third party with
6 certain specified persons including, but not limited to,
7 the victim or the victim's family without the prior
8 written approval of an agent of the Department of
9 Corrections;

10 (9) refrain from all contact, directly or indirectly,
11 personally, by telephone, letter, or through a third
12 party, with minor children without prior identification
13 and approval of an agent of the Department of Corrections;

14 (10) neither possess or have under his or her control
15 any material that is sexually oriented, sexually
16 stimulating, or that shows male or female sex organs or
17 any pictures depicting children under 18 years of age nude
18 or any written or audio material describing sexual
19 intercourse or that depicts or alludes to sexual activity,
20 including but not limited to visual, auditory, telephonic,
21 or electronic media, or any matter obtained through access
22 to any computer or material linked to computer access use;

23 (11) not patronize any business providing sexually
24 stimulating or sexually oriented entertainment nor utilize
25 "900" or adult telephone numbers;

26 (12) not reside near, visit, or be in or about parks,

1 schools, day care centers, swimming pools, beaches,
2 theaters, or any other places where minor children
3 congregate without advance approval of an agent of the
4 Department of Corrections and immediately report any
5 incidental contact with minor children to the Department;

6 (13) not possess or have under his or her control
7 certain specified items of contraband related to the
8 incidence of sexually offending as determined by an agent
9 of the Department of Corrections;

10 (14) may be required to provide a written daily log of
11 activities if directed by an agent of the Department of
12 Corrections;

13 (15) comply with all other special conditions that the
14 Department may impose that restrict the person from
15 high-risk situations and limit access to potential
16 victims;

17 (16) take an annual polygraph exam;

18 (17) maintain a log of his or her travel; or

19 (18) obtain prior approval of his or her parole
20 officer before driving alone in a motor vehicle.

21 (c) The conditions under which the parole or mandatory
22 supervised release is to be served shall be communicated to
23 the person in writing prior to his or her release, and he or
24 she shall sign the same before release. A signed copy of these
25 conditions, including a copy of an order of protection where
26 one had been issued by the criminal court, shall be retained by

1 the person and another copy forwarded to the officer in charge
2 of his or her supervision.

3 (d) After a hearing under Section 3-3-9, the Prisoner
4 Review Board may modify or enlarge the conditions of parole or
5 mandatory supervised release.

6 (e) The Department shall inform all offenders committed to
7 the Department of the optional services available to them upon
8 release and shall assist inmates in availing themselves of
9 such optional services upon their release on a voluntary
10 basis.

11 (f) (Blank).

12 (Source: P.A. 100-201, eff. 8-18-17; 100-260, eff. 1-1-18;
13 100-575, eff. 1-8-18; 101-382, eff. 8-16-19.)

14 (730 ILCS 5/5-5-3)

15 Sec. 5-5-3. Disposition.

16 (a) (Blank).

17 (b) (Blank).

18 (c) (1) (Blank).

19 (2) A period of probation, a term of periodic imprisonment
20 or conditional discharge shall not be imposed for the
21 following offenses. The court shall sentence the offender to
22 not less than the minimum term of imprisonment set forth in
23 this Code for the following offenses, and may order a fine or
24 restitution or both in conjunction with such term of
25 imprisonment:

1 (A) First degree murder where the death penalty is not
2 imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

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

10 (D-5) A violation of subdivision (c)(1) of Section 401
11 of the Illinois Controlled Substances Act which relates to
12 3 or more grams of a substance containing heroin or an
13 analog thereof.

14 (E) (Blank).

15 (F) A Class 1 or greater felony if the offender had
16 been convicted of a Class 1 or greater felony, including
17 any state or federal conviction for an offense that
18 contained, at the time it was committed, the same elements
19 as an offense now (the date of the offense committed after
20 the prior Class 1 or greater felony) classified as a Class
21 1 or greater felony, within 10 years of the date on which
22 the offender committed the offense for which he or she is
23 being sentenced, except as otherwise provided in Section
24 40-10 of the Substance Use Disorder Act.

25 (F-3) A Class 2 or greater felony sex offense or
26 felony firearm offense if the offender had been convicted

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

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

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

15 (H) Criminal sexual assault.

16 (I) Aggravated battery of a senior citizen as
17 described in Section 12-4.6 or subdivision (a)(4) of
18 Section 12-3.05 of the Criminal Code of 1961 or the
19 Criminal Code of 2012.

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

22 Before July 1, 1994, for the purposes of this
23 paragraph, "organized gang" means an association of 5 or
24 more persons, with an established hierarchy, that
25 encourages members of the association to perpetrate crimes
26 or provides support to the members of the association who

1 do commit crimes.

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

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the offense
8 of hate crime when the underlying offense upon which the
9 hate crime is based is felony aggravated assault or felony
10 mob action.

11 (M) A second or subsequent conviction for the offense
12 of institutional vandalism if the damage to the property
13 exceeds \$300.

14 (N) A Class 3 felony violation of paragraph (1) of
15 subsection (a) of Section 2 of the Firearm Owners
16 Identification Card Act.

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

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

22 (P-5) A violation of paragraph (6) of subsection (a)
23 of Section 11-20.1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 if the victim is a household or
25 family member of the defendant.

26 (Q) A violation of subsection (b) or (b-5) of Section

1 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012.

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

5 (S) (Blank).

6 (T) (Blank).

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

14 (V) A violation of paragraph (4) of subsection (c) of
15 Section 11-20.1B or paragraph (4) of subsection (c) of
16 Section 11-20.3 of the Criminal Code of 1961, or paragraph
17 (6) of subsection (a) of Section 11-20.1 of the Criminal
18 Code of 2012 when the victim is under 13 years of age and
19 the defendant has previously been convicted under the laws
20 of this State or any other state of the offense of child
21 pornography, aggravated child pornography, aggravated
22 criminal sexual abuse, aggravated criminal sexual assault,
23 predatory criminal sexual assault of a child, or any of
24 the offenses formerly known as rape, deviate sexual
25 assault, indecent liberties with a child, or aggravated
26 indecent liberties with a child where the victim was under

1 the age of 18 years or an offense that is substantially
2 equivalent to those offenses.

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

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

7 (Y) A conviction for unlawful possession of a firearm
8 by a street gang member when the firearm was loaded or
9 contained firearm ammunition.

10 (Z) A Class 1 felony committed while he or she was
11 serving a term of probation or conditional discharge for a
12 felony.

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

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

17 (CC) Knowingly selling, offering for sale, holding for
18 sale, or using 2,000 or more counterfeit items or
19 counterfeit items having a retail value in the aggregate
20 of \$500,000 or more.

21 (DD) A conviction for aggravated assault under
22 paragraph (6) of subsection (c) of Section 12-2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 if the
24 firearm is aimed toward the person against whom the
25 firearm is being used.

26 (EE) A conviction for a violation of paragraph (2) of

1 subsection (a) of Section 24-3B of the Criminal Code of
2 2012.

3 (3) (Blank).

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

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
10 this subsection (c), a minimum of 100 hours of community
11 service shall be imposed for a second violation of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300
14 hours of community service, as determined by the court, shall
15 be imposed for a second violation of subsection (c) of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6), and
18 (4.9) of this subsection (c), a minimum term of imprisonment
19 of 30 days or 300 hours of community service, as determined by
20 the court, shall be imposed for a third or subsequent
21 violation of Section 6-303 of the Illinois Vehicle Code. The
22 court may give credit toward the fulfillment of community
23 service hours for participation in activities and treatment as
24 determined by court services.

25 (4.5) A minimum term of imprisonment of 30 days shall be
26 imposed for a third violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this
3 subsection (c), a minimum term of imprisonment of 180 days
4 shall be imposed for a fourth or subsequent violation of
5 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

11 (4.8) A mandatory prison sentence shall be imposed for a
12 second violation of subsection (a-5) of Section 6-303 of the
13 Illinois Vehicle Code, as provided in subsection (c-5) of that
14 Section. The person's driving privileges shall be revoked for
15 a period of not less than 5 years from the date of his or her
16 release from prison.

17 (4.9) A mandatory prison sentence of not less than 4 and
18 not more than 15 years shall be imposed for a third violation
19 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
20 Code, as provided in subsection (d-2.5) of that Section. The
21 person's driving privileges shall be revoked for the remainder
22 of his or her life.

23 (4.10) A mandatory prison sentence for a Class 1 felony
24 shall be imposed, and the person shall be eligible for an
25 extended term sentence, for a fourth or subsequent violation
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-3.5) of that Section. The
2 person's driving privileges shall be revoked for the remainder
3 of his or her life.

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

6 (A) a period of conditional discharge;

7 (B) a fine;

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

10 (5.1) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.2) or (5.3), a person
12 convicted of violating subsection (c) of Section 11-907 of the
13 Illinois Vehicle Code shall have his or her driver's license,
14 permit, or privileges suspended for at least 90 days but not
15 more than one year, if the violation resulted in damage to the
16 property of another person.

17 (5.2) In addition to any other penalties imposed, and
18 except as provided in paragraph (5.3), a person convicted of
19 violating subsection (c) of Section 11-907 of the Illinois
20 Vehicle Code shall have his or her driver's license, permit,
21 or privileges suspended for at least 180 days but not more than
22 2 years, if the violation resulted in injury to another
23 person.

24 (5.3) In addition to any other penalties imposed, a person
25 convicted of violating subsection (c) of Section 11-907 of the
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 2 years, if the violation
2 resulted in the death of another person.

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

8 (5.5) In addition to any other penalties imposed, a person
9 convicted of violating Section 3-707 of the Illinois Vehicle
10 Code during a period in which his or her driver's license,
11 permit, or privileges were suspended for a previous violation
12 of that Section shall have his or her driver's license,
13 permit, or privileges suspended for an additional 6 months
14 after the expiration of the original 3-month suspension and
15 until he or she has paid a reinstatement fee of \$100.

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

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

22 (10) (Blank).

23 (11) The court shall impose a minimum fine of \$1,000 for a
24 first offense and \$2,000 for a second or subsequent offense
25 upon a person convicted of or placed on supervision for
26 battery when the individual harmed was a sports official or

1 coach at any level of competition and the act causing harm to
2 the sports official or coach occurred within an athletic
3 facility or within the immediate vicinity of the athletic
4 facility at which the sports official or coach was an active
5 participant of the athletic contest held at the athletic
6 facility. For the purposes of this paragraph (11), "sports
7 official" means a person at an athletic contest who enforces
8 the rules of the contest, such as an umpire or referee;
9 "athletic facility" means an indoor or outdoor playing field
10 or recreational area where sports activities are conducted;
11 and "coach" means a person recognized as a coach by the
12 sanctioning authority that conducted the sporting event.

13 (12) A person may not receive a disposition of court
14 supervision for a violation of Section 5-16 of the Boat
15 Registration and Safety Act if that person has previously
16 received a disposition of court supervision for a violation of
17 that Section.

18 (13) A person convicted of or placed on court supervision
19 for an assault or aggravated assault when the victim and the
20 offender are family or household members as defined in Section
21 103 of the Illinois Domestic Violence Act of 1986 or convicted
22 of domestic battery or aggravated domestic battery may be
23 required to attend a Partner Abuse Intervention Program under
24 protocols set forth by the Illinois Department of Human
25 Services under such terms and conditions imposed by the court.
26 The costs of such classes shall be paid by the offender.

1 (d) In any case in which a sentence originally imposed is
2 vacated, the case shall be remanded to the trial court. The
3 trial court shall hold a hearing under Section 5-4-1 of this
4 Code which may include evidence of the defendant's life, moral
5 character and occupation during the time since the original
6 sentence was passed. The trial court shall then impose
7 sentence upon the defendant. The trial court may impose any
8 sentence which could have been imposed at the original trial
9 subject to Section 5-5-4 of this Code. If a sentence is vacated
10 on appeal or on collateral attack due to the failure of the
11 trier of fact at trial to determine beyond a reasonable doubt
12 the existence of a fact (other than a prior conviction)
13 necessary to increase the punishment for the offense beyond
14 the statutory maximum otherwise applicable, either the
15 defendant may be re-sentenced to a term within the range
16 otherwise provided or, if the State files notice of its
17 intention to again seek the extended sentence, the defendant
18 shall be afforded a new trial.

19 (e) In cases where prosecution for aggravated criminal
20 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
21 Code of 1961 or the Criminal Code of 2012 results in conviction
22 of a defendant who was a family member of the victim at the
23 time of the commission of the offense, the court shall
24 consider the safety and welfare of the victim and may impose a
25 sentence of probation only where:

26 (1) the court finds (A) or (B) or both are

1 appropriate:

2 (A) the defendant is willing to undergo a court
3 approved counseling program for a minimum duration of
4 2 years; or

5 (B) the defendant is willing to participate in a
6 court approved plan, including, but not limited to,
7 the defendant's:

8 (i) removal from the household;

9 (ii) restricted contact with the victim;

10 (iii) continued financial support of the
11 family;

12 (iv) restitution for harm done to the victim;

13 and

14 (v) compliance with any other measures that
15 the court may deem appropriate; and

16 (2) the court orders the defendant to pay for the
17 victim's counseling services, to the extent that the court
18 finds, after considering the defendant's income and
19 assets, that the defendant is financially capable of
20 paying for such services, if the victim was under 18 years
21 of age at the time the offense was committed and requires
22 counseling as a result of the offense.

23 Probation may be revoked or modified pursuant to Section
24 5-6-4; except where the court determines at the hearing that
25 the defendant violated a condition of his or her probation
26 restricting contact with the victim or other family members or

1 commits another offense with the victim or other family
2 members, the court shall revoke the defendant's probation and
3 impose a term of imprisonment.

4 For the purposes of this Section, "family member" and
5 "victim" shall have the meanings ascribed to them in Section
6 11-0.1 of the Criminal Code of 2012.

7 (f) (Blank).

8 (g) Whenever a defendant is convicted of an offense under
9 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
10 11-14.3, 11-14.4 except for an offense that involves keeping a
11 place of commercial sexual exploitation of a child ~~juvenile~~
12 ~~prostitution~~, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
13 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15, or
14 12-16 of the Criminal Code of 1961 or the Criminal Code of
15 2012, the defendant shall undergo medical testing to determine
16 whether the defendant has any sexually transmissible disease,
17 including a test for infection with human immunodeficiency
18 virus (HIV) or any other identified causative agent of
19 acquired immunodeficiency syndrome (AIDS). Any such medical
20 test shall be performed only by appropriately licensed medical
21 practitioners and may include an analysis of any bodily fluids
22 as well as an examination of the defendant's person. Except as
23 otherwise provided by law, the results of such test shall be
24 kept strictly confidential by all medical personnel involved
25 in the testing and must be personally delivered in a sealed
26 envelope to the judge of the court in which the conviction was

1 entered for the judge's inspection in camera. Acting in
2 accordance with the best interests of the victim and the
3 public, the judge shall have the discretion to determine to
4 whom, if anyone, the results of the testing may be revealed.
5 The court shall notify the defendant of the test results. The
6 court shall also notify the victim if requested by the victim,
7 and if the victim is under the age of 15 and if requested by
8 the victim's parents or legal guardian, the court shall notify
9 the victim's parents or legal guardian of the test results.
10 The court shall provide information on the availability of HIV
11 testing and counseling at Department of Public Health
12 facilities to all parties to whom the results of the testing
13 are revealed and shall direct the State's Attorney to provide
14 the information to the victim when possible. The court shall
15 order that the cost of any such test shall be paid by the
16 county and may be taxed as costs against the convicted
17 defendant.

18 (g-5) When an inmate is tested for an airborne
19 communicable disease, as determined by the Illinois Department
20 of Public Health, including, but not limited to, tuberculosis,
21 the results of the test shall be personally delivered by the
22 warden or his or her designee in a sealed envelope to the judge
23 of the court in which the inmate must appear for the judge's
24 inspection in camera if requested by the judge. Acting in
25 accordance with the best interests of those in the courtroom,
26 the judge shall have the discretion to determine what if any

1 precautions need to be taken to prevent transmission of the
2 disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense under
4 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
5 defendant shall undergo medical testing to determine whether
6 the defendant has been exposed to human immunodeficiency virus
7 (HIV) or any other identified causative agent of acquired
8 immunodeficiency syndrome (AIDS). Except as otherwise provided
9 by law, the results of such test shall be kept strictly
10 confidential by all medical personnel involved in the testing
11 and must be personally delivered in a sealed envelope to the
12 judge of the court in which the conviction was entered for the
13 judge's inspection in camera. Acting in accordance with the
14 best interests of the public, the judge shall have the
15 discretion to determine to whom, if anyone, the results of the
16 testing may be revealed. The court shall notify the defendant
17 of a positive test showing an infection with the human
18 immunodeficiency virus (HIV). The court shall provide
19 information on the availability of HIV testing and counseling
20 at Department of Public Health facilities to all parties to
21 whom the results of the testing are revealed and shall direct
22 the State's Attorney to provide the information to the victim
23 when possible. The court shall order that the cost of any such
24 test shall be paid by the county and may be taxed as costs
25 against the convicted defendant.

26 (i) All fines and penalties imposed under this Section for

1 any violation of Chapters 3, 4, 6, and 11 of the Illinois
2 Vehicle Code, or a similar provision of a local ordinance, and
3 any violation of the Child Passenger Protection Act, or a
4 similar provision of a local ordinance, shall be collected and
5 disbursed by the circuit clerk as provided under the Criminal
6 and Traffic Assessment Act.

7 (j) In cases when prosecution for any violation of Section
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
9 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
10 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
11 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
12 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
13 Code of 2012, any violation of the Illinois Controlled
14 Substances Act, any violation of the Cannabis Control Act, or
15 any violation of the Methamphetamine Control and Community
16 Protection Act results in conviction, a disposition of court
17 supervision, or an order of probation granted under Section 10
18 of the Cannabis Control Act, Section 410 of the Illinois
19 Controlled Substances Act, or Section 70 of the
20 Methamphetamine Control and Community Protection Act of a
21 defendant, the court shall determine whether the defendant is
22 employed by a facility or center as defined under the Child
23 Care Act of 1969, a public or private elementary or secondary
24 school, or otherwise works with children under 18 years of age
25 on a daily basis. When a defendant is so employed, the court
26 shall order the Clerk of the Court to send a copy of the

1 judgment of conviction or order of supervision or probation to
2 the defendant's employer by certified mail. If the employer of
3 the defendant is a school, the Clerk of the Court shall direct
4 the mailing of a copy of the judgment of conviction or order of
5 supervision or probation to the appropriate regional
6 superintendent of schools. The regional superintendent of
7 schools shall notify the State Board of Education of any
8 notification under this subsection.

9 (j-5) A defendant at least 17 years of age who is convicted
10 of a felony and who has not been previously convicted of a
11 misdemeanor or felony and who is sentenced to a term of
12 imprisonment in the Illinois Department of Corrections shall
13 as a condition of his or her sentence be required by the court
14 to attend educational courses designed to prepare the
15 defendant for a high school diploma and to work toward a high
16 school diploma or to work toward passing high school
17 equivalency testing or to work toward completing a vocational
18 training program offered by the Department of Corrections. If
19 a defendant fails to complete the educational training
20 required by his or her sentence during the term of
21 incarceration, the Prisoner Review Board shall, as a condition
22 of mandatory supervised release, require the defendant, at his
23 or her own expense, to pursue a course of study toward a high
24 school diploma or passage of high school equivalency testing.
25 The Prisoner Review Board shall revoke the mandatory
26 supervised release of a defendant who wilfully fails to comply

1 with this subsection (j-5) upon his or her release from
2 confinement in a penal institution while serving a mandatory
3 supervised release term; however, the inability of the
4 defendant after making a good faith effort to obtain financial
5 aid or pay for the educational training shall not be deemed a
6 wilful failure to comply. The Prisoner Review Board shall
7 recommit the defendant whose mandatory supervised release term
8 has been revoked under this subsection (j-5) as provided in
9 Section 3-3-9. This subsection (j-5) does not apply to a
10 defendant who has a high school diploma or has successfully
11 passed high school equivalency testing. This subsection (j-5)
12 does not apply to a defendant who is determined by the court to
13 be a person with a developmental disability or otherwise
14 mentally incapable of completing the educational or vocational
15 program.

16 (k) (Blank).

17 (l) (A) Except as provided in paragraph (C) of subsection
18 (l), whenever a defendant, who is not a citizen or national of
19 the United States, is convicted of any felony or misdemeanor
20 offense, the court after sentencing the defendant may, upon
21 motion of the State's Attorney, hold sentence in abeyance and
22 remand the defendant to the custody of the Attorney General of
23 the United States or his or her designated agent to be deported
24 when:

25 (1) a final order of deportation has been issued
26 against the defendant pursuant to proceedings under the

1 Immigration and Nationality Act, and

2 (2) the deportation of the defendant would not
3 deprecate the seriousness of the defendant's conduct and
4 would not be inconsistent with the ends of justice.

5 Otherwise, the defendant shall be sentenced as provided in
6 this Chapter V.

7 (B) If the defendant has already been sentenced for a
8 felony or misdemeanor offense, or has been placed on probation
9 under Section 10 of the Cannabis Control Act, Section 410 of
10 the Illinois Controlled Substances Act, or Section 70 of the
11 Methamphetamine Control and Community Protection Act, the
12 court may, upon motion of the State's Attorney to suspend the
13 sentence imposed, commit the defendant to the custody of the
14 Attorney General of the United States or his or her designated
15 agent when:

16 (1) a final order of deportation has been issued
17 against the defendant pursuant to proceedings under the
18 Immigration and Nationality Act, and

19 (2) the deportation of the defendant would not
20 deprecate the seriousness of the defendant's conduct and
21 would not be inconsistent with the ends of justice.

22 (C) This subsection (1) does not apply to offenders who
23 are subject to the provisions of paragraph (2) of subsection
24 (a) of Section 3-6-3.

25 (D) Upon motion of the State's Attorney, if a defendant
26 sentenced under this Section returns to the jurisdiction of

1 the United States, the defendant shall be recommitted to the
2 custody of the county from which he or she was sentenced.
3 Thereafter, the defendant shall be brought before the
4 sentencing court, which may impose any sentence that was
5 available under Section 5-5-3 at the time of initial
6 sentencing. In addition, the defendant shall not be eligible
7 for additional earned sentence credit as provided under
8 Section 3-6-3.

9 (m) A person convicted of criminal defacement of property
10 under Section 21-1.3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, in which the property damage exceeds
12 \$300 and the property damaged is a school building, shall be
13 ordered to perform community service that may include cleanup,
14 removal, or painting over the defacement.

15 (n) The court may sentence a person convicted of a
16 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
17 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
18 of 1961 or the Criminal Code of 2012 (i) to an impact
19 incarceration program if the person is otherwise eligible for
20 that program under Section 5-8-1.1, (ii) to community service,
21 or (iii) if the person has a substance use disorder, as defined
22 in the Substance Use Disorder Act, to a treatment program
23 licensed under that Act.

24 (o) Whenever a person is convicted of a sex offense as
25 defined in Section 2 of the Sex Offender Registration Act, the
26 defendant's driver's license or permit shall be subject to

1 renewal on an annual basis in accordance with the provisions
2 of license renewal established by the Secretary of State.

3 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
4 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
5 5-27-22.)

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

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

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

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

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

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

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

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

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

1 that office;

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

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

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

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

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

25 (11) the offense took place in a place of worship or on
26 the grounds of a place of worship, immediately prior to,

1 during or immediately following worship services. For
2 purposes of this subparagraph, "place of worship" shall
3 mean any church, synagogue or other building, structure or
4 place used primarily for religious worship;

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

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

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

1 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15 or 12-16
2 of the Criminal Code of 1961 or the Criminal Code of 2012
3 against that victim;

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

9 (16) the defendant committed an offense in violation
10 of one of the following Sections while in a school,
11 regardless of the time of day or time of year; on any
12 conveyance owned, leased, or contracted by a school to
13 transport students to or from school or a school related
14 activity; on the real property of a school; or on a public
15 way within 1,000 feet of the real property comprising any
16 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
17 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
18 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
19 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
20 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
21 for subdivision (a)(4) or (g)(1), of the Criminal Code of
22 1961 or the Criminal Code of 2012;

23 (16.5) the defendant committed an offense in violation
24 of one of the following Sections while in a day care
25 center, regardless of the time of day or time of year; on
26 the real property of a day care center, regardless of the

1 time of day or time of year; or on a public way within
2 1,000 feet of the real property comprising any day care
3 center, regardless of the time of day or time of year:
4 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
5 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
6 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
7 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
8 18-2, or 33A-2, or Section 12-3.05 except for subdivision
9 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
10 Criminal Code of 2012;

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

18 (18) the defendant committed the offense in a nursing
19 home or on the real property comprising a nursing home.
20 For the purposes of this paragraph (18), "nursing home"
21 means a skilled nursing or intermediate long term care
22 facility that is subject to license by the Illinois
23 Department of Public Health under the Nursing Home Care
24 Act, the Specialized Mental Health Rehabilitation Act of
25 2013, the ID/DD Community Care Act, or the MC/DD Act;

26 (19) the defendant was a federally licensed firearm

1 dealer and was previously convicted of a violation of
2 subsection (a) of Section 3 of the Firearm Owners
3 Identification Card Act and has now committed either a
4 felony violation of the Firearm Owners Identification Card
5 Act or an act of armed violence while armed with a firearm;

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

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

22 (22) the defendant committed the offense against a
23 person that the defendant knew, or reasonably should have
24 known, was a member of the Armed Forces of the United
25 States serving on active duty. For purposes of this clause
26 (22), the term "Armed Forces" means any of the Armed

1 Forces of the United States, including a member of any
2 reserve component thereof or National Guard unit called to
3 active duty;

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

9 (24) the defendant committed any offense under Section
10 11-20.1 of the Criminal Code of 1961 or the Criminal Code
11 of 2012 and possessed 100 or more images;

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

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

1 act of sexual penetration or bound, fettered, or subject
2 to sadistic, masochistic, or sadomasochistic abuse in a
3 sexual context;

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

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

1 United States Postal Service;

2 (29) the defendant committed the offense of criminal
3 sexual assault, aggravated criminal sexual assault,
4 criminal sexual abuse, or aggravated criminal sexual abuse
5 against a victim with an intellectual disability, and the
6 defendant holds a position of trust, authority, or
7 supervision in relation to the victim;

8 (30) the defendant committed the offense of promoting
9 commercial sexual exploitation of a child ~~juvenile~~
10 ~~prostitution~~, patronizing a provider of commercial sexual
11 activity ~~prostitute~~, or patronizing a sexually exploited
12 child ~~minor engaged in prostitution~~ and at the time of the
13 commission of the offense knew that the provider of
14 commercial sexual activity ~~prostitute~~ or sexually
15 exploited child ~~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 commercial sexual exploitation of a child
18 ~~juvenile prostitution~~, 11-15.1, 11-19.1, 11-19.2, 11-20.1,
19 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15 or 12-16
20 of the Criminal Code of 1961 or the Criminal Code of 2012
21 against that victim;

22 (15) the defendant committed an offense related to the
23 activities of an organized gang. For the purposes of this
24 factor, "organized gang" has the meaning ascribed to it in
25 Section 10 of the Streetgang Terrorism Omnibus Prevention
26 Act;

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

15 (16.5) the defendant committed an offense in violation
16 of one of the following Sections while in a day care
17 center, regardless of the time of day or time of year; on
18 the real property of a day care center, regardless of the
19 time of day or time of year; or on a public way within
20 1,000 feet of the real property comprising any day care
21 center, regardless of the time of day or time of year:
22 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
23 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
24 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
25 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
26 18-2, or 33A-2, or Section 12-3.05 except for subdivision

1 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
2 Criminal Code of 2012;

3 (17) the defendant committed the offense by reason of
4 any person's activity as a community policing volunteer or
5 to prevent any person from engaging in activity as a
6 community policing volunteer. For the purpose of this
7 Section, "community policing volunteer" has the meaning
8 ascribed to it in Section 2-3.5 of the Criminal Code of
9 2012;

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

18 (19) the defendant was a federally licensed firearm
19 dealer and was previously convicted of a violation of
20 subsection (a) of Section 3 of the Firearm Owners
21 Identification Card Act and has now committed either a
22 felony violation of the Firearm Owners Identification Card
23 Act or an act of armed violence while armed with a firearm;

24 (20) the defendant (i) committed the offense of
25 reckless homicide under Section 9-3 of the Criminal Code
26 of 1961 or the Criminal Code of 2012 or the offense of

1 driving under the influence of alcohol, other drug or
2 drugs, intoxicating compound or compounds or any
3 combination thereof under Section 11-501 of the Illinois
4 Vehicle Code or a similar provision of a local ordinance
5 and (ii) was operating a motor vehicle in excess of 20
6 miles per hour over the posted speed limit as provided in
7 Article VI of Chapter 11 of the Illinois Vehicle Code;

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

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

22 (23) the defendant committed the offense against a
23 person who was elderly or infirm or who was a person with a
24 disability by taking advantage of a family or fiduciary
25 relationship with the elderly or infirm person or person
26 with a disability;

1 (24) the defendant committed any offense under Section
2 11-20.1 of the Criminal Code of 1961 or the Criminal Code
3 of 2012 and possessed 100 or more images;

4 (25) the defendant committed the offense while the
5 defendant or the victim was in a train, bus, or other
6 vehicle used for public transportation;

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

22 (27) the defendant committed the offense of first
23 degree murder, assault, aggravated assault, battery,
24 aggravated battery, robbery, armed robbery, or aggravated
25 robbery against a person who was a veteran and the
26 defendant knew, or reasonably should have known, that the

1 person was a veteran performing duties as a representative
2 of a veterans' organization. For the purposes of this
3 paragraph (27), "veteran" means an Illinois resident who
4 has served as a member of the United States Armed Forces, a
5 member of the Illinois National Guard, or a member of the
6 United States Reserve Forces; and "veterans' organization"
7 means an organization comprised of members of which
8 substantially all are individuals who are veterans or
9 spouses, widows, or widowers of veterans, the primary
10 purpose of which is to promote the welfare of its members
11 and to provide assistance to the general public in such a
12 way as to confer a public benefit;

13 (28) the defendant committed the offense of assault,
14 aggravated assault, battery, aggravated battery, robbery,
15 armed robbery, or aggravated robbery against a person that
16 the defendant knew or reasonably should have known was a
17 letter carrier or postal worker while that person was
18 performing his or her duties delivering mail for the
19 United States Postal Service;

20 (29) the defendant committed the offense of criminal
21 sexual assault, aggravated criminal sexual assault,
22 criminal sexual abuse, or aggravated criminal sexual abuse
23 against a victim with an intellectual disability, and the
24 defendant holds a position of trust, authority, or
25 supervision in relation to the victim;

26 (30) the defendant committed the offense of promoting

1 commercial sexual exploitation of a child ~~juvenile~~
2 ~~prostitution~~, patronizing a provider of commercial sexual
3 activity ~~prostitute~~, or patronizing a sexually exploited
4 child ~~minor engaged in prostitution~~ and at the time of the
5 commission of the offense knew that the provider of
6 commercial sexual activity ~~prostitute~~ or sexually
7 exploited child ~~minor engaged in prostitution~~ was in the
8 custody or guardianship of the Department of Children and
9 Family Services;

10 (31) the defendant (i) committed the offense of
11 driving while under the influence of alcohol, other drug
12 or drugs, intoxicating compound or compounds or any
13 combination thereof in violation of Section 11-501 of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance and (ii) the defendant during the commission of
16 the offense was driving his or her vehicle upon a roadway
17 designated for one-way traffic in the opposite direction
18 of the direction indicated by official traffic control
19 devices;

20 (32) the defendant committed the offense of reckless
21 homicide while committing a violation of Section 11-907 of
22 the Illinois Vehicle Code;

23 (33) the defendant was found guilty of an
24 administrative infraction related to an act or acts of
25 public indecency or sexual misconduct in the penal
26 institution. In this paragraph (33), "penal institution"

1 has the same meaning as in Section 2-14 of the Criminal
2 Code of 2012; or

3 (34) the defendant committed the offense of leaving
4 the scene of a crash in violation of subsection (b) of
5 Section 11-401 of the Illinois Vehicle Code and the crash
6 resulted in the death of a person and at the time of the
7 offense, the defendant was: (i) driving under the
8 influence of alcohol, other drug or drugs, intoxicating
9 compound or compounds or any combination thereof as
10 defined by Section 11-501 of the Illinois Vehicle Code; or
11 (ii) operating the motor vehicle while using an electronic
12 communication device as defined in Section 12-610.2 of the
13 Illinois Vehicle Code.

14 For the purposes of this Section:

15 "School" is defined as a public or private elementary or
16 secondary school, community college, college, or university.

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

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

24 "Public transportation" means the transportation or
25 conveyance of persons by means available to the general
26 public, and includes paratransit services.

1 "Traffic control devices" means all signs, signals,
2 markings, and devices that conform to the Illinois Manual on
3 Uniform Traffic Control Devices, placed or erected by
4 authority of a public body or official having jurisdiction,
5 for the purpose of regulating, warning, or guiding traffic.

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

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

17 (2) When a defendant is convicted of any felony and
18 the court finds that the offense was accompanied by
19 exceptionally brutal or heinous behavior indicative of
20 wanton cruelty; or

21 (3) When a defendant is convicted of any felony
22 committed against:

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

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

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

3 (4) When a defendant is convicted of any felony and
4 the offense involved any of the following types of
5 specific misconduct committed as part of a ceremony, rite,
6 initiation, observance, performance, practice or activity
7 of any actual or ostensible religious, fraternal, or
8 social group:

9 (i) the brutalizing or torturing of humans or
10 animals;

11 (ii) the theft of human corpses;

12 (iii) the kidnapping of humans;

13 (iv) the desecration of any cemetery, religious,
14 fraternal, business, governmental, educational, or
15 other building or property; or

16 (v) ritualized abuse of a child; or

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

1 (6) When a defendant is convicted of an offense
2 committed while using a firearm with a laser sight
3 attached to it. For purposes of this paragraph, "laser
4 sight" has the meaning ascribed to it in Section 26-7 of
5 the Criminal Code of 2012; or

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

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

20 (9) When a defendant commits any felony and the
21 defendant knowingly video or audio records the offense
22 with the intent to disseminate the recording.

23 (c) The following factors may be considered by the court
24 as reasons to impose an extended term sentence under Section
25 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
26 offenses:

1 (1) When a defendant is convicted of first degree
2 murder, after having been previously convicted in Illinois
3 of any offense listed under paragraph (c)(2) of Section
4 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
5 occurred within 10 years after the previous conviction,
6 excluding time spent in custody, and the charges are
7 separately brought and tried and arise out of different
8 series of acts.

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

16 (2) When a defendant is convicted of voluntary
17 manslaughter, second degree murder, involuntary
18 manslaughter, or reckless homicide in which the defendant
19 has been convicted of causing the death of more than one
20 individual.

21 (3) When a defendant is convicted of aggravated
22 criminal sexual assault or criminal sexual assault, when
23 there is a finding that aggravated criminal sexual assault
24 or criminal sexual assault was also committed on the same
25 victim by one or more other individuals, and the defendant
26 voluntarily participated in the crime with the knowledge

1 of the participation of the others in the crime, and the
2 commission of the crime was part of a single course of
3 conduct during which there was no substantial change in
4 the nature of the criminal objective.

5 (4) If the victim was under 18 years of age at the time
6 of the commission of the offense, when a defendant is
7 convicted of aggravated criminal sexual assault or
8 predatory criminal sexual assault of a child under
9 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
10 of Section 12-14.1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

12 (5) When a defendant is convicted of a felony
13 violation of Section 24-1 of the Criminal Code of 1961 or
14 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
15 finding that the defendant is a member of an organized
16 gang.

17 (6) When a defendant was convicted of unlawful use of
18 weapons under Section 24-1 of the Criminal Code of 1961 or
19 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
20 a weapon that is not readily distinguishable as one of the
21 weapons enumerated in Section 24-1 of the Criminal Code of
22 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

23 (7) When a defendant is convicted of an offense
24 involving the illegal manufacture of a controlled
25 substance under Section 401 of the Illinois Controlled
26 Substances Act (720 ILCS 570/401), the illegal manufacture

1 of methamphetamine under Section 25 of the Methamphetamine
2 Control and Community Protection Act (720 ILCS 646/25), or
3 the illegal possession of explosives and an emergency
4 response officer in the performance of his or her duties
5 is killed or injured at the scene of the offense while
6 responding to the emergency caused by the commission of
7 the offense. In this paragraph, "emergency" means a
8 situation in which a person's life, health, or safety is
9 in jeopardy; and "emergency response officer" means a
10 peace officer, community policing volunteer, fireman,
11 emergency medical technician-ambulance, emergency medical
12 technician-intermediate, emergency medical
13 technician-paramedic, ambulance driver, other medical
14 assistance or first aid personnel, or hospital emergency
15 room personnel.

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

25 (d) For the purposes of this Section, "organized gang" has
26 the meaning ascribed to it in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

2 (e) The court may impose an extended term sentence under
3 Article 4.5 of Chapter V upon an offender who has been
4 convicted of a felony violation of Section 11-1.20, 11-1.30,
5 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
6 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
7 when the victim of the offense is under 18 years of age at the
8 time of the commission of the offense and, during the
9 commission of the offense, the victim was under the influence
10 of alcohol, regardless of whether or not the alcohol was
11 supplied by the offender; and the offender, at the time of the
12 commission of the offense, knew or should have known that the
13 victim had consumed alcohol.

14 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
15 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
16 8-20-21; 102-982, eff. 7-1-23.)

17 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

18 Sec. 5-6-3. Conditions of probation and of conditional
19 discharge.

20 (a) The conditions of probation and of conditional
21 discharge shall be that the person:

22 (1) not violate any criminal statute of any
23 jurisdiction;

24 (2) report to or appear in person before such person
25 or agency as directed by the court;

1 (3) refrain from possessing a firearm or other
2 dangerous weapon where the offense is a felony or, if a
3 misdemeanor, the offense involved the intentional or
4 knowing infliction of bodily harm or threat of bodily
5 harm;

6 (4) not leave the State without the consent of the
7 court or, in circumstances in which the reason for the
8 absence is of such an emergency nature that prior consent
9 by the court is not possible, without the prior
10 notification and approval of the person's probation
11 officer. Transfer of a person's probation or conditional
12 discharge supervision to another state is subject to
13 acceptance by the other state pursuant to the Interstate
14 Compact for Adult Offender Supervision;

15 (5) permit the probation officer to visit him at his
16 home or elsewhere to the extent necessary to discharge his
17 duties;

18 (6) perform no less than 30 hours of community service
19 and not more than 120 hours of community service, if
20 community service is available in the jurisdiction and is
21 funded and approved by the county board where the offense
22 was committed, where the offense was related to or in
23 furtherance of the criminal activities of an organized
24 gang and was motivated by the offender's membership in or
25 allegiance to an organized gang. The community service
26 shall include, but not be limited to, the cleanup and

1 repair of any damage caused by a violation of Section
2 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
3 2012 and similar damage to property located within the
4 municipality or county in which the violation occurred.
5 When possible and reasonable, the community service should
6 be performed in the offender's neighborhood. For purposes
7 of this Section, "organized gang" has the meaning ascribed
8 to it in Section 10 of the Illinois Streetgang Terrorism
9 Omnibus Prevention Act. The court may give credit toward
10 the fulfillment of community service hours for
11 participation in activities and treatment as determined by
12 court services;

13 (7) if he or she is at least 17 years of age and has
14 been sentenced to probation or conditional discharge for a
15 misdemeanor or felony in a county of 3,000,000 or more
16 inhabitants and has not been previously convicted of a
17 misdemeanor or felony, may be required by the sentencing
18 court to attend educational courses designed to prepare
19 the defendant for a high school diploma and to work toward
20 a high school diploma or to work toward passing high
21 school equivalency testing or to work toward completing a
22 vocational training program approved by the court. The
23 person on probation or conditional discharge must attend a
24 public institution of education to obtain the educational
25 or vocational training required by this paragraph (7). The
26 court shall revoke the probation or conditional discharge

1 of a person who willfully fails to comply with this
2 paragraph (7). The person on probation or conditional
3 discharge shall be required to pay for the cost of the
4 educational courses or high school equivalency testing if
5 a fee is charged for those courses or testing. The court
6 shall resentence the offender whose probation or
7 conditional discharge has been revoked as provided in
8 Section 5-6-4. This paragraph (7) does not apply to a
9 person who has a high school diploma or has successfully
10 passed high school equivalency testing. This paragraph (7)
11 does not apply to a person who is determined by the court
12 to be a person with a developmental disability or
13 otherwise mentally incapable of completing the educational
14 or vocational program;

15 (8) if convicted of possession of a substance
16 prohibited by the Cannabis Control Act, the Illinois
17 Controlled Substances Act, or the Methamphetamine Control
18 and Community Protection Act after a previous conviction
19 or disposition of supervision for possession of a
20 substance prohibited by the Cannabis Control Act or
21 Illinois Controlled Substances Act or after a sentence of
22 probation under Section 10 of the Cannabis Control Act,
23 Section 410 of the Illinois Controlled Substances Act, or
24 Section 70 of the Methamphetamine Control and Community
25 Protection Act and upon a finding by the court that the
26 person is addicted, undergo treatment at a substance abuse

1 program approved by the court;

2 (8.5) if convicted of a felony sex offense as defined
3 in the Sex Offender Management Board Act, the person shall
4 undergo and successfully complete sex offender treatment
5 by a treatment provider approved by the Board and
6 conducted in conformance with the standards developed
7 under the Sex Offender Management Board Act;

8 (8.6) if convicted of a sex offense as defined in the
9 Sex Offender Management Board Act, refrain from residing
10 at the same address or in the same condominium unit or
11 apartment unit or in the same condominium complex or
12 apartment complex with another person he or she knows or
13 reasonably should know is a convicted sex offender or has
14 been placed on supervision for a sex offense; the
15 provisions of this paragraph do not apply to a person
16 convicted of a sex offense who is placed in a Department of
17 Corrections licensed transitional housing facility for sex
18 offenders;

19 (8.7) if convicted for an offense committed on or
20 after June 1, 2008 (the effective date of Public Act
21 95-464) that would qualify the accused as a child sex
22 offender as defined in Section 11-9.3 or 11-9.4 of the
23 Criminal Code of 1961 or the Criminal Code of 2012,
24 refrain from communicating with or contacting, by means of
25 the Internet, a person who is not related to the accused
26 and whom the accused reasonably believes to be under 18

1 years of age; for purposes of this paragraph (8.7),
2 "Internet" has the meaning ascribed to it in Section
3 16-0.1 of the Criminal Code of 2012; and a person is not
4 related to the accused if the person is not: (i) the
5 spouse, brother, or sister of the accused; (ii) a
6 descendant of the accused; (iii) a first or second cousin
7 of the accused; or (iv) a step-child or adopted child of
8 the accused;

9 (8.8) if convicted for an offense under Section 11-6,
10 11-9.1, 11-14.4 that involves soliciting for a sexually
11 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,
12 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
13 or the Criminal Code of 2012, or any attempt to commit any
14 of these offenses, committed on or after June 1, 2009 (the
15 effective date of Public Act 95-983):

16 (i) not access or use a computer or any other
17 device with Internet capability without the prior
18 written approval of the offender's probation officer,
19 except in connection with the offender's employment or
20 search for employment with the prior approval of the
21 offender's probation officer;

22 (ii) submit to periodic unannounced examinations
23 of the offender's computer or any other device with
24 Internet capability by the offender's probation
25 officer, a law enforcement officer, or assigned
26 computer or information technology specialist,

1 including the retrieval and copying of all data from
2 the computer or device and any internal or external
3 peripherals and removal of such information,
4 equipment, or device to conduct a more thorough
5 inspection;

6 (iii) submit to the installation on the offender's
7 computer or device with Internet capability, at the
8 offender's expense, of one or more hardware or
9 software systems to monitor the Internet use; and

10 (iv) submit to any other appropriate restrictions
11 concerning the offender's use of or access to a
12 computer or any other device with Internet capability
13 imposed by the offender's probation officer;

14 (8.9) if convicted of a sex offense as defined in the
15 Sex Offender Registration Act committed on or after
16 January 1, 2010 (the effective date of Public Act 96-262),
17 refrain from accessing or using a social networking
18 website as defined in Section 17-0.5 of the Criminal Code
19 of 2012;

20 (9) if convicted of a felony or of any misdemeanor
21 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
22 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
23 2012 that was determined, pursuant to Section 112A-11.1 of
24 the Code of Criminal Procedure of 1963, to trigger the
25 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
26 at a time and place designated by the court, his or her

1 Firearm Owner's Identification Card and any and all
2 firearms in his or her possession. The Court shall return
3 to the Illinois State Police Firearm Owner's
4 Identification Card Office the person's Firearm Owner's
5 Identification Card;

6 (10) if convicted of a sex offense as defined in
7 subsection (a-5) of Section 3-1-2 of this Code, unless the
8 offender is a parent or guardian of the person under 18
9 years of age present in the home and no non-familial
10 minors are present, not participate in a holiday event
11 involving children under 18 years of age, such as
12 distributing candy or other items to children on
13 Halloween, wearing a Santa Claus costume on or preceding
14 Christmas, being employed as a department store Santa
15 Claus, or wearing an Easter Bunny costume on or preceding
16 Easter;

17 (11) if convicted of a sex offense as defined in
18 Section 2 of the Sex Offender Registration Act committed
19 on or after January 1, 2010 (the effective date of Public
20 Act 96-362) that requires the person to register as a sex
21 offender under that Act, may not knowingly use any
22 computer scrub software on any computer that the sex
23 offender uses;

24 (12) if convicted of a violation of the
25 Methamphetamine Control and Community Protection Act, the
26 Methamphetamine Precursor Control Act, or a

1 methamphetamine related offense:

2 (A) prohibited from purchasing, possessing, or
3 having under his or her control any product containing
4 pseudoephedrine unless prescribed by a physician; and

5 (B) prohibited from purchasing, possessing, or
6 having under his or her control any product containing
7 ammonium nitrate; and

8 (13) if convicted of a hate crime involving the
9 protected class identified in subsection (a) of Section
10 12-7.1 of the Criminal Code of 2012 that gave rise to the
11 offense the offender committed, perform public or
12 community service of no less than 200 hours and enroll in
13 an educational program discouraging hate crimes that
14 includes racial, ethnic, and cultural sensitivity training
15 ordered by the court.

16 (b) The Court may in addition to other reasonable
17 conditions relating to the nature of the offense or the
18 rehabilitation of the defendant as determined for each
19 defendant in the proper discretion of the Court require that
20 the person:

21 (1) serve a term of periodic imprisonment under
22 Article 7 for a period not to exceed that specified in
23 paragraph (d) of Section 5-7-1;

24 (2) pay a fine and costs;

25 (3) work or pursue a course of study or vocational
26 training;

1 (4) undergo medical, psychological or psychiatric
2 treatment; or treatment for drug addiction or alcoholism;

3 (5) attend or reside in a facility established for the
4 instruction or residence of defendants on probation;

5 (6) support his dependents;

6 (7) and in addition, if a minor:

7 (i) reside with his parents or in a foster home;

8 (ii) attend school;

9 (iii) attend a non-residential program for youth;

10 (iv) contribute to his own support at home or in a
11 foster home;

12 (v) with the consent of the superintendent of the
13 facility, attend an educational program at a facility
14 other than the school in which the offense was
15 committed if he or she is convicted of a crime of
16 violence as defined in Section 2 of the Crime Victims
17 Compensation Act committed in a school, on the real
18 property comprising a school, or within 1,000 feet of
19 the real property comprising a school;

20 (8) make restitution as provided in Section 5-5-6 of
21 this Code;

22 (9) perform some reasonable public or community
23 service;

24 (10) serve a term of home confinement. In addition to
25 any other applicable condition of probation or conditional
26 discharge, the conditions of home confinement shall be

1 that the offender:

2 (i) remain within the interior premises of the
3 place designated for his confinement during the hours
4 designated by the court;

5 (ii) admit any person or agent designated by the
6 court into the offender's place of confinement at any
7 time for purposes of verifying the offender's
8 compliance with the conditions of his confinement; and

9 (iii) if further deemed necessary by the court or
10 the Probation or Court Services Department, be placed
11 on an approved electronic monitoring device, subject
12 to Article 8A of Chapter V;

13 (iv) for persons convicted of any alcohol,
14 cannabis or controlled substance violation who are
15 placed on an approved monitoring device as a condition
16 of probation or conditional discharge, the court shall
17 impose a reasonable fee for each day of the use of the
18 device, as established by the county board in
19 subsection (g) of this Section, unless after
20 determining the inability of the offender to pay the
21 fee, the court assesses a lesser fee or no fee as the
22 case may be. This fee shall be imposed in addition to
23 the fees imposed under subsections (g) and (i) of this
24 Section. The fee shall be collected by the clerk of the
25 circuit court, except as provided in an administrative
26 order of the Chief Judge of the circuit court. The

1 clerk of the circuit court shall pay all monies
2 collected from this fee to the county treasurer for
3 deposit in the substance abuse services fund under
4 Section 5-1086.1 of the Counties Code, except as
5 provided in an administrative order of the Chief Judge
6 of the circuit court.

7 The Chief Judge of the circuit court of the county
8 may by administrative order establish a program for
9 electronic monitoring of offenders, in which a vendor
10 supplies and monitors the operation of the electronic
11 monitoring device, and collects the fees on behalf of
12 the county. The program shall include provisions for
13 indigent offenders and the collection of unpaid fees.
14 The program shall not unduly burden the offender and
15 shall be subject to review by the Chief Judge.

16 The Chief Judge of the circuit court may suspend
17 any additional charges or fees for late payment,
18 interest, or damage to any device; and

19 (v) for persons convicted of offenses other than
20 those referenced in clause (iv) above and who are
21 placed on an approved monitoring device as a condition
22 of probation or conditional discharge, the court shall
23 impose a reasonable fee for each day of the use of the
24 device, as established by the county board in
25 subsection (g) of this Section, unless after
26 determining the inability of the defendant to pay the

1 fee, the court assesses a lesser fee or no fee as the
2 case may be. This fee shall be imposed in addition to
3 the fees imposed under subsections (g) and (i) of this
4 Section. The fee shall be collected by the clerk of the
5 circuit court, except as provided in an administrative
6 order of the Chief Judge of the circuit court. The
7 clerk of the circuit court shall pay all monies
8 collected from this fee to the county treasurer who
9 shall use the monies collected to defray the costs of
10 corrections. The county treasurer shall deposit the
11 fee collected in the probation and court services
12 fund. The Chief Judge of the circuit court of the
13 county may by administrative order establish a program
14 for electronic monitoring of offenders, in which a
15 vendor supplies and monitors the operation of the
16 electronic monitoring device, and collects the fees on
17 behalf of the county. The program shall include
18 provisions for indigent offenders and the collection
19 of unpaid fees. The program shall not unduly burden
20 the offender and shall be subject to review by the
21 Chief Judge.

22 The Chief Judge of the circuit court may suspend
23 any additional charges or fees for late payment,
24 interest, or damage to any device.

25 (11) comply with the terms and conditions of an order
26 of protection issued by the court pursuant to the Illinois

1 Domestic Violence Act of 1986, as now or hereafter
2 amended, or an order of protection issued by the court of
3 another state, tribe, or United States territory. A copy
4 of the order of protection shall be transmitted to the
5 probation officer or agency having responsibility for the
6 case;

7 (12) reimburse any "local anti-crime program" as
8 defined in Section 7 of the Anti-Crime Advisory Council
9 Act for any reasonable expenses incurred by the program on
10 the offender's case, not to exceed the maximum amount of
11 the fine authorized for the offense for which the
12 defendant was sentenced;

13 (13) contribute a reasonable sum of money, not to
14 exceed the maximum amount of the fine authorized for the
15 offense for which the defendant was sentenced, (i) to a
16 "local anti-crime program", as defined in Section 7 of the
17 Anti-Crime Advisory Council Act, or (ii) for offenses
18 under the jurisdiction of the Department of Natural
19 Resources, to the fund established by the Department of
20 Natural Resources for the purchase of evidence for
21 investigation purposes and to conduct investigations as
22 outlined in Section 805-105 of the Department of Natural
23 Resources (Conservation) Law;

24 (14) refrain from entering into a designated
25 geographic area except upon such terms as the court finds
26 appropriate. Such terms may include consideration of the

1 purpose of the entry, the time of day, other persons
2 accompanying the defendant, and advance approval by a
3 probation officer, if the defendant has been placed on
4 probation or advance approval by the court, if the
5 defendant was placed on conditional discharge;

6 (15) refrain from having any contact, directly or
7 indirectly, with certain specified persons or particular
8 types of persons, including but not limited to members of
9 street gangs and drug users or dealers;

10 (16) refrain from having in his or her body the
11 presence of any illicit drug prohibited by the Cannabis
12 Control Act, the Illinois Controlled Substances Act, or
13 the Methamphetamine Control and Community Protection Act,
14 unless prescribed by a physician, and submit samples of
15 his or her blood or urine or both for tests to determine
16 the presence of any illicit drug;

17 (17) if convicted for an offense committed on or after
18 June 1, 2008 (the effective date of Public Act 95-464)
19 that would qualify the accused as a child sex offender as
20 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
21 of 1961 or the Criminal Code of 2012, refrain from
22 communicating with or contacting, by means of the
23 Internet, a person who is related to the accused and whom
24 the accused reasonably believes to be under 18 years of
25 age; for purposes of this paragraph (17), "Internet" has
26 the meaning ascribed to it in Section 16-0.1 of the

1 Criminal Code of 2012; and a person is related to the
2 accused if the person is: (i) the spouse, brother, or
3 sister of the accused; (ii) a descendant of the accused;
4 (iii) a first or second cousin of the accused; or (iv) a
5 step-child or adopted child of the accused;

6 (18) if convicted for an offense committed on or after
7 June 1, 2009 (the effective date of Public Act 95-983)
8 that would qualify as a sex offense as defined in the Sex
9 Offender Registration Act:

10 (i) not access or use a computer or any other
11 device with Internet capability without the prior
12 written approval of the offender's probation officer,
13 except in connection with the offender's employment or
14 search for employment with the prior approval of the
15 offender's probation officer;

16 (ii) submit to periodic unannounced examinations
17 of the offender's computer or any other device with
18 Internet capability by the offender's probation
19 officer, a law enforcement officer, or assigned
20 computer or information technology specialist,
21 including the retrieval and copying of all data from
22 the computer or device and any internal or external
23 peripherals and removal of such information,
24 equipment, or device to conduct a more thorough
25 inspection;

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 subject's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions
5 concerning the offender's use of or access to a
6 computer or any other device with Internet capability
7 imposed by the offender's probation officer; and

8 (19) refrain from possessing a firearm or other
9 dangerous weapon where the offense is a misdemeanor that
10 did not involve the intentional or knowing infliction of
11 bodily harm or threat of bodily harm.

12 (c) The court may as a condition of probation or of
13 conditional discharge require that a person under 18 years of
14 age found guilty of any alcohol, cannabis or controlled
15 substance violation, refrain from acquiring a driver's license
16 during the period of probation or conditional discharge. If
17 such person is in possession of a permit or license, the court
18 may require that the minor refrain from driving or operating
19 any motor vehicle during the period of probation or
20 conditional discharge, except as may be necessary in the
21 course of the minor's lawful employment.

22 (d) An offender sentenced to probation or to conditional
23 discharge shall be given a certificate setting forth the
24 conditions thereof.

25 (e) Except where the offender has committed a fourth or
26 subsequent violation of subsection (c) of Section 6-303 of the

1 Illinois Vehicle Code, the court shall not require as a
2 condition of the sentence of probation or conditional
3 discharge that the offender be committed to a period of
4 imprisonment in excess of 6 months. This 6-month limit shall
5 not include periods of confinement given pursuant to a
6 sentence of county impact incarceration under Section 5-8-1.2.

7 Persons committed to imprisonment as a condition of
8 probation or conditional discharge shall not be committed to
9 the Department of Corrections.

10 (f) The court may combine a sentence of periodic
11 imprisonment under Article 7 or a sentence to a county impact
12 incarceration program under Article 8 with a sentence of
13 probation or conditional discharge.

14 (g) An offender sentenced to probation or to conditional
15 discharge and who during the term of either undergoes
16 mandatory drug or alcohol testing, or both, or is assigned to
17 be placed on an approved electronic monitoring device, shall
18 be ordered to pay all costs incidental to such mandatory drug
19 or alcohol testing, or both, and all costs incidental to such
20 approved electronic monitoring in accordance with the
21 defendant's ability to pay those costs. The county board with
22 the concurrence of the Chief Judge of the judicial circuit in
23 which the county is located shall establish reasonable fees
24 for the cost of maintenance, testing, and incidental expenses
25 related to the mandatory drug or alcohol testing, or both, and
26 all costs incidental to approved electronic monitoring,

1 involved in a successful probation program for the county. The
2 concurrence of the Chief Judge shall be in the form of an
3 administrative order. The fees shall be collected by the clerk
4 of the circuit court, except as provided in an administrative
5 order of the Chief Judge of the circuit court. The clerk of the
6 circuit court shall pay all moneys collected from these fees
7 to the county treasurer who shall use the moneys collected to
8 defray the costs of drug testing, alcohol testing, and
9 electronic monitoring. The county treasurer shall deposit the
10 fees collected in the county working cash fund under Section
11 6-27001 or Section 6-29002 of the Counties Code, as the case
12 may be. The Chief Judge of the circuit court of the county may
13 by administrative order establish a program for electronic
14 monitoring of offenders, in which a vendor supplies and
15 monitors the operation of the electronic monitoring device,
16 and collects the fees on behalf of the county. The program
17 shall include provisions for indigent offenders and the
18 collection of unpaid fees. The program shall not unduly burden
19 the offender and shall be subject to review by the Chief Judge.

20 The Chief Judge of the circuit court may suspend any
21 additional charges or fees for late payment, interest, or
22 damage to any device.

23 (h) Jurisdiction over an offender may be transferred from
24 the sentencing court to the court of another circuit with the
25 concurrence of both courts. Further transfers or retransfers
26 of jurisdiction are also authorized in the same manner. The

1 court to which jurisdiction has been transferred shall have
2 the same powers as the sentencing court. The probation
3 department within the circuit to which jurisdiction has been
4 transferred, or which has agreed to provide supervision, may
5 impose probation fees upon receiving the transferred offender,
6 as provided in subsection (i). For all transfer cases, as
7 defined in Section 9b of the Probation and Probation Officers
8 Act, the probation department from the original sentencing
9 court shall retain all probation fees collected prior to the
10 transfer. After the transfer, all probation fees shall be paid
11 to the probation department within the circuit to which
12 jurisdiction has been transferred.

13 (i) The court shall impose upon an offender sentenced to
14 probation after January 1, 1989 or to conditional discharge
15 after January 1, 1992 or to community service under the
16 supervision of a probation or court services department after
17 January 1, 2004, as a condition of such probation or
18 conditional discharge or supervised community service, a fee
19 of \$50 for each month of probation or conditional discharge
20 supervision or supervised community service ordered by the
21 court, unless after determining the inability of the person
22 sentenced to probation or conditional discharge or supervised
23 community service to pay the fee, the court assesses a lesser
24 fee. The court may not impose the fee on a minor who is placed
25 in the guardianship or custody of the Department of Children
26 and Family Services under the Juvenile Court Act of 1987 while

1 the minor is in placement. The fee shall be imposed only upon
2 an offender who is actively supervised by the probation and
3 court services department. The fee shall be collected by the
4 clerk of the circuit court. The clerk of the circuit court
5 shall pay all monies collected from this fee to the county
6 treasurer for deposit in the probation and court services fund
7 under Section 15.1 of the Probation and Probation Officers
8 Act.

9 A circuit court may not impose a probation fee under this
10 subsection (i) in excess of \$25 per month unless the circuit
11 court has adopted, by administrative order issued by the chief
12 judge, a standard probation fee guide determining an
13 offender's ability to pay. Of the amount collected as a
14 probation fee, up to \$5 of that fee collected per month may be
15 used to provide services to crime victims and their families.

16 The Court may only waive probation fees based on an
17 offender's ability to pay. The probation department may
18 re-evaluate an offender's ability to pay every 6 months, and,
19 with the approval of the Director of Court Services or the
20 Chief Probation Officer, adjust the monthly fee amount. An
21 offender may elect to pay probation fees due in a lump sum. Any
22 offender that has been assigned to the supervision of a
23 probation department, or has been transferred either under
24 subsection (h) of this Section or under any interstate
25 compact, shall be required to pay probation fees to the
26 department supervising the offender, based on the offender's

1 ability to pay.

2 Public Act 93-970 deletes the \$10 increase in the fee
3 under this subsection that was imposed by Public Act 93-616.
4 This deletion is intended to control over any other Act of the
5 93rd General Assembly that retains or incorporates that fee
6 increase.

7 (i-5) In addition to the fees imposed under subsection (i)
8 of this Section, in the case of an offender convicted of a
9 felony sex offense (as defined in the Sex Offender Management
10 Board Act) or an offense that the court or probation
11 department has determined to be sexually motivated (as defined
12 in the Sex Offender Management Board Act), the court or the
13 probation department shall assess additional fees to pay for
14 all costs of treatment, assessment, evaluation for risk and
15 treatment, and monitoring the offender, based on that
16 offender's ability to pay those costs either as they occur or
17 under a payment plan.

18 (j) All fines and costs imposed under this Section for any
19 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
20 Code, or a similar provision of a local ordinance, and any
21 violation of the Child Passenger Protection Act, or a similar
22 provision of a local ordinance, shall be collected and
23 disbursed by the circuit clerk as provided under the Criminal
24 and Traffic Assessment Act.

25 (k) Any offender who is sentenced to probation or
26 conditional discharge for a felony sex offense as defined in

1 the Sex Offender Management Board Act or any offense that the
2 court or probation department has determined to be sexually
3 motivated as defined in the Sex Offender Management Board Act
4 shall be required to refrain from any contact, directly or
5 indirectly, with any persons specified by the court and shall
6 be available for all evaluations and treatment programs
7 required by the court or the probation department.

8 (1) The court may order an offender who is sentenced to
9 probation or conditional discharge for a violation of an order
10 of protection be placed under electronic surveillance as
11 provided in Section 5-8A-7 of this Code.

12 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

13 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

14 Sec. 5-6-3.1. Incidents and conditions of supervision.

15 (a) When a defendant is placed on supervision, the court
16 shall enter an order for supervision specifying the period of
17 such supervision, and shall defer further proceedings in the
18 case until the conclusion of the period.

19 (b) The period of supervision shall be reasonable under
20 all of the circumstances of the case, but may not be longer
21 than 2 years, unless the defendant has failed to pay the
22 assessment required by Section 10.3 of the Cannabis Control
23 Act, Section 411.2 of the Illinois Controlled Substances Act,
24 or Section 80 of the Methamphetamine Control and Community
25 Protection Act, in which case the court may extend supervision

1 beyond 2 years. Additionally, the court shall order the
2 defendant to perform no less than 30 hours of community
3 service and not more than 120 hours of community service, if
4 community service is available in the jurisdiction and is
5 funded and approved by the county board where the offense was
6 committed, when the offense (1) was related to or in
7 furtherance of the criminal activities of an organized gang or
8 was motivated by the defendant's membership in or allegiance
9 to an organized gang; or (2) is a violation of any Section of
10 Article 24 of the Criminal Code of 1961 or the Criminal Code of
11 2012 where a disposition of supervision is not prohibited by
12 Section 5-6-1 of this Code. The community service shall
13 include, but not be limited to, the cleanup and repair of any
14 damage caused by violation of Section 21-1.3 of the Criminal
15 Code of 1961 or the Criminal Code of 2012 and similar damages
16 to property located within the municipality or county in which
17 the violation occurred. Where possible and reasonable, the
18 community service should be performed in the offender's
19 neighborhood.

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

23 (c) The court may in addition to other reasonable
24 conditions relating to the nature of the offense or the
25 rehabilitation of the defendant as determined for each
26 defendant in the proper discretion of the court require that

1 the person:

2 (1) make a report to and appear in person before or
3 participate with the court or such courts, person, or
4 social service agency as directed by the court in the
5 order of supervision;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical, psychological or psychiatric
10 treatment; or treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) refrain from possessing a firearm or other
15 dangerous weapon;

16 (8) and in addition, if a minor:

17 (i) reside with his parents or in a foster home;

18 (ii) attend school;

19 (iii) attend a non-residential program for youth;

20 (iv) contribute to his own support at home or in a
21 foster home; or

22 (v) with the consent of the superintendent of the
23 facility, attend an educational program at a facility
24 other than the school in which the offense was
25 committed if he or she is placed on supervision for a
26 crime of violence as defined in Section 2 of the Crime

1 Victims Compensation Act committed in a school, on the
2 real property comprising a school, or within 1,000
3 feet of the real property comprising a school;

4 (9) make restitution or reparation in an amount not to
5 exceed actual loss or damage to property and pecuniary
6 loss or make restitution under Section 5-5-6 to a domestic
7 violence shelter. The court shall determine the amount and
8 conditions of payment;

9 (10) perform some reasonable public or community
10 service;

11 (11) comply with the terms and conditions of an order
12 of protection issued by the court pursuant to the Illinois
13 Domestic Violence Act of 1986 or an order of protection
14 issued by the court of another state, tribe, or United
15 States territory. If the court has ordered the defendant
16 to make a report and appear in person under paragraph (1)
17 of this subsection, a copy of the order of protection
18 shall be transmitted to the person or agency so designated
19 by the court;

20 (12) reimburse any "local anti-crime program" as
21 defined in Section 7 of the Anti-Crime Advisory Council
22 Act for any reasonable expenses incurred by the program on
23 the offender's case, not to exceed the maximum amount of
24 the fine authorized for the offense for which the
25 defendant was sentenced;

26 (13) contribute a reasonable sum of money, not to

1 exceed the maximum amount of the fine authorized for the
2 offense for which the defendant was sentenced, (i) to a
3 "local anti-crime program", as defined in Section 7 of the
4 Anti-Crime Advisory Council Act, or (ii) for offenses
5 under the jurisdiction of the Department of Natural
6 Resources, to the fund established by the Department of
7 Natural Resources for the purchase of evidence for
8 investigation purposes and to conduct investigations as
9 outlined in Section 805-105 of the Department of Natural
10 Resources (Conservation) Law;

11 (14) refrain from entering into a designated
12 geographic area except upon such terms as the court finds
13 appropriate. Such terms may include consideration of the
14 purpose of the entry, the time of day, other persons
15 accompanying the defendant, and advance approval by a
16 probation officer;

17 (15) refrain from having any contact, directly or
18 indirectly, with certain specified persons or particular
19 types of person, including but not limited to members of
20 street gangs and drug users or dealers;

21 (16) refrain from having in his or her body the
22 presence of any illicit drug prohibited by the Cannabis
23 Control Act, the Illinois Controlled Substances Act, or
24 the Methamphetamine Control and Community Protection Act,
25 unless prescribed by a physician, and submit samples of
26 his or her blood or urine or both for tests to determine

1 the presence of any illicit drug;

2 (17) refrain from operating any motor vehicle not
3 equipped with an ignition interlock device as defined in
4 Section 1-129.1 of the Illinois Vehicle Code; under this
5 condition the court may allow a defendant who is not
6 self-employed to operate a vehicle owned by the
7 defendant's employer that is not equipped with an ignition
8 interlock device in the course and scope of the
9 defendant's employment; and

10 (18) if placed on supervision for a sex offense as
11 defined in subsection (a-5) of Section 3-1-2 of this Code,
12 unless the offender is a parent or guardian of the person
13 under 18 years of age present in the home and no
14 non-familial minors are present, not participate in a
15 holiday event involving children under 18 years of age,
16 such as distributing candy or other items to children on
17 Halloween, wearing a Santa Claus costume on or preceding
18 Christmas, being employed as a department store Santa
19 Claus, or wearing an Easter Bunny costume on or preceding
20 Easter.

21 (c-5) If payment of restitution as ordered has not been
22 made, the victim shall file a petition notifying the
23 sentencing court, any other person to whom restitution is
24 owed, and the State's Attorney of the status of the ordered
25 restitution payments unpaid at least 90 days before the
26 supervision expiration date. If payment as ordered has not

1 been made, the court shall hold a review hearing prior to the
2 expiration date, unless the hearing is voluntarily waived by
3 the defendant with the knowledge that waiver may result in an
4 extension of the supervision period or in a revocation of
5 supervision. If the court does not extend supervision, it
6 shall issue a judgment for the unpaid restitution and direct
7 the clerk of the circuit court to file and enter the judgment
8 in the judgment and lien docket, without fee, unless it finds
9 that the victim has recovered a judgment against the defendant
10 for the amount covered by the restitution order. If the court
11 issues a judgment for the unpaid restitution, the court shall
12 send to the defendant at his or her last known address written
13 notification that a civil judgment has been issued for the
14 unpaid restitution.

15 (d) The court shall defer entering any judgment on the
16 charges until the conclusion of the supervision.

17 (e) At the conclusion of the period of supervision, if the
18 court determines that the defendant has successfully complied
19 with all of the conditions of supervision, the court shall
20 discharge the defendant and enter a judgment dismissing the
21 charges.

22 (f) Discharge and dismissal upon a successful conclusion
23 of a disposition of supervision shall be deemed without
24 adjudication of guilt and shall not be termed a conviction for
25 purposes of disqualification or disabilities imposed by law
26 upon conviction of a crime. Two years after the discharge and

1 dismissal under this Section, unless the disposition of
2 supervision was for a violation of Sections 3-707, 3-708,
3 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
4 similar provision of a local ordinance, or for a violation of
5 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
6 or the Criminal Code of 2012, in which case it shall be 5 years
7 after discharge and dismissal, a person may have his record of
8 arrest sealed or expunged as may be provided by law. However,
9 any defendant placed on supervision before January 1, 1980,
10 may move for sealing or expungement of his arrest record, as
11 provided by law, at any time after discharge and dismissal
12 under this Section. A person placed on supervision for a
13 sexual offense committed against a minor as defined in clause
14 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
15 for a violation of Section 11-501 of the Illinois Vehicle Code
16 or a similar provision of a local ordinance shall not have his
17 or her record of arrest sealed or expunged.

18 (g) A defendant placed on supervision and who during the
19 period of supervision undergoes mandatory drug or alcohol
20 testing, or both, or is assigned to be placed on an approved
21 electronic monitoring device, shall be ordered to pay the
22 costs incidental to such mandatory drug or alcohol testing, or
23 both, and costs incidental to such approved electronic
24 monitoring in accordance with the defendant's ability to pay
25 those costs. The county board with the concurrence of the
26 Chief Judge of the judicial circuit in which the county is

1 located shall establish reasonable fees for the cost of
2 maintenance, testing, and incidental expenses related to the
3 mandatory drug or alcohol testing, or both, and all costs
4 incidental to approved electronic monitoring, of all
5 defendants placed on supervision. The concurrence of the Chief
6 Judge shall be in the form of an administrative order. The fees
7 shall be collected by the clerk of the circuit court, except as
8 provided in an administrative order of the Chief Judge of the
9 circuit court. The clerk of the circuit court shall pay all
10 moneys collected from these fees to the county treasurer who
11 shall use the moneys collected to defray the costs of drug
12 testing, alcohol testing, and electronic monitoring. The
13 county treasurer shall deposit the fees collected in the
14 county working cash fund under Section 6-27001 or Section
15 6-29002 of the Counties Code, as the case may be.

16 The Chief Judge of the circuit court of the county may by
17 administrative order establish a program for electronic
18 monitoring of offenders, in which a vendor supplies and
19 monitors the operation of the electronic monitoring device,
20 and collects the fees on behalf of the county. The program
21 shall include provisions for indigent offenders and the
22 collection of unpaid fees. The program shall not unduly burden
23 the offender and shall be subject to review by the Chief Judge.

24 The Chief Judge of the circuit court may suspend any
25 additional charges or fees for late payment, interest, or
26 damage to any device.

1 (h) A disposition of supervision is a final order for the
2 purposes of appeal.

3 (i) The court shall impose upon a defendant placed on
4 supervision after January 1, 1992 or to community service
5 under the supervision of a probation or court services
6 department after January 1, 2004, as a condition of
7 supervision or supervised community service, a fee of \$50 for
8 each month of supervision or supervised community service
9 ordered by the court, unless after determining the inability
10 of the person placed on supervision or supervised community
11 service to pay the fee, the court assesses a lesser fee. The
12 court may not impose the fee on a minor who is placed in the
13 guardianship or custody of the Department of Children and
14 Family Services under the Juvenile Court Act of 1987 while the
15 minor is in placement. The fee shall be imposed only upon a
16 defendant who is actively supervised by the probation and
17 court services department. The fee shall be collected by the
18 clerk of the circuit court. The clerk of the circuit court
19 shall pay all monies collected from this fee to the county
20 treasurer for deposit in the probation and court services fund
21 pursuant to Section 15.1 of the Probation and Probation
22 Officers Act.

23 A circuit court may not impose a probation fee in excess of
24 \$25 per month unless the circuit court has adopted, by
25 administrative order issued by the chief judge, a standard
26 probation fee guide determining an offender's ability to pay.

1 Of the amount collected as a probation fee, not to exceed \$5 of
2 that fee collected per month may be used to provide services to
3 crime victims and their families.

4 The Court may only waive probation fees based on an
5 offender's ability to pay. The probation department may
6 re-evaluate an offender's ability to pay every 6 months, and,
7 with the approval of the Director of Court Services or the
8 Chief Probation Officer, adjust the monthly fee amount. An
9 offender may elect to pay probation fees due in a lump sum. Any
10 offender that has been assigned to the supervision of a
11 probation department, or has been transferred either under
12 subsection (h) of this Section or under any interstate
13 compact, shall be required to pay probation fees to the
14 department supervising the offender, based on the offender's
15 ability to pay.

16 (j) All fines and costs imposed under this Section for any
17 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
18 Code, or a similar provision of a local ordinance, and any
19 violation of the Child Passenger Protection Act, or a similar
20 provision of a local ordinance, shall be collected and
21 disbursed by the circuit clerk as provided under the Criminal
22 and Traffic Assessment Act.

23 (k) A defendant at least 17 years of age who is placed on
24 supervision for a misdemeanor in a county of 3,000,000 or more
25 inhabitants and who has not been previously convicted of a
26 misdemeanor or felony may as a condition of his or her

1 supervision be required by the court to attend educational
2 courses designed to prepare the defendant for a high school
3 diploma and to work toward a high school diploma or to work
4 toward passing high school equivalency testing or to work
5 toward completing a vocational training program approved by
6 the court. The defendant placed on supervision must attend a
7 public institution of education to obtain the educational or
8 vocational training required by this subsection (k). The
9 defendant placed on supervision shall be required to pay for
10 the cost of the educational courses or high school equivalency
11 testing if a fee is charged for those courses or testing. The
12 court shall revoke the supervision of a person who wilfully
13 fails to comply with this subsection (k). The court shall
14 resentence the defendant upon revocation of supervision as
15 provided in Section 5-6-4. This subsection (k) does not apply
16 to a defendant who has a high school diploma or has
17 successfully passed high school equivalency testing. This
18 subsection (k) does not apply to a defendant who is determined
19 by the court to be a person with a developmental disability or
20 otherwise mentally incapable of completing the educational or
21 vocational program.

22 (1) The court shall require a defendant placed on
23 supervision for possession of a substance prohibited by the
24 Cannabis Control Act, the Illinois Controlled Substances Act,
25 or the Methamphetamine Control and Community Protection Act
26 after a previous conviction or disposition of supervision for

1 possession of a substance prohibited by the Cannabis Control
2 Act, the Illinois Controlled Substances Act, or the
3 Methamphetamine Control and Community Protection Act or a
4 sentence of probation under Section 10 of the Cannabis Control
5 Act or Section 410 of the Illinois Controlled Substances Act
6 and after a finding by the court that the person is addicted,
7 to undergo treatment at a substance abuse program approved by
8 the court.

9 (m) The Secretary of State shall require anyone placed on
10 court supervision for a violation of Section 3-707 of the
11 Illinois Vehicle Code or a similar provision of a local
12 ordinance to give proof of his or her financial responsibility
13 as defined in Section 7-315 of the Illinois Vehicle Code. The
14 proof shall be maintained by the individual in a manner
15 satisfactory to the Secretary of State for a minimum period of
16 3 years after the date the proof is first filed. The proof
17 shall be limited to a single action per arrest and may not be
18 affected by any post-sentence disposition. The Secretary of
19 State shall suspend the driver's license of any person
20 determined by the Secretary to be in violation of this
21 subsection. This subsection does not apply to a person who, at
22 the time of the offense, was operating a motor vehicle
23 registered in a state other than Illinois.

24 (n) Any offender placed on supervision for any offense
25 that the court or probation department has determined to be
26 sexually motivated as defined in the Sex Offender Management

1 Board Act shall be required to refrain from any contact,
2 directly or indirectly, with any persons specified by the
3 court and shall be available for all evaluations and treatment
4 programs required by the court or the probation department.

5 (o) An offender placed on supervision for a sex offense as
6 defined in the Sex Offender Management Board Act shall refrain
7 from residing at the same address or in the same condominium
8 unit or apartment unit or in the same condominium complex or
9 apartment complex with another person he or she knows or
10 reasonably should know is a convicted sex offender or has been
11 placed on supervision for a sex offense. The provisions of
12 this subsection (o) do not apply to a person convicted of a sex
13 offense who is placed in a Department of Corrections licensed
14 transitional housing facility for sex offenders.

15 (p) An offender placed on supervision for an offense
16 committed on or after June 1, 2008 (the effective date of
17 Public Act 95-464) that would qualify the accused as a child
18 sex offender as defined in Section 11-9.3 or 11-9.4 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 shall
20 refrain from communicating with or contacting, by means of the
21 Internet, a person who is not related to the accused and whom
22 the accused reasonably believes to be under 18 years of age.
23 For purposes of this subsection (p), "Internet" has the
24 meaning ascribed to it in Section 16-0.1 of the Criminal Code
25 of 2012; and a person is not related to the accused if the
26 person is not: (i) the spouse, brother, or sister of the

1 accused; (ii) a descendant of the accused; (iii) a first or
2 second cousin of the accused; or (iv) a step-child or adopted
3 child of the accused.

4 (q) An offender placed on supervision for an offense
5 committed on or after June 1, 2008 (the effective date of
6 Public Act 95-464) that would qualify the accused as a child
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the
8 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
9 ordered by the court, refrain from communicating with or
10 contacting, by means of the Internet, a person who is related
11 to the accused and whom the accused reasonably believes to be
12 under 18 years of age. For purposes of this subsection (q),
13 "Internet" has the meaning ascribed to it in Section 16-0.1 of
14 the Criminal Code of 2012; and a person is related to the
15 accused if the person is: (i) the spouse, brother, or sister of
16 the accused; (ii) a descendant of the accused; (iii) a first or
17 second cousin of the accused; or (iv) a step-child or adopted
18 child of the accused.

19 (r) An offender placed on supervision for an offense under
20 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
21 sexually exploited child ~~juvenile prostitute~~, 11-15.1,
22 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of
23 1961 or the Criminal Code of 2012, or any attempt to commit any
24 of these offenses, committed on or after June 1, 2009 (the
25 effective date of Public Act 95-983) shall:

26 (i) not access or use a computer or any other device

1 with Internet capability without the prior written
2 approval of the court, except in connection with the
3 offender's employment or search for employment with the
4 prior approval of the court;

5 (ii) submit to periodic unannounced examinations of
6 the offender's computer or any other device with Internet
7 capability by the offender's probation officer, a law
8 enforcement officer, or assigned computer or information
9 technology specialist, including the retrieval and copying
10 of all data from the computer or device and any internal or
11 external peripherals and removal of such information,
12 equipment, or device to conduct a more thorough
13 inspection;

14 (iii) submit to the installation on the offender's
15 computer or device with Internet capability, at the
16 offender's expense, of one or more hardware or software
17 systems to monitor the Internet use; and

18 (iv) submit to any other appropriate restrictions
19 concerning the offender's use of or access to a computer
20 or any other device with Internet capability imposed by
21 the court.

22 (s) An offender placed on supervision for an offense that
23 is a sex offense as defined in Section 2 of the Sex Offender
24 Registration Act that is committed on or after January 1, 2010
25 (the effective date of Public Act 96-362) that requires the
26 person to register as a sex offender under that Act, may not

1 knowingly use any computer scrub software on any computer that
2 the sex offender uses.

3 (t) An offender placed on supervision for a sex offense as
4 defined in the Sex Offender Registration Act committed on or
5 after January 1, 2010 (the effective date of Public Act
6 96-262) shall refrain from accessing or using a social
7 networking website as defined in Section 17-0.5 of the
8 Criminal Code of 2012.

9 (u) Jurisdiction over an offender may be transferred from
10 the sentencing court to the court of another circuit with the
11 concurrence of both courts. Further transfers or retransfers
12 of jurisdiction are also authorized in the same manner. The
13 court to which jurisdiction has been transferred shall have
14 the same powers as the sentencing court. The probation
15 department within the circuit to which jurisdiction has been
16 transferred may impose probation fees upon receiving the
17 transferred offender, as provided in subsection (i). The
18 probation department from the original sentencing court shall
19 retain all probation fees collected prior to the transfer.

20 (Source: P.A. 102-299, eff. 8-6-21.)

21 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

22 Sec. 5-9-1.7. Sexual assault fines.

23 (a) Definitions. The terms used in this Section shall have
24 the following meanings ascribed to them:

25 (1) "Sexual assault" means the commission or attempted

1 commission of the following: sexual exploitation of a
2 child, criminal sexual assault, predatory criminal sexual
3 assault of a child, aggravated criminal sexual assault,
4 criminal sexual abuse, aggravated criminal sexual abuse,
5 indecent solicitation of a child, public indecency, sexual
6 relations within families, promoting commercial sexual
7 exploitation of a child ~~juvenile prostitution~~, soliciting
8 for a sexually exploited child ~~juvenile prostitute~~,
9 keeping a place of commercial sexual exploitation of a
10 child ~~juvenile prostitution~~, patronizing a sexually
11 exploited child ~~juvenile prostitute~~, juvenile pimping,
12 exploitation of a child, obscenity, child pornography,
13 aggravated child pornography, harmful material, or
14 ritualized abuse of a child, as those offenses are defined
15 in the Criminal Code of 1961 or the Criminal Code of 2012.

16 (2) (Blank).

17 (3) "Sexual assault organization" means any
18 not-for-profit organization providing comprehensive,
19 community-based services to victims of sexual assault.
20 "Community-based services" include, but are not limited
21 to, direct crisis intervention through a 24-hour response,
22 medical and legal advocacy, counseling, information and
23 referral services, training, and community education.

24 (b) (Blank).

25 (c) Sexual Assault Services Fund; administration. There is
26 created a Sexual Assault Services Fund. Moneys deposited into

1 the Fund under Section 15-20 and 15-40 of the Criminal and
2 Traffic Assessment Act shall be appropriated to the Department
3 of Public Health. Upon appropriation of moneys from the Sexual
4 Assault Services Fund, the Department of Public Health shall
5 make grants of these moneys from the Fund to sexual assault
6 organizations with whom the Department has contracts for the
7 purpose of providing community-based services to victims of
8 sexual assault. Grants made under this Section are in addition
9 to, and are not substitutes for, other grants authorized and
10 made by the Department.

11 (Source: P.A. 100-987, eff. 7-1-19.)

12 (730 ILCS 5/5-9-1.21)

13 Sec. 5-9-1.21. Specialized Services for Survivors of Human
14 Trafficking Fund.

15 (a) There is created in the State treasury a Specialized
16 Services for Survivors of Human Trafficking Fund. Moneys
17 deposited into the Fund under this Section shall be available
18 for the Department of Human Services for the purposes in this
19 Section.

20 (b) (Blank).

21 (c) (Blank).

22 (d) Upon appropriation of moneys from the Specialized
23 Services for Survivors of Human Trafficking Fund, the
24 Department of Human Services shall use these moneys to make
25 grants to non-governmental organizations to provide

1 specialized, trauma-informed services specifically designed to
2 address the priority service needs associated with commercial
3 sexual activity ~~prostitution~~ and human trafficking. Priority
4 services include, but are not limited to, community based
5 drop-in centers, emergency housing, and long-term safe homes.
6 The Department shall consult with commercial sexual activity
7 ~~prostitution~~ and human trafficking advocates, survivors, and
8 service providers to identify priority service needs in their
9 respective communities.

10 (e) Grants made under this Section are in addition to, and
11 not substitutes for, other grants authorized and made by the
12 Department.

13 (f) Notwithstanding any other law to the contrary, the
14 Specialized Services for Survivors of Human Trafficking Fund
15 is not subject to sweeps, administrative charge-backs, or any
16 other fiscal maneuver that would in any way transfer any
17 amounts from the Specialized Services for Survivors of Human
18 Trafficking Fund into any other fund of the State.

19 (Source: P.A. 100-987, eff. 7-1-19.)

20 Section 80. The Sex Offender Registration Act is amended
21 by changing Section 2 as follows:

22 (730 ILCS 150/2) (from Ch. 38, par. 222)

23 Sec. 2. Definitions.

24 (A) As used in this Article, "sex offender" means any

1 person who is:

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

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

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

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

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

20 (e) is found not guilty by reason of insanity
21 following a hearing conducted pursuant to a federal,
22 Uniform Code of Military Justice, sister state, or
23 foreign country law substantially similar to Section
24 104-25(c) of the Code of Criminal Procedure of 1963 of
25 such offense or of the attempted commission of such
26 offense; or

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

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

12 (3) subject to the provisions of Section 2 of the
13 Interstate Agreements on Sexually Dangerous Persons Act;
14 or

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

19 (5) adjudicated a juvenile delinquent as the result of
20 committing or attempting to commit an act which, if
21 committed by an adult, would constitute any of the
22 offenses specified in item (B), (C), or (C-5) of this
23 Section or a violation of any substantially similar
24 federal, Uniform Code of Military Justice, sister state,
25 or foreign country law, or found guilty under Article V of
26 the Juvenile Court Act of 1987 of committing or attempting

1 to commit an act which, if committed by an adult, would
2 constitute any of the offenses specified in item (B), (C),
3 or (C-5) of this Section or a violation of any
4 substantially similar federal, Uniform Code of Military
5 Justice, sister state, or foreign country law.

6 Convictions that result from or are connected with the
7 same act, or result from offenses committed at the same time,
8 shall be counted for the purpose of this Article as one
9 conviction. Any conviction set aside pursuant to law is not a
10 conviction for purposes of this Article.

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

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

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

16 11-20.1 (child pornography),

17 11-20.1B or 11-20.3 (aggravated child
18 pornography),

19 11-6 (indecent solicitation of a child),

20 11-9.1 (sexual exploitation of a child),

21 11-9.2 (custodial sexual misconduct),

22 11-9.5 (sexual misconduct with a person with a
23 disability),

24 11-14.4 (promoting commercial sexual exploitation
25 of a child ~~juvenile prostitution~~),

26 11-15.1 (soliciting for a sexually exploited child

1 ~~juvenile prostitute),~~
2 11-18.1 (patronizing a sexually exploited child
3 ~~juvenile prostitute),~~
4 11-17.1 (keeping a place of commercial sexual
5 exploitation of a child ~~juvenile prostitution),~~
6 11-19.1 (juvenile pimping),
7 11-19.2 (exploitation of a child),
8 11-25 (grooming),
9 11-26 (traveling to meet a minor or traveling to
10 meet a child),
11 11-1.20 or 12-13 (criminal sexual assault),
12 11-1.30 or 12-14 (aggravated criminal sexual
13 assault),
14 11-1.40 or 12-14.1 (predatory criminal sexual
15 assault of a child),
16 11-1.50 or 12-15 (criminal sexual abuse),
17 11-1.60 or 12-16 (aggravated criminal sexual
18 abuse),
19 12-33 (ritualized abuse of a child).

20 An attempt to commit any of these offenses.

21 (1.5) A violation of any of the following Sections of
22 the Criminal Code of 1961 or the Criminal Code of 2012,
23 when the victim is a person under 18 years of age, the
24 defendant is not a parent of the victim, the offense was
25 sexually motivated as defined in Section 10 of the Sex
26 Offender Evaluation and Treatment Act, and the offense was

1 committed on or after January 1, 1996:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 If the offense was committed before January 1, 1996,
7 it is a sex offense requiring registration only when the
8 person is convicted of any felony after July 1, 2011, and
9 paragraph (2.1) of subsection (c) of Section 3 of this Act
10 applies.

11 (1.6) First degree murder under Section 9-1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012,
13 provided the offense was sexually motivated as defined in
14 Section 10 of the Sex Offender Management Board Act.

15 (1.7) (Blank).

16 (1.8) A violation or attempted violation of Section
17 11-11 (sexual relations within families) of the Criminal
18 Code of 1961 or the Criminal Code of 2012, and the offense
19 was committed on or after June 1, 1997. If the offense was
20 committed before June 1, 1997, it is a sex offense
21 requiring registration only when the person is convicted
22 of any felony after July 1, 2011, and paragraph (2.1) of
23 subsection (c) of Section 3 of this Act applies.

24 (1.9) Child abduction under paragraph (10) of
25 subsection (b) of Section 10-5 of the Criminal Code of
26 1961 or the Criminal Code of 2012 committed by luring or

1 attempting to lure a child under the age of 16 into a motor
2 vehicle, building, house trailer, or dwelling place
3 without the consent of the parent or lawful custodian of
4 the child for other than a lawful purpose and the offense
5 was committed on or after January 1, 1998, provided the
6 offense was sexually motivated as defined in Section 10 of
7 the Sex Offender Management Board Act. If the offense was
8 committed before January 1, 1998, it is a sex offense
9 requiring registration only when the person is convicted
10 of any felony after July 1, 2011, and paragraph (2.1) of
11 subsection (c) of Section 3 of this Act applies.

12 (1.10) A violation or attempted violation of any of
13 the following Sections of the Criminal Code of 1961 or the
14 Criminal Code of 2012 when the offense was committed on or
15 after July 1, 1999:

16 10-4 (forcible detention, if the victim is under
17 18 years of age), provided the offense was sexually
18 motivated as defined in Section 10 of the Sex Offender
19 Management Board Act,

20 11-6.5 (indecent solicitation of an adult),

21 11-14.3 that involves soliciting for a provider of
22 commercial sexual activity ~~prostitute~~, or 11-15
23 (soliciting for a provider of commercial sexual
24 activity ~~prostitute~~, if the victim is under 18 years
25 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 provider of commercial sexual
4 activity ~~prostitute~~, if the victim is under 18 years
5 of age),

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

9 If the offense was committed before July 1, 1999, it
10 is a sex offense requiring registration only when the
11 person is convicted of any felony after July 1, 2011, and
12 paragraph (2.1) of subsection (c) of Section 3 of this Act
13 applies.

14 (1.11) 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 August 22, 2002:

18 11-9 or 11-30 (public indecency for a third or
19 subsequent conviction).

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

25 (1.12) A violation or attempted violation of Section
26 5.1 of the Wrongs to Children Act or Section 11-9.1A of the

1 Criminal Code of 1961 or the Criminal Code of 2012
2 (permitting sexual abuse) when the offense was committed
3 on or after August 22, 2002. If the offense was committed
4 before August 22, 2002, it is a sex offense requiring
5 registration only when the person is convicted of any
6 felony after July 1, 2011, and paragraph (2.1) of
7 subsection (c) of Section 3 of this Act applies.

8 (2) A violation of any former law of this State
9 substantially equivalent to any offense listed in
10 subsection (B) of this Section.

11 (C) A conviction for an offense of federal law, Uniform
12 Code of Military Justice, or the law of another state or a
13 foreign country that is substantially equivalent to any
14 offense listed in subsections (B), (C), (E), and (E-5) of this
15 Section shall constitute a conviction for the purpose of this
16 Article. A finding or adjudication as a sexually dangerous
17 person or a sexually violent person under any federal law,
18 Uniform Code of Military Justice, or the law of another state
19 or foreign country that is substantially equivalent to the
20 Sexually Dangerous Persons Act or the Sexually Violent Persons
21 Commitment Act shall constitute an adjudication for the
22 purposes of this Article.

23 (C-5) A person at least 17 years of age at the time of the
24 commission of the offense who is convicted of first degree
25 murder under Section 9-1 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, against a person under 18 years of age,

1 shall be required to register for natural life. A conviction
2 for an offense of federal, Uniform Code of Military Justice,
3 sister state, or foreign country law that is substantially
4 equivalent to any offense listed in subsection (C-5) of this
5 Section shall constitute a conviction for the purpose of this
6 Article. This subsection (C-5) applies to a person who
7 committed the offense before June 1, 1996 if: (i) the person is
8 incarcerated in an Illinois Department of Corrections facility
9 on August 20, 2004 (the effective date of Public Act 93-977),
10 or (ii) subparagraph (i) does not apply and the person is
11 convicted of any felony after July 1, 2011, and paragraph
12 (2.1) of subsection (c) of Section 3 of this Act applies.

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

25 (D) As used in this Article, "law enforcement agency
26 having jurisdiction" means the Chief of Police in each of the

1 municipalities in which the sex offender expects to reside,
2 work, or attend school (1) upon his or her discharge, parole or
3 release or (2) during the service of his or her sentence of
4 probation or conditional discharge, or the Sheriff of the
5 county, in the event no Police Chief exists or if the offender
6 intends to reside, work, or attend school in an unincorporated
7 area. "Law enforcement agency having jurisdiction" includes
8 the location where out-of-state students attend school and
9 where out-of-state employees are employed or are otherwise
10 required to register.

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

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

16 (1) Convicted for an offense of federal, Uniform Code
17 of Military Justice, sister state, or foreign country law
18 that is substantially equivalent to any offense listed in
19 subsection (E) or (E-5) of this Section shall constitute a
20 conviction for the purpose of this Article. Convicted of a
21 violation or attempted violation of any of the following
22 Sections of the Criminal Code of 1961 or the Criminal Code
23 of 2012:

24 10-5.1 (luring of a minor),

25 11-14.4 that involves keeping a place of
26 commercial sexual exploitation of a child ~~juvenile~~

1 ~~prostitution~~, or 11-17.1 (keeping a place of
2 commercial sexual exploitation of a child ~~juvenile~~
3 ~~prostitution~~),

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

6 subdivision (a)(4) of Section 11-14.4, or Section
7 11-19.2 (exploitation of a child),

8 11-20.1 (child pornography),

9 11-20.1B or 11-20.3 (aggravated child
10 pornography),

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

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

14 11-1.40 or 12-14.1 (predatory criminal sexual
15 assault of a child),

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

18 12-33 (ritualized abuse of a child);

19 (2) (blank);

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

24 (4) found to be a sexually violent person pursuant to
25 the Sexually Violent Persons Commitment Act or any
26 substantially similar federal, Uniform Code of Military

1 Justice, sister state, or foreign country law;

2 (5) convicted of a second or subsequent offense which
3 requires registration pursuant to this Act. For purposes
4 of this paragraph (5), "convicted" shall include a
5 conviction under any substantially similar Illinois,
6 federal, Uniform Code of Military Justice, sister state,
7 or foreign country law;

8 (6) (blank); or

9 (7) if the person was convicted of an offense set
10 forth in this subsection (E) on or before July 1, 1999, the
11 person is a sexual predator for whom registration is
12 required only when the person is convicted of a felony
13 offense after July 1, 2011, and paragraph (2.1) of
14 subsection (c) of Section 3 of this Act applies.

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

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

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

1 (3) when the victim is a person under 18 years of age,
2 the defendant is not a parent of the victim, the offense
3 was sexually motivated as defined in Section 10 of the Sex
4 Offender Management Board Act, and the offense was
5 committed on or after January 1, 1996: (A) Section 10-1
6 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
7 (C) Section 10-3 (unlawful restraint), and (D) Section
8 10-3.1 (aggravated unlawful restraint); and

9 (4) Section 10-5(b)(10) (child abduction committed by
10 luring or attempting to lure a child under the age of 16
11 into a motor vehicle, building, house trailer, or dwelling
12 place without the consent of the parent or lawful
13 custodian of the child for other than a lawful purpose and
14 the offense was committed on or after January 1, 1998,
15 provided the offense was sexually motivated as defined in
16 Section 10 of the Sex Offender Management Board Act).

17 (E-10) As used in this Article, "sexual predator" also
18 means a person required to register in another State due to a
19 conviction, adjudication or other action of any court
20 triggering an obligation to register as a sex offender, sexual
21 predator, or substantially similar status under the laws of
22 that State.

23 (F) As used in this Article, "out-of-state student" means
24 any sex offender, as defined in this Section, or sexual
25 predator who is enrolled in Illinois, on a full-time or
26 part-time basis, in any public or private educational

1 institution, including, but not limited to, any secondary
2 school, trade or professional institution, or institution of
3 higher learning.

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

12 (H) As used in this Article, "school" means any public or
13 private educational institution, including, but not limited
14 to, any elementary or secondary school, trade or professional
15 institution, or institution of higher education.

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

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

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

24 Section 85. The Code of Civil Procedure is amended by
25 changing Section 8-802.1 as follows:

1 (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)

2 Sec. 8-802.1. Confidentiality of statements made to rape
3 crisis personnel.

4 (a) Purpose. This Section is intended to protect victims
5 of rape from public disclosure of statements they make in
6 confidence to counselors of organizations established to help
7 them. On or after July 1, 1984, "rape" means an act of forced
8 sexual penetration or sexual conduct, as defined in Section
9 11-0.1 of the Criminal Code of 2012, including acts prohibited
10 under Sections 11-1.20 through 11-1.60 or 12-13 through 12-16
11 of the Criminal Code of 1961 or the Criminal Code of 2012.
12 Because of the fear and stigma that often results from those
13 crimes, many victims hesitate to seek help even where it is
14 available at no cost to them. As a result they not only fail to
15 receive needed medical care and emergency counseling, but may
16 lack the psychological support necessary to report the crime
17 and aid police in preventing future crimes.

18 (b) Definitions. As used in this Act:

19 (1) "Rape crisis organization" means any organization
20 or association a major purpose of which is providing
21 information, counseling, and psychological support to
22 victims of any or all of the crimes of aggravated criminal
23 sexual assault, predatory criminal sexual assault of a
24 child, criminal sexual assault, sexual relations between
25 siblings, criminal sexual abuse and aggravated criminal

1 sexual abuse. "Rape crisis organization" includes, but is
2 not limited to, rape crisis centers certified by a
3 statewide sexual assault coalition.

4 (2) "Rape crisis counselor" means a person who is a
5 psychologist, social worker, employee, or volunteer in any
6 organization or association defined as a rape crisis
7 organization under this Section, who has undergone 40
8 hours of training and is under the control of a direct
9 services supervisor of a rape crisis organization.

10 (3) "Victim" means a person who is the subject of, or
11 who seeks information, counseling, or advocacy services as
12 a result of an aggravated criminal sexual assault,
13 predatory criminal sexual assault of a child, criminal
14 sexual assault, sexual relations within families, criminal
15 sexual abuse, aggravated criminal sexual abuse, sexual
16 exploitation of a child, indecent solicitation of a child,
17 public indecency, exploitation of a child, promoting
18 commercial sexual exploitation of a child ~~juvenile~~
19 ~~prostitution~~ as described in subdivision (a) (4) of Section
20 11-14.4, or an attempt to commit any of these offenses.

21 (4) "Confidential communication" means any
22 communication between a victim and a rape crisis counselor
23 in the course of providing information, counseling, and
24 advocacy. The term includes all records kept by the
25 counselor or by the organization in the course of
26 providing services to an alleged victim concerning the

1 alleged victim and the services provided.

2 (c) Waiver of privilege.

3 (1) The confidential nature of the communication is
4 not waived by: the presence of a third person who further
5 expresses the interests of the victim at the time of the
6 communication; group counseling; or disclosure to a third
7 person with the consent of the victim when reasonably
8 necessary to accomplish the purpose for which the
9 counselor is consulted.

10 (2) The confidential nature of counseling records is
11 not waived when: the victim inspects the records; or in
12 the case of a minor child less than 12 years of age, a
13 parent or guardian whose interests are not adverse to the
14 minor inspects the records; or in the case of a minor
15 victim 12 years or older, a parent or guardian whose
16 interests are not adverse to the minor inspects the
17 records with the victim's consent, or in the case of an
18 adult who has a guardian of his or her person, the guardian
19 inspects the records with the victim's consent.

20 (3) When a victim is deceased, the executor or
21 administrator of the victim's estate may waive the
22 privilege established by this Section, unless the executor
23 or administrator has an interest adverse to the victim.

24 (4) A minor victim 12 years of age or older may
25 knowingly waive the privilege established in this Section.
26 When a minor is, in the opinion of the Court, incapable of

1 knowingly waiving the privilege, the parent or guardian of
2 the minor may waive the privilege on behalf of the minor,
3 unless the parent or guardian has been charged with a
4 violent crime against the victim or otherwise has any
5 interest adverse to that of the minor with respect to the
6 waiver of the privilege.

7 (5) An adult victim who has a guardian of his or her
8 person may knowingly waive the privilege established in
9 this Section. When the victim is, in the opinion of the
10 court, incapable of knowingly waiving the privilege, the
11 guardian of the adult victim may waive the privilege on
12 behalf of the victim, unless the guardian has been charged
13 with a violent crime against the victim or otherwise has
14 any interest adverse to the victim with respect to the
15 privilege.

16 (d) Confidentiality. Except as provided in this Act, no
17 rape crisis counselor shall disclose any confidential
18 communication or be examined as a witness in any civil or
19 criminal proceeding as to any confidential communication
20 without the written consent of the victim or a representative
21 of the victim as provided in subparagraph (c).

22 (e) A rape crisis counselor may disclose a confidential
23 communication without the consent of the victim if failure to
24 disclose is likely to result in a clear, imminent risk of
25 serious physical injury or death of the victim or another
26 person. Any rape crisis counselor or rape crisis organization

1 participating in good faith in the disclosing of records and
2 communications under this Act shall have immunity from any
3 liability, civil, criminal, or otherwise that might result
4 from the action. In any proceeding, civil or criminal, arising
5 out of a disclosure under this Section, the good faith of any
6 rape crisis counselor or rape crisis organization who
7 disclosed the confidential communication shall be presumed.

8 (f) Any rape crisis counselor who knowingly discloses any
9 confidential communication in violation of this Act commits a
10 Class C misdemeanor.

11 (Source: P.A. 102-469, eff. 1-1-22.)

12 Section 90. The Lewdness Public Nuisance Act is amended by
13 changing the title of the Act and Sections 1 and 10 as follows:

14 (740 ILCS 105/Act title)

15 An Act regarding places used for purposes of lewdness,
16 assignation, or commercial sexual activity ~~prostitution~~, to
17 declare the same to be public nuisances, and to provide for the
18 more effectual suppression thereof.

19 (740 ILCS 105/1) (from Ch. 100 1/2, par. 1)

20 Sec. 1. All buildings and apartments, and all places, and
21 the fixtures and movable contents thereof, used for purposes
22 of lewdness, assignation, or commercial sexual activity
23 ~~prostitution~~, are hereby declared to be public nuisances, and

1 may be abated as hereinafter provided. The owners, agents, and
2 occupants of any such building or apartment, or of any such
3 place shall be deemed guilty of maintaining a public nuisance,
4 and may be enjoined as hereinafter provided.

5 (Source: Laws 1915, p. 371.)

6 (740 ILCS 105/10) (from Ch. 100 1/2, par. 10)

7 Sec. 10. If any lessee or occupant shall use leased
8 premises for the purpose of lewdness, assignation or
9 commercial sexual activity ~~prostitution~~, or shall permit them
10 to be used for any of such purposes, the lease or contract for
11 letting such premises shall, at the option of the lessor,
12 become void, and the owner may have the like remedy to recover
13 possession thereof as against a tenant holding over after the
14 expiration of his term.

15 (Source: Laws 1915, p. 371.)

16 Section 95. The Trafficking Victims Protection Act is
17 amended by changing Section 10 as follows:

18 (740 ILCS 128/10)

19 Sec. 10. Definitions. As used in this Act:

20 "Human trafficking" means a violation or attempted
21 violation of subsection (d) of Section 10-9 of the Criminal
22 Code of 2012.

23 "Involuntary servitude" means a violation or attempted

1 violation of subsection (b) of Section 10-9 of the Criminal
2 Code of 2012.

3 "Sex trade" means a violation or attempted violation of
4 any of the following Sections of the Criminal Code of 1961 or
5 the Criminal Code of 2012: 11-14.3 (promoting commercial
6 sexual activity prostitution); 11-14.4 (promoting commercial
7 sexual exploitation of a child juvenile prostitution); 11-15
8 (soliciting for a provider of commercial sexual activity
9 prostitute); 11-15.1 (soliciting for a sexually exploited
10 child juvenile prostitute); 11-16 (pandering); 11-17 (keeping
11 a place of commercial sexual activity prostitution); 11-17.1
12 (keeping a place of commercial sexual exploitation of a child
13 juvenile prostitution); 11-19 (pimping); 11-19.1 (juvenile
14 pimping and aggravated juvenile pimping); 11-19.2
15 (exploitation of a child); 11-20 (obscenity); 11-20.1 (child
16 pornography); 11-20.1B or 11-20.3 (aggravated child
17 pornography); or subsection (c) of Section 10-9 (involuntary
18 sexual servitude of a minor).

19 "Sex trade" activity may involve adults and youth of all
20 genders and sexual orientations.

21 "Victim of the sex trade" means, for the following sex
22 trade acts, the person or persons indicated:

23 (1) soliciting for a provider of commercial sexual
24 activity prostitute: the provider of commercial sexual
25 activity prostitute who is the object of the solicitation;

26 (2) soliciting for a sexually exploited child juvenile

1 ~~prostitute~~: the sexually exploited child ~~juvenile~~
2 ~~prostitute~~, or person with a severe or profound
3 intellectual disability, who is the object of the
4 solicitation;

5 (3) promoting commercial sexual activity ~~prostitution~~
6 as described in subdivision (a)(2)(A) or (a)(2)(B) of
7 Section 11-14.3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, or pandering: the person intended
9 or compelled to act as a provider of commercial sexual
10 activity ~~prostitute~~;

11 (4) keeping a place of commercial sexual activity
12 ~~prostitution~~: any person intended or compelled to act as a
13 provider of commercial sexual activity ~~prostitute~~, while
14 present at the place, during the time period in question;

15 (5) keeping a place of commercial sexual exploitation
16 of a child ~~juvenile prostitution~~: any juvenile intended or
17 compelled to act as a provider of commercial sexual
18 activity ~~prostitute~~, while present at the place, during
19 the time period in question;

20 (6) promoting commercial sexual activity ~~prostitution~~
21 as described in subdivision (a)(2)(C) of Section 11-14.3
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 or pimping: the provider of commercial sexual activity
24 ~~prostitute~~ from whom anything of value is received;

25 (7) promoting commercial sexual exploitation of a
26 child ~~juvenile prostitution~~ as described in subdivision

1 (a) (2) or (a) (3) of Section 11-14.4 of the Criminal Code
2 of 1961 or the Criminal Code of 2012, or juvenile pimping
3 and aggravated juvenile pimping: the juvenile, or person
4 with a severe or profound intellectual disability, from
5 whom anything of value is received for that person's act
6 of commercial sexual activity ~~prostitution~~;

7 (8) promoting commercial sexual exploitation of a
8 child ~~juvenile prostitution~~ as described in subdivision
9 (a) (4) of Section 11-14.4 of the Criminal Code of 1961 or
10 the Criminal Code of 2012, or exploitation of a child: the
11 juvenile, or person with a severe or profound intellectual
12 disability, intended or compelled to act as a provider of
13 commercial sexual activity ~~prostitute~~ or from whom
14 anything of value is received for that person's act of
15 commercial sexual activity ~~prostitution~~;

16 (9) obscenity: any person who appears in or is
17 described or depicted in the offending conduct or
18 material;

19 (10) child pornography or aggravated child
20 pornography: any child, or person with a severe or
21 profound intellectual disability, who appears in or is
22 described or depicted in the offending conduct or
23 material; or

24 (11) involuntary sexual servitude of a minor as
25 defined in subsection (c) of Section 10-9 of the Criminal
26 Code of 1961 or the Criminal Code of 2012.

1 (Source: P.A. 99-143, eff. 7-27-15; 100-939, eff. 1-1-19.)

2 Section 100. The Illinois Streetgang Terrorism Omnibus
3 Prevention Act is amended by changing Section 10 as follows:

4 (740 ILCS 147/10)

5 Sec. 10. Definitions.

6 "Course or pattern of criminal activity" means 2 or more
7 gang-related criminal offenses committed in whole or in part
8 within this State when:

9 (1) at least one such offense was committed after the
10 effective date of this Act;

11 (2) both offenses were committed within 5 years of
12 each other; and

13 (3) at least one offense involved the solicitation to
14 commit, conspiracy to commit, attempt to commit, or
15 commission of any offense defined as a felony or forcible
16 felony under the Criminal Code of 1961 or the Criminal
17 Code of 2012.

18 "Course or pattern of criminal activity" also means one or
19 more acts of criminal defacement of property under Section
20 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
21 2012, if the defacement includes a sign or other symbol
22 intended to identify the streetgang.

23 "Designee of State's Attorney" or "designee" means any
24 attorney for a public authority who has received written

1 permission from the State's Attorney to file or join in a civil
2 action authorized by this Act.

3 "Public authority" means any unit of local government or
4 school district created or established under the Constitution
5 or laws of this State.

6 "State's Attorney" means the State's Attorney of any
7 county where an offense constituting a part of a course or
8 pattern of gang-related criminal activity has occurred or has
9 been committed.

10 "Streetgang" or "gang" or "organized gang" or "criminal
11 street gang" means any combination, confederation, alliance,
12 network, conspiracy, understanding, or other similar
13 conjoining, in law or in fact, of 3 or more persons with an
14 established hierarchy that, through its membership or through
15 the agency of any member engages in a course or pattern of
16 criminal activity.

17 For purposes of this Act, it shall not be necessary to show
18 that a particular conspiracy, combination, or conjoining of
19 persons possesses, acknowledges, or is known by any common
20 name, insignia, flag, means of recognition, secret signal or
21 code, creed, belief, structure, leadership or command
22 structure, method of operation or criminal enterprise,
23 concentration or specialty, membership, age, or other
24 qualifications, initiation rites, geographical or territorial
25 situs or boundary or location, or other unifying mark, manner,
26 protocol or method of expressing or indicating membership when

1 the conspiracy's existence, in law or in fact, can be
2 demonstrated by a preponderance of other competent evidence.
3 However, any evidence reasonably tending to show or
4 demonstrate, in law or in fact, the existence of or membership
5 in any conspiracy, confederation, or other association
6 described herein, or probative of the existence of or
7 membership in any such association, shall be admissible in any
8 action or proceeding brought under this Act.

9 "Streetgang member" or "gang member" means any person who
10 actually and in fact belongs to a gang, and any person who
11 knowingly acts in the capacity of an agent for or accessory to,
12 or is legally accountable for, or voluntarily associates
13 himself with a course or pattern of gang-related criminal
14 activity, whether in a preparatory, executory, or cover-up
15 phase of any activity, or who knowingly performs, aids, or
16 abets any such activity.

17 "Streetgang related" or "gang-related" means any criminal
18 activity, enterprise, pursuit, or undertaking directed by,
19 ordered by, authorized by, consented to, agreed to, requested
20 by, acquiesced in, or ratified by any gang leader, officer, or
21 governing or policy-making person or authority, or by any
22 agent, representative, or deputy of any such officer, person,
23 or authority:

24 (1) with the intent to increase the gang's size,
25 membership, prestige, dominance, or control in any
26 geographical area; or

1 (2) with the intent to provide the gang with any
2 advantage in, or any control or dominance over any
3 criminal market sector, including but not limited to, the
4 manufacture, delivery, or sale of controlled substances or
5 cannabis; arson or arson-for-hire; traffic in stolen
6 property or stolen credit cards; traffic in commercial
7 sexual activity ~~prostitution~~, obscenity, or pornography;
8 or that involves robbery, burglary, or theft; or

9 (3) with the intent to exact revenge or retribution
10 for the gang or any member of the gang; or

11 (4) with the intent to obstruct justice, or intimidate
12 or eliminate any witness against the gang or any member of
13 the gang; or

14 (5) with the intent to otherwise directly or
15 indirectly cause any benefit, aggrandizement, gain, profit
16 or other advantage whatsoever to or for the gang, its
17 reputation, influence, or membership.

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

19 Section 105. The Illinois Securities Law of 1953 is
20 amended by changing Section 7a as follows:

21 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

22 Sec. 7a. (a) Except as provided in subsection (b) of this
23 Section, no securities, issued by an issuer engaged in or
24 deriving revenues from the conduct of any business or

1 profession, the conduct of which would violate Section 11-14,
2 11-14.3, 11-14.4 as described in subdivision (a)(1), (a)(2),
3 or (a)(3) or that involves soliciting for a sexually exploited
4 child ~~juvenile prostitute~~, 11-15, 11-15.1, 11-16, 11-17, 11-19
5 or 11-19.1 of the Criminal Code of 1961 or the Criminal Code of
6 2012, if conducted in this State, shall be sold or registered
7 pursuant to Section 5, 6 or 7 of this Act nor sold pursuant to
8 the provisions of Section 3 or 4 of this Act.

9 (b) Notwithstanding the provisions of subsection (a)
10 hereof, such securities issued prior to the effective date of
11 this amendatory Act of 1989 may be sold by a resident of this
12 State in transactions which qualify for an exemption from the
13 registration requirements of this Act pursuant to subsection A
14 of Section 4 of this Act.

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

16 Section 995. No acceleration or delay. Where this Act
17 makes changes in a statute that is represented in this Act by
18 text that is not yet or no longer in effect (for example, a
19 Section represented by multiple versions), the use of that
20 text does not accelerate or delay the taking effect of (i) the
21 changes made by this Act or (ii) provisions derived from any
22 other Public Act.

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