



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2582

Introduced 5/18/2023, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

See Index

Creates the Prostitution Investigation Act. Provides that each law enforcement agency shall create, on or before January 1, 2025, a policy that prohibits law enforcement officers from knowingly and willingly performing an act of sexual penetration with the suspect of a criminal investigation of prostitution during the course of an investigation conducted by that officer. Provides that the policy shall be posted and made publicly available. Amends various Acts to change "juvenile prostitution" to "commercial sexual exploitation of a child", "prostitute" to "person engaged in the sex trade", and "juvenile prostitute" to "sexually exploited child". Amends the Statute on Statutes. Provides that the changes of names of the offenses and persons convicted of those offenses do not affect the validity of dispositions entered under the previous names. Amends the Criminal Identification Act. Provides that law enforcement agencies shall automatically expunge the law enforcement records relating to a person's Class 4 felony conviction for prostitution if that conviction is eligible for expungement. Provides that in the absence of a court order or upon the order of a court, the clerk of the circuit court shall automatically expunge the court records and case files relating to a person's Class 4 felony conviction for prostitution if that conviction is eligible for expungement. Provides that automatic expungements shall be completed no later than January 1, 2025. Provides for comparable provisions for such convictions that are eligible for sealing.

LRB103 32575 LNS 62176 b

1 AN ACT concerning criminal law.

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

4 Section 1. Short title. This Act may be cited as the
5 Prostitution Investigation Act.

6 Section 5. Definitions. In this Act:

7 "Law enforcement agency" and "law enforcement officer"
8 have the meanings ascribed to them in Section 10-10 of the Law
9 Enforcement Officer-Worn Body Camera Act.

10 "Prostitution" has the meaning ascribed to it in Section
11 11-14 of the Criminal Code of 2012.

12 "Sexual penetration" has the meaning ascribed to it in
13 Section 11-0.1 of the Criminal Code of 2012.

14 Section 10. Law enforcement agency policy; prostitution
15 investigations. Each law enforcement agency shall create a
16 policy on or before January 1, 2025 that prohibits law
17 enforcement officers from knowingly and willingly performing
18 an act of sexual penetration with the suspect of a criminal
19 investigation of prostitution during the course of an
20 investigation conducted by that officer. The policy shall be
21 posted and made publicly available.

1 Section 95. The Statute on Statutes is amended by adding
2 Section 1.45 as follows:

3 (5 ILCS 70/1.45 new)

4 Sec. 1.45. Juvenile prostitution, prostitute, juvenile
5 prostitute; prior prosecutions. If any person, before the
6 effective date of this amendatory Act of the 103rd General
7 Assembly, has been arrested, charged, prosecuted, convicted,
8 or sentenced for juvenile prostitution or patronizing a minor
9 engaged in prostitution or has been referred to in any law
10 enforcement record, court record, or penal institution record
11 as a prostitute or juvenile prostitute, the changes of the
12 names of offenses and the references to defendants in this
13 amendatory Act of the 103rd General Assembly do not, except as
14 described in this amendatory Act, affect any arrest,
15 prosecution, conviction, sentence, or penal institution record
16 for such persons or offenses in any law enforcement record,
17 court record, or penal institution record, or any arrest,
18 conviction, or sentence, before the effective date of this
19 amendatory Act of the 103rd General Assembly, and any action
20 taken for or against such a person incarcerated, on
21 supervision, probation, conditional discharge, or mandatory
22 supervised release under the former named offenses and persons
23 shall remain valid.

24 Section 96. The Criminal Identification Act is amended by

1 changing Section 5.2 as follows:

2 (20 ILCS 2630/5.2)

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

4 (a) General Provisions.

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

8 (A) The following terms shall have the meanings
9 ascribed to them in the following Sections of the
10 Unified Code of Corrections:

11 Business Offense, Section 5-1-2.

12 Charge, Section 5-1-3.

13 Court, Section 5-1-6.

14 Defendant, Section 5-1-7.

15 Felony, Section 5-1-9.

16 Imprisonment, Section 5-1-10.

17 Judgment, Section 5-1-12.

18 Misdemeanor, Section 5-1-14.

19 Offense, Section 5-1-15.

20 Parole, Section 5-1-16.

21 Petty Offense, Section 5-1-17.

22 Probation, Section 5-1-18.

23 Sentence, Section 5-1-19.

24 Supervision, Section 5-1-21.

25 Victim, Section 5-1-22.

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

6 (C) "Conviction" means a judgment of conviction or
7 sentence entered upon a plea of guilty or upon a
8 verdict or finding of guilty of an offense, rendered
9 by a legally constituted jury or by a court of
10 competent jurisdiction authorized to try the case
11 without a jury. An order of supervision successfully
12 completed by the petitioner is not a conviction. An
13 order of qualified probation (as defined in subsection
14 (a) (1) (J)) successfully completed by the petitioner is
15 not a conviction. An order of supervision or an order
16 of qualified probation that is terminated
17 unsatisfactorily is a conviction, unless the
18 unsatisfactory termination is reversed, vacated, or
19 modified and the judgment of conviction, if any, is
20 reversed or vacated.

21 (D) "Criminal offense" means a petty offense,
22 business offense, misdemeanor, felony, or municipal
23 ordinance violation (as defined in subsection
24 (a) (1) (H)). As used in this Section, a minor traffic
25 offense (as defined in subsection (a) (1) (G)) shall not
26 be considered a criminal offense.

1 (E) "Expunge" means to physically destroy the
2 records or return them to the petitioner and to
3 obliterate the petitioner's name from any official
4 index or public record, or both. Nothing in this Act
5 shall require the physical destruction of the circuit
6 court file, but such records relating to arrests or
7 charges, or both, ordered expunged shall be impounded
8 as required by subsections (d)(9)(A)(ii) and
9 (d)(9)(B)(ii).

10 (F) As used in this Section, "last sentence" means
11 the sentence, order of supervision, or order of
12 qualified probation (as defined by subsection
13 (a)(1)(J)), for a criminal offense (as defined by
14 subsection (a)(1)(D)) that terminates last in time in
15 any jurisdiction, regardless of whether the petitioner
16 has included the criminal offense for which the
17 sentence or order of supervision or qualified
18 probation was imposed in his or her petition. If
19 multiple sentences, orders of supervision, or orders
20 of qualified probation terminate on the same day and
21 are last in time, they shall be collectively
22 considered the "last sentence" regardless of whether
23 they were ordered to run concurrently.

24 (G) "Minor traffic offense" means a petty offense,
25 business offense, or Class C misdemeanor under the
26 Illinois Vehicle Code or a similar provision of a

1 municipal or local ordinance.

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

11 (H) "Municipal ordinance violation" means an
12 offense defined by a municipal or local ordinance that
13 is criminal in nature and with which the petitioner
14 was charged or for which the petitioner was arrested
15 and released without charging.

16 (I) "Petitioner" means an adult or a minor
17 prosecuted as an adult who has applied for relief
18 under this Section.

19 (J) "Qualified probation" means an order of
20 probation under Section 10 of the Cannabis Control
21 Act, Section 410 of the Illinois Controlled Substances
22 Act, Section 70 of the Methamphetamine Control and
23 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
24 of the Unified Code of Corrections, Section
25 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as
26 those provisions existed before their deletion by

1 Public Act 89-313), Section 10-102 of the Illinois
2 Alcoholism and Other Drug Dependency Act, Section
3 40-10 of the Substance Use Disorder Act, or Section 10
4 of the Steroid Control Act. For the purpose of this
5 Section, "successful completion" of an order of
6 qualified probation under Section 10-102 of the
7 Illinois Alcoholism and Other Drug Dependency Act and
8 Section 40-10 of the Substance Use Disorder Act means
9 that the probation was terminated satisfactorily and
10 the judgment of conviction was vacated.

11 (K) "Seal" means to physically and electronically
12 maintain the records, unless the records would
13 otherwise be destroyed due to age, but to make the
14 records unavailable without a court order, subject to
15 the exceptions in Sections 12 and 13 of this Act. The
16 petitioner's name shall also be obliterated from the
17 official index required to be kept by the circuit
18 court clerk under Section 16 of the Clerks of Courts
19 Act, but any index issued by the circuit court clerk
20 before the entry of the order to seal shall not be
21 affected.

22 (L) "Sexual offense committed against a minor"
23 includes, but is not limited to, the offenses of
24 indecent solicitation of a child or criminal sexual
25 abuse when the victim of such offense is under 18 years
26 of age.

1 (M) "Terminate" as it relates to a sentence or
2 order of supervision or qualified probation includes
3 either satisfactory or unsatisfactory termination of
4 the sentence, unless otherwise specified in this
5 Section. A sentence is terminated notwithstanding any
6 outstanding financial legal obligation.

7 (2) Minor Traffic Offenses. Orders of supervision or
8 convictions for minor traffic offenses shall not affect a
9 petitioner's eligibility to expunge or seal records
10 pursuant to this Section.

11 (2.5) Commencing 180 days after July 29, 2016 (the
12 effective date of Public Act 99-697), the law enforcement
13 agency issuing the citation shall automatically expunge,
14 on or before January 1 and July 1 of each year, the law
15 enforcement records of a person found to have committed a
16 civil law violation of subsection (a) of Section 4 of the
17 Cannabis Control Act or subsection (c) of Section 3.5 of
18 the Drug Paraphernalia Control Act in the law enforcement
19 agency's possession or control and which contains the
20 final satisfactory disposition which pertain to the person
21 issued a citation for that offense. The law enforcement
22 agency shall provide by rule the process for access,
23 review, and to confirm the automatic expungement by the
24 law enforcement agency issuing the citation. Commencing
25 180 days after July 29, 2016 (the effective date of Public
26 Act 99-697), the clerk of the circuit court shall expunge,

1 upon order of the court, or in the absence of a court order
2 on or before January 1 and July 1 of each year, the court
3 records of a person found in the circuit court to have
4 committed a civil law violation of subsection (a) of
5 Section 4 of the Cannabis Control Act or subsection (c) of
6 Section 3.5 of the Drug Paraphernalia Control Act in the
7 clerk's possession or control and which contains the final
8 satisfactory disposition which pertain to the person
9 issued a citation for any of those offenses.

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

13 (A) the sealing or expungement of the records of
14 arrests or charges not initiated by arrest that result
15 in an order of supervision for or conviction of: (i)
16 any sexual offense committed against a minor; (ii)
17 Section 11-501 of the Illinois Vehicle Code or a
18 similar provision of a local ordinance; or (iii)
19 Section 11-503 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance, unless the
21 arrest or charge is for a misdemeanor violation of
22 subsection (a) of Section 11-503 or a similar
23 provision of a local ordinance, that occurred prior to
24 the offender reaching the age of 25 years and the
25 offender has no other conviction for violating Section
26 11-501 or 11-503 of the Illinois Vehicle Code or a

1 similar provision of a local ordinance.

2 (B) the sealing or expungement of records of minor
3 traffic offenses (as defined in subsection (a)(1)(G)),
4 unless the petitioner was arrested and released
5 without charging.

6 (C) the sealing of the records of arrests or
7 charges not initiated by arrest which result in an
8 order of supervision or a conviction for the following
9 offenses:

10 (i) offenses included in Article 11 of the
11 Criminal Code of 1961 or the Criminal Code of 2012
12 or a similar provision of a local ordinance,
13 except Section 11-14 and a misdemeanor violation
14 of Section 11-30 of the Criminal Code of 1961 or
15 the Criminal Code of 2012, or a similar provision
16 of a local ordinance;

17 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
18 26-5, or 48-1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, or a similar provision of a
20 local ordinance;

21 (iii) Section ~~Sections~~ 12-3.1 or 12-3.2 of the
22 Criminal Code of 1961 or the Criminal Code of
23 2012, or Section 125 of the Stalking No Contact
24 Order Act, or Section 219 of the Civil No Contact
25 Order Act, or a similar provision of a local
26 ordinance;

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

3 (v) any offense or attempted offense that
4 would subject a person to registration under the
5 Sex Offender Registration Act.

6 (D) (blank).

7 (b) Expungement.

8 (1) A petitioner may petition the circuit court to
9 expunge the records of his or her arrests and charges not
10 initiated by arrest when each arrest or charge not
11 initiated by arrest sought to be expunged resulted in: (i)
12 acquittal, dismissal, or the petitioner's release without
13 charging, unless excluded by subsection (a)(3)(B); (ii) a
14 conviction which was vacated or reversed, unless excluded
15 by subsection (a)(3)(B); (iii) an order of supervision and
16 such supervision was successfully completed by the
17 petitioner, unless excluded by subsection (a)(3)(A) or
18 (a)(3)(B); or (iv) an order of qualified probation (as
19 defined in subsection (a)(1)(J)) and such probation was
20 successfully completed by the petitioner.

21 (1.5) When a petitioner seeks to have a record of
22 arrest expunged under this Section, and the offender has
23 been convicted of a criminal offense, the State's Attorney
24 may object to the expungement on the grounds that the
25 records contain specific relevant information aside from
26 the mere fact of the arrest.

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

2 (A) When the arrest or charge not initiated by
3 arrest sought to be expunged resulted in an acquittal,
4 dismissal, the petitioner's release without charging,
5 or the reversal or vacation of a conviction, there is
6 no waiting period to petition for the expungement of
7 such records.

8 (B) When the arrest or charge not initiated by
9 arrest sought to be expunged resulted in an order of
10 supervision, successfully completed by the petitioner,
11 the following time frames will apply:

12 (i) Those arrests or charges that resulted in
13 orders of supervision under Section 3-707, 3-708,
14 3-710, or 5-401.3 of the Illinois Vehicle Code or
15 a similar provision of a local ordinance, or under
16 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
17 Code of 1961 or the Criminal Code of 2012, or a
18 similar provision of a local ordinance, shall not
19 be eligible for expungement until 5 years have
20 passed following the satisfactory termination of
21 the supervision.

22 (i-5) Those arrests or charges that resulted
23 in orders of supervision for a misdemeanor
24 violation of subsection (a) of Section 11-503 of
25 the Illinois Vehicle Code or a similar provision
26 of a local ordinance, that occurred prior to the

1 offender reaching the age of 25 years and the
2 offender has no other conviction for violating
3 Section 11-501 or 11-503 of the Illinois Vehicle
4 Code or a similar provision of a local ordinance
5 shall not be eligible for expungement until the
6 petitioner has reached the age of 25 years.

7 (ii) Those arrests or charges that resulted in
8 orders of supervision for any other offenses shall
9 not be eligible for expungement until 2 years have
10 passed following the satisfactory termination of
11 the supervision.

12 (C) When the arrest or charge not initiated by
13 arrest sought to be expunged resulted in an order of
14 qualified probation, successfully completed by the
15 petitioner, such records shall not be eligible for
16 expungement until 5 years have passed following the
17 satisfactory termination of the probation.

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

22 (4) Whenever a person has been arrested for or
23 convicted of any offense, in the name of a person whose
24 identity he or she has stolen or otherwise come into
25 possession of, the aggrieved person from whom the identity
26 was stolen or otherwise obtained without authorization,

1 upon learning of the person having been arrested using his
2 or her identity, may, upon verified petition to the chief
3 judge of the circuit wherein the arrest was made, have a
4 court order entered nunc pro tunc by the Chief Judge to
5 correct the arrest record, conviction record, if any, and
6 all official records of the arresting authority, the
7 Illinois State Police, other criminal justice agencies,
8 the prosecutor, and the trial court concerning such
9 arrest, if any, by removing his or her name from all such
10 records in connection with the arrest and conviction, if
11 any, and by inserting in the records the name of the
12 offender, if known or ascertainable, in lieu of the
13 aggrieved's name. The records of the circuit court clerk
14 shall be sealed until further order of the court upon good
15 cause shown and the name of the aggrieved person
16 obliterated on the official index required to be kept by
17 the circuit court clerk under Section 16 of the Clerks of
18 Courts Act, but the order shall not affect any index
19 issued by the circuit court clerk before the entry of the
20 order. Nothing in this Section shall limit the Illinois
21 State Police or other criminal justice agencies or
22 prosecutors from listing under an offender's name the
23 false names he or she has used.

24 (5) Whenever a person has been convicted of criminal
25 sexual assault, aggravated criminal sexual assault,
26 predatory criminal sexual assault of a child, criminal

1 sexual abuse, or aggravated criminal sexual abuse, the
2 victim of that offense may request that the State's
3 Attorney of the county in which the conviction occurred
4 file a verified petition with the presiding trial judge at
5 the petitioner's trial to have a court order entered to
6 seal the records of the circuit court clerk in connection
7 with the proceedings of the trial court concerning that
8 offense. However, the records of the arresting authority
9 and the Illinois State Police concerning the offense shall
10 not be sealed. The court, upon good cause shown, shall
11 make the records of the circuit court clerk in connection
12 with the proceedings of the trial court concerning the
13 offense available for public inspection.

14 (6) If a conviction has been set aside on direct
15 review or on collateral attack and the court determines by
16 clear and convincing evidence that the petitioner was
17 factually innocent of the charge, the court that finds the
18 petitioner factually innocent of the charge shall enter an
19 expungement order for the conviction for which the
20 petitioner has been determined to be innocent as provided
21 in subsection (b) of Section 5-5-4 of the Unified Code of
22 Corrections.

23 (7) Nothing in this Section shall prevent the Illinois
24 State Police from maintaining all records of any person
25 who is admitted to probation upon terms and conditions and
26 who fulfills those terms and conditions pursuant to

1 Section 10 of the Cannabis Control Act, Section 410 of the
2 Illinois Controlled Substances Act, Section 70 of the
3 Methamphetamine Control and Community Protection Act,
4 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
5 Corrections, Section 12-4.3 or subdivision (b)(1) of
6 Section 12-3.05 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, Section 10-102 of the Illinois
8 Alcoholism and Other Drug Dependency Act, Section 40-10 of
9 the Substance Use Disorder Act, or Section 10 of the
10 Steroid Control Act.

11 (8) If the petitioner has been granted a certificate
12 of innocence under Section 2-702 of the Code of Civil
13 Procedure, the court that grants the certificate of
14 innocence shall also enter an order expunging the
15 conviction for which the petitioner has been determined to
16 be innocent as provided in subsection (h) of Section 2-702
17 of the Code of Civil Procedure.

18 (c) Sealing.

19 (1) Applicability. Notwithstanding any other provision
20 of this Act to the contrary, and cumulative with any
21 rights to expungement of criminal records, this subsection
22 authorizes the sealing of criminal records of adults and
23 of minors prosecuted as adults. Subsection (g) of this
24 Section provides for immediate sealing of certain records.

25 (2) Eligible Records. The following records may be
26 sealed:

1 (A) All arrests resulting in release without
2 charging;

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

7 (C) Arrests or charges not initiated by arrest
8 resulting in orders of supervision, including orders
9 of supervision for municipal ordinance violations,
10 successfully completed by the petitioner, unless
11 excluded by subsection (a) (3);

12 (D) Arrests or charges not initiated by arrest
13 resulting in convictions, including convictions on
14 municipal ordinance violations, unless excluded by
15 subsection (a) (3);

16 (E) Arrests or charges not initiated by arrest
17 resulting in orders of first offender probation under
18 Section 10 of the Cannabis Control Act, Section 410 of
19 the Illinois Controlled Substances Act, Section 70 of
20 the Methamphetamine Control and Community Protection
21 Act, or Section 5-6-3.3 of the Unified Code of
22 Corrections; and

23 (F) Arrests or charges not initiated by arrest
24 resulting in felony convictions unless otherwise
25 excluded by subsection (a) paragraph (3) of this
26 Section.

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

4 (A) Records identified as eligible under
5 subsections ~~subsection~~ (c)(2)(A) and (c)(2)(B) may be
6 sealed at any time.

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

12 (C) Except as otherwise provided in subparagraph
13 (E) of this paragraph (3), records identified as
14 eligible under subsections (c)(2)(D), (c)(2)(E), and
15 (c)(2)(F) may be sealed 3 years after the termination
16 of the petitioner's last sentence (as defined in
17 subsection (a)(1)(F)). Convictions requiring public
18 registration under the Arsonist Registration Act, the
19 Sex Offender Registration Act, or the Murderer and
20 Violent Offender Against Youth Registration Act may
21 not be sealed until the petitioner is no longer
22 required to register under that relevant Act.

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

26 (E) Records identified as eligible under

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

18 (4) Subsequent felony convictions. A person may not
19 have subsequent felony conviction records sealed as
20 provided in this subsection (c) if he or she is convicted
21 of any felony offense after the date of the sealing of
22 prior felony convictions as provided in this subsection
23 (c). The court may, upon conviction for a subsequent
24 felony offense, order the unsealing of prior felony
25 conviction records previously ordered sealed by the court.

26 (5) Notice of eligibility for sealing. Upon entry of a

1 disposition for an eligible record under this subsection
2 (c), the petitioner shall be informed by the court of the
3 right to have the records sealed and the procedures for
4 the sealing of the records.

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

8 (1) Filing the petition. Upon becoming eligible to
9 petition for the expungement or sealing of records under
10 this Section, the petitioner shall file a petition
11 requesting the expungement or sealing of records with the
12 clerk of the court where the arrests occurred or the
13 charges were brought, or both. If arrests occurred or
14 charges were brought in multiple jurisdictions, a petition
15 must be filed in each such jurisdiction. The petitioner
16 shall pay the applicable fee, except no fee shall be
17 required if the petitioner has obtained a court order
18 waiving fees under Supreme Court Rule 298 or it is
19 otherwise waived.

20 (1.5) County fee waiver pilot program. From August 9,
21 2019 (the effective date of Public Act 101-306) through
22 December 31, 2020, in a county of 3,000,000 or more
23 inhabitants, no fee shall be required to be paid by a
24 petitioner if the records sought to be expunged or sealed
25 were arrests resulting in release without charging or
26 arrests or charges not initiated by arrest resulting in

1 acquittal, dismissal, or conviction when the conviction
2 was reversed or vacated, unless excluded by subsection
3 (a)(3)(B). The provisions of this paragraph (1.5), other
4 than this sentence, are inoperative on and after January
5 1, 2022.

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

20 (3) Drug test. The petitioner must attach to the
21 petition proof that the petitioner has taken within 30
22 days before the filing of the petition a test showing the
23 absence within his or her body of all illegal substances
24 as defined by the Illinois Controlled Substances Act and
25 the Methamphetamine Control and Community Protection Act
26 if he or she is petitioning to:

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

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

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

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

9 (4) Service of petition. The circuit court clerk shall
10 promptly serve a copy of the petition and documentation to
11 support the petition under subsection (e-5) or (e-6) on
12 the State's Attorney or prosecutor charged with the duty
13 of prosecuting the offense, the Illinois State Police, the
14 arresting agency and the chief legal officer of the unit
15 of local government effecting the arrest.

16 (5) Objections.

17 (A) Any party entitled to notice of the petition
18 may file an objection to the petition. All objections
19 shall be in writing, shall be filed with the circuit
20 court clerk, and shall state with specificity the
21 basis of the objection. Whenever a person who has been
22 convicted of an offense is granted a pardon by the
23 Governor which specifically authorizes expungement, an
24 objection to the petition may not be filed.

25 (B) Objections to a petition to expunge or seal
26 must be filed within 60 days of the date of service of

1 the petition.

2 (6) Entry of order.

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

10 (B) Unless the State's Attorney or prosecutor, the
11 Illinois State Police, the arresting agency, or the
12 chief legal officer files an objection to the petition
13 to expunge or seal within 60 days from the date of
14 service of the petition, the court shall enter an
15 order granting or denying the petition.

16 (C) Notwithstanding any other provision of law,
17 the court shall not deny a petition for sealing under
18 this Section because the petitioner has not satisfied
19 an outstanding legal financial obligation established,
20 imposed, or originated by a court, law enforcement
21 agency, or a municipal, State, county, or other unit
22 of local government, including, but not limited to,
23 any cost, assessment, fine, or fee. An outstanding
24 legal financial obligation does not include any court
25 ordered restitution to a victim under Section 5-5-6 of
26 the Unified Code of Corrections, unless the

1 restitution has been converted to a civil judgment.
2 Nothing in this subparagraph (C) waives, rescinds, or
3 abrogates a legal financial obligation or otherwise
4 eliminates or affects the right of the holder of any
5 financial obligation to pursue collection under
6 applicable federal, State, or local law.

7 (D) Notwithstanding any other provision of law,
8 the court shall not deny a petition to expunge or seal
9 under this Section because the petitioner has
10 submitted a drug test taken within 30 days before the
11 filing of the petition to expunge or seal that
12 indicates a positive test for the presence of cannabis
13 within the petitioner's body. In this subparagraph
14 (D), "cannabis" has the meaning ascribed to it in
15 Section 3 of the Cannabis Control Act.

16 (7) Hearings. If an objection is filed, the court
17 shall set a date for a hearing and notify the petitioner
18 and all parties entitled to notice of the petition of the
19 hearing date at least 30 days prior to the hearing. Prior
20 to the hearing, the State's Attorney shall consult with
21 the Illinois State Police as to the appropriateness of the
22 relief sought in the petition to expunge or seal. At the
23 hearing, the court shall hear evidence on whether the
24 petition should or should not be granted, and shall grant
25 or deny the petition to expunge or seal the records based
26 on the evidence presented at the hearing. The court may

1 consider the following:

2 (A) the strength of the evidence supporting the
3 defendant's conviction;

4 (B) the reasons for retention of the conviction
5 records by the State;

6 (C) the petitioner's age, criminal record history,
7 and employment history;

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

11 (E) the specific adverse consequences the
12 petitioner may be subject to if the petition is
13 denied.

14 (8) Service of order. After entering an order to
15 expunge or seal records, the court must provide copies of
16 the order to the Illinois State Police, in a form and
17 manner prescribed by the Illinois State Police, to the
18 petitioner, to the State's Attorney or prosecutor charged
19 with the duty of prosecuting the offense, to the arresting
20 agency, to the chief legal officer of the unit of local
21 government effecting the arrest, and to such other
22 criminal justice agencies as may be ordered by the court.

23 (9) Implementation of order.

24 (A) Upon entry of an order to expunge records
25 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
26 both:

1 (i) the records shall be expunged (as defined
2 in subsection (a)(1)(E)) by the arresting agency,
3 the Illinois State Police, and any other agency as
4 ordered by the court, within 60 days of the date of
5 service of the order, unless a motion to vacate,
6 modify, or reconsider the order is filed pursuant
7 to paragraph (12) of subsection (d) of this
8 Section;

9 (ii) the records of the circuit court clerk
10 shall be impounded until further order of the
11 court upon good cause shown and the name of the
12 petitioner obliterated on the official index
13 required to be kept by the circuit court clerk
14 under Section 16 of the Clerks of Courts Act, but
15 the order shall not affect any index issued by the
16 circuit court clerk before the entry of the order;
17 and

18 (iii) in response to an inquiry for expunged
19 records, the court, the Illinois State Police, or
20 the agency receiving such inquiry, shall reply as
21 it does in response to inquiries when no records
22 ever existed.

23 (B) Upon entry of an order to expunge records
24 pursuant to subsection (b)(2)(B)(i) or (b)(2)(C), or
25 both:

26 (i) the records shall be expunged (as defined

1 in subsection (a)(1)(E)) by the arresting agency
2 and any other agency as ordered by the court,
3 within 60 days of the date of service of the order,
4 unless a motion to vacate, modify, or reconsider
5 the order is filed pursuant to paragraph (12) of
6 subsection (d) of this Section;

7 (ii) the records of the circuit court clerk
8 shall be impounded until further order of the
9 court upon good cause shown and the name of the
10 petitioner obliterated on the official index
11 required to be kept by the circuit court clerk
12 under Section 16 of the Clerks of Courts Act, but
13 the order shall not affect any index issued by the
14 circuit court clerk before the entry of the order;

15 (iii) the records shall be impounded by the
16 Illinois State Police within 60 days of the date
17 of service of the order as ordered by the court,
18 unless a motion to vacate, modify, or reconsider
19 the order is filed pursuant to paragraph (12) of
20 subsection (d) of this Section;

21 (iv) records impounded by the Illinois State
22 Police may be disseminated by the Illinois State
23 Police only as required by law or to the arresting
24 authority, the State's Attorney, and the court
25 upon a later arrest for the same or a similar
26 offense or for the purpose of sentencing for any

1 subsequent felony, and to the Department of
2 Corrections upon conviction for any offense; and

3 (v) in response to an inquiry for such records
4 from anyone not authorized by law to access such
5 records, the court, the Illinois State Police, or
6 the agency receiving such inquiry shall reply as
7 it does in response to inquiries when no records
8 ever existed.

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

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

1 Illinois State Police within 60 days of the date
2 of service of the order as ordered by the court,
3 unless a motion to vacate, modify, or reconsider
4 the order is filed under paragraph (12) of
5 subsection (d) of this Section;

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

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

20 (C) Upon entry of an order to seal records under
21 subsection (c), the arresting agency, any other agency
22 as ordered by the court, the Illinois State Police,
23 and the court shall seal the records (as defined in
24 subsection (a)(1)(K)). In response to an inquiry for
25 such records, from anyone not authorized by law to
26 access such records, the court, the Illinois State

1 Police, or the agency receiving such inquiry shall
2 reply as it does in response to inquiries when no
3 records ever existed.

4 (D) The Illinois State Police shall send written
5 notice to the petitioner of its compliance with each
6 order to expunge or seal records within 60 days of the
7 date of service of that order or, if a motion to
8 vacate, modify, or reconsider is filed, within 60 days
9 of service of the order resolving the motion, if that
10 order requires the Illinois State Police to expunge or
11 seal records. In the event of an appeal from the
12 circuit court order, the Illinois State Police shall
13 send written notice to the petitioner of its
14 compliance with an Appellate Court or Supreme Court
15 judgment to expunge or seal records within 60 days of
16 the issuance of the court's mandate. The notice is not
17 required while any motion to vacate, modify, or
18 reconsider, or any appeal or petition for
19 discretionary appellate review, is pending.

20 (E) Upon motion, the court may order that a sealed
21 judgment or other court record necessary to
22 demonstrate the amount of any legal financial
23 obligation due and owing be made available for the
24 limited purpose of collecting any legal financial
25 obligations owed by the petitioner that were
26 established, imposed, or originated in the criminal

1 proceeding for which those records have been sealed.
2 The records made available under this subparagraph (E)
3 shall not be entered into the official index required
4 to be kept by the circuit court clerk under Section 16
5 of the Clerks of Courts Act and shall be immediately
6 re-impounded upon the collection of the outstanding
7 financial obligations.

8 (F) Notwithstanding any other provision of this
9 Section, a circuit court clerk may access a sealed
10 record for the limited purpose of collecting payment
11 for any legal financial obligations that were
12 established, imposed, or originated in the criminal
13 proceedings for which those records have been sealed.

14 (10) Fees. The Illinois State Police may charge the
15 petitioner a fee equivalent to the cost of processing any
16 order to expunge or seal records. Notwithstanding any
17 provision of the Clerks of Courts Act to the contrary, the
18 circuit court clerk may charge a fee equivalent to the
19 cost associated with the sealing or expungement of records
20 by the circuit court clerk. From the total filing fee
21 collected for the petition to seal or expunge, the circuit
22 court clerk shall deposit \$10 into the Circuit Court Clerk
23 Operation and Administrative Fund, to be used to offset
24 the costs incurred by the circuit court clerk in
25 performing the additional duties required to serve the
26 petition to seal or expunge on all parties. The circuit

1 court clerk shall collect and remit the Illinois State
2 Police portion of the fee to the State Treasurer and it
3 shall be deposited in the State Police Services Fund. If
4 the record brought under an expungement petition was
5 previously sealed under this Section, the fee for the
6 expungement petition for that same record shall be waived.

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

12 (12) Motion to Vacate, Modify, or Reconsider. Under
13 Section 2-1203 of the Code of Civil Procedure, the
14 petitioner or any party entitled to notice may file a
15 motion to vacate, modify, or reconsider the order granting
16 or denying the petition to expunge or seal within 60 days
17 of service of the order. If filed more than 60 days after
18 service of the order, a petition to vacate, modify, or
19 reconsider shall comply with subsection (c) of Section
20 2-1401 of the Code of Civil Procedure. Upon filing of a
21 motion to vacate, modify, or reconsider, notice of the
22 motion shall be served upon the petitioner and all parties
23 entitled to notice of the petition.

24 (13) Effect of Order. An order granting a petition
25 under the expungement or sealing provisions of this
26 Section shall not be considered void because it fails to

1 comply with the provisions of this Section or because of
2 any error asserted in a motion to vacate, modify, or
3 reconsider. The circuit court retains jurisdiction to
4 determine whether the order is voidable and to vacate,
5 modify, or reconsider its terms based on a motion filed
6 under paragraph (12) of this subsection (d).

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

15 (15) Compliance with Order Granting Petition to
16 Expunge Records. While a party is seeking relief from the
17 order granting the petition to expunge through a motion
18 filed under paragraph (12) of this subsection (d) or is
19 appealing the order, and unless a court has entered a stay
20 of that order, the parties entitled to notice of the
21 petition must seal, but need not expunge, the records
22 until there is a final order on the motion for relief or,
23 in the case of an appeal, the issuance of that court's
24 mandate.

25 (16) The changes to this subsection (d) made by Public
26 Act 98-163 apply to all petitions pending on August 5,

1 2013 (the effective date of Public Act 98-163) and to all
2 orders ruling on a petition to expunge or seal on or after
3 August 5, 2013 (the effective date of Public Act 98-163).

4 (e) Whenever a person who has been convicted of an offense
5 is granted a pardon by the Governor which specifically
6 authorizes expungement, he or she may, upon verified petition
7 to the Chief Judge of the circuit where the person had been
8 convicted, any judge of the circuit designated by the Chief
9 Judge, or in counties of less than 3,000,000 inhabitants, the
10 presiding trial judge at the defendant's trial, have a court
11 order entered expunging the record of arrest from the official
12 records of the arresting authority and order that the records
13 of the circuit court clerk and the Illinois State Police be
14 sealed until further order of the court upon good cause shown
15 or as otherwise provided herein, and the name of the defendant
16 obliterated from the official index requested to be kept by
17 the circuit court clerk under Section 16 of the Clerks of
18 Courts Act in connection with the arrest and conviction for
19 the offense for which he or she had been pardoned but the order
20 shall not affect any index issued by the circuit court clerk
21 before the entry of the order. All records sealed by the
22 Illinois State Police may be disseminated by the Illinois
23 State Police only to the arresting authority, the State's
24 Attorney, and the court upon a later arrest for the same or
25 similar offense or for the purpose of sentencing for any
26 subsequent felony. Upon conviction for any subsequent offense,

1 the Department of Corrections shall have access to all sealed
2 records of the Illinois State Police pertaining to that
3 individual. Upon entry of the order of expungement, the
4 circuit court clerk shall promptly mail a copy of the order to
5 the person who was pardoned.

6 (e-5) Whenever a person who has been convicted of an
7 offense is granted a certificate of eligibility for sealing by
8 the Prisoner Review Board which specifically authorizes
9 sealing, he or she may, upon verified petition to the Chief
10 Judge of the circuit where the person had been convicted, any
11 judge of the circuit designated by the Chief Judge, or in
12 counties of less than 3,000,000 inhabitants, the presiding
13 trial judge at the petitioner's trial, have a court order
14 entered sealing the record of arrest from the official records
15 of the arresting authority and order that the records of the
16 circuit court clerk and the Illinois State Police be sealed
17 until further order of the court upon good cause shown or as
18 otherwise provided herein, and the name of the petitioner
19 obliterated from the official index requested to be kept by
20 the circuit court clerk under Section 16 of the Clerks of
21 Courts Act in connection with the arrest and conviction for
22 the offense for which he or she had been granted the
23 certificate but the order shall not affect any index issued by
24 the circuit court clerk before the entry of the order. All
25 records sealed by the Illinois State Police may be
26 disseminated by the Illinois State Police only as required by

1 this Act or to the arresting authority, a law enforcement
2 agency, the State's Attorney, and the court upon a later
3 arrest for the same or similar offense or for the purpose of
4 sentencing for any subsequent felony. Upon conviction for any
5 subsequent offense, the Department of Corrections shall have
6 access to all sealed records of the Illinois State Police
7 pertaining to that individual. Upon entry of the order of
8 sealing, the circuit court clerk shall promptly mail a copy of
9 the order to the person who was granted the certificate of
10 eligibility for sealing.

11 (e-6) Whenever a person who has been convicted of an
12 offense is granted a certificate of eligibility for
13 expungement by the Prisoner Review Board which specifically
14 authorizes expungement, he or she may, upon verified petition
15 to the Chief Judge of the circuit where the person had been
16 convicted, any judge of the circuit designated by the Chief
17 Judge, or in counties of less than 3,000,000 inhabitants, the
18 presiding trial judge at the petitioner's trial, have a court
19 order entered expunging the record of arrest from the official
20 records of the arresting authority and order that the records
21 of the circuit court clerk and the Illinois State Police be
22 sealed until further order of the court upon good cause shown
23 or as otherwise provided herein, and the name of the
24 petitioner obliterated from the official index requested to be
25 kept by the circuit court clerk under Section 16 of the Clerks
26 of Courts Act in connection with the arrest and conviction for

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

16 (f) Subject to available funding, the Illinois Department
17 of Corrections shall conduct a study of the impact of sealing,
18 especially on employment and recidivism rates, utilizing a
19 random sample of those who apply for the sealing of their
20 criminal records under Public Act 93-211. At the request of
21 the Illinois Department of Corrections, records of the
22 Illinois Department of Employment Security shall be utilized
23 as appropriate to assist in the study. The study shall not
24 disclose any data in a manner that would allow the
25 identification of any particular individual or employing unit.
26 The study shall be made available to the General Assembly no

1 later than September 1, 2010.

2 (g) Immediate Sealing.

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

8 (2) Eligible Records. Arrests or charges not initiated
9 by arrest resulting in acquittal or dismissal with
10 prejudice, except as excluded by subsection (a)(3)(B),
11 that occur on or after January 1, 2018 (the effective date
12 of Public Act 100-282), may be sealed immediately if the
13 petition is filed with the circuit court clerk on the same
14 day and during the same hearing in which the case is
15 disposed.

16 (3) When Records are Eligible to be Immediately
17 Sealed. Eligible records under paragraph (2) of this
18 subsection (g) may be sealed immediately after entry of
19 the final disposition of a case, notwithstanding the
20 disposition of other charges in the same case.

21 (4) Notice of Eligibility for Immediate Sealing. Upon
22 entry of a disposition for an eligible record under this
23 subsection (g), the defendant shall be informed by the
24 court of his or her right to have eligible records
25 immediately sealed and the procedure for the immediate
26 sealing of these records.

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

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

16 (B) Contents of Petition. The immediate sealing
17 petition shall be verified and shall contain the
18 petitioner's name, date of birth, current address, and
19 for each eligible record, the case number, the date of
20 arrest if applicable, the identity of the arresting
21 authority if applicable, and other information as the
22 court may require.

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

26 (D) Service of Petition. A copy of the petition

1 shall be served on the State's Attorney in open court.
2 The petitioner shall not be required to serve a copy of
3 the petition on any other agency.

4 (E) Entry of Order. The presiding trial judge
5 shall enter an order granting or denying the petition
6 for immediate sealing during the hearing in which it
7 is filed. Petitions for immediate sealing shall be
8 ruled on in the same hearing in which the final
9 disposition of the case is entered.

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

13 (G) Service of Order. An order to immediately seal
14 eligible records shall be served in conformance with
15 subsection (d) (8).

16 (H) Implementation of Order. An order to
17 immediately seal records shall be implemented in
18 conformance with subsections (d) (9) (C) and (d) (9) (D).

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

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

1 (K) Motion to Vacate, Modify, or Reconsider. Under
2 Section 2-1203 of the Code of Civil Procedure, the
3 petitioner, State's Attorney, or the Illinois State
4 Police may file a motion to vacate, modify, or
5 reconsider the order denying the petition to
6 immediately seal within 60 days of service of the
7 order. If filed more than 60 days after service of the
8 order, a petition to vacate, modify, or reconsider
9 shall comply with subsection (c) of Section 2-1401 of
10 the Code of Civil Procedure.

11 (L) Effect of Order. An order granting an
12 immediate sealing petition shall not be considered
13 void because it fails to comply with the provisions of
14 this Section or because of an error asserted in a
15 motion to vacate, modify, or reconsider. The circuit
16 court retains jurisdiction to determine whether the
17 order is voidable, and to vacate, modify, or
18 reconsider its terms based on a motion filed under
19 subparagraph (L) of this subsection (g).

20 (M) Compliance with Order Granting Petition to
21 Seal Records. Unless a court has entered a stay of an
22 order granting a petition to immediately seal, all
23 parties entitled to service of the order must fully
24 comply with the terms of the order within 60 days of
25 service of the order.

26 (h) Sealing; trafficking victims.

1 (1) A trafficking victim as defined by paragraph (10)
2 of subsection (a) of Section 10-9 of the Criminal Code of
3 2012 shall be eligible to petition for immediate sealing
4 of his or her criminal record upon the completion of his or
5 her last sentence if his or her participation in the
6 underlying offense was a direct result of human
7 trafficking under Section 10-9 of the Criminal Code of
8 2012 or a severe form of trafficking under the federal
9 Trafficking Victims Protection Act.

10 (2) A petitioner under this subsection (h), in
11 addition to the requirements provided under paragraph (4)
12 of subsection (d) of this Section, shall include in his or
13 her petition a clear and concise statement that: (A) he or
14 she was a victim of human trafficking at the time of the
15 offense; and (B) that his or her participation in the
16 offense was a direct result of human trafficking under
17 Section 10-9 of the Criminal Code of 2012 or a severe form
18 of trafficking under the federal Trafficking Victims
19 Protection Act.

20 (3) If an objection is filed alleging that the
21 petitioner is not entitled to immediate sealing under this
22 subsection (h), the court shall conduct a hearing under
23 paragraph (7) of subsection (d) of this Section and the
24 court shall determine whether the petitioner is entitled
25 to immediate sealing under this subsection (h). A
26 petitioner is eligible for immediate relief under this

1 subsection (h) if he or she shows, by a preponderance of
2 the evidence, that: (A) he or she was a victim of human
3 trafficking at the time of the offense; and (B) that his or
4 her participation in the offense was a direct result of
5 human trafficking under Section 10-9 of the Criminal Code
6 of 2012 or a severe form of trafficking under the federal
7 Trafficking Victims Protection Act.

8 (i) Minor Cannabis Offenses under the Cannabis Control
9 Act.

10 (1) Expungement of Arrest Records of Minor Cannabis
11 Offenses.

12 (A) The Illinois State Police and all law
13 enforcement agencies within the State shall
14 automatically expunge all criminal history records of
15 an arrest, charge not initiated by arrest, order of
16 supervision, or order of qualified probation for a
17 Minor Cannabis Offense committed prior to June 25,
18 2019 (the effective date of Public Act 101-27) if:

19 (i) One year or more has elapsed since the
20 date of the arrest or law enforcement interaction
21 documented in the records; and

22 (ii) No criminal charges were filed relating
23 to the arrest or law enforcement interaction or
24 criminal charges were filed and subsequently
25 dismissed or vacated or the arrestee was
26 acquitted.

1 (B) If the law enforcement agency is unable to
2 verify satisfaction of condition (ii) in paragraph
3 (A), records that satisfy condition (i) in paragraph
4 (A) shall be automatically expunged.

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

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

11 (ii) Records created prior to January 1, 2013,
12 but on or after January 1, 2000, shall be
13 automatically expunged prior to January 1, 2023;

14 (iii) Records created prior to January 1, 2000
15 shall be automatically expunged prior to January
16 1, 2025.

17 In response to an inquiry for expunged records,
18 the law enforcement agency receiving such inquiry
19 shall reply as it does in response to inquiries when no
20 records ever existed; however, it shall provide a
21 certificate of disposition or confirmation that the
22 record was expunged to the individual whose record was
23 expunged if such a record exists.

24 (D) Nothing in this Section shall be construed to
25 restrict or modify an individual's right to have that
26 individual's records expunged except as otherwise may

1 be provided in this Act, or diminish or abrogate any
2 rights or remedies otherwise available to the
3 individual.

4 (2) Pardons Authorizing Expungement of Minor Cannabis
5 Offenses.

6 (A) Upon June 25, 2019 (the effective date of
7 Public Act 101-27), the Department of State Police
8 shall review all criminal history record information
9 and identify all records that meet all of the
10 following criteria:

11 (i) one or more convictions for a Minor
12 Cannabis Offense;

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

16 (iii) the conviction identified in paragraph
17 (2)(A)(i) is not associated with a conviction for
18 a violent crime as defined in subsection (c) of
19 Section 3 of the Rights of Crime Victims and
20 Witnesses Act.

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

26 (i) The Prisoner Review Board shall notify the

1 State's Attorney of the county of conviction of
2 each record identified by State Police in
3 paragraph (2)(A) that is classified as a Class 4
4 felony. The State's Attorney may provide a written
5 objection to the Prisoner Review Board on the sole
6 basis that the record identified does not meet the
7 criteria established in paragraph (2)(A). Such an
8 objection must be filed within 60 days or by such
9 later date set by the Prisoner Review Board in the
10 notice after the State's Attorney received notice
11 from the Prisoner Review Board.

12 (ii) In response to a written objection from a
13 State's Attorney, the Prisoner Review Board is
14 authorized to conduct a non-public hearing to
15 evaluate the information provided in the
16 objection.

17 (iii) The Prisoner Review Board shall make a
18 confidential and privileged recommendation to the
19 Governor as to whether to grant a pardon
20 authorizing expungement for each of the records
21 identified by the Department of State Police as
22 described in paragraph (2)(A).

23 (C) If an individual has been granted a pardon
24 authorizing expungement as described in this Section,
25 the Prisoner Review Board, through the Attorney
26 General, shall file a petition for expungement with

1 the Chief Judge of the circuit or any judge of the
2 circuit designated by the Chief Judge where the
3 individual had been convicted. Such petition may
4 include more than one individual. Whenever an
5 individual who has been convicted of an offense is
6 granted a pardon by the Governor that specifically
7 authorizes expungement, an objection to the petition
8 may not be filed. Petitions to expunge under this
9 subsection (i) may include more than one individual.
10 Within 90 days of the filing of such a petition, the
11 court shall enter an order expunging the records of
12 arrest from the official records of the arresting
13 authority and order that the records of the circuit
14 court clerk and the Illinois State Police be expunged
15 and the name of the defendant obliterated from the
16 official index requested to be kept by the circuit
17 court clerk under Section 16 of the Clerks of Courts
18 Act in connection with the arrest and conviction for
19 the offense for which the individual had received a
20 pardon but the order shall not affect any index issued
21 by the circuit court clerk before the entry of the
22 order. Upon entry of the order of expungement, the
23 circuit court clerk shall promptly provide a copy of
24 the order and a certificate of disposition to the
25 individual who was pardoned to the individual's last
26 known address or by electronic means (if available) or

1 otherwise make it available to the individual upon
2 request.

3 (D) Nothing in this Section is intended to
4 diminish or abrogate any rights or remedies otherwise
5 available to the individual.

6 (3) Any individual may file a motion to vacate and
7 expunge a conviction for a misdemeanor or Class 4 felony
8 violation of Section 4 or Section 5 of the Cannabis
9 Control Act. Motions to vacate and expunge under this
10 subsection (i) may be filed with the circuit court, Chief
11 Judge of a judicial circuit or any judge of the circuit
12 designated by the Chief Judge. The circuit court clerk
13 shall promptly serve a copy of the motion to vacate and
14 expunge, and any supporting documentation, on the State's
15 Attorney or prosecutor charged with the duty of
16 prosecuting the offense. When considering such a motion to
17 vacate and expunge, a court shall consider the following:
18 the reasons to retain the records provided by law
19 enforcement, the petitioner's age, the petitioner's age at
20 the time of offense, the time since the conviction, and
21 the specific adverse consequences if denied. An individual
22 may file such a petition after the completion of any
23 non-financial sentence or non-financial condition imposed
24 by the conviction. Within 60 days of the filing of such
25 motion, a State's Attorney may file an objection to such a
26 petition along with supporting evidence. If a motion to

1 vacate and expunge is granted, the records shall be
2 expunged in accordance with subparagraphs (d)(8) and
3 (d)(9)(A) of this Section. An agency providing civil legal
4 aid, as defined by Section 15 of the Public Interest
5 Attorney Assistance Act, assisting individuals seeking to
6 file a motion to vacate and expunge under this subsection
7 may file motions to vacate and expunge with the Chief
8 Judge of a judicial circuit or any judge of the circuit
9 designated by the Chief Judge, and the motion may include
10 more than one individual. Motions filed by an agency
11 providing civil legal aid concerning more than one
12 individual may be prepared, presented, and signed
13 electronically.

14 (4) Any State's Attorney may file a motion to vacate
15 and expunge a conviction for a misdemeanor or Class 4
16 felony violation of Section 4 or Section 5 of the Cannabis
17 Control Act. Motions to vacate and expunge under this
18 subsection (i) may be filed with the circuit court, Chief
19 Judge of a judicial circuit or any judge of the circuit
20 designated by the Chief Judge, and may include more than
21 one individual. Motions filed by a State's Attorney
22 concerning more than one individual may be prepared,
23 presented, and signed electronically. When considering
24 such a motion to vacate and expunge, a court shall
25 consider the following: the reasons to retain the records
26 provided by law enforcement, the individual's age, the

1 individual's age at the time of offense, the time since
2 the conviction, and the specific adverse consequences if
3 denied. Upon entry of an order granting a motion to vacate
4 and expunge records pursuant to this Section, the State's
5 Attorney shall notify the Prisoner Review Board within 30
6 days. Upon entry of the order of expungement, the circuit
7 court clerk shall promptly provide a copy of the order and
8 a certificate of disposition to the individual whose
9 records will be expunged to the individual's last known
10 address or by electronic means (if available) or otherwise
11 make available to the individual upon request. If a motion
12 to vacate and expunge is granted, the records shall be
13 expunged in accordance with subparagraphs (d)(8) and
14 (d)(9)(A) of this Section.

15 (5) In the public interest, the State's Attorney of a
16 county has standing to file motions to vacate and expunge
17 pursuant to this Section in the circuit court with
18 jurisdiction over the underlying conviction.

19 (6) If a person is arrested for a Minor Cannabis
20 Offense as defined in this Section before June 25, 2019
21 (the effective date of Public Act 101-27) and the person's
22 case is still pending but a sentence has not been imposed,
23 the person may petition the court in which the charges are
24 pending for an order to summarily dismiss those charges
25 against him or her, and expunge all official records of
26 his or her arrest, plea, trial, conviction, incarceration,

1 supervision, or expungement. If the court determines, upon
2 review, that: (A) the person was arrested before June 25,
3 2019 (the effective date of Public Act 101-27) for an
4 offense that has been made eligible for expungement; (B)
5 the case is pending at the time; and (C) the person has not
6 been sentenced of the minor cannabis violation eligible
7 for expungement under this subsection, the court shall
8 consider the following: the reasons to retain the records
9 provided by law enforcement, the petitioner's age, the
10 petitioner's age at the time of offense, the time since
11 the conviction, and the specific adverse consequences if
12 denied. If a motion to dismiss and expunge is granted, the
13 records shall be expunged in accordance with subparagraph
14 (d) (9) (A) of this Section.

15 (7) A person imprisoned solely as a result of one or
16 more convictions for Minor Cannabis Offenses under this
17 subsection (i) shall be released from incarceration upon
18 the issuance of an order under this subsection.

19 (8) The Illinois State Police shall allow a person to
20 use the access and review process, established in the
21 Illinois State Police, for verifying that his or her
22 records relating to Minor Cannabis Offenses of the
23 Cannabis Control Act eligible under this Section have been
24 expunged.

25 (9) No conviction vacated pursuant to this Section
26 shall serve as the basis for damages for time unjustly

1 served as provided in the Court of Claims Act.

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

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

10 (j) Felony Prostitution Convictions.

11 (1) Automatic Expungement of Felony Prostitution Arrests.

12 (A) The Illinois State Police and local law enforcement
13 agencies within the State shall automatically expunge the law
14 enforcement records relating to a person's Class 4 felony
15 arrests and charges not initiated by arrest for prostitution
16 if that arrest or charge not initiated by arrest is eligible
17 for expungement under paragraph (1) of subsection (b).

18 (B) In the absence of a court order or upon the order of a
19 court, the clerk of the circuit court shall automatically
20 expunge the court records and case files relating to a
21 person's Class 4 felony arrests and charges not initiated by
22 arrest for prostitution if that arrest or charge not initiated
23 by arrest is eligible for expungement under paragraph (1) of
24 subsection (b).

25 (C) The automatic expungements described in this paragraph
26 (1) shall be completed no later than January 1, 2025.

1 (2) Automatic Sealing of Felony Prostitution Convictions.

2 (A) The Illinois State Police and local law enforcement
3 agencies within the State shall automatically seal the law
4 enforcement records relating to a person's Class 4 felony
5 conviction for prostitution if those records are eligible for
6 sealing under paragraph (2) of subsection (c).

7 (B) In the absence of a court order or upon the order of a
8 court, the clerk of the circuit court shall automatically seal
9 the court records relating to a person's Class 4 felony
10 conviction for prostitution if those records are eligible for
11 sealing under paragraph (2) of subsection (c).

12 (C) The automatic sealing of records described in this
13 paragraph (2) shall be completed no later than January 1,
14 2025.

15 (3) Motions to Vacate and Expunge Felony Prostitution
16 Convictions.

17
18 ~~(1)~~ Any individual may file a motion to vacate and
19 expunge a conviction for a prior Class 4 felony violation
20 of prostitution. Motions to vacate and expunge under this
21 subsection (j) may be filed with the circuit court, Chief
22 Judge of a judicial circuit, or any judge of the circuit
23 designated by the Chief Judge. When considering the motion
24 to vacate and expunge, a court shall consider the
25 following:

26 (A) the reasons to retain the records provided by

1 law enforcement;

2 (B) the petitioner's age;

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

4 and

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

22 (4) ~~(2)~~ Any State's Attorney may file a motion to
23 vacate and expunge a conviction for a Class 4 felony
24 violation of prostitution. Motions to vacate and expunge
25 under this subsection (j) may be filed with the circuit
26 court, Chief Judge of a judicial circuit, or any judge of

1 the circuit court designated by the Chief Judge, and may
2 include more than one individual. When considering the
3 motion to vacate and expunge, a court shall consider the
4 following reasons:

5 (A) the reasons to retain the records provided by
6 law enforcement;

7 (B) the petitioner's age;

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

9 (D) the time since the conviction; and

10 (E) the specific adverse consequences if denied.

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

18 (5) ~~(3)~~ In the public interest, the State's Attorney
19 of a county has standing to file motions to vacate and
20 expunge pursuant to this Section in the circuit court with
21 jurisdiction over the underlying conviction.

22 (6) ~~(4)~~ The Illinois State Police shall allow a person
23 to use the access and review process, established in the
24 Illinois State Police, for verifying that his or her
25 records relating to felony prostitution eligible under
26 this Section have been expunged.

1 (7) ~~(5)~~ No conviction vacated pursuant to this Section
2 shall serve as the basis for damages for time unjustly
3 served as provided in the Court of Claims Act.

4 (8) ~~(6)~~ Effect of Expungement. A person's right to
5 expunge an expungeable offense shall not be limited under
6 this Section. The effect of an order of expungement shall
7 be to restore the person to the status he or she occupied
8 before the arrest, charge, or conviction.

9 (9) ~~(7)~~ Information. The Illinois State Police shall
10 post general information on its website about the
11 expungement or sealing process described in this
12 subsection (j).

13 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
14 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
15 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
16 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
17 5-13-22; 102-933, eff. 1-1-23; revised 12-8-22.)

18 Section 100. The Sex Offender Management Board Act is
19 amended by changing Section 10 as follows:

20 (20 ILCS 4026/10)

21 Sec. 10. Definitions. In this Act, unless the context
22 otherwise requires:

23 (a) "Board" means the Sex Offender Management Board
24 created in Section 15.

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

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

13 (1) indecent solicitation of a child, in violation of
14 Section 11-6 of the Criminal Code of 1961 or the Criminal
15 Code of 2012;

16 (2) indecent solicitation of an adult, in violation of
17 Section 11-6.5 of the Criminal Code of 1961 or the
18 Criminal Code of 2012;

19 (3) public indecency, in violation of Section 11-9 or
20 11-30 of the Criminal Code of 1961 or the Criminal Code of
21 2012;

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

25 (5) sexual relations within families, in violation of
26 Section 11-11 of the Criminal Code of 1961 or the Criminal

1 Code of 2012;

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

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

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

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

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

23 (11) child pornography, in violation of Section
24 11-20.1 of the Criminal Code of 1961 or the Criminal Code
25 of 2012;

26 (11.5) aggravated child pornography, in violation of

1 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

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

4 (13) criminal sexual assault, in violation of Section
5 11-1.20 or 12-13 of the Criminal Code of 1961 or the
6 Criminal Code of 2012;

7 (13.5) grooming, in violation of Section 11-25 of the
8 Criminal Code of 1961 or the Criminal Code of 2012;

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

12 (14.5) traveling to meet a minor or traveling to meet
13 a child, in violation of Section 11-26 of the Criminal
14 Code of 1961 or the Criminal Code of 2012;

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

18 (16) criminal sexual abuse, in violation of Section
19 11-1.50 or 12-15 of the Criminal Code of 1961 or the
20 Criminal Code of 2012;

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

24 (18) ritualized abuse of a child, in violation of
25 Section 12-33 of the Criminal Code of 1961 or the Criminal
26 Code of 2012;

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

3 (20) any felony offense under Illinois law that is
4 sexually motivated.

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

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

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

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

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

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

25 Section 105. The Counties Code is amended by changing

1 Section 5-10008 as follows:

2 (55 ILCS 5/5-10008) (from Ch. 34, par. 5-10008)

3 Sec. 5-10008. Prohibited persons. It shall be unlawful for
4 any known person engaged in the sex trade ~~prostitute~~, male or
5 female procurer, vagrant, or intoxicated person to be present
6 at any dance hall or road house licensed under this Division.

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

8 Section 110. The Private Employment Agency Act is amended
9 by changing Section 10 as follows:

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

11 Sec. 10. Licensee prohibitions. No licensee shall send or
12 cause to be sent any female help or servants, inmate, or
13 performer to enter any questionable place, or place of bad
14 repute, house of ill-fame, or assignation house, or to any
15 house or place of amusement kept for immoral purposes, or
16 place resorted to for the purpose of prostitution or gambling
17 house, the character of which licensee knows either actually
18 or by reputation.

19 No licensee shall permit questionable characters, persons
20 engaged in the sex trade ~~prostitutes~~, gamblers, intoxicated
21 persons, or procurers to frequent the agency.

22 No licensee shall accept any application for employment
23 made by or on behalf of any child, or shall place or assist in

1 placing any such child in any employment whatever, in
2 violation of the Child Labor Law. A violation of any provision
3 of this Section shall be a Class A misdemeanor.

4 No licensee shall publish or cause to be published any
5 fraudulent or misleading notice or advertisement of its
6 employment agencies by means of cards, circulars, or signs, or
7 in newspapers or other publications; and all letterheads,
8 receipts, and blanks shall contain the full name and address
9 of the employment agency and licensee shall state in all
10 notices and advertisements the fact that licensee is, or
11 conducts, a private employment agency.

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

15 No licensee shall print or stamp on any receipt or on any
16 contract used by that agency any part of this Act, unless the
17 entire Section from which that part is taken is printed or
18 stamped thereon.

19 All written communications sent out by any licensee,
20 directly or indirectly, to any person or firm with regard to
21 employees or employment shall contain therein definite
22 information that such person is a private employment agency.

23 No licensee or his or her employees shall knowingly give
24 any false or misleading information, or make any false or
25 misleading promise to any applicant who shall apply for
26 employment or employees.

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

2 Section 115. The Liquor Control Act of 1934 is amended by
3 changing Section 6-2 as follows:

4 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

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

7 (a) Except as otherwise provided in subsection (b) of this
8 Section and in paragraph (1) of subsection (a) of Section
9 3-12, no license of any kind issued by the State Commission or
10 any local commission shall be issued to:

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

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

16 (3) (Blank).

17 (4) A person who has been convicted of a felony under
18 any Federal or State law, unless the Commission determines
19 that such person will not be impaired by the conviction in
20 engaging in the licensed practice after considering
21 matters set forth in such person's application in
22 accordance with Section 6-2.5 of this Act and the
23 Commission's investigation.

24 (5) A person who has been convicted of keeping a place

1 of prostitution or keeping a place of commercial sexual
2 exploitation of a child ~~juvenile prostitution~~, promoting
3 prostitution that involves keeping a place of
4 prostitution, or promoting commercial sexual exploitation
5 of a child ~~juvenile prostitution~~ that involves keeping a
6 place of commercial sexual exploitation of a child
7 ~~juvenile prostitution~~.

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

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

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

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

21 (10) A corporation or limited liability company, if
22 any member, officer, manager or director thereof, or any
23 stockholder or stockholders owning in the aggregate more
24 than 5% of the stock of such corporation, would not be
25 eligible to receive a license hereunder for any reason
26 other than residence within the political subdivision.

1 (10a) A corporation or limited liability company
2 unless it is incorporated or organized in Illinois, or
3 unless it is a foreign corporation or foreign limited
4 liability company which is qualified under the Business
5 Corporation Act of 1983 or the Limited Liability Company
6 Act to transact business in Illinois. The Commission shall
7 permit and accept from an applicant for a license under
8 this Act proof prepared from the Secretary of State's
9 website that the corporation or limited liability company
10 is in good standing and is qualified under the Business
11 Corporation Act of 1983 or the Limited Liability Company
12 Act to transact business in Illinois.

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

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

24 (13) A person who does not beneficially own the
25 premises for which a license is sought, or does not have a
26 lease thereon for the full period for which the license is

1 to be issued.

2 (14) Any law enforcing public official, including
3 members of local liquor control commissions, any mayor,
4 alderperson, or member of the city council or commission,
5 any president of the village board of trustees, any member
6 of a village board of trustees, or any president or member
7 of a county board; and no such official shall have a direct
8 interest in the manufacture, sale, or distribution of
9 alcoholic liquor, except that a license may be granted to
10 such official in relation to premises that are not located
11 within the territory subject to the jurisdiction of that
12 official if the issuance of such license is approved by
13 the State Liquor Control Commission and except that a
14 license may be granted, in a city or village with a
15 population of 55,000 or less, to any alderperson, member
16 of a city council, or member of a village board of trustees
17 in relation to premises that are located within the
18 territory subject to the jurisdiction of that official if
19 (i) the sale of alcoholic liquor pursuant to the license
20 is incidental to the selling of food, (ii) the issuance of
21 the license is approved by the State Commission, (iii) the
22 issuance of the license is in accordance with all
23 applicable local ordinances in effect where the premises
24 are located, and (iv) the official granted a license does
25 not vote on alcoholic liquor issues pending before the
26 board or council to which the license holder is elected.

1 Notwithstanding any provision of this paragraph (14) to
2 the contrary, an alderperson or member of a city council
3 or commission, a member of a village board of trustees
4 other than the president of the village board of trustees,
5 or a member of a county board other than the president of a
6 county board may have a direct interest in the
7 manufacture, sale, or distribution of alcoholic liquor as
8 long as he or she is not a law enforcing public official, a
9 mayor, a village board president, or president of a county
10 board. To prevent any conflict of interest, the elected
11 official with the direct interest in the manufacture,
12 sale, or distribution of alcoholic liquor shall not
13 participate in any meetings, hearings, or decisions on
14 matters impacting the manufacture, sale, or distribution
15 of alcoholic liquor. Furthermore, the mayor of a city with
16 a population of 55,000 or less or the president of a
17 village with a population of 55,000 or less may have an
18 interest in the manufacture, sale, or distribution of
19 alcoholic liquor as long as the council or board over
20 which he or she presides has made a local liquor control
21 commissioner appointment that complies with the
22 requirements of Section 4-2 of this Act.

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

25 (16) A person who has been convicted of a gambling
26 offense as proscribed by any of subsections (a) (3)

1 through (a) (11) of Section 28-1 of, or as proscribed by
2 Section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
3 Criminal Code of 2012, or as proscribed by a statute
4 replaced by any of the aforesaid statutory provisions.

5 (17) A person or entity to whom a federal wagering
6 stamp has been issued by the federal government, unless
7 the person or entity is eligible to be issued a license
8 under the Raffles and Poker Runs Act or the Illinois Pull
9 Tabs and Jar Games Act.

10 (18) A person who intends to sell alcoholic liquors
11 for use or consumption on his or her licensed retail
12 premises who does not have liquor liability insurance
13 coverage for that premises in an amount that is at least
14 equal to the maximum liability amounts set out in
15 subsection (a) of Section 6-21.

16 (19) A person who is licensed by any licensing
17 authority as a manufacturer of beer, or any 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 having any legal, equitable, or beneficial interest,
22 directly or indirectly, in a person licensed in this State
23 as a distributor or importing distributor. For purposes of
24 this paragraph (19), a person who is licensed by any
25 licensing authority as a "manufacturer of beer" shall also
26 mean a brewer and a non-resident dealer who is also a

1 manufacturer of beer, including a partnership,
2 corporation, limited liability company, or trust or any
3 subsidiary, affiliate, or agent thereof, or any other form
4 of business enterprise licensed as a manufacturer of beer.

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

1 thereof, or any other form of business enterprise licensed
2 as a manufacturer of beer.

3 (b) A criminal conviction of a corporation is not grounds
4 for the denial, suspension, or revocation of a license applied
5 for or held by the corporation if the criminal conviction was
6 not the result of a violation of any federal or State law
7 concerning the manufacture, possession or sale of alcoholic
8 liquor, the offense that led to the conviction did not result
9 in any financial gain to the corporation and the corporation
10 has terminated its relationship with each director, officer,
11 employee, or controlling shareholder whose actions directly
12 contributed to the conviction of the corporation. The
13 Commission shall determine if all provisions of this
14 subsection (b) have been met before any action on the
15 corporation's license is initiated.

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

17 Section 120. The Intergovernmental Missing Child Recovery
18 Act of 1984 is amended by changing Section 2 as follows:

19 (325 ILCS 40/2) (from Ch. 23, par. 2252)

20 Sec. 2. As used in this Act:

21 (a) (Blank).

22 (b) "Director" means the Director of the Illinois State
23 Police.

24 (c) "Unit of local government" is defined as in Article

1 VII, Section 1 of the Illinois Constitution and includes both
2 home rule units and units which are not home rule units. The
3 term is also defined to include all public school districts
4 subject to the provisions of the School Code.

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

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

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

15 (g) (Blank).

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

19 (i) "Exploitation" means activities and actions which
20 include, but are not limited to, child pornography, aggravated
21 child pornography, commercial sexual exploitation of a child
22 ~~child prostitution~~, child sexual abuse, drug and substance
23 abuse by children, and child suicide.

24 (j) (Blank).

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

1 Section 125. The Illinois Vehicle Code is amended by
2 changing Section 6-206 as follows:

3 (625 ILCS 5/6-206)

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

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

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

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

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

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

1 highway;

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

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

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

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

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

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

1 identification card, or permit;

2 10. Has possessed, displayed, or attempted to
3 fraudulently use any license, identification card, or
4 permit not issued to the person;

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

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

18 13. Has operated a motor vehicle upon a highway of
19 this State when the person's driver's license or permit
20 was invalid under the provisions of Sections 6-107.1 and
21 6-110;

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

1 identification card;

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

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

10 17. Has refused to submit to a test, or tests, as
11 required under Section 11-501.1 of this Code and the
12 person has not sought a hearing as provided for in Section
13 11-501.1;

14 18. (Blank);

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

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

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

24 22. Has used a motor vehicle in violating paragraph
25 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
26 the Criminal Code of 1961 or the Criminal Code of 2012

1 relating to unlawful use of weapons, in which case the
2 suspension shall be for one year;

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

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

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

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

20 27. (Blank);

21 28. Has been convicted for a first time of the illegal
22 possession, while operating or in actual physical control,
23 as a driver, of a motor vehicle, of any controlled
24 substance prohibited under the Illinois Controlled
25 Substances Act, any cannabis prohibited under the Cannabis
26 Control Act, or any methamphetamine prohibited under the

1 Methamphetamine Control and Community Protection Act, in
2 which case the person's driving privileges shall be
3 suspended for one year. Any defendant found guilty of this
4 offense while operating a motor vehicle shall have an
5 entry made in the court record by the presiding judge that
6 this offense did occur while the defendant was operating a
7 motor vehicle and order the clerk of the court to report
8 the violation to the Secretary of State;

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

24 30. Has been convicted a second or subsequent time for
25 any combination of the offenses named in paragraph 29 of
26 this subsection, in which case the person's driving

1 privileges shall be suspended for 5 years;

2 31. Has refused to submit to a test as required by
3 Section 11-501.6 of this Code or Section 5-16c of the Boat
4 Registration and Safety Act or has submitted to a test
5 resulting in an alcohol concentration of 0.08 or more or
6 any amount of a drug, substance, or compound resulting
7 from the unlawful use or consumption of cannabis as listed
8 in the Cannabis Control Act, a controlled substance as
9 listed in the Illinois Controlled Substances Act, an
10 intoxicating compound as listed in the Use of Intoxicating
11 Compounds Act, or methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act, in
13 which case the penalty shall be as prescribed in Section
14 6-208.1;

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

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

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

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

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

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

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

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

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

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

25 42. Has committed a violation of subsection (a-1) of
26 Section 11-1301.3 of this Code or a similar provision of a

1 local ordinance;

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

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

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

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

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

26 48. Has submitted a falsified or altered medical

1 examiner's certificate to the Secretary of State or
2 provided false information to obtain a medical examiner's
3 certificate;

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

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

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

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

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

26 (b) If any conviction forming the basis of a suspension or

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

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

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

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

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

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

22 3. At the conclusion of a hearing under Section 2-118 of
23 this Code, the Secretary of State shall either rescind or
24 continue an order of revocation or shall substitute an order
25 of suspension; or, good cause appearing therefor, rescind,
26 continue, change, or extend the order of suspension. If the

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

23 (A) If a person's license or permit is revoked or
24 suspended due to 2 or more convictions of violating
25 Section 11-501 of this Code or a similar provision of a
26 local ordinance or a similar out-of-state offense, or

1 Section 9-3 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, where the use of alcohol or other drugs is
3 recited as an element of the offense, or a similar
4 out-of-state offense, or a combination of these offenses,
5 arising out of separate occurrences, that person, if
6 issued a restricted driving permit, may not operate a
7 vehicle unless it has been equipped with an ignition
8 interlock device as defined in Section 1-129.1.

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

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

18 (ii) a statutory summary suspension or revocation
19 under Section 11-501.1; or

20 (iii) a suspension under Section 6-203.1;
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-5) If a person's license or permit is revoked or
26 suspended due to a conviction for a violation of

1 subparagraph (C) or (F) of paragraph (1) of subsection (d)
2 of Section 11-501 of this Code, or a similar provision of a
3 local ordinance or similar out-of-state offense, that
4 person, if issued a restricted driving permit, may not
5 operate a vehicle unless it has been equipped with an
6 ignition interlock device as defined in Section 1-129.1.

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

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

1 permit which required the use of an ignition interlock
2 device on every motor vehicle owned or operated by that
3 person.

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

23 (F) A person subject to the provisions of paragraph 4
24 of subsection (b) of Section 6-208 of this Code may make
25 application for a restricted driving permit at a hearing
26 conducted under Section 2-118 of this Code after the

1 expiration of 5 years from the effective date of the most
2 recent revocation or after 5 years from the date of
3 release from a period of imprisonment resulting from a
4 conviction of the most recent offense, whichever is later,
5 provided the person, in addition to all other requirements
6 of the Secretary, shows by clear and convincing evidence:

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

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

21 In determining whether an applicant is eligible for a
22 restricted driving permit under this subparagraph (F), the
23 Secretary may consider any relevant evidence, including,
24 but not limited to, testimony, affidavits, records, and
25 the results of regular alcohol or drug tests. Persons
26 subject to the provisions of paragraph 4 of subsection (b)

1 of Section 6-208 of this Code and who have been convicted
2 of more than one violation of paragraph (3), paragraph
3 (4), or paragraph (5) of subsection (a) of Section 11-501
4 of this Code shall not be eligible to apply for a
5 restricted driving permit under this subparagraph (F).

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

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

24 (c-3) In the case of a suspension under paragraph 43 of
25 subsection (a), reports received by the Secretary of State
26 under this Section shall, except during the actual time the

1 suspension is in effect, be privileged information and for use
2 only by the courts, police officers, prosecuting authorities,
3 the driver licensing administrator of any other state, the
4 Secretary of State, or the parent or legal guardian of a driver
5 under the age of 18. However, beginning January 1, 2008, if the
6 person is a CDL holder, the suspension shall also be made
7 available to the driver licensing administrator of any other
8 state, the U.S. Department of Transportation, and the affected
9 driver or motor carrier or prospective motor carrier upon
10 request.

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

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

23 (d) This Section is subject to the provisions of the
24 Driver License Compact.

25 (e) The Secretary of State shall not issue a restricted
26 driving permit to a person under the age of 16 years whose

1 driving privileges have been suspended or revoked under any
2 provisions of this Code.

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

8 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
9 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
10 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,
11 eff. 5-13-22; revised 12-14-22.)

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

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

15 (a) The Secretary of State is authorized to suspend or
16 revoke the driving privileges of any person without
17 preliminary hearing upon a showing of the person's records or
18 other sufficient evidence that the person:

19 1. Has committed an offense for which mandatory
20 revocation of a driver's license or permit is required
21 upon conviction;

22 2. Has been convicted of not less than 3 offenses
23 against traffic regulations governing the movement of
24 vehicles committed within any 12-month period. No
25 revocation or suspension shall be entered more than 6

1 months after the date of last conviction;

2 3. Has been repeatedly involved as a driver in motor
3 vehicle collisions or has been repeatedly convicted of
4 offenses against laws and ordinances regulating the
5 movement of traffic, to a degree that indicates lack of
6 ability to exercise ordinary and reasonable care in the
7 safe operation of a motor vehicle or disrespect for the
8 traffic laws and the safety of other persons upon the
9 highway;

10 4. Has by the unlawful operation of a motor vehicle
11 caused or contributed to a crash resulting in injury
12 requiring immediate professional treatment in a medical
13 facility or doctor's office to any person, except that any
14 suspension or revocation imposed by the Secretary of State
15 under the provisions of this subsection shall start no
16 later than 6 months after being convicted of violating a
17 law or ordinance regulating the movement of traffic, which
18 violation is related to the crash, or shall start not more
19 than one year after the date of the crash, whichever date
20 occurs later;

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

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

1 7. Has refused or failed to submit to an examination
2 provided for by Section 6-207 or has failed to pass the
3 examination;

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

6 9. Has made a false statement or knowingly concealed a
7 material fact or has used false information or
8 identification in any application for a license,
9 identification card, or permit;

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

13 11. Has operated a motor vehicle upon a highway of
14 this State when the person's driving privilege or
15 privilege to obtain a driver's license or permit was
16 revoked or suspended unless the operation was authorized
17 by a monitoring device driving permit, judicial driving
18 permit issued prior to January 1, 2009, probationary
19 license to drive, or restricted driving permit issued
20 under this Code;

21 12. Has submitted to any portion of the application
22 process for another person or has obtained the services of
23 another person to submit to any portion of the application
24 process for the purpose of obtaining a license,
25 identification card, or permit for some other person;

26 13. Has operated a motor vehicle upon a highway of

1 this State when the person's driver's license or permit
2 was invalid under the provisions of Sections 6-107.1 and
3 6-110;

4 14. Has committed a violation of Section 6-301,
5 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
6 14B of the Illinois Identification Card Act or a similar
7 offense in another state if, at the time of the offense,
8 the person held an Illinois driver's license or
9 identification card;

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

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

18 17. Has refused to submit to a test, or tests, as
19 required under Section 11-501.1 of this Code and the
20 person has not sought a hearing as provided for in Section
21 11-501.1;

22 18. (Blank);

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

26 20. Has been convicted of violating Section 6-104

1 relating to classification of driver's license;

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

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

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

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

21 25. Has permitted any form of identification to be
22 used by another in the application process in order to
23 obtain or attempt to obtain a license, identification
24 card, or permit;

25 26. Has altered or attempted to alter a license or has
26 possessed an altered license, identification card, or

1 permit;

2 27. (Blank);

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

17 29. Has been convicted of the following offenses that
18 were committed while the person was operating or in actual
19 physical control, as a driver, of a motor vehicle:
20 criminal sexual assault, predatory criminal sexual assault
21 of a child, aggravated criminal sexual assault, criminal
22 sexual abuse, aggravated criminal sexual abuse, juvenile
23 pimping, soliciting for a sexually exploited child
24 ~~juvenile prostitute~~, promoting commercial sexual
25 exploitation of a child ~~juvenile prostitution~~ as described
26 in subdivision (a)(1), (a)(2), or (a)(3) of Section

1 11-14.4 of the Criminal Code of 1961 or the Criminal Code
2 of 2012, and the manufacture, sale or delivery of
3 controlled substances or instruments used for illegal drug
4 use or abuse in which case the driver's driving privileges
5 shall be suspended for one year;

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

10 31. Has refused to submit to a test as required by
11 Section 11-501.6 of this Code or Section 5-16c of the Boat
12 Registration and Safety Act or has submitted to a test
13 resulting in an alcohol concentration of 0.08 or more or
14 any amount of a drug, substance, or compound resulting
15 from the unlawful use or consumption of cannabis as listed
16 in the Cannabis Control Act, a controlled substance as
17 listed in the Illinois Controlled Substances Act, an
18 intoxicating compound as listed in the Use of Intoxicating
19 Compounds Act, or methamphetamine as listed in the
20 Methamphetamine Control and Community Protection Act, in
21 which case the penalty shall be as prescribed in Section
22 6-208.1;

23 32. Has been convicted of Section 24-1.2 of the
24 Criminal Code of 1961 or the Criminal Code of 2012
25 relating to the aggravated discharge of a firearm if the
26 offender was located in a motor vehicle at the time the

1 firearm was discharged, in which case the suspension shall
2 be for 3 years;

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

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

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

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

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

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

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

26 40. Has committed a violation of subsection (a-1) of

1 Section 11-908 of this Code;

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

7 42. Has committed a violation of subsection (a-1) of
8 Section 11-1301.3 of this Code or a similar provision of a
9 local ordinance;

10 43. Has received a disposition of court supervision
11 for a violation of subsection (a), (d), or (e) of Section
12 6-20 of the Liquor Control Act of 1934 or a similar
13 provision of a local ordinance and the person was an
14 occupant of a motor vehicle at the time of the violation,
15 in which case the suspension shall be for a period of 3
16 months;

17 44. Is under the age of 21 years at the time of arrest
18 and has been convicted of an offense against traffic
19 regulations governing the movement of vehicles after
20 having previously had his or her driving privileges
21 suspended or revoked pursuant to subparagraph 36 of this
22 Section;

23 45. Has, in connection with or during the course of a
24 formal hearing conducted under Section 2-118 of this Code:
25 (i) committed perjury; (ii) submitted fraudulent or
26 falsified documents; (iii) submitted documents that have

1 been materially altered; or (iv) submitted, as his or her
2 own, documents that were in fact prepared or composed for
3 another person;

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

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

8 48. Has submitted a falsified or altered medical
9 examiner's certificate to the Secretary of State or
10 provided false information to obtain a medical examiner's
11 certificate;

12 49. Has been convicted of a violation of Section
13 11-1002 or 11-1002.5 that resulted in a Type A injury to
14 another, in which case the driving privileges of the
15 person shall be suspended for 12 months;

16 50. Has committed a violation of subsection (b-5) of
17 Section 12-610.2 that resulted in great bodily harm,
18 permanent disability, or disfigurement, in which case the
19 driving privileges of the person shall be suspended for 12
20 months;

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

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

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

8 (b) If any conviction forming the basis of a suspension or
9 revocation authorized under this Section is appealed, the
10 Secretary of State may rescind or withhold the entry of the
11 order of suspension or revocation, as the case may be,
12 provided that a certified copy of a stay order of a court is
13 filed with the Secretary of State. If the conviction is
14 affirmed on appeal, the date of the conviction shall relate
15 back to the time the original judgment of conviction was
16 entered and the 6-month limitation prescribed shall not apply.

17 (c) 1. Upon suspending or revoking the driver's license or
18 permit of any person as authorized in this Section, the
19 Secretary of State shall immediately notify the person in
20 writing of the revocation or suspension. The notice to be
21 deposited in the United States mail, postage prepaid, to the
22 last known address of the person.

23 2. If the Secretary of State suspends the driver's license
24 of a person under subsection 2 of paragraph (a) of this
25 Section, a person's privilege to operate a vehicle as an
26 occupation shall not be suspended, provided an affidavit is

1 properly completed, the appropriate fee received, and a permit
2 issued prior to the effective date of the suspension, unless 5
3 offenses were committed, at least 2 of which occurred while
4 operating a commercial vehicle in connection with the driver's
5 regular occupation. All other driving privileges shall be
6 suspended by the Secretary of State. Any driver prior to
7 operating a vehicle for occupational purposes only must submit
8 the affidavit on forms to be provided by the Secretary of State
9 setting forth the facts of the person's occupation. The
10 affidavit shall also state the number of offenses committed
11 while operating a vehicle in connection with the driver's
12 regular occupation. The affidavit shall be accompanied by the
13 driver's license. Upon receipt of a properly completed
14 affidavit, the Secretary of State shall issue the driver a
15 permit to operate a vehicle in connection with the driver's
16 regular occupation only. Unless the permit is issued by the
17 Secretary of State prior to the date of suspension, the
18 privilege to drive any motor vehicle shall be suspended as set
19 forth in the notice that was mailed under this Section. If an
20 affidavit is received subsequent to the effective date of this
21 suspension, a permit may be issued for the remainder of the
22 suspension period.

23 The provisions of this subparagraph shall not apply to any
24 driver required to possess a CDL for the purpose of operating a
25 commercial motor vehicle.

26 Any person who falsely states any fact in the affidavit

1 required herein shall be guilty of perjury under Section 6-302
2 and upon conviction thereof shall have all driving privileges
3 revoked without further rights.

4 3. At the conclusion of a hearing under Section 2-118 of
5 this Code, the Secretary of State shall either rescind or
6 continue an order of revocation or shall substitute an order
7 of suspension; or, good cause appearing therefor, rescind,
8 continue, change, or extend the order of suspension. If the
9 Secretary of State does not rescind the order, the Secretary
10 may upon application, to relieve undue hardship (as defined by
11 the rules of the Secretary of State), issue a restricted
12 driving permit granting the privilege of driving a motor
13 vehicle between the petitioner's residence and petitioner's
14 place of employment or within the scope of the petitioner's
15 employment-related duties, or to allow the petitioner to
16 transport himself or herself, or a family member of the
17 petitioner's household to a medical facility, to receive
18 necessary medical care, to allow the petitioner to transport
19 himself or herself to and from alcohol or drug remedial or
20 rehabilitative activity recommended by a licensed service
21 provider, or to allow the petitioner to transport himself or
22 herself or a family member of the petitioner's household to
23 classes, as a student, at an accredited educational
24 institution, or to allow the petitioner to transport children,
25 elderly persons, or persons with disabilities who do not hold
26 driving privileges and are living in the petitioner's

1 household to and from daycare. The petitioner must demonstrate
2 that no alternative means of transportation is reasonably
3 available and that the petitioner will not endanger the public
4 safety or welfare.

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

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

19 (i) a single conviction of violating Section
20 11-501 of this Code or a similar provision of a local
21 ordinance or a similar out-of-state offense or Section
22 9-3 of the Criminal Code of 1961 or the Criminal Code
23 of 2012, where the use of alcohol or other drugs is
24 recited as an element of the offense, or a similar
25 out-of-state offense; or

26 (ii) a statutory summary suspension or revocation

1 under Section 11-501.1; or

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

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

15 (C) The person issued a permit conditioned upon the
16 use of an ignition interlock device must pay to the
17 Secretary of State DUI Administration Fund an amount not
18 to exceed \$30 per month. The Secretary shall establish by
19 rule the amount and the procedures, terms, and conditions
20 relating to these fees.

21 (D) If the restricted driving permit is issued for
22 employment purposes, then the prohibition against
23 operating a motor vehicle that is not equipped with an
24 ignition interlock device does not apply to the operation
25 of an occupational vehicle owned or leased by that
26 person's employer when used solely for employment

1 purposes. For any person who, within a 5-year period, is
2 convicted of a second or subsequent offense under Section
3 11-501 of this Code, or a similar provision of a local
4 ordinance or similar out-of-state offense, this employment
5 exemption does not apply until either a one-year period
6 has elapsed during which that person had his or her
7 driving privileges revoked or a one-year period has
8 elapsed during which that person had a restricted driving
9 permit which required the use of an ignition interlock
10 device on every motor vehicle owned or operated by that
11 person.

12 (E) In each case the Secretary may issue a restricted
13 driving permit for a period deemed appropriate, except
14 that all permits shall expire no later than 2 years from
15 the date of issuance. A restricted driving permit issued
16 under this Section shall be subject to cancellation,
17 revocation, and suspension by the Secretary of State in
18 like manner and for like cause as a driver's license
19 issued under this Code may be cancelled, revoked, or
20 suspended; except that a conviction upon one or more
21 offenses against laws or ordinances regulating the
22 movement of traffic shall be deemed sufficient cause for
23 the revocation, suspension, or cancellation of a
24 restricted driving permit. The Secretary of State may, as
25 a condition to the issuance of a restricted driving
26 permit, require the applicant to participate in a

1 designated driver remedial or rehabilitative program. The
2 Secretary of State is authorized to cancel a restricted
3 driving permit if the permit holder does not successfully
4 complete the program.

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

15 (i) a minimum of 3 years of uninterrupted
16 abstinence from alcohol and the unlawful use or
17 consumption of cannabis under the Cannabis Control
18 Act, a controlled substance under the Illinois
19 Controlled Substances Act, an intoxicating compound
20 under the Use of Intoxicating Compounds Act, or
21 methamphetamine under the Methamphetamine Control and
22 Community Protection Act; and

23 (ii) the successful completion of any
24 rehabilitative treatment and involvement in any
25 ongoing rehabilitative activity that may be
26 recommended by a properly licensed service provider

1 according to an assessment of the person's alcohol or
2 drug use under Section 11-501.01 of this Code.

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

14 A restricted driving permit issued under this
15 subparagraph (F) shall provide that the holder may only
16 operate motor vehicles equipped with an ignition interlock
17 device as required under paragraph (2) of subsection (c)
18 of Section 6-205 of this Code and subparagraph (A) of
19 paragraph 3 of subsection (c) of this Section. The
20 Secretary may revoke a restricted driving permit or amend
21 the conditions of a restricted driving permit issued under
22 this subparagraph (F) if the holder operates a vehicle
23 that is not equipped with an ignition interlock device, or
24 for any other reason authorized under this Code.

25 A restricted driving permit issued under this
26 subparagraph (F) shall be revoked, and the holder barred

1 from applying for or being issued a restricted driving
2 permit in the future, if the holder is convicted of a
3 violation of Section 11-501 of this Code, a similar
4 provision of a local ordinance, or a similar offense in
5 another state.

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

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

24 (c-5) The Secretary of State may, as a condition of the
25 reissuance of a driver's license or permit to an applicant
26 whose driver's license or permit has been suspended before he

1 or she reached the age of 21 years pursuant to any of the
2 provisions of this Section, require the applicant to
3 participate in a driver remedial education course and be
4 retested under Section 6-109 of this Code.

5 (d) This Section is subject to the provisions of the
6 Driver License Compact.

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

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

16 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
17 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
18 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,
19 eff. 5-13-22; 102-982, eff. 7-1-23; revised 12-14-22.)

20 Section 130. The Criminal Code of 2012 is amended by
21 changing Sections 3-6, 8-2, 11-0.1, 11-9.3, 11-14.3, 11-14.4,
22 11-18, 11-18.1, 33G-3, and 36-1 as follows:

23 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

24 Sec. 3-6. Extended limitations. The period within which a

1 prosecution must be commenced under the provisions of Section
2 3-5 or other applicable statute is extended under the
3 following conditions:

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

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

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

21 (b) A prosecution for any offense based upon misconduct in
22 office by a public officer or employee may be commenced within
23 one year after discovery of the offense by a person having a
24 legal duty to report such offense, or in the absence of such
25 discovery, within one year after the proper prosecuting
26 officer becomes aware of the offense. However, in no such case

1 is the period of limitation so extended more than 3 years
2 beyond the expiration of the period otherwise applicable.

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

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

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

18 (c) (Blank).

19 (d) A prosecution for child pornography, aggravated child
20 pornography, indecent solicitation of a child, soliciting for
21 a sexually exploited child ~~juvenile prostitute~~, juvenile
22 pimping, exploitation of a child, or promoting commercial
23 sexual exploitation of a child ~~juvenile prostitution~~ except
24 for keeping a place of commercial sexual exploitation of a
25 child ~~juvenile prostitution~~ may be commenced within one year
26 of the victim attaining the age of 18 years. However, in no

1 such case shall the time period for prosecution expire sooner
2 than 3 years after the commission of the offense.

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

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

17 (f-5) A prosecution for any offense set forth in Section
18 16-30 of this Code may be commenced within 5 years after the
19 discovery of the offense by the victim of that offense.

20 (g) (Blank).

21 (h) (Blank).

22 (i) Except as otherwise provided in subdivision (j), a
23 prosecution for criminal sexual assault, aggravated criminal
24 sexual assault, or aggravated criminal sexual abuse may be
25 commenced at any time. If the victim consented to the
26 collection of evidence using an Illinois State Police Sexual

1 Assault Evidence Collection Kit under the Sexual Assault
2 Survivors Emergency Treatment Act, it shall constitute
3 reporting for purposes of this Section.

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

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

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

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

1 attains 18 years of age.

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

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

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

14 (k) (Blank).

15 (l) A prosecution for any offense set forth in Section
16 26-4 of this Code may be commenced within one year after the
17 discovery of the offense by the victim of that offense.

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

1 construed to shorten a period within which a prosecution must
2 be commenced under any other provision of this Section or
3 Section 3-5 of this Code.

4 (m) The prosecution shall not be required to prove at
5 trial facts which extend the general limitations in Section
6 3-5 of this Code when the facts supporting extension of the
7 period of general limitations are properly pled in the
8 charging document. Any challenge relating to the extension of
9 the general limitations period as defined in this Section
10 shall be exclusively conducted under Section 114-1 of the Code
11 of Criminal Procedure of 1963.

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

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

22 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)
23 Sec. 8-2. Conspiracy.

24 (a) Elements of the offense. A person commits the offense
25 of conspiracy when, with intent that an offense be committed,

1 he or she agrees with another to the commission of that
2 offense. No person may be convicted of conspiracy to commit an
3 offense unless an act in furtherance of that agreement is
4 alleged and proved to have been committed by him or her or by a
5 co-conspirator.

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

- 9 (1) have not been prosecuted or convicted,
- 10 (2) have been convicted of a different offense,
- 11 (3) are not amenable to justice,
- 12 (4) have been acquitted, or
- 13 (5) lacked the capacity to commit an offense.

14 (c) Sentence.

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

17 (A) a Class X felony shall be sentenced for a Class
18 1 felony;

19 (B) a Class 1 felony shall be sentenced for a Class
20 2 felony;

21 (C) a Class 2 felony shall be sentenced for a Class
22 3 felony;

23 (D) a Class 3 felony shall be sentenced for a Class
24 4 felony;

25 (E) a Class 4 felony shall be sentenced for a Class
26 4 felony; and

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

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

7 (A) aggravated insurance fraud conspiracy when the
8 person is an organizer of the conspiracy (720 ILCS
9 5/46-4); or

10 (B) aggravated governmental entity insurance fraud
11 conspiracy when the person is an organizer of the
12 conspiracy (720 ILCS 5/46-4).

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

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

17 (B) aggravated insurance fraud (720 ILCS 5/46-3)
18 or aggravated governmental insurance fraud (720 ILCS
19 5/46-3).

20 (4) A person convicted of conspiracy to commit
21 insurance fraud (720 ILCS 5/46-3) or governmental entity
22 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a
23 Class 2 felony.

24 (5) A person convicted of conspiracy to commit any of
25 the following offenses shall be sentenced for a Class 3
26 felony:

1 (A) soliciting for a person engaged in the sex
2 trade prostitute (720 ILCS 5/11-14.3(a)(1));

3 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or
4 5/11-14.3(a)(2)(B));

5 (C) keeping a place of prostitution (720 ILCS
6 5/11-14.3(a)(1));

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

8 (E) unlawful use of weapons under Section
9 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

10 (F) unlawful use of weapons under Section
11 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

12 (G) gambling (720 ILCS 5/28-1);

13 (H) keeping a gambling place (720 ILCS 5/28-3);

14 (I) registration of federal gambling stamps
15 violation (720 ILCS 5/28-4);

16 (J) look-alike substances violation (720 ILCS
17 570/404);

18 (K) miscellaneous controlled substance violation
19 under Section 406(b) (720 ILCS 570/406(b)); or

20 (L) an inchoate offense related to any of the
21 principal offenses set forth in this item (5).

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

23 (720 ILCS 5/11-0.1)

24 Sec. 11-0.1. Definitions. In this Article, unless the
25 context clearly requires otherwise, the following terms are

1 defined as indicated:

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

6 "Adult obscenity or child pornography Internet site". See
7 Section 11-23.

8 "Advance prostitution" means:

9 (1) Soliciting for a person engaged in the sex trade
10 ~~prostitute~~ by performing any of the following acts when
11 acting other than as a person engaged in the sex trade
12 ~~prostitute~~ or a patron of a person engaged in the sex trade
13 ~~prostitute~~:

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

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

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

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

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

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

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

11 "Agency". See Section 11-9.5.

12 "Arranges". See Section 11-6.5.

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

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

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

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

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

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

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

22 "Consent" means a freely given agreement to the act of
23 sexual penetration or sexual conduct in question. Lack of
24 verbal or physical resistance or submission by the victim
25 resulting from the use of force or threat of force by the
26 accused shall not constitute consent. The manner of dress of

1 the victim at the time of the offense shall not constitute
2 consent.

3 "Custody". See Section 11-9.2.

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

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

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

7 "Disseminate". See Section 11-20.1.

8 "Distribute". See Section 11-21.

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

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

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

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

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

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

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

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

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

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

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

20 "Solicit". See Section 11-6.

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

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

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

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

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

1 controlled substance causing the victim to become unconscious
2 of the nature of the act and this condition was known, or
3 reasonably should have been known by the accused. "Unable to
4 give knowing consent" also includes when the victim has taken
5 an intoxicating substance or any controlled substance causing
6 the victim to become unconscious of the nature of the act, and
7 this condition was known or reasonably should have been known
8 by the accused, but the accused did not provide or administer
9 the intoxicating substance. As used in this paragraph,
10 "unconscious of the nature of the act" means incapable of
11 resisting because the victim meets any one of the following
12 conditions:

13 (1) was unconscious or asleep;

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

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

19 (4) was not aware, knowing, perceiving, or cognizant
20 of the essential characteristics of the act due to the
21 perpetrator's fraudulent representation that the sexual
22 penetration served a professional purpose when it served
23 no professional purpose.

24 A victim is presumed "unable to give knowing consent" when
25 the victim:

26 (1) is committed to the care and custody or

1 supervision of the Illinois Department of Corrections
2 (IDOC) and the accused is an employee or volunteer who is
3 not married to the victim who knows or reasonably should
4 know that the victim is committed to the care and custody
5 or supervision of such department;

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

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

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

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

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

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

13 (720 ILCS 5/11-9.3)

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

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

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

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

1 are present at the site.

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

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

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

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

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

1 sex offender and was purchased before July 7, 2000 (the
2 effective date of Public Act 91-911).

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

23 (b-15) It is unlawful for a child sex offender to
24 knowingly reside within 500 feet of the victim of the sex
25 offense. Nothing in this subsection (b-15) prohibits a child
26 sex offender from residing within 500 feet of the victim if the

1 property in which the child sex offender resides is owned by
2 the child sex offender and was purchased before August 22,
3 2002.

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

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

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

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

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

22 (c-5) It is unlawful for a child sex offender to knowingly
23 operate, manage, be employed by, or be associated with any
24 carnival, amusement enterprise, or county or State fair when
25 persons under the age of 18 are present.

26 (c-6) It is unlawful for a child sex offender who owns and

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

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

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

21 (d) Definitions. In this Section:

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

23 (i) has been charged under Illinois law, or any
24 substantially similar federal law or law of another
25 state, with a sex offense set forth in paragraph (2) of
26 this subsection (d) or the attempt to commit an

1 included sex offense, and the victim is a person under
2 18 years of age at the time of the offense; and:

3 (A) is convicted of such offense or an attempt
4 to commit such offense; or

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

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

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

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

25 (F) is the subject of a finding not resulting
26 in an acquittal at a hearing conducted pursuant to

1 a federal law or the law of another state
2 substantially similar to subsection (a) of Section
3 104-25 of the Code of Criminal Procedure of 1963
4 for the alleged violation or attempted commission
5 of such offense; or

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

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

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

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

22 (i) A violation of any of the following Sections
23 of the Criminal Code of 1961 or the Criminal Code of
24 2012: 10-4 (forcible detention), 10-7 (aiding or
25 abetting child abduction under Section 10-5(b)(10)),
26 10-5(b)(10) (child luring), 11-1.40 (predatory

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

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

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

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

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

25 An attempt to commit any of these offenses.

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

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

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

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

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

1 exploited child ~~juvenile prostitute~~), 11-20.1 (child
2 pornography), 11-20.1B (aggravated child pornography),
3 11-25 (grooming), 11-26 (traveling to meet a minor or
4 traveling to meet a child), or 12-33 (ritualized abuse
5 of a child). An attempt to commit any of these
6 offenses.

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

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

19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint),
23 11-9.1(A) (permitting sexual abuse of a child).

24 An attempt to commit any of these offenses.

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

1 paragraph (2.5) of this subsection.

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

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

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

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

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

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

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

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

3 (11) "Loiter" means:

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

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

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

14 (12) "Part day child care facility" has the meaning
15 ascribed to it in Section 2.10 of the Child Care Act of
16 1969.

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

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

24 (15) "School" means a public or private preschool or
25 elementary or secondary school.

26 (16) "School official" means the principal, a teacher,

1 or any other certified employee of the school, the
2 superintendent of schools or a member of the school board.

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

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

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

19 (720 ILCS 5/11-14.3)

20 Sec. 11-14.3. Promoting prostitution.

21 (a) Any person who knowingly performs any of the following
22 acts commits promoting prostitution:

23 (1) advances prostitution as defined in Section
24 11-0.1;

25 (2) profits from prostitution by:

1 (A) compelling a person to become a person engaged
2 in the sex trade ~~prostitute~~;

3 (B) arranging or offering to arrange a situation
4 in which a person may practice prostitution; or

5 (C) any means other than those described in
6 subparagraph (A) or (B), including from a person who
7 patronizes a person engaged in the sex trade
8 ~~prostitute~~. This paragraph (C) does not apply to a
9 person engaged in prostitution who is under 18 years
10 of age. A person cannot be convicted of promoting
11 prostitution under this paragraph (C) if the practice
12 of prostitution underlying the offense consists
13 exclusively of the accused's own acts of prostitution
14 under Section 11-14 of this Code.

15 (b) Sentence.

16 (1) A violation of subdivision (a)(1) is a Class 4
17 felony, unless committed within 1,000 feet of real
18 property comprising a school, in which case it is a Class 3
19 felony. A second or subsequent violation of subdivision
20 (a)(1), or any combination of convictions under
21 subdivision (a)(1), (a)(2)(A), or (a)(2)(B) and Section
22 11-14 (prostitution), 11-14.1 (solicitation of a sexual
23 act), 11-14.4 (promoting commercial sexual exploitation of
24 a child ~~juvenile prostitution~~), 11-15 (soliciting for a
25 person engaged in the sex trade ~~prostitute~~), 11-15.1
26 (soliciting for a sexually exploited child ~~juvenile~~

1 ~~prostitute~~), 11-16 (pandering), 11-17 (keeping a place of
2 prostitution), 11-17.1 (keeping a place of commercial
3 sexual exploitation of a child ~~juvenile prostitution~~),
4 11-18 (patronizing a person engaged in the sex trade
5 ~~prostitute~~), 11-18.1 (patronizing a sexually exploited
6 child ~~juvenile prostitute~~), 11-19 (pimping), 11-19.1
7 (juvenile pimping or aggravated juvenile pimping), or
8 11-19.2 (exploitation of a child), is a Class 3 felony.

9 (2) A violation of subdivision (a) (2) (A) or (a) (2) (B)
10 is a Class 4 felony, unless committed within 1,000 feet of
11 real property comprising a school, in which case it is a
12 Class 3 felony.

13 (3) A violation of subdivision (a) (2) (C) is a Class 4
14 felony, unless committed within 1,000 feet of real
15 property comprising a school, in which case it is a Class 3
16 felony. A second or subsequent violation of subdivision
17 (a) (2) (C), or any combination of convictions under
18 subdivision (a) (2) (C) and subdivision (a) (1), (a) (2) (A),
19 or (a) (2) (B) of this Section (promoting prostitution),
20 11-14 (prostitution), 11-14.1 (solicitation of a sexual
21 act), 11-14.4 (promoting commercial sexual exploitation of
22 a child ~~juvenile prostitution~~), 11-15 (soliciting for a
23 person engaged in the sex trade ~~prostitute~~), 11-15.1
24 (soliciting for a sexually exploited child ~~juvenile~~
25 ~~prostitute~~), 11-16 (pandering), 11-17 (keeping a place of
26 prostitution), 11-17.1 (keeping a place of commercial

1 sexual exploitation of a child ~~juvenile prostitution~~),
2 11-18 (patronizing a person engaged in the sex trade
3 ~~prostitute~~), 11-18.1 (patronizing a sexually exploited
4 child ~~juvenile prostitute~~), 11-19 (pimping), 11-19.1
5 (juvenile pimping or aggravated juvenile pimping), or
6 11-19.2 (exploitation of a child), is a Class 3 felony.

7 If the court imposes a fine under this subsection (b), it
8 shall be collected and distributed to the Specialized Services
9 for Survivors of Human Trafficking Fund in accordance with
10 Section 5-9-1.21 of the Unified Code of Corrections.

11 (Source: P.A. 98-1013, eff. 1-1-15.)

12 (720 ILCS 5/11-14.4)

13 Sec. 11-14.4. Promoting commercial sexual exploitation of
14 a child ~~juvenile prostitution~~.

15 (a) Any person who knowingly performs any of the following
16 acts commits promoting commercial sexual exploitation of a
17 child ~~juvenile prostitution~~:

18 (1) advances prostitution as defined in Section
19 11-0.1, where the minor engaged in prostitution, or any
20 person engaged in prostitution in the place, is under 18
21 years of age or is a person with a severe or profound
22 intellectual disability at the time of the offense;

23 (2) profits from prostitution by any means where the
24 person engaged in the sex trade ~~prostituted person~~ is a
25 sexually exploited child under 18 years of age or is a

1 person with a severe or profound intellectual disability
2 at the time of the offense;

3 (3) profits from prostitution by any means where the
4 sexually exploited child ~~prostituted person~~ is under 13
5 years of age at the time of the offense;

6 (4) confines a child under the age of 18 or a person
7 with a severe or profound intellectual disability against
8 his or her will by the infliction or threat of imminent
9 infliction of great bodily harm or permanent disability or
10 disfigurement or by administering to the child or the
11 person with a severe or profound intellectual disability,
12 without his or her consent or by threat or deception and
13 for other than medical purposes, any alcoholic intoxicant
14 or a drug as defined in the Illinois Controlled Substances
15 Act or the Cannabis Control Act or methamphetamine as
16 defined in the Methamphetamine Control and Community
17 Protection Act and:

18 (A) compels the child or the person with a severe
19 or profound intellectual disability to engage in
20 prostitution;

21 (B) arranges a situation in which the child or the
22 person with a severe or profound intellectual
23 disability may practice prostitution; or

24 (C) profits from prostitution by the child or the
25 person with a severe or profound intellectual
26 disability.

1 (b) For purposes of this Section, administering drugs, as
2 defined in subdivision (a)(4), or an alcoholic intoxicant to a
3 child under the age of 13 or a person with a severe or profound
4 intellectual disability shall be deemed to be without consent
5 if the administering is done without the consent of the
6 parents or legal guardian or if the administering is performed
7 by the parents or legal guardian for other than medical
8 purposes.

9 (c) If the accused did not have a reasonable opportunity
10 to observe the person engaged in the sex trade ~~prostituted~~
11 ~~person~~, it is an affirmative defense to a charge of promoting
12 commercial sexual exploitation of a child ~~juvenile~~
13 ~~prostitution~~, except for a charge under subdivision (a)(4),
14 that the accused reasonably believed the person was of the age
15 of 18 years or over or was not a person with a severe or
16 profound intellectual disability at the time of the act giving
17 rise to the charge.

18 (d) Sentence. A violation of subdivision (a)(1) is a Class
19 1 felony, unless committed within 1,000 feet of real property
20 comprising a school, in which case it is a Class X felony. A
21 violation of subdivision (a)(2) is a Class 1 felony. A
22 violation of subdivision (a)(3) is a Class X felony. A
23 violation of subdivision (a)(4) is a Class X felony, for which
24 the person shall be sentenced to a term of imprisonment of not
25 less than 6 years and not more than 60 years. A second or
26 subsequent violation of subdivision (a)(1), (a)(2), or (a)(3),

1 or any combination of convictions under subdivision (a)(1),
2 (a)(2), or (a)(3) and Sections 11-14 (prostitution), 11-14.1
3 (solicitation of a sexual act), 11-14.3 (promoting
4 prostitution), 11-15 (soliciting for a person engaged in the
5 sex trade prostitute), 11-15.1 (soliciting for a sexually
6 exploited child juvenile prostitute), 11-16 (pandering), 11-17
7 (keeping a place of prostitution), 11-17.1 (keeping a place of
8 commercial sexual exploitation of a child juvenile
9 prostitution), 11-18 (patronizing a person engaged in the sex
10 trade prostitute), 11-18.1 (patronizing a sexually exploited
11 child juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile
12 pimping or aggravated juvenile pimping), or 11-19.2
13 (exploitation of a child) of this Code, is a Class X felony.

14 (e) Forfeiture. Any person convicted of a violation of
15 this Section that involves promoting commercial sexual
16 exploitation of a child juvenile prostitution by keeping a
17 place of commercial sexual exploitation of a child juvenile
18 prostitution or convicted of a violation of subdivision (a)(4)
19 is subject to the property forfeiture provisions set forth in
20 Article 124B of the Code of Criminal Procedure of 1963.

21 (f) For the purposes of this Section, "person engaged in
22 the sex trade prostituted person" means any person who engages
23 in, or agrees or offers to engage in, any act of sexual
24 penetration as defined in Section 11-0.1 of this Code for any
25 money, property, token, object, or article or anything of
26 value, or any touching or fondling of the sex organs of one

1 person by another person, for any money, property, token,
2 object, or article or anything of value, for the purpose of
3 sexual arousal or gratification.

4 (Source: P.A. 99-143, eff. 7-27-15.)

5 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

6 Sec. 11-18. Patronizing a person engaged in the sex trade
7 ~~prostitute~~.

8 (a) Any person who knowingly performs any of the following
9 acts with a person not his or her spouse commits patronizing a
10 person engaged in the sex trade ~~prostitute~~:

11 (1) Engages in an act of sexual penetration as defined
12 in Section 11-0.1 of this Code with a person engaged in the
13 sex trade ~~prostitute~~; or

14 (2) Enters or remains in a place of prostitution with
15 intent to engage in an act of sexual penetration as
16 defined in Section 11-0.1 of this Code; or

17 (3) Engages in any touching or fondling with a person
18 engaged in the sex trade ~~prostitute~~ of the sex organs of
19 one person by the other person, with the intent to achieve
20 sexual arousal or gratification.

21 (b) Sentence.

22 Patronizing a person engaged in the sex trade ~~prostitute~~
23 is a Class 4 felony, unless committed within 1,000 feet of real
24 property comprising a school, in which case it is a Class 3
25 felony. A person convicted of a second or subsequent violation

1 of this Section, or of any combination of such number of
2 convictions under this Section and Sections 11-14
3 (prostitution), 11-14.1 (solicitation of a sexual act),
4 11-14.3 (promoting prostitution), 11-14.4 (promoting
5 commercial sexual exploitation of a child ~~juvenile~~
6 ~~prostitution~~), 11-15 (soliciting for a person engaged in the
7 sex trade ~~prostitute~~), 11-15.1 (soliciting for a sexually
8 exploited child ~~juvenile prostitute~~), 11-16 (pandering), 11-17
9 (keeping a place of prostitution), 11-17.1 (keeping a place of
10 commercial sexual exploitation of a child ~~juvenile~~
11 ~~prostitution~~), 11-18.1 (patronizing a sexually exploited child
12 ~~juvenile prostitute~~), 11-19 (pimping), 11-19.1 (juvenile
13 pimping or aggravated juvenile pimping), or 11-19.2
14 (exploitation of a child) of this Code, is guilty of a Class 3
15 felony. If the court imposes a fine under this subsection (b),
16 it shall be collected and distributed to the Specialized
17 Services for Survivors of Human Trafficking Fund in accordance
18 with Section 5-9-1.21 of the Unified Code of Corrections.

19 (c) (Blank).

20 (Source: P.A. 98-1013, eff. 1-1-15.)

21 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

22 Sec. 11-18.1. Patronizing a sexually exploited child ~~minor~~
23 ~~engaged in prostitution~~.

24 (a) Any person who engages in an act of sexual penetration
25 as defined in Section 11-0.1 of this Code with a person who is

1 under 18 years of age engaged in prostitution ~~who is under 18~~
2 ~~years of age~~ or is a person with a severe or profound
3 intellectual disability commits patronizing a sexually
4 exploited child ~~minor engaged in prostitution.~~

5 (a-5) Any person who engages in any touching or fondling,
6 with a person engaged in prostitution who either is a sexually
7 exploited child ~~under 18 years of age~~ or is a person with a
8 severe or profound intellectual disability, of the sex organs
9 of one person by the other person, with the intent to achieve
10 sexual arousal or gratification, commits patronizing a
11 sexually exploited child ~~minor engaged in prostitution.~~

12 (b) It is an affirmative defense to the charge of
13 patronizing a sexually exploited child ~~minor engaged in~~
14 ~~prostitution~~ that the accused reasonably believed that the
15 person was of the age of 18 years or over or was not a person
16 with a severe or profound intellectual disability at the time
17 of the act giving rise to the charge.

18 (c) Sentence. A person who commits patronizing a sexually
19 exploited child ~~juvenile prostitute~~ is guilty of a Class 3
20 felony, unless committed within 1,000 feet of real property
21 comprising a school, in which case it is a Class 2 felony. A
22 person convicted of a second or subsequent violation of this
23 Section, or of any combination of such number of convictions
24 under this Section and Sections 11-14 (prostitution), 11-14.1
25 (solicitation of a sexual act), 11-14.3 (promoting
26 prostitution), 11-14.4 (promoting commercial sexual

1 exploitation of a child ~~juvenile prostitution~~), 11-15
2 (soliciting for a person engaged in the sex trade ~~prostitute~~),
3 11-15.1 (soliciting for a sexually exploited child ~~juvenile~~
4 ~~prostitute~~), 11-16 (pandering), 11-17 (keeping a place of
5 prostitution), 11-17.1 (keeping a place of commercial sexual
6 exploitation of a child ~~juvenile prostitution~~), 11-18
7 (patronizing a person engaged in the sex trade ~~prostitute~~),
8 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated
9 juvenile pimping), or 11-19.2 (exploitation of a child) of
10 this Code, is guilty of a Class 2 felony. The fact of such
11 conviction is not an element of the offense and may not be
12 disclosed to the jury during trial unless otherwise permitted
13 by issues properly raised during such trial.
14 (Source: P.A. 99-143, eff. 7-27-15.)

15 (720 ILCS 5/33G-3)

16 (Section scheduled to be repealed on June 11, 2023)

17 Sec. 33G-3. Definitions. As used in this Article:

18 (a) "Another state" means any State of the United States
19 (other than the State of Illinois), or the District of
20 Columbia, or the Commonwealth of Puerto Rico, or any territory
21 or possession of the United States, or any political
22 subdivision, or any department, agency, or instrumentality
23 thereof.

24 (b) "Enterprise" includes:

25 (1) any partnership, corporation, association,

1 business or charitable trust, or other legal entity; and
2 (2) any group of individuals or other legal entities,
3 or any combination thereof, associated in fact although
4 not itself a legal entity. An association in fact must be
5 held together by a common purpose of engaging in a course
6 of conduct, and it may be associated together for purposes
7 that are both legal and illegal. An association in fact
8 must:

9 (A) have an ongoing organization or structure,
10 either formal or informal;

11 (B) the various members of the group must function
12 as a continuing unit, even if the group changes
13 membership by gaining or losing members over time; and

14 (C) have an ascertainable structure distinct from
15 that inherent in the conduct of a pattern of predicate
16 activity.

17 As used in this Article, "enterprise" includes licit and
18 illicit enterprises.

19 (c) "Labor organization" includes any organization, labor
20 union, craft union, or any voluntary unincorporated
21 association designed to further the cause of the rights of
22 union labor that is constituted for the purpose, in whole or in
23 part, of collective bargaining or of dealing with employers
24 concerning grievances, terms or conditions of employment, or
25 apprenticeships or applications for apprenticeships, or of
26 other mutual aid or protection in connection with employment,

1 including apprenticeships or applications for apprenticeships.

2 (d) "Operation or management" means directing or carrying
3 out the enterprise's affairs and is limited to any person who
4 knowingly serves as a leader, organizer, operator, manager,
5 director, supervisor, financier, advisor, recruiter, supplier,
6 or enforcer of an enterprise in violation of this Article.

7 (e) "Predicate activity" means any act that is a Class 2
8 felony or higher and constitutes a violation or violations of
9 any of the following provisions of the laws of the State of
10 Illinois (as amended or revised as of the date the activity
11 occurred or, in the instance of a continuing offense, the date
12 that charges under this Article are filed in a particular
13 matter in the State of Illinois) or any act under the law of
14 another jurisdiction for an offense that could be charged as a
15 Class 2 felony or higher in this State:

16 (1) under the Criminal Code of 1961 or the Criminal
17 Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1
18 (first degree murder), 9-3.3 (drug-induced homicide), 10-1
19 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1
20 (aggravated unlawful restraint), 10-4 (forcible
21 detention), 10-5(b)(10) (child abduction), 10-9
22 (trafficking in persons, involuntary servitude, and
23 related offenses), 11-1.20 (criminal sexual assault),
24 11-1.30 (aggravated criminal sexual assault), 11-1.40
25 (predatory criminal sexual assault of a child), 11-1.60
26 (aggravated criminal sexual abuse), 11-6 (indecent

1 solicitation of a child), 11-6.5 (indecent solicitation of
2 an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting
3 prostitution), 11-14.4 (promoting commercial sexual
4 exploitation of a child ~~juvenile prostitution~~), 11-18.1
5 (patronizing a sexually exploited child ~~minor engaged in~~
6 ~~prostitution~~; patronizing a sexually exploited child
7 ~~juvenile prostitute~~), 12-3.05 (aggravated battery), 12-6.4
8 (criminal street gang recruitment), 12-6.5 (compelling
9 organization membership of persons), 12-7.3 (stalking),
10 12-7.4 (aggravated stalking), 12-7.5 (cyberstalking),
11 12-11 or 19-6 (home invasion), 12-11.1 or 18-6 (vehicular
12 invasion), 18-1 (robbery; aggravated robbery), 18-2 (armed
13 robbery), 18-3 (vehicular hijacking), 18-4 (aggravated
14 vehicular hijacking), 18-5 (aggravated robbery), 19-1
15 (burglary), 19-3 (residential burglary), 20-1 (arson;
16 residential arson; place of worship arson), 20-1.1
17 (aggravated arson), 20-1.2 (residential arson), 20-1.3
18 (place of worship arson), 24-1.2 (aggravated discharge of
19 a firearm), 24-1.2-5 (aggravated discharge of a machine
20 gun or silencer equipped firearm), 24-1.8 (unlawful
21 possession of a firearm by a street gang member), 24-3.2
22 (unlawful discharge of firearm projectiles), 24-3.9
23 (aggravated possession of a stolen firearm), 24-3A
24 (gunrunning), 26-5 or 48-1 (dog-fighting), 29D-14.9
25 (terrorism), 29D-15 (soliciting support for terrorism),
26 29D-15.1 (causing a catastrophe), 29D-15.2 (possession of

1 a deadly substance), 29D-20 (making a terrorist threat),
2 29D-25 (falsely making a terrorist threat), 29D-29.9
3 (material support for terrorism), 29D-35 (hindering
4 prosecution of terrorism), 31A-1.2 (unauthorized
5 contraband in a penal institution), or 33A-3 (armed
6 violence);

7 (2) under the Cannabis Control Act: Sections 5
8 (manufacture or delivery of cannabis), 5.1 (cannabis
9 trafficking), or 8 (production or possession of cannabis
10 plants), provided the offense either involves more than
11 500 grams of any substance containing cannabis or involves
12 more than 50 cannabis sativa plants;

13 (3) under the Illinois Controlled Substances Act:
14 Sections 401 (manufacture or delivery of a controlled
15 substance), 401.1 (controlled substance trafficking), 405
16 (calculated criminal drug conspiracy), or 405.2 (street
17 gang criminal drug conspiracy); or

18 (4) under the Methamphetamine Control and Community
19 Protection Act: Sections 15 (methamphetamine
20 manufacturing), or 55 (methamphetamine delivery).

21 (f) "Pattern of predicate activity" means:

22 (1) at least 3 occurrences of predicate activity that
23 are in some way related to each other and that have
24 continuity between them, and that are separate acts. Acts
25 are related to each other if they are not isolated events,
26 including if they have similar purposes, or results, or

1 participants, or victims, or are committed a similar way,
2 or have other similar distinguishing characteristics, or
3 are part of the affairs of the same enterprise. There is
4 continuity between acts if they are ongoing over a
5 substantial period, or if they are part of the regular way
6 some entity does business or conducts its affairs; and

7 (2) which occurs after the effective date of this
8 Article, and the last of which falls within 3 years
9 (excluding any period of imprisonment) after the first
10 occurrence of predicate activity.

11 (g) "Unlawful death" includes the following offenses:
12 under the Code of 1961 or the Criminal Code of 2012: Sections
13 9-1 (first degree murder) or 9-2 (second degree murder).
14 (Source: P.A. 97-686, eff. 6-11-12; 97-1150, eff. 1-25-13.)

15 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

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

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

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

23 (1) an offense prohibited by Section 9-1 (first degree
24 murder), Section 9-3 (involuntary manslaughter and
25 reckless homicide), Section 10-2 (aggravated kidnaping),

1 Section 11-1.20 (criminal sexual assault), Section 11-1.30
2 (aggravated criminal sexual assault), Section 11-1.40
3 (predatory criminal sexual assault of a child), subsection
4 (a) of Section 11-1.50 (criminal sexual abuse), subsection
5 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
6 sexual abuse), Section 11-6 (indecent solicitation of a
7 child), Section 11-14.4 (promoting commercial sexual
8 exploitation of a child ~~juvenile prostitution~~ except for
9 keeping a place of commercial sexual exploitation of a
10 child ~~juvenile prostitution~~), Section 11-20.1 (child
11 pornography), paragraph (a)(1), (a)(2), (a)(4), (b)(1),
12 (b)(2), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or
13 (e)(7) of Section 12-3.05 (aggravated battery), Section
14 12-7.3 (stalking), Section 12-7.4 (aggravated stalking),
15 Section 16-1 (theft if the theft is of precious metal or of
16 scrap metal), subdivision (f)(2) or (f)(3) of Section
17 16-25 (retail theft), Section 18-2 (armed robbery),
18 Section 19-1 (burglary), Section 19-2 (possession of
19 burglary tools), Section 19-3 (residential burglary),
20 Section 20-1 (arson; residential arson; place of worship
21 arson), Section 20-2 (possession of explosives or
22 explosive or incendiary devices), subdivision (a)(6) or
23 (a)(7) of Section 24-1 (unlawful use of weapons), Section
24 24-1.2 (aggravated discharge of a firearm), Section
25 24-1.2-5 (aggravated discharge of a machine gun or a
26 firearm equipped with a device designed or used for

1 silencing the report of a firearm), Section 24-1.5
2 (reckless discharge of a firearm), Section 28-1
3 (gambling), or Section 29D-15.2 (possession of a deadly
4 substance) of this Code;

5 (2) an offense prohibited by Section 21, 22, 23, 24 or
6 26 of the Cigarette Tax Act if the vessel or watercraft,
7 vehicle, or aircraft contains more than 10 cartons of such
8 cigarettes;

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

13 (4) an offense prohibited by Section 44 of the
14 Environmental Protection Act;

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

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

23 (A) during a period in which his or her driving
24 privileges are revoked or suspended if the revocation
25 or suspension was for:

26 (i) Section 11-501 (driving under the

1 influence of alcohol or other drug or drugs,
2 intoxicating compound or compounds or any
3 combination thereof),

4 (ii) Section 11-501.1 (statutory summary
5 suspension or revocation),

6 (iii) paragraph (b) of Section 11-401 (motor
7 vehicle accidents involving death or personal
8 injuries), or

9 (iv) reckless homicide as defined in Section
10 9-3 of this Code;

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

25 (C) the person committed a violation of driving
26 under the influence of alcohol or other drug or drugs,

1 intoxicating compound or compounds or any combination
2 thereof under Section 11-501 of the Illinois Vehicle
3 Code or a similar provision for the third or
4 subsequent time;

5 (D) he or she did not possess a valid driver's
6 license or permit or a valid restricted driving permit
7 or a valid judicial driving permit or a valid
8 monitoring device driving permit; or

9 (E) he or she knew or should have known that the
10 vehicle he or she was driving was not covered by a
11 liability insurance policy;

12 (7) an offense described in subsection (g) of Section
13 6-303 of the Illinois Vehicle Code;

14 (8) an offense described in subsection (e) of Section
15 6-101 of the Illinois Vehicle Code; or

16 (9) (A) operating a watercraft under the influence of
17 alcohol, other drug or drugs, intoxicating compound or
18 compounds, or combination thereof under Section 5-16 of
19 the Boat Registration and Safety Act during a period in
20 which his or her privileges to operate a watercraft are
21 revoked or suspended and the revocation or suspension was
22 for operating a watercraft under the influence of alcohol,
23 other drug or drugs, intoxicating compound or compounds,
24 or combination thereof; (B) operating a watercraft under
25 the influence of alcohol, other drug or drugs,
26 intoxicating compound or compounds, or combination thereof

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

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

1 (c) In addition, when a person discharges a firearm at
2 another individual from a vehicle with the knowledge and
3 consent of the owner of the vehicle and with the intent to
4 cause death or great bodily harm to that individual and as a
5 result causes death or great bodily harm to that individual,
6 the vehicle shall be subject to seizure and forfeiture under
7 the same procedures provided in this Article for the seizure
8 and forfeiture of vehicles used in violations of clauses (1),
9 (2), (3), or (4) of subsection (a) of this Section.

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

1 If the vehicle is the subject of a subsequent forfeiture
2 proceeding by virtue of a subsequent conviction of either
3 spouse or the family member, the spouse or family member to
4 whom the vehicle was forfeited under the first forfeiture
5 proceeding may not utilize the provisions of this paragraph in
6 another forfeiture proceeding. If the owner of the vehicle
7 seized owns more than one vehicle, the procedure set out in
8 this paragraph may be used for only one vehicle.

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

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

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

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

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

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

1 substance) of this Code;

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

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

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

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

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

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

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

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

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

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

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

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

1 subsequent time;

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

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

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

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

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

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

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

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

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

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

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

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

10 Section 140. The Code of Criminal Procedure of 1963 is
11 amended by changing Sections 108B-3, 111-8, 124B-10, 124B-100,
12 and 124B-300 as follows:

13 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

14 Sec. 108B-3. Authorization for the interception of private
15 communication.

16 (a) The State's Attorney, or a person designated in
17 writing or by law to act for him and to perform his duties
18 during his absence or disability, may authorize, in writing,
19 an ex parte application to the chief judge of a court of
20 competent jurisdiction for an order authorizing the
21 interception of a private communication when no party has
22 consented to the interception and (i) the interception may
23 provide evidence of, or may assist in the apprehension of a
24 person who has committed, is committing or is about to commit,

1 a violation of Section 8-1(b) (solicitation of murder), 8-1.2
2 (solicitation of murder for hire), 9-1 (first degree murder),
3 10-9 (involuntary servitude, involuntary sexual servitude of a
4 minor, or trafficking in persons), paragraph (1), (2), or (3)
5 of subsection (a) of Section 11-14.4 (promoting commercial
6 sexual exploitation of a child ~~juvenile prostitution~~),
7 subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3
8 (promoting prostitution), 11-15.1 (soliciting for a sexually
9 exploited child ~~minor engaged in prostitution~~), 11-16
10 (pandering), 11-17.1 (keeping a place of commercial sexual
11 exploitation of a child ~~juvenile prostitution~~), 11-18.1
12 (patronizing a sexually exploited child ~~minor engaged in~~
13 ~~prostitution~~), 11-19.1 (juvenile pimping and aggravated
14 juvenile pimping), or 29B-1 (money laundering) of the Criminal
15 Code of 1961 or the Criminal Code of 2012, Section 401, 401.1
16 (controlled substance trafficking), 405, 405.1 (criminal drug
17 conspiracy) or 407 of the Illinois Controlled Substances Act
18 or any Section of the Methamphetamine Control and Community
19 Protection Act, a violation of Section 24-2.1, 24-2.2, 24-3,
20 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
21 24-1(a) (4), 24-1(a) (6), 24-1(a) (7), 24-1(a) (9), 24-1(a) (10),
22 or 24-1(c) of the Criminal Code of 1961 or the Criminal Code of
23 2012 or conspiracy to commit money laundering or conspiracy to
24 commit first degree murder; (ii) in response to a clear and
25 present danger of imminent death or great bodily harm to
26 persons resulting from: (1) a kidnapping or the holding of a

1 hostage by force or the threat of the imminent use of force; or
2 (2) the occupation by force or the threat of the imminent use
3 of force of any premises, place, vehicle, vessel or aircraft;
4 (iii) to aid an investigation or prosecution of a civil action
5 brought under the Illinois Streetgang Terrorism Omnibus
6 Prevention Act when there is probable cause to believe the
7 interception of the private communication will provide
8 evidence that a streetgang is committing, has committed, or
9 will commit a second or subsequent gang-related offense or
10 that the interception of the private communication will aid in
11 the collection of a judgment entered under that Act; or (iv)
12 upon information and belief that a streetgang has committed,
13 is committing, or is about to commit a felony.

14 (b) The State's Attorney or a person designated in writing
15 or by law to act for the State's Attorney and to perform his or
16 her duties during his or her absence or disability, may
17 authorize, in writing, an ex parte application to the chief
18 judge of a circuit court for an order authorizing the
19 interception of a private communication when no party has
20 consented to the interception and the interception may provide
21 evidence of, or may assist in the apprehension of a person who
22 has committed, is committing or is about to commit, a
23 violation of an offense under Article 29D of the Criminal Code
24 of 1961 or the Criminal Code of 2012.

25 (b-1) Subsection (b) is inoperative on and after January
26 1, 2005.

1 (b-2) No conversations recorded or monitored pursuant to
2 subsection (b) shall be made inadmissible in a court of law by
3 virtue of subsection (b-1).

4 (c) As used in this Section, "streetgang" and
5 "gang-related" have the meanings ascribed to them in Section
6 10 of the Illinois Streetgang Terrorism Omnibus Prevention
7 Act.

8 (Source: P.A. 96-710, eff. 1-1-10; 96-1464, eff. 8-20-10;
9 97-897, eff. 1-1-13; 97-1150, eff. 1-25-13.)

10 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

11 Sec. 111-8. Orders of protection to prohibit domestic
12 violence.

13 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
14 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
15 11-1.60, 11-14.3 that involves soliciting for a person engaged
16 in the sex trade ~~prostitute~~, 11-14.4 that involves soliciting
17 for a sexually exploited child ~~juvenile prostitute~~, 11-15,
18 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1, 12-2, 12-3,
19 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1, 12-4.3, 12-4.6,
20 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13,
21 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1, 21-2, 21-3, or
22 26.5-2 of the Criminal Code of 1961 or the Criminal Code of
23 2012 or Section 1-1 of the Harassing and Obscene
24 Communications Act is alleged in an information, complaint or
25 indictment on file, and the alleged offender and victim are

1 family or household members, as defined in the Illinois
2 Domestic Violence Act of 1986, as now or hereafter amended,
3 the People through the respective State's Attorneys may by
4 separate petition and upon notice to the defendant, except as
5 provided in subsection (c) herein, request the court to issue
6 an order of protection.

7 (b) In addition to any other remedies specified in Section
8 208 of the Illinois Domestic Violence Act of 1986, as now or
9 hereafter amended, the order may direct the defendant to
10 initiate no contact with the alleged victim or victims who are
11 family or household members and to refrain from entering the
12 residence, school or place of business of the alleged victim
13 or victims.

14 (c) The court may grant emergency relief without notice
15 upon a showing of immediate and present danger of abuse to the
16 victim or minor children of the victim and may enter a
17 temporary order pending notice and full hearing on the matter.

18 (Source: P.A. 99-642, eff. 7-28-16.)

19 (725 ILCS 5/124B-10)

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

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

1 or trafficking in persons).

2 (2) A violation of subdivision (a)(1) of Section
3 11-14.4 of the Criminal Code of 1961 or the Criminal Code
4 of 2012 (promoting commercial sexual exploitation of a
5 child ~~juvenile prostitution~~) or a violation of Section
6 11-17.1 of the Criminal Code of 1961 (keeping a place of
7 commercial sexual exploitation of a child ~~juvenile~~
8 ~~prostitution~~).

9 (3) A violation of subdivision (a)(4) 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 11-19.2 of the Criminal Code of 1961 (exploitation of a
14 child).

15 (4) A second or subsequent violation of Section 11-20
16 of the Criminal Code of 1961 or the Criminal Code of 2012
17 (obscenity).

18 (5) A violation of Section 11-20.1 of the Criminal
19 Code of 1961 or the Criminal Code of 2012 (child
20 pornography).

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

23 (6.5) A violation of Section 11-23.5 of the Criminal
24 Code of 2012.

25 (7) A violation of Section 12C-65 of the Criminal Code
26 of 2012 or Article 44 of the Criminal Code of 1961

1 (unlawful transfer of a telecommunications device to a
2 minor).

3 (8) A violation of Section 17-50 or Section 16D-5 of
4 the Criminal Code of 2012 or the Criminal Code of 1961
5 (computer fraud).

6 (9) A felony violation of Section 17-6.3 or Article
7 17B of the Criminal Code of 2012 or the Criminal Code of
8 1961 (WIC fraud).

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

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

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

16 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;
17 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.
18 6-1-15.)

19 (725 ILCS 5/124B-100)

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

22 (1) In the case of forfeiture authorized under Section
23 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
24 Criminal Code of 2012, "offense" means the offense of
25 involuntary servitude, involuntary servitude of a minor,

1 or trafficking in persons in violation of Section 10-9 or
2 10A-10 of those Codes.

3 (2) In the case of forfeiture authorized under
4 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,
5 of the Criminal Code of 1961 or the Criminal Code of 2012,
6 "offense" means the offense of promoting commercial sexual
7 exploitation of a child ~~juvenile prostitution~~ or keeping a
8 place of commercial sexual exploitation of a child
9 ~~juvenile prostitution~~ in violation of subdivision (a) (1)
10 of Section 11-14.4, or Section 11-17.1, of those Codes.

11 (3) In the case of forfeiture authorized under
12 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 "offense" means the offense of promoting commercial sexual
15 exploitation of a child ~~juvenile prostitution~~ or
16 exploitation of a child in violation of subdivision (a) (4)
17 of Section 11-14.4, or Section 11-19.2, of those Codes.

18 (4) In the case of forfeiture authorized under Section
19 11-20 of the Criminal Code of 1961 or the Criminal Code of
20 2012, "offense" means the offense of obscenity in
21 violation of that Section.

22 (5) In the case of forfeiture authorized under Section
23 11-20.1 of the Criminal Code of 1961 or the Criminal Code
24 of 2012, "offense" means the offense of child pornography
25 in violation of Section 11-20.1 of that Code.

26 (6) In the case of forfeiture authorized under Section

1 11-20.1B or 11-20.3 of the Criminal Code of 1961,
2 "offense" means the offense of aggravated child
3 pornography in violation of Section 11-20.1B or 11-20.3 of
4 that Code.

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

11 (8) In the case of forfeiture authorized under Section
12 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
13 Code of 2012, "offense" means the offense of computer
14 fraud in violation of Section 17-50 or 16D-5 of those
15 Codes.

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

20 (10) In the case of forfeiture authorized under
21 Section 29D-65 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, "offense" means any offense under
23 Article 29D of that Code.

24 (11) In the case of forfeiture authorized under
25 Section 4.01 of the Humane Care for Animals Act, Section
26 26-5 of the Criminal Code of 1961, or Section 48-1 of the

1 Criminal Code of 2012, "offense" means any felony offense
2 under either of those Sections.

3 (12) In the case of forfeiture authorized under
4 Section 124B-1000(b) of the Code of Criminal Procedure of
5 1963, "offense" means an offense in violation of the
6 Criminal Code of 1961, the Criminal Code of 2012, the
7 Illinois Controlled Substances Act, the Cannabis Control
8 Act, or the Methamphetamine Control and Community
9 Protection Act, or an offense involving a
10 telecommunications device possessed by a person on the
11 real property of any elementary or secondary school
12 without authority of the school principal.

13 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
14 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
15 1-1-13; 97-1150, eff. 1-25-13.)

16 (725 ILCS 5/124B-300)

17 Sec. 124B-300. Persons and property subject to forfeiture.
18 A person who commits the offense of involuntary servitude,
19 involuntary servitude of a minor, or trafficking of persons
20 under Section 10A-10 or Section 10-9 of the Criminal Code of
21 1961 or the Criminal Code of 2012, promoting commercial sexual
22 exploitation of a child ~~juvenile prostitution~~, keeping a place
23 of commercial sexual exploitation of a child ~~juvenile~~
24 ~~prostitution~~, or promoting prostitution that involves keeping
25 a place of prostitution under subsection (a)(1) or (a)(4) of

1 Section 11-14.4 or under Section 11-14.3, 11-17.1, or 11-19.2
2 of the Criminal Code of 1961 or of the Criminal Code of 2012
3 shall forfeit to the State of Illinois any profits or proceeds
4 and any property he or she has acquired or maintained in
5 violation of Section 10A-10 or Section 10-9 of the Criminal
6 Code of 1961 or the Criminal Code of 2012, promoting
7 commercial sexual exploitation of a child ~~juvenile~~
8 ~~prostitution~~, keeping a place of commercial sexual
9 exploitation of a child ~~juvenile prostitution~~, or promoting
10 prostitution that involves keeping a place of prostitution
11 under subsection (a) (1) or (a) (4) of Section 11-14.4 or under
12 Section 11-14.3, 11-17.1, or 11-19.2 of the Criminal Code of
13 1961 or of the Criminal Code of 2012 that the sentencing court
14 determines, after a forfeiture hearing under this Article, to
15 have been acquired or maintained as a result of maintaining a
16 person in involuntary servitude or participating in
17 trafficking of persons.

18 (Source: P.A. 97-1150, eff. 1-25-13; 98-1013, eff. 1-1-15.)

19 Section 145. The Sexually Violent Persons Commitment Act
20 is amended by changing Section 40 as follows:

21 (725 ILCS 207/40)

22 Sec. 40. Commitment.

23 (a) If a court or jury determines that the person who is
24 the subject of a petition under Section 15 of this Act is a

1 sexually violent person, the court shall order the person to
2 be committed to the custody of the Department for control,
3 care and treatment until such time as the person is no longer a
4 sexually violent person.

5 (b)(1) The court shall enter an initial commitment order
6 under this Section pursuant to a hearing held as soon as
7 practicable after the judgment is entered that the person who
8 is the subject of a petition under Section 15 is a sexually
9 violent person. If the court lacks sufficient information to
10 make the determination required by paragraph (b)(2) of this
11 Section immediately after trial, it may adjourn the hearing
12 and order the Department to conduct a predisposition
13 investigation or a supplementary mental examination, or both,
14 to assist the court in framing the commitment order. If the
15 Department's examining evaluator previously rendered an
16 opinion that the person who is the subject of a petition under
17 Section 15 does not meet the criteria to be found a sexually
18 violent person, then another evaluator shall conduct the
19 predisposition investigation and/or supplementary mental
20 examination. A supplementary mental examination under this
21 Section shall be conducted in accordance with Section 3-804 of
22 the Mental Health and Developmental Disabilities Code. The
23 State has the right to have the person evaluated by experts
24 chosen by the State.

25 (2) An order for commitment under this Section shall
26 specify either institutional care in a secure facility, as

1 provided under Section 50 of this Act, or conditional release.
2 In determining whether commitment shall be for institutional
3 care in a secure facility or for conditional release, the
4 court shall consider the nature and circumstances of the
5 behavior that was the basis of the allegation in the petition
6 under paragraph (b)(1) of Section 15, the person's mental
7 history and present mental condition, and what arrangements
8 are available to ensure that the person has access to and will
9 participate in necessary treatment. All treatment, whether in
10 institutional care, in a secure facility, or while on
11 conditional release, shall be conducted in conformance with
12 the standards developed under the Sex Offender Management
13 Board Act and conducted by a treatment provider licensed under
14 the Sex Offender Evaluation and Treatment Provider Act. The
15 Department shall arrange for control, care and treatment of
16 the person in the least restrictive manner consistent with the
17 requirements of the person and in accordance with the court's
18 commitment order.

19 (3) If the court finds that the person is appropriate for
20 conditional release, the court shall notify the Department.
21 The Department shall prepare a plan that identifies the
22 treatment and services, if any, that the person will receive
23 in the community. The plan shall address the person's need, if
24 any, for supervision, counseling, medication, community
25 support services, residential services, vocational services,
26 and alcohol or other drug abuse treatment. The Department may

1 contract with a county health department, with another public
2 agency or with a private agency to provide the treatment and
3 services identified in the plan. The plan shall specify who
4 will be responsible for providing the treatment and services
5 identified in the plan. The plan shall be presented to the
6 court for its approval within 60 days after the court finding
7 that the person is appropriate for conditional release, unless
8 the Department and the person to be released request
9 additional time to develop the plan. The conditional release
10 program operated under this Section is not subject to the
11 provisions of the Mental Health and Developmental Disabilities
12 Confidentiality Act.

13 (4) An order for conditional release places the person in
14 the custody and control of the Department. A person on
15 conditional release is subject to the conditions set by the
16 court and to the rules of the Department. Before a person is
17 placed on conditional release by the court under this Section,
18 the court shall so notify the municipal police department and
19 county sheriff for the municipality and county in which the
20 person will be residing. The notification requirement under
21 this Section does not apply if a municipal police department
22 or county sheriff submits to the court a written statement
23 waiving the right to be notified. Notwithstanding any other
24 provision in the Act, the person being supervised on
25 conditional release shall not reside at the same street
26 address as another sex offender being supervised on

1 conditional release under this Act, mandatory supervised
2 release, parole, aftercare release, probation, or any other
3 manner of supervision. If the Department alleges that a
4 released person has violated any condition or rule, or that
5 the safety of others requires that conditional release be
6 revoked, he or she may be taken into custody under the rules of
7 the Department.

8 At any time during which the person is on conditional
9 release, if the Department determines that the person has
10 violated any condition or rule, or that the safety of others
11 requires that conditional release be revoked, the Department
12 may request the Attorney General or State's Attorney to
13 request the court to issue an emergency ex parte order
14 directing any law enforcement officer to take the person into
15 custody and transport the person to the county jail. The
16 Department may request, or the Attorney General or State's
17 Attorney may request independently of the Department, that a
18 petition to revoke conditional release be filed. When a
19 petition is filed, the court may order the Department to issue
20 a notice to the person to be present at the Department or other
21 agency designated by the court, order a summons to the person
22 to be present, or order a body attachment for all law
23 enforcement officers to take the person into custody and
24 transport him or her to the county jail, hospital, or
25 treatment facility. The Department shall submit a statement
26 showing probable cause of the detention and a petition to

1 revoke the order for conditional release to the committing
2 court within 48 hours after the detention. The court shall
3 hear the petition within 30 days, unless the hearing or time
4 deadline is waived by the detained person. Pending the
5 revocation hearing, the Department may detain the person in a
6 jail, in a hospital or treatment facility. The State has the
7 burden of proving by clear and convincing evidence that any
8 rule or condition of release has been violated, or that the
9 safety of others requires that the conditional release be
10 revoked. If the court determines after hearing that any rule
11 or condition of release has been violated, or that the safety
12 of others requires that conditional release be revoked, it may
13 revoke the order for conditional release and order that the
14 released person be placed in an appropriate institution until
15 the person is discharged from the commitment under Section 65
16 of this Act or until again placed on conditional release under
17 Section 60 of this Act.

18 (5) An order for conditional release places the person in
19 the custody, care, and control of the Department. The court
20 shall order the person be subject to the following rules of
21 conditional release, in addition to any other conditions
22 ordered, and the person shall be given a certificate setting
23 forth the conditions of conditional release. These conditions
24 shall be that the person:

25 (A) not violate any criminal statute of any
26 jurisdiction;

1 (B) report to or appear in person before such person
2 or agency as directed by the court and the Department;

3 (C) refrain from possession of a firearm or other
4 dangerous weapon;

5 (D) not leave the State without the consent of the
6 court or, in circumstances in which the reason for the
7 absence is of such an emergency nature, that prior consent
8 by the court is not possible without the prior
9 notification and approval of the Department;

10 (E) at the direction of the Department, notify third
11 parties of the risks that may be occasioned by his or her
12 criminal record or sexual offending history or
13 characteristics, and permit the supervising officer or
14 agent to make the notification requirement;

15 (F) attend and fully participate in assessment,
16 treatment, and behavior monitoring including, but not
17 limited to, medical, psychological or psychiatric
18 treatment specific to sexual offending, drug addiction, or
19 alcoholism, to the extent appropriate to the person based
20 upon the recommendation and findings made in the
21 Department evaluation or based upon any subsequent
22 recommendations by the Department;

23 (G) waive confidentiality allowing the court and
24 Department access to assessment or treatment results or
25 both;

26 (H) work regularly at a Department approved occupation

1 or pursue a course of study or vocational training and
2 notify the Department within 72 hours of any change in
3 employment, study, or training;

4 (I) not be employed or participate in any volunteer
5 activity that involves contact with children, except under
6 circumstances approved in advance and in writing by the
7 Department officer;

8 (J) submit to the search of his or her person,
9 residence, vehicle, or any personal or real property under
10 his or her control at any time by the Department;

11 (K) financially support his or her dependents and
12 provide the Department access to any requested financial
13 information;

14 (L) serve a term of home confinement, the conditions
15 of which shall be that the person:

16 (i) remain within the interior premises of the
17 place designated for his or her confinement during the
18 hours designated by the Department;

19 (ii) admit any person or agent designated by the
20 Department into the offender's place of confinement at
21 any time for purposes of verifying the person's
22 compliance with the condition of his or her
23 confinement;

24 (iii) if deemed necessary by the Department, be
25 placed on an electronic monitoring device;

26 (M) comply with the terms and conditions of an order

1 of protection issued by the court pursuant to the Illinois
2 Domestic Violence Act of 1986. A copy of the order of
3 protection shall be transmitted to the Department by the
4 clerk of the court;

5 (N) refrain from entering into a designated geographic
6 area except upon terms the Department finds appropriate.
7 The terms may include consideration of the purpose of the
8 entry, the time of day, others accompanying the person,
9 and advance approval by the Department;

10 (O) refrain from having any contact, including written
11 or oral communications, directly or indirectly, with
12 certain specified persons including, but not limited to,
13 the victim or the victim's family, and report any
14 incidental contact with the victim or the victim's family
15 to the Department within 72 hours; refrain from entering
16 onto the premises of, traveling past, or loitering near
17 the victim's residence, place of employment, or other
18 places frequented by the victim;

19 (P) refrain from having any contact, including written
20 or oral communications, directly or indirectly, with
21 particular types of persons, including but not limited to
22 members of street gangs, drug users, drug dealers, or
23 persons engaged in the sex trade ~~prostitutes~~;

24 (Q) refrain from all contact, direct or indirect,
25 personally, by telephone, letter, or through another
26 person, with minor children without prior identification

1 and approval of the Department;

2 (R) refrain from having in his or her body the
3 presence of alcohol or any illicit drug prohibited by the
4 Cannabis Control Act, the Illinois Controlled Substances
5 Act, or the Methamphetamine Control and Community
6 Protection Act, unless prescribed by a physician, and
7 submit samples of his or her breath, saliva, blood, or
8 urine for tests to determine the presence of alcohol or
9 any illicit drug;

10 (S) not establish a dating, intimate, or sexual
11 relationship with a person without prior written
12 notification to the Department;

13 (T) neither possess or have under his or her control
14 any material that is pornographic, sexually oriented, or
15 sexually stimulating, or that depicts or alludes to sexual
16 activity or depicts minors under the age of 18, including
17 but not limited to visual, auditory, telephonic,
18 electronic media, or any matter obtained through access to
19 any computer or material linked to computer access use;

20 (U) not patronize any business providing sexually
21 stimulating or sexually oriented entertainment nor utilize
22 "900" or adult telephone numbers or any other sex-related
23 telephone numbers;

24 (V) not reside near, visit, or be in or about parks,
25 schools, day care centers, swimming pools, beaches,
26 theaters, or any other places where minor children

1 congregate without advance approval of the Department and
2 report any incidental contact with minor children to the
3 Department within 72 hours;

4 (W) not establish any living arrangement or residence
5 without prior approval of the Department;

6 (X) not publish any materials or print any
7 advertisements without providing a copy of the proposed
8 publications to the Department officer and obtaining
9 permission prior to publication;

10 (Y) not leave the county except with prior permission
11 of the Department and provide the Department officer or
12 agent with written travel routes to and from work and any
13 other designated destinations;

14 (Z) not possess or have under his or her control
15 certain specified items of contraband related to the
16 incidence of sexually offending items including video or
17 still camera items or children's toys;

18 (AA) provide a written daily log of activities as
19 directed by the Department;

20 (BB) comply with all other special conditions that the
21 Department may impose that restrict the person from
22 high-risk situations and limit access or potential
23 victims.

24 (6) A person placed on conditional release and who during
25 the term undergoes mandatory drug or alcohol testing or is
26 assigned to be placed on an approved electronic monitoring

1 device may be ordered to pay all costs incidental to the
2 mandatory drug or alcohol testing and all costs incidental to
3 the approved electronic monitoring in accordance with the
4 person's ability to pay those costs. The Department may
5 establish reasonable fees for the cost of maintenance,
6 testing, and incidental expenses related to the mandatory drug
7 or alcohol testing and all costs incidental to approved
8 electronic monitoring.

9 (Source: P.A. 97-1098, eff. 7-1-14 (see Section 5 of P.A.
10 98-612 for the effective date of P.A. 97-1098); 98-558, eff.
11 1-1-14.)

12 Section 150. The Statewide Grand Jury Act is amended by
13 changing Sections 2 and 3 as follows:

14 (725 ILCS 215/2) (from Ch. 38, par. 1702)

15 Sec. 2. (a) County grand juries and State's Attorneys have
16 always had and shall continue to have primary responsibility
17 for investigating, indicting, and prosecuting persons who
18 violate the criminal laws of the State of Illinois. However,
19 in recent years organized terrorist activity directed against
20 innocent civilians and certain criminal enterprises have
21 developed that require investigation, indictment, and
22 prosecution on a statewide or multicounty level. The criminal
23 enterprises exist as a result of the allure of profitability
24 present in narcotic activity, the unlawful sale and transfer

1 of firearms, and streetgang related felonies and organized
2 terrorist activity is supported by the contribution of money
3 and expert assistance from geographically diverse sources. In
4 order to shut off the life blood of terrorism and weaken or
5 eliminate the criminal enterprises, assets, and property used
6 to further these offenses must be frozen, and any profit must
7 be removed. State statutes exist that can accomplish that
8 goal. Among them are the offense of money laundering,
9 violations of Article 29D of the Criminal Code of 1961 or the
10 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,
11 and gunrunning. Local prosecutors need investigative personnel
12 and specialized training to attack and eliminate these
13 profits. In light of the transitory and complex nature of
14 conduct that constitutes these criminal activities, the many
15 diverse property interests that may be used, acquired directly
16 or indirectly as a result of these criminal activities, and
17 the many places that illegally obtained property may be
18 located, it is the purpose of this Act to create a limited,
19 multicounty Statewide Grand Jury with authority to
20 investigate, indict, and prosecute: narcotic activity,
21 including cannabis and controlled substance trafficking,
22 narcotics racketeering, money laundering, violations of the
23 Cannabis and Controlled Substances Tax Act, and violations of
24 Article 29D of the Criminal Code of 1961 or the Criminal Code
25 of 2012; the unlawful sale and transfer of firearms;
26 gunrunning; and streetgang related felonies.

1 (b) A Statewide Grand Jury may also investigate, indict,
2 and prosecute violations facilitated by the use of a computer
3 of any of the following offenses: indecent solicitation of a
4 child, sexual exploitation of a child, soliciting for a
5 sexually exploited child ~~juvenile prostitute~~, keeping a place
6 of commercial sexual exploitation of a child ~~juvenile~~
7 ~~prostitution~~, juvenile pimping, child pornography, aggravated
8 child pornography, or promoting commercial sexual exploitation
9 of a child ~~juvenile prostitution~~ except as described in
10 subdivision (a) (4) of Section 11-14.4 of the Criminal Code of
11 1961 or the Criminal Code of 2012.

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

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

15 (725 ILCS 215/3) (from Ch. 38, par. 1703)

16 Sec. 3. Written application for the appointment of a
17 Circuit Judge to convene and preside over a Statewide Grand
18 Jury, with jurisdiction extending throughout the State, shall
19 be made to the Chief Justice of the Supreme Court. Upon such
20 written application, the Chief Justice of the Supreme Court
21 shall appoint a Circuit Judge from the circuit where the
22 Statewide Grand Jury is being sought to be convened, who shall
23 make a determination that the convening of a Statewide Grand
24 Jury is necessary.

25 In such application the Attorney General shall state that

1 the convening of a Statewide Grand Jury is necessary because
2 of an alleged offense or offenses set forth in this Section
3 involving more than one county of the State and identifying
4 any such offense alleged; and

5 (a) that he or she believes that the grand jury
6 function for the investigation and indictment of the
7 offense or offenses cannot effectively be performed by a
8 county grand jury together with the reasons for such
9 belief, and

10 (b) (1) that each State's Attorney with jurisdiction
11 over an offense or offenses to be investigated has
12 consented to the impaneling of the Statewide Grand Jury,
13 or

14 (2) if one or more of the State's Attorneys having
15 jurisdiction over an offense or offenses to be
16 investigated fails to consent to the impaneling of the
17 Statewide Grand Jury, the Attorney General shall set forth
18 good cause for impaneling the Statewide Grand Jury.

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

23 (a) For violations of any of the following or for any
24 other criminal offense committed in the course of
25 violating any of the following: Article 29D of the
26 Criminal Code of 1961 or the Criminal Code of 2012, the

1 Illinois Controlled Substances Act, the Cannabis Control
2 Act, the Methamphetamine Control and Community Protection
3 Act, or the Narcotics Profit Forfeiture Act; a streetgang
4 related felony offense; Section 16-25.1, 24-2.1, 24-2.2,
5 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or
6 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7),
7 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code
8 of 1961 or the Criminal Code of 2012; or a money laundering
9 offense; provided that the violation or offense involves
10 acts occurring in more than one county of this State; and

11 (a-5) For violations facilitated by the use of a
12 computer, including the use of the Internet, the World
13 Wide Web, electronic mail, message board, newsgroup, or
14 any other commercial or noncommercial on-line service, of
15 any of the following offenses: indecent solicitation of a
16 child, sexual exploitation of a child, soliciting for a
17 sexually exploited child ~~juvenile prostitute~~, keeping a
18 place of commercial sexual exploitation of a child
19 ~~juvenile prostitution~~, juvenile pimping, child
20 pornography, aggravated child pornography, or promoting
21 commercial sexual exploitation of a child ~~juvenile~~
22 ~~prostitution~~ except as described in subdivision (a)(4) of
23 Section 11-14.4 of the Criminal Code of 1961 or the
24 Criminal Code of 2012; and

25 (b) For the offenses of perjury, subornation of
26 perjury, communicating with jurors and witnesses, and

1 harassment of jurors and witnesses, as they relate to
2 matters before the Statewide Grand Jury.

3 "Streetgang related" has the meaning ascribed to it in
4 Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 Upon written application by the Attorney General for the
7 convening of an additional Statewide Grand Jury, the Chief
8 Justice of the Supreme Court shall appoint a Circuit Judge
9 from the circuit for which the additional Statewide Grand Jury
10 is sought. The Circuit Judge shall determine the necessity for
11 an additional Statewide Grand Jury in accordance with the
12 provisions of this Section. No more than 2 Statewide Grand
13 Juries may be empaneled at any time.

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

15 Section 155. The Unified Code of Corrections is amended by
16 changing Sections 3-1-2, 3-2.5-95, 3-3-7, 5-5-3, 5-5-3.2,
17 5-6-3, 5-6-3.1, and 5-9-1.7 as follows:

18 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

19 Sec. 3-1-2. Definitions.

20 (a) "Chief Administrative Officer" means the person
21 designated by the Director to exercise the powers and duties
22 of the Department of Corrections in regard to committed
23 persons within a correctional institution or facility, and
24 includes the superintendent of any juvenile institution or

1 facility.

2 (a-3) "Aftercare release" means the conditional and
3 revocable release of a person committed to the Department of
4 Juvenile Justice under the Juvenile Court Act of 1987, under
5 the supervision of the Department of Juvenile Justice.

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

10 (i) A violation of any of the following Sections of
11 the Criminal Code of 1961 or the Criminal Code of 2012:
12 10-7 (aiding or abetting child abduction under Section
13 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
14 solicitation of a child), 11-6.5 (indecent solicitation of
15 an adult), 11-14.4 (promoting commercial sexual
16 exploitation of a child ~~juvenile prostitution~~), 11-15.1
17 (soliciting for a sexually exploited child ~~juvenile~~
18 ~~prostitute~~), 11-17.1 (keeping a place of commercial sexual
19 exploitation of a child ~~juvenile prostitution~~), 11-18.1
20 (patronizing a sexually exploited child ~~juvenile~~
21 ~~prostitute~~), 11-19.1 (juvenile pimping), 11-19.2
22 (exploitation of a child), 11-20.1 (child pornography),
23 11-20.1B or 11-20.3 (aggravated child pornography),
24 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
25 child), or 12-33 (ritualized abuse of a child). An attempt
26 to commit any of these offenses.

1 (ii) A violation of any of the following Sections of
2 the Criminal Code of 1961 or the Criminal Code of 2012:
3 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
4 12-14 (aggravated criminal sexual assault), 11-1.60 or
5 12-16 (aggravated criminal sexual abuse), and subsection
6 (a) of Section 11-1.50 or subsection (a) of Section 12-15
7 (criminal sexual abuse). An attempt to commit any of these
8 offenses.

9 (iii) A violation of any of the following Sections of
10 the Criminal Code of 1961 or the Criminal Code of 2012 when
11 the defendant is not a parent of the victim:

12 10-1 (kidnapping),

13 10-2 (aggravated kidnapping),

14 10-3 (unlawful restraint),

15 10-3.1 (aggravated unlawful restraint).

16 An attempt to commit any of these offenses.

17 (iv) A violation of any former law of this State
18 substantially equivalent to any offense listed in this
19 subsection (a-5).

20 An offense violating federal law or the law of another
21 state that is substantially equivalent to any offense listed
22 in this subsection (a-5) shall constitute a sex offense for
23 the purpose of this subsection (a-5). A finding or
24 adjudication as a sexually dangerous person under any federal
25 law or law of another state that is substantially equivalent
26 to the Sexually Dangerous Persons Act shall constitute an

1 adjudication for a sex offense for the purposes of this
2 subsection (a-5).

3 (b) "Commitment" means a judicially determined placement
4 in the custody of the Department of Corrections on the basis of
5 delinquency or conviction.

6 (c) "Committed person" is a person committed to the
7 Department, however a committed person shall not be considered
8 to be an employee of the Department of Corrections for any
9 purpose, including eligibility for a pension, benefits, or any
10 other compensation or rights or privileges which may be
11 provided to employees of the Department.

12 (c-5) "Computer scrub software" means any third-party
13 added software, designed to delete information from the
14 computer unit, the hard drive, or other software, which would
15 eliminate and prevent discovery of browser activity,
16 including, but not limited to, Internet history, address bar
17 or bars, cache or caches, and/or cookies, and which would
18 over-write files in a way so as to make previous computer
19 activity, including, but not limited to, website access, more
20 difficult to discover.

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

24 (d) "Correctional institution or facility" means any
25 building or part of a building where committed persons are
26 kept in a secured manner.

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

6 (e) "Department" means both the Department of Corrections
7 and the Department of Juvenile Justice of this State, unless
8 the context is specific to either the Department of
9 Corrections or the Department of Juvenile Justice.

10 (f) "Director" means both the Director of Corrections and
11 the Director of Juvenile Justice, unless the context is
12 specific to either the Director of Corrections or the Director
13 of Juvenile Justice.

14 (f-5) (Blank).

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

17 (h) "Discipline" means the rules and regulations for the
18 maintenance of order and the protection of persons and
19 property within the institutions and facilities of the
20 Department and their enforcement.

21 (i) "Escape" means the intentional and unauthorized
22 absence of a committed person from the custody of the
23 Department.

24 (j) "Furlough" means an authorized leave of absence from
25 the Department of Corrections for a designated purpose and
26 period of time.

1 (k) "Parole" means the conditional and revocable release
2 of a person committed to the Department of Corrections under
3 the supervision of a parole officer.

4 (l) "Prisoner Review Board" means the Board established in
5 Section 3-3-1(a), independent of the Department, to review
6 rules and regulations with respect to good time credits, to
7 hear charges brought by the Department against certain
8 prisoners alleged to have violated Department rules with
9 respect to good time credits, to set release dates for certain
10 prisoners sentenced under the law in effect prior to February
11 1, 1978 (the effective date of Public Act 80-1099), to hear and
12 decide the time of aftercare release for persons committed to
13 the Department of Juvenile Justice under the Juvenile Court
14 Act of 1987 to hear requests and make recommendations to the
15 Governor with respect to pardon, reprieve or commutation, to
16 set conditions for parole, aftercare release, and mandatory
17 supervised release and determine whether violations of those
18 conditions justify revocation of parole or release, and to
19 assume all other functions previously exercised by the
20 Illinois Parole and Pardon Board.

21 (m) Whenever medical treatment, service, counseling, or
22 care is referred to in this Unified Code of Corrections, such
23 term may be construed by the Department or Court, within its
24 discretion, to include treatment, service, or counseling by a
25 Christian Science practitioner or nursing care appropriate
26 therewith whenever request therefor is made by a person

1 subject to the provisions of this Code.

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

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

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

10 (2) a certificate of innocence from the Circuit Court
11 as provided in Section 2-702 of the Code of Civil
12 Procedure.

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

14 (730 ILCS 5/3-2.5-95)

15 Sec. 3-2.5-95. Conditions of aftercare release.

16 (a) The conditions of aftercare release for all youth
17 committed to the Department under the Juvenile Court Act of
18 1987 shall be such as the Department of Juvenile Justice deems
19 necessary to assist the youth in leading a law-abiding life.
20 The conditions of every aftercare release are that the youth:

21 (1) not violate any criminal statute of any
22 jurisdiction during the aftercare release term;

23 (2) refrain from possessing a firearm or other
24 dangerous weapon;

25 (3) report to an agent of the Department;

1 (4) permit the agent or aftercare specialist to visit
2 the youth at his or her home, employment, or elsewhere to
3 the extent necessary for the agent or aftercare specialist
4 to discharge his or her duties;

5 (5) reside at a Department-approved host site;

6 (6) secure permission before visiting or writing a
7 committed person in an Illinois Department of Corrections
8 or Illinois Department of Juvenile Justice facility;

9 (7) report all arrests to an agent of the Department
10 as soon as permitted by the arresting authority but in no
11 event later than 24 hours after release from custody and
12 immediately report service or notification of an order of
13 protection, a civil no contact order, or a stalking no
14 contact order to an agent of the Department;

15 (8) obtain permission of an agent of the Department
16 before leaving the State of Illinois;

17 (9) obtain permission of an agent of the Department
18 before changing his or her residence or employment;

19 (10) consent to a search of his or her person,
20 property, or residence under his or her control;

21 (11) refrain from the use or possession of narcotics
22 or other controlled substances in any form, or both, or
23 any paraphernalia related to those substances and submit
24 to a urinalysis test as instructed by an agent of the
25 Department;

26 (12) not frequent places where controlled substances

1 are illegally sold, used, distributed, or administered;

2 (13) not knowingly associate with other persons on
3 parole, aftercare release, or mandatory supervised release
4 without prior written permission of his or her aftercare
5 specialist and not associate with persons who are members
6 of an organized gang as that term is defined in the
7 Illinois Streetgang Terrorism Omnibus Prevention Act;

8 (14) provide true and accurate information, as it
9 relates to his or her adjustment in the community while on
10 aftercare release or to his or her conduct while
11 incarcerated, in response to inquiries by an agent of the
12 Department;

13 (15) follow any specific instructions provided by the
14 agent that are consistent with furthering conditions set
15 and approved by the Department or by law to achieve the
16 goals and objectives of his or her aftercare release or to
17 protect the public; these instructions by the agent may be
18 modified at any time, as the agent deems appropriate;

19 (16) comply with the terms and conditions of an order
20 of protection issued under the Illinois Domestic Violence
21 Act of 1986; an order of protection issued by the court of
22 another state, tribe, or United States territory; a no
23 contact order issued under the Civil No Contact Order Act;
24 or a no contact order issued under the Stalking No Contact
25 Order Act;

26 (17) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, and a sex offender
2 treatment provider has evaluated and recommended further
3 sex offender treatment while on aftercare release, the
4 youth shall undergo treatment by a sex offender treatment
5 provider or associate sex offender provider as defined in
6 the Sex Offender Management Board Act at his or her
7 expense based on his or her ability to pay for the
8 treatment;

9 (18) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, refrain from residing
11 at the same address or in the same condominium unit or
12 apartment unit or in the same condominium complex or
13 apartment complex with another person he or she knows or
14 reasonably should know is a convicted sex offender or has
15 been placed on supervision for a sex offense; the
16 provisions of this paragraph do not apply to a person
17 convicted of a sex offense who is placed in a Department of
18 Corrections licensed transitional housing facility for sex
19 offenders, or is in any facility operated or licensed by
20 the Department of Children and Family Services or by the
21 Department of Human Services, or is in any licensed
22 medical facility;

23 (19) if convicted for an offense that would qualify
24 the offender as a sexual predator under the Sex Offender
25 Registration Act wear an approved electronic monitoring
26 device as defined in Section 5-8A-2 for the duration of

1 the youth's aftercare release term and if convicted for an
2 offense of criminal sexual assault, aggravated criminal
3 sexual assault, predatory criminal sexual assault of a
4 child, criminal sexual abuse, aggravated criminal sexual
5 abuse, or ritualized abuse of a child when the victim was
6 under 18 years of age at the time of the commission of the
7 offense and the offender used force or the threat of force
8 in the commission of the offense wear an approved
9 electronic monitoring device as defined in Section 5-8A-2
10 that has Global Positioning System (GPS) capability for
11 the duration of the youth's aftercare release term;

12 (20) if convicted for an offense that would qualify
13 the offender as a child sex offender as defined in Section
14 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, refrain from communicating with or
16 contacting, by means of the Internet, a person who is not
17 related to the offender and whom the offender reasonably
18 believes to be under 18 years of age; for purposes of this
19 paragraph (20), "Internet" has the meaning ascribed to it
20 in Section 16-0.1 of the Criminal Code of 2012; and a
21 person is not related to the offender if the person is not:
22 (A) the spouse, brother, or sister of the offender; (B) a
23 descendant of the offender; (C) a first or second cousin
24 of the offender; or (D) a step-child or adopted child of
25 the offender;

26 (21) if convicted under Section 11-6, 11-20.1,

1 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
2 or the Criminal Code of 2012, consent to search of
3 computers, PDAs, cellular phones, and other devices under
4 his or her control that are capable of accessing the
5 Internet or storing electronic files, in order to confirm
6 Internet protocol addresses reported in accordance with
7 the Sex Offender Registration Act and compliance with
8 conditions in this Act;

9 (22) if convicted for an offense that would qualify
10 the offender as a sex offender or sexual predator under
11 the Sex Offender Registration Act, not possess
12 prescription drugs for erectile dysfunction;

13 (23) if convicted for an offense under Section 11-6,
14 11-9.1, 11-14.4 that involves soliciting for a sexually
15 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,
16 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
17 or the Criminal Code of 2012, or any attempt to commit any
18 of these offenses:

19 (A) not access or use a computer or any other
20 device with Internet capability without the prior
21 written approval of the Department;

22 (B) submit to periodic unannounced examinations of
23 the youth's computer or any other device with Internet
24 capability by the youth's aftercare specialist, a law
25 enforcement officer, or assigned computer or
26 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 the information, equipment, or device to
4 conduct a more thorough inspection;

5 (C) submit to the installation on the youth's
6 computer or device with Internet capability, at the
7 youth's expense, of one or more hardware or software
8 systems to monitor the Internet use; and

9 (D) submit to any other appropriate restrictions
10 concerning the youth's use of or access to a computer
11 or any other device with Internet capability imposed
12 by the Department or the youth's aftercare specialist;

13 (24) if convicted of a sex offense as defined in the
14 Sex Offender Registration Act, refrain from accessing or
15 using a social networking website as defined in Section
16 17-0.5 of the Criminal Code of 2012;

17 (25) if convicted of a sex offense as defined in
18 Section 2 of the Sex Offender Registration Act that
19 requires the youth to register as a sex offender under
20 that Act, not knowingly use any computer scrub software on
21 any computer that the youth uses;

22 (26) if convicted of a sex offense as defined in
23 subsection (a-5) of Section 3-1-2 of this Code, unless the
24 youth is a parent or guardian of a person under 18 years of
25 age present in the home and no non-familial minors are
26 present, not participate in a holiday event involving

1 children under 18 years of age, such as distributing candy
2 or other items to children on Halloween, wearing a Santa
3 Claus costume on or preceding Christmas, being employed as
4 a department store Santa Claus, or wearing an Easter Bunny
5 costume on or preceding Easter;

6 (27) if convicted of a violation of an order of
7 protection under Section 12-3.4 or Section 12-30 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, be
9 placed under electronic surveillance as provided in
10 Section 5-8A-7 of this Code; and

11 (28) if convicted of a violation of the
12 Methamphetamine Control and Community Protection Act, the
13 Methamphetamine Precursor Control Act, or a
14 methamphetamine related offense, be:

15 (A) prohibited from purchasing, possessing, or
16 having under his or her control any product containing
17 pseudoephedrine unless prescribed by a physician; and

18 (B) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 ammonium nitrate.

21 (b) The Department may in addition to other conditions
22 require that the youth:

23 (1) work or pursue a course of study or vocational
24 training;

25 (2) undergo medical or psychiatric treatment, or
26 treatment for drug addiction or alcoholism;

1 (3) attend or reside in a facility established for the
2 instruction or residence of persons on probation or
3 aftercare release;

4 (4) support his or her dependents;

5 (5) if convicted for an offense that would qualify the
6 youth as a child sex offender as defined in Section 11-9.3
7 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code
8 of 2012, refrain from communicating with or contacting, by
9 means of the Internet, a person who is related to the youth
10 and whom the youth reasonably believes to be under 18
11 years of age; for purposes of this paragraph (5),
12 "Internet" has the meaning ascribed to it in Section
13 16-0.1 of the Criminal Code of 2012; and a person is
14 related to the youth if the person is: (A) the spouse,
15 brother, or sister of the youth; (B) a descendant of the
16 youth; (C) a first or second cousin of the youth; or (D) a
17 step-child or adopted child of the youth;

18 (6) if convicted for an offense that would qualify as
19 a sex offense as defined in the Sex Offender Registration
20 Act:

21 (A) not access or use a computer or any other
22 device with Internet capability without the prior
23 written approval of the Department;

24 (B) submit to periodic unannounced examinations of
25 the youth's computer or any other device with Internet
26 capability by the youth's aftercare specialist, a law

1 enforcement officer, or assigned computer or
2 information technology specialist, including the
3 retrieval and copying of all data from the computer or
4 device and any internal or external peripherals and
5 removal of the information, equipment, or device to
6 conduct a more thorough inspection;

7 (C) submit to the installation on the youth's
8 computer or device with Internet capability, at the
9 youth's offender's expense, of one or more hardware or
10 software systems to monitor the Internet use; and

11 (D) submit to any other appropriate restrictions
12 concerning the youth's use of or access to a computer
13 or any other device with Internet capability imposed
14 by the Department or the youth's aftercare specialist;
15 and

16 (7) in addition to other conditions:

17 (A) reside with his or her parents or in a foster
18 home;

19 (B) attend school;

20 (C) attend a non-residential program for youth; or

21 (D) contribute to his or her own support at home or
22 in a foster home.

23 (c) In addition to the conditions under subsections (a)
24 and (b) of this Section, youths required to register as sex
25 offenders under the Sex Offender Registration Act, upon
26 release from the custody of the Department of Juvenile

1 Justice, may be required by the Department to comply with the
2 following specific conditions of release:

3 (1) reside only at a Department approved location;

4 (2) comply with all requirements of the Sex Offender
5 Registration Act;

6 (3) notify third parties of the risks that may be
7 occasioned by his or her criminal record;

8 (4) obtain the approval of an agent of the Department
9 prior to accepting employment or pursuing a course of
10 study or vocational training and notify the Department
11 prior to any change in employment, study, or training;

12 (5) not be employed or participate in any volunteer
13 activity that involves contact with children, except under
14 circumstances approved in advance and in writing by an
15 agent of the Department;

16 (6) be electronically monitored for a specified period
17 of time from the date of release as determined by the
18 Department;

19 (7) refrain from entering into a designated geographic
20 area except upon terms approved in advance by an agent of
21 the Department; these terms may include consideration of
22 the purpose of the entry, the time of day, and others
23 accompanying the youth;

24 (8) refrain from having any contact, including written
25 or oral communications, directly or indirectly, personally
26 or by telephone, letter, or through a third party with

1 certain specified persons including, but not limited to,
2 the victim or the victim's family without the prior
3 written approval of an agent of the Department;

4 (9) refrain from all contact, directly or indirectly,
5 personally, by telephone, letter, or through a third
6 party, with minor children without prior identification
7 and approval of an agent of the Department;

8 (10) neither possess or have under his or her control
9 any material that is sexually oriented, sexually
10 stimulating, or that shows male or female sex organs or
11 any pictures depicting children under 18 years of age nude
12 or any written or audio material describing sexual
13 intercourse or that depicts or alludes to sexual activity,
14 including, but not limited to, visual, auditory,
15 telephonic, or electronic media, or any matter obtained
16 through access to any computer or material linked to
17 computer access use;

18 (11) not patronize any business providing sexually
19 stimulating or sexually oriented entertainment nor utilize
20 "900" or adult telephone numbers;

21 (12) not reside near, visit, or be in or about parks,
22 schools, day care centers, swimming pools, beaches,
23 theaters, or any other places where minor children
24 congregate without advance approval of an agent of the
25 Department and immediately report any incidental contact
26 with minor children to the Department;

1 (13) not possess or have under his or her control
2 certain specified items of contraband related to the
3 incidence of sexually offending as determined by an agent
4 of the Department;

5 (14) may be required to provide a written daily log of
6 activities if directed by an agent of the Department;

7 (15) comply with all other special conditions that the
8 Department may impose that restrict the youth from
9 high-risk situations and limit access to potential
10 victims;

11 (16) take an annual polygraph exam;

12 (17) maintain a log of his or her travel; or

13 (18) obtain prior approval of an agent of the
14 Department before driving alone in a motor vehicle.

15 (d) The conditions under which the aftercare release is to
16 be served shall be communicated to the youth in writing prior
17 to his or her release, and he or she shall sign the same before
18 release. A signed copy of these conditions, including a copy
19 of an order of protection if one had been issued by the
20 criminal court, shall be retained by the youth and another
21 copy forwarded to the officer or aftercare specialist in
22 charge of his or her supervision.

23 (e) After a revocation hearing under Section 3-3-9.5, the
24 Department of Juvenile Justice may modify or enlarge the
25 conditions of aftercare release.

26 (f) The Department shall inform all youth of the optional

1 services available to them upon release and shall assist youth
2 in availing themselves of the optional services upon their
3 release on a voluntary basis.

4 (Source: P.A. 99-628, eff. 1-1-17.)

5 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

6 Sec. 3-3-7. Conditions of parole or mandatory supervised
7 release.

8 (a) The conditions of parole or mandatory supervised
9 release shall be such as the Prisoner Review Board deems
10 necessary to assist the subject in leading a law-abiding life.
11 The conditions of every parole and mandatory supervised
12 release are that the subject:

13 (1) not violate any criminal statute of any
14 jurisdiction during the parole or release term;

15 (2) refrain from possessing a firearm or other
16 dangerous weapon;

17 (3) report to an agent of the Department of
18 Corrections;

19 (4) permit the agent to visit him or her at his or her
20 home, employment, or elsewhere to the extent necessary for
21 the agent to discharge his or her duties;

22 (5) attend or reside in a facility established for the
23 instruction or residence of persons on parole or mandatory
24 supervised release;

25 (6) secure permission before visiting or writing a

1 committed person in an Illinois Department of Corrections
2 facility;

3 (7) report all arrests to an agent of the Department
4 of Corrections as soon as permitted by the arresting
5 authority but in no event later than 24 hours after
6 release from custody and immediately report service or
7 notification of an order of protection, a civil no contact
8 order, or a stalking no contact order to an agent of the
9 Department of Corrections;

10 (7.5) if convicted of a sex offense as defined in the
11 Sex Offender Management Board Act, the individual shall
12 undergo and successfully complete sex offender treatment
13 conducted in conformance with the standards developed by
14 the Sex Offender Management Board Act by a treatment
15 provider approved by the Board;

16 (7.6) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, refrain from residing
18 at the same address or in the same condominium unit or
19 apartment unit or in the same condominium complex or
20 apartment complex with another person he or she knows or
21 reasonably should know is a convicted sex offender or has
22 been placed on supervision for a sex offense; the
23 provisions of this paragraph do not apply to a person
24 convicted of a sex offense who is placed in a Department of
25 Corrections licensed transitional housing facility for sex
26 offenders, or is in any facility operated or licensed by

1 the Department of Children and Family Services or by the
2 Department of Human Services, or is in any licensed
3 medical facility;

4 (7.7) if convicted for an offense that would qualify
5 the accused as a sexual predator under the Sex Offender
6 Registration Act on or after January 1, 2007 (the
7 effective date of Public Act 94-988), wear an approved
8 electronic monitoring device as defined in Section 5-8A-2
9 for the duration of the person's parole, mandatory
10 supervised release term, or extended mandatory supervised
11 release term and if convicted for an offense of criminal
12 sexual assault, aggravated criminal sexual assault,
13 predatory criminal sexual assault of a child, criminal
14 sexual abuse, aggravated criminal sexual abuse, or
15 ritualized abuse of a child committed on or after August
16 11, 2009 (the effective date of Public Act 96-236) when
17 the victim was under 18 years of age at the time of the
18 commission of the offense and the defendant used force or
19 the threat of force in the commission of the offense wear
20 an approved electronic monitoring device as defined in
21 Section 5-8A-2 that has Global Positioning System (GPS)
22 capability for the duration of the person's parole,
23 mandatory supervised release term, or extended mandatory
24 supervised release term;

25 (7.8) if convicted for an offense committed on or
26 after June 1, 2008 (the effective date of Public Act

1 95-464) that would qualify the accused as a child sex
2 offender as defined in Section 11-9.3 or 11-9.4 of the
3 Criminal Code of 1961 or the Criminal Code of 2012,
4 refrain from communicating with or contacting, by means of
5 the Internet, a person who is not related to the accused
6 and whom the accused reasonably believes to be under 18
7 years of age; for purposes of this paragraph (7.8),
8 "Internet" has the meaning ascribed to it in Section
9 16-0.1 of the Criminal Code of 2012; and a person is not
10 related to the accused if the person is not: (i) the
11 spouse, brother, or sister of the accused; (ii) a
12 descendant of the accused; (iii) a first or second cousin
13 of the accused; or (iv) a step-child or adopted child of
14 the accused;

15 (7.9) if convicted under Section 11-6, 11-20.1,
16 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
17 or the Criminal Code of 2012, consent to search of
18 computers, PDAs, cellular phones, and other devices under
19 his or her control that are capable of accessing the
20 Internet or storing electronic files, in order to confirm
21 Internet protocol addresses reported in accordance with
22 the Sex Offender Registration Act and compliance with
23 conditions in this Act;

24 (7.10) if convicted for an offense that would qualify
25 the accused as a sex offender or sexual predator under the
26 Sex Offender Registration Act on or after June 1, 2008

1 (the effective date of Public Act 95-640), not possess
2 prescription drugs for erectile dysfunction;

3 (7.11) if convicted for an offense under Section 11-6,
4 11-9.1, 11-14.4 that involves soliciting for a sexually
5 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,
6 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
7 or the Criminal Code of 2012, or any attempt to commit any
8 of these offenses, committed on or after June 1, 2009 (the
9 effective date of Public Act 95-983):

10 (i) not access or use a computer or any other
11 device with Internet capability without the prior
12 written approval of the Department;

13 (ii) submit to periodic unannounced examinations
14 of the offender's computer or any other device with
15 Internet capability by the offender's supervising
16 agent, a law enforcement officer, or assigned computer
17 or information technology specialist, including the
18 retrieval and copying of all data from the computer or
19 device and any internal or external peripherals and
20 removal of such information, equipment, or device to
21 conduct a more thorough inspection;

22 (iii) submit to the installation on the offender's
23 computer or device with Internet capability, at the
24 offender's expense, of one or more hardware or
25 software systems to monitor the Internet use; and

26 (iv) submit to any other appropriate restrictions

1 concerning the offender's use of or access to a
2 computer or any other device with Internet capability
3 imposed by the Board, the Department or the offender's
4 supervising agent;

5 (7.12) if convicted of a sex offense as defined in the
6 Sex Offender Registration Act committed on or after
7 January 1, 2010 (the effective date of Public Act 96-262),
8 refrain from accessing or using a social networking
9 website as defined in Section 17-0.5 of the Criminal Code
10 of 2012;

11 (7.13) if convicted of a sex offense as defined in
12 Section 2 of the Sex Offender Registration Act committed
13 on or after January 1, 2010 (the effective date of Public
14 Act 96-362) that requires the person to register as a sex
15 offender under that Act, may not knowingly use any
16 computer scrub software on any computer that the sex
17 offender uses;

18 (8) obtain permission of an agent of the Department of
19 Corrections before leaving the State of Illinois;

20 (9) obtain permission of an agent of the Department of
21 Corrections before changing his or her residence or
22 employment;

23 (10) consent to a search of his or her person,
24 property, or residence under his or her control;

25 (11) refrain from the use or possession of narcotics
26 or other controlled substances in any form, or both, or

1 any paraphernalia related to those substances and submit
2 to a urinalysis test as instructed by a parole agent of the
3 Department of Corrections;

4 (12) not knowingly frequent places where controlled
5 substances are illegally sold, used, distributed, or
6 administered;

7 (13) except when the association described in either
8 subparagraph (A) or (B) of this paragraph (13) involves
9 activities related to community programs, worship
10 services, volunteering, engaging families, or some other
11 pro-social activity in which there is no evidence of
12 criminal intent:

13 (A) not knowingly associate with other persons on
14 parole or mandatory supervised release without prior
15 written permission of his or her parole agent; or

16 (B) not knowingly associate with persons who are
17 members of an organized gang as that term is defined in
18 the Illinois Streetgang Terrorism Omnibus Prevention
19 Act;

20 (14) provide true and accurate information, as it
21 relates to his or her adjustment in the community while on
22 parole or mandatory supervised release or to his or her
23 conduct while incarcerated, in response to inquiries by
24 his or her parole agent or of the Department of
25 Corrections;

26 (15) follow any specific instructions provided by the

1 parole agent that are consistent with furthering
2 conditions set and approved by the Prisoner Review Board
3 or by law, exclusive of placement on electronic detention,
4 to achieve the goals and objectives of his or her parole or
5 mandatory supervised release or to protect the public.
6 These instructions by the parole agent may be modified at
7 any time, as the agent deems appropriate;

8 (16) if convicted of a sex offense as defined in
9 subsection (a-5) of Section 3-1-2 of this Code, unless the
10 offender is a parent or guardian of the person under 18
11 years of age present in the home and no non-familial
12 minors are present, not participate in a holiday event
13 involving children under 18 years of age, such as
14 distributing candy or other items to children on
15 Halloween, wearing a Santa Claus costume on or preceding
16 Christmas, being employed as a department store Santa
17 Claus, or wearing an Easter Bunny costume on or preceding
18 Easter;

19 (17) if convicted of a violation of an order of
20 protection under Section 12-3.4 or Section 12-30 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, be
22 placed under electronic surveillance as provided in
23 Section 5-8A-7 of this Code;

24 (18) comply with the terms and conditions of an order
25 of protection issued pursuant to the Illinois Domestic
26 Violence Act of 1986; an order of protection issued by the

1 court of another state, tribe, or United States territory;
2 a no contact order issued pursuant to the Civil No Contact
3 Order Act; or a no contact order issued pursuant to the
4 Stalking No Contact Order Act;

5 (19) if convicted of a violation of the
6 Methamphetamine Control and Community Protection Act, the
7 Methamphetamine Precursor Control Act, or a
8 methamphetamine related offense, be:

9 (A) prohibited from purchasing, possessing, or
10 having under his or her control any product containing
11 pseudoephedrine unless prescribed by a physician; and

12 (B) prohibited from purchasing, possessing, or
13 having under his or her control any product containing
14 ammonium nitrate;

15 (20) if convicted of a hate crime under Section 12-7.1
16 of the Criminal Code of 2012, perform public or community
17 service of no less than 200 hours and enroll in an
18 educational program discouraging hate crimes involving the
19 protected class identified in subsection (a) of Section
20 12-7.1 of the Criminal Code of 2012 that gave rise to the
21 offense the offender committed ordered by the court; and

22 (21) be evaluated by the Department of Corrections
23 prior to release using a validated risk assessment and be
24 subject to a corresponding level of supervision. In
25 accordance with the findings of that evaluation:

26 (A) All subjects found to be at a moderate or high

1 risk to recidivate, or on parole or mandatory
2 supervised release for first degree murder, a forcible
3 felony as defined in Section 2-8 of the Criminal Code
4 of 2012, any felony that requires registration as a
5 sex offender under the Sex Offender Registration Act,
6 or a Class X felony or Class 1 felony that is not a
7 violation of the Cannabis Control Act, the Illinois
8 Controlled Substances Act, or the Methamphetamine
9 Control and Community Protection Act, shall be subject
10 to high level supervision. The Department shall define
11 high level supervision based upon evidence-based and
12 research-based practices. Notwithstanding this
13 placement on high level supervision, placement of the
14 subject on electronic monitoring or detention shall
15 not occur unless it is required by law or expressly
16 ordered or approved by the Prisoner Review Board.

17 (B) All subjects found to be at a low risk to
18 recidivate shall be subject to low-level supervision,
19 except for those subjects on parole or mandatory
20 supervised release for first degree murder, a forcible
21 felony as defined in Section 2-8 of the Criminal Code
22 of 2012, any felony that requires registration as a
23 sex offender under the Sex Offender Registration Act,
24 or a Class X felony or Class 1 felony that is not a
25 violation of the Cannabis Control Act, the Illinois
26 Controlled Substances Act, or the Methamphetamine

1 Control and Community Protection Act. Low level
2 supervision shall require the subject to check in with
3 the supervising officer via phone or other electronic
4 means. Notwithstanding this placement on low level
5 supervision, placement of the subject on electronic
6 monitoring or detention shall not occur unless it is
7 required by law or expressly ordered or approved by
8 the Prisoner Review Board.

9 (b) The Board may in addition to other conditions require
10 that the subject:

11 (1) work or pursue a course of study or vocational
12 training;

13 (2) undergo medical or psychiatric treatment, or
14 treatment for drug addiction or alcoholism;

15 (3) attend or reside in a facility established for the
16 instruction or residence of persons on probation or
17 parole;

18 (4) support his or her dependents;

19 (5) (blank);

20 (6) (blank);

21 (7) (blank);

22 (7.5) if convicted for an offense committed on or
23 after the effective date of this amendatory Act of the
24 95th General Assembly that would qualify the accused as a
25 child sex offender as defined in Section 11-9.3 or 11-9.4
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 refrain from communicating with or contacting, by means of
2 the Internet, a person who is related to the accused and
3 whom the accused reasonably believes to be under 18 years
4 of age; for purposes of this paragraph (7.5), "Internet"
5 has the meaning ascribed to it in Section 16-0.1 of the
6 Criminal Code of 2012; and a person is related to the
7 accused if the person is: (i) the spouse, brother, or
8 sister of the accused; (ii) a descendant of the accused;
9 (iii) a first or second cousin of the accused; or (iv) a
10 step-child or adopted child of the accused;

11 (7.6) if convicted for an offense committed on or
12 after June 1, 2009 (the effective date of Public Act
13 95-983) that would qualify as a sex offense as defined in
14 the Sex Offender Registration Act:

15 (i) not access or use a computer or any other
16 device with Internet capability without the prior
17 written approval of the Department;

18 (ii) submit to periodic unannounced examinations
19 of the offender's computer or any other device with
20 Internet capability by the offender's supervising
21 agent, a law enforcement officer, or assigned computer
22 or information technology specialist, including the
23 retrieval and copying of all data from the computer or
24 device and any internal or external peripherals and
25 removal of such information, equipment, or device to
26 conduct a more thorough inspection;

1 (iii) submit to the installation on the offender's
2 computer or device with Internet capability, at the
3 offender's expense, of one or more hardware or
4 software systems to monitor the Internet use; and

5 (iv) submit to any other appropriate restrictions
6 concerning the offender's use of or access to a
7 computer or any other device with Internet capability
8 imposed by the Board, the Department or the offender's
9 supervising agent; and

10 (8) in addition, if a minor:

11 (i) reside with his or her parents or in a foster
12 home;

13 (ii) attend school;

14 (iii) attend a non-residential program for youth;

15 or

16 (iv) contribute to his or her own support at home
17 or in a foster home.

18 (b-1) In addition to the conditions set forth in
19 subsections (a) and (b), persons required to register as sex
20 offenders pursuant to the Sex Offender Registration Act, upon
21 release from the custody of the Illinois Department of
22 Corrections, may be required by the Board to comply with the
23 following specific conditions of release:

24 (1) reside only at a Department approved location;

25 (2) comply with all requirements of the Sex Offender
26 Registration Act;

1 (3) notify third parties of the risks that may be
2 occasioned by his or her criminal record;

3 (4) obtain the approval of an agent of the Department
4 of Corrections prior to accepting employment or pursuing a
5 course of study or vocational training and notify the
6 Department prior to any change in employment, study, or
7 training;

8 (5) not be employed or participate in any volunteer
9 activity that involves contact with children, except under
10 circumstances approved in advance and in writing by an
11 agent of the Department of Corrections;

12 (6) be electronically monitored for a minimum of 12
13 months from the date of release as determined by the
14 Board;

15 (7) refrain from entering into a designated geographic
16 area except upon terms approved in advance by an agent of
17 the Department of Corrections. The terms may include
18 consideration of the purpose of the entry, the time of
19 day, and others accompanying the person;

20 (8) refrain from having any contact, including written
21 or oral communications, directly or indirectly, personally
22 or by telephone, letter, or through a third party with
23 certain specified persons including, but not limited to,
24 the victim or the victim's family without the prior
25 written approval of an agent of the Department of
26 Corrections;

1 (9) refrain from all contact, directly or indirectly,
2 personally, by telephone, letter, or through a third
3 party, with minor children without prior identification
4 and approval of an agent of the Department of Corrections;

5 (10) neither possess or have under his or her control
6 any material that is sexually oriented, sexually
7 stimulating, or that shows male or female sex organs or
8 any pictures depicting children under 18 years of age nude
9 or any written or audio material describing sexual
10 intercourse or that depicts or alludes to sexual activity,
11 including but not limited to visual, auditory, telephonic,
12 or electronic media, or any matter obtained through access
13 to any computer or material linked to computer access use;

14 (11) not patronize any business providing sexually
15 stimulating or sexually oriented entertainment nor utilize
16 "900" or adult telephone numbers;

17 (12) not reside near, visit, or be in or about parks,
18 schools, day care centers, swimming pools, beaches,
19 theaters, or any other places where minor children
20 congregate without advance approval of an agent of the
21 Department of Corrections and immediately report any
22 incidental contact with minor children to the Department;

23 (13) not possess or have under his or her control
24 certain specified items of contraband related to the
25 incidence of sexually offending as determined by an agent
26 of the Department of Corrections;

1 (14) may be required to provide a written daily log of
2 activities if directed by an agent of the Department of
3 Corrections;

4 (15) comply with all other special conditions that the
5 Department may impose that restrict the person from
6 high-risk situations and limit access to potential
7 victims;

8 (16) take an annual polygraph exam;

9 (17) maintain a log of his or her travel; or

10 (18) obtain prior approval of his or her parole
11 officer before driving alone in a motor vehicle.

12 (c) The conditions under which the parole or mandatory
13 supervised release is to be served shall be communicated to
14 the person in writing prior to his or her release, and he or
15 she shall sign the same before release. A signed copy of these
16 conditions, including a copy of an order of protection where
17 one had been issued by the criminal court, shall be retained by
18 the person and another copy forwarded to the officer in charge
19 of his or her supervision.

20 (d) After a hearing under Section 3-3-9, the Prisoner
21 Review Board may modify or enlarge the conditions of parole or
22 mandatory supervised release.

23 (e) The Department shall inform all offenders committed to
24 the Department of the optional services available to them upon
25 release and shall assist inmates in availing themselves of
26 such optional services upon their release on a voluntary

1 basis.

2 (f) (Blank).

3 (Source: P.A. 100-201, eff. 8-18-17; 100-260, eff. 1-1-18;
4 100-575, eff. 1-8-18; 101-382, eff. 8-16-19.)

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

6 Sec. 5-5-3. Disposition.

7 (a) (Blank).

8 (b) (Blank).

9 (c) (1) (Blank).

10 (2) A period of probation, a term of periodic imprisonment
11 or conditional discharge shall not be imposed for the
12 following offenses. The court shall sentence the offender to
13 not less than the minimum term of imprisonment set forth in
14 this Code for the following offenses, and may order a fine or
15 restitution or both in conjunction with such term of
16 imprisonment:

17 (A) First degree murder where the death penalty is not
18 imposed.

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

21 (D) A violation of Section 401.1 or 407 of the
22 Illinois Controlled Substances Act, or a violation of
23 subdivision (c)(1.5) of Section 401 of that Act which
24 relates to more than 5 grams of a substance containing
25 fentanyl or an analog thereof.

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

5 (E) (Blank).

6 (F) A Class 1 or greater felony if the offender had
7 been convicted of a Class 1 or greater felony, including
8 any state or federal conviction for an offense that
9 contained, at the time it was committed, the same elements
10 as an offense now (the date of the offense committed after
11 the prior Class 1 or greater felony) classified as a Class
12 1 or greater felony, within 10 years of the date on which
13 the offender committed the offense for which he or she is
14 being sentenced, except as otherwise provided in Section
15 40-10 of the Substance Use Disorder Act.

16 (F-3) A Class 2 or greater felony sex offense or
17 felony firearm offense if the offender had been convicted
18 of a Class 2 or greater felony, including any state or
19 federal conviction for an offense that contained, at the
20 time it was committed, the same elements as an offense now
21 (the date of the offense committed after the prior Class 2
22 or greater felony) classified as a Class 2 or greater
23 felony, within 10 years of the date on which the offender
24 committed the offense for which he or she is being
25 sentenced, except as otherwise provided in Section 40-10
26 of the Substance Use Disorder Act.

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

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

6 (H) Criminal sexual assault.

7 (I) Aggravated battery of a senior citizen as
8 described in Section 12-4.6 or subdivision (a)(4) of
9 Section 12-3.05 of the Criminal Code of 1961 or the
10 Criminal Code of 2012.

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

13 Before July 1, 1994, for the purposes of this
14 paragraph, "organized gang" means an association of 5 or
15 more persons, with an established hierarchy, that
16 encourages members of the association to perpetrate crimes
17 or provides support to the members of the association who
18 do commit crimes.

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

23 (K) Vehicular hijacking.

24 (L) A second or subsequent conviction for the offense
25 of hate crime when the underlying offense upon which the
26 hate crime is based is felony aggravated assault or felony

1 mob action.

2 (M) A second or subsequent conviction for the offense
3 of institutional vandalism if the damage to the property
4 exceeds \$300.

5 (N) A Class 3 felony violation of paragraph (1) of
6 subsection (a) of Section 2 of the Firearm Owners
7 Identification Card Act.

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

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

13 (P-5) A violation of paragraph (6) of subsection (a)
14 of Section 11-20.1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012 if the victim is a household or
16 family member of the defendant.

17 (Q) A violation of subsection (b) or (b-5) of Section
18 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
19 Code of 1961 or the Criminal Code of 2012.

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

22 (S) (Blank).

23 (T) (Blank).

24 (U) A second or subsequent violation of Section 6-303
25 of the Illinois Vehicle Code committed while his or her
26 driver's license, permit, or privilege was revoked because

1 of a violation of Section 9-3 of the Criminal Code of 1961
2 or the Criminal Code of 2012, relating to the offense of
3 reckless homicide, or a similar provision of a law of
4 another state.

5 (V) A violation of paragraph (4) of subsection (c) of
6 Section 11-20.1B or paragraph (4) of subsection (c) of
7 Section 11-20.3 of the Criminal Code of 1961, or paragraph
8 (6) of subsection (a) of Section 11-20.1 of the Criminal
9 Code of 2012 when the victim is under 13 years of age and
10 the defendant has previously been convicted under the laws
11 of this State or any other state of the offense of child
12 pornography, aggravated child pornography, aggravated
13 criminal sexual abuse, aggravated criminal sexual assault,
14 predatory criminal sexual assault of a child, or any of
15 the offenses formerly known as rape, deviate sexual
16 assault, indecent liberties with a child, or aggravated
17 indecent liberties with a child where the victim was under
18 the age of 18 years or an offense that is substantially
19 equivalent to those offenses.

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

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

24 (Y) A conviction for unlawful possession of a firearm
25 by a street gang member when the firearm was loaded or
26 contained firearm ammunition.

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

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

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

8 (CC) Knowingly selling, offering for sale, holding for
9 sale, or using 2,000 or more counterfeit items or
10 counterfeit items having a retail value in the aggregate
11 of \$500,000 or more.

12 (DD) A conviction for aggravated assault under
13 paragraph (6) of subsection (c) of Section 12-2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012 if the
15 firearm is aimed toward the person against whom the
16 firearm is being used.

17 (EE) A conviction for a violation of paragraph (2) of
18 subsection (a) of Section 24-3B of the Criminal Code of
19 2012.

20 (3) (Blank).

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

25 (4.1) (Blank).

26 (4.2) Except as provided in paragraphs (4.3) and (4.8) of

1 this subsection (c), a minimum of 100 hours of community
2 service shall be imposed for a second violation of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.3) A minimum term of imprisonment of 30 days or 300
5 hours of community service, as determined by the court, shall
6 be imposed for a second violation of subsection (c) of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.4) Except as provided in paragraphs (4.5), (4.6), and
9 (4.9) of this subsection (c), a minimum term of imprisonment
10 of 30 days or 300 hours of community service, as determined by
11 the court, shall be imposed for a third or subsequent
12 violation of Section 6-303 of the Illinois Vehicle Code. The
13 court may give credit toward the fulfillment of community
14 service hours for participation in activities and treatment as
15 determined by court services.

16 (4.5) A minimum term of imprisonment of 30 days shall be
17 imposed for a third violation of subsection (c) of Section
18 6-303 of the Illinois Vehicle Code.

19 (4.6) Except as provided in paragraph (4.10) of this
20 subsection (c), a minimum term of imprisonment of 180 days
21 shall be imposed for a fourth or subsequent violation of
22 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

23 (4.7) A minimum term of imprisonment of not less than 30
24 consecutive days, or 300 hours of community service, shall be
25 imposed for a violation of subsection (a-5) of Section 6-303
26 of the Illinois Vehicle Code, as provided in subsection (b-5)

1 of that Section.

2 (4.8) A mandatory prison sentence shall be imposed for a
3 second violation of subsection (a-5) of Section 6-303 of the
4 Illinois Vehicle Code, as provided in subsection (c-5) of that
5 Section. The person's driving privileges shall be revoked for
6 a period of not less than 5 years from the date of his or her
7 release from prison.

8 (4.9) A mandatory prison sentence of not less than 4 and
9 not more than 15 years shall be imposed for a third violation
10 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
11 Code, as provided in subsection (d-2.5) of that Section. The
12 person's driving privileges shall be revoked for the remainder
13 of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony
15 shall be imposed, and the person shall be eligible for an
16 extended term sentence, for a fourth or subsequent violation
17 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
18 Code, as provided in subsection (d-3.5) of that Section. The
19 person's driving privileges shall be revoked for the remainder
20 of his or her life.

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

23 (A) a period of conditional discharge;

24 (B) a fine;

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

1 (5.1) In addition to any other penalties imposed, and
2 except as provided in paragraph (5.2) or (5.3), a person
3 convicted of violating subsection (c) of Section 11-907 of the
4 Illinois Vehicle Code shall have his or her driver's license,
5 permit, or privileges suspended for at least 90 days but not
6 more than one year, if the violation resulted in damage to the
7 property of another person.

8 (5.2) In addition to any other penalties imposed, and
9 except as provided in paragraph (5.3), a person convicted of
10 violating subsection (c) of Section 11-907 of the Illinois
11 Vehicle Code shall have his or her driver's license, permit,
12 or privileges suspended for at least 180 days but not more than
13 2 years, if the violation resulted in injury to another
14 person.

15 (5.3) In addition to any other penalties imposed, a person
16 convicted of violating subsection (c) of Section 11-907 of the
17 Illinois Vehicle Code shall have his or her driver's license,
18 permit, or privileges suspended for 2 years, if the violation
19 resulted in the death of another person.

20 (5.4) In addition to any other penalties imposed, a person
21 convicted of violating Section 3-707 of the Illinois Vehicle
22 Code shall have his or her driver's license, permit, or
23 privileges suspended for 3 months and until he or she has paid
24 a reinstatement fee of \$100.

25 (5.5) In addition to any other penalties imposed, a person
26 convicted of violating Section 3-707 of the Illinois Vehicle

1 Code during a period in which his or her driver's license,
2 permit, or privileges were suspended for a previous violation
3 of that Section shall have his or her driver's license,
4 permit, or privileges suspended for an additional 6 months
5 after the expiration of the original 3-month suspension and
6 until he or she has paid a reinstatement fee of \$100.

7 (6) (Blank).

8 (7) (Blank).

9 (8) (Blank).

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

13 (10) (Blank).

14 (11) The court shall impose a minimum fine of \$1,000 for a
15 first offense and \$2,000 for a second or subsequent offense
16 upon a person convicted of or placed on supervision for
17 battery when the individual harmed was a sports official or
18 coach at any level of competition and the act causing harm to
19 the sports official or coach occurred within an athletic
20 facility or within the immediate vicinity of the athletic
21 facility at which the sports official or coach was an active
22 participant of the athletic contest held at the athletic
23 facility. For the purposes of this paragraph (11), "sports
24 official" means a person at an athletic contest who enforces
25 the rules of the contest, such as an umpire or referee;
26 "athletic facility" means an indoor or outdoor playing field

1 or recreational area where sports activities are conducted;
2 and "coach" means a person recognized as a coach by the
3 sanctioning authority that conducted the sporting event.

4 (12) A person may not receive a disposition of court
5 supervision for a violation of Section 5-16 of the Boat
6 Registration and Safety Act if that person has previously
7 received a disposition of court supervision for a violation of
8 that Section.

9 (13) A person convicted of or placed on court supervision
10 for an assault or aggravated assault when the victim and the
11 offender are family or household members as defined in Section
12 103 of the Illinois Domestic Violence Act of 1986 or convicted
13 of domestic battery or aggravated domestic battery may be
14 required to attend a Partner Abuse Intervention Program under
15 protocols set forth by the Illinois Department of Human
16 Services under such terms and conditions imposed by the court.
17 The costs of such classes shall be paid by the offender.

18 (d) In any case in which a sentence originally imposed is
19 vacated, the case shall be remanded to the trial court. The
20 trial court shall hold a hearing under Section 5-4-1 of this
21 Code which may include evidence of the defendant's life, moral
22 character and occupation during the time since the original
23 sentence was passed. The trial court shall then impose
24 sentence upon the defendant. The trial court may impose any
25 sentence which could have been imposed at the original trial
26 subject to Section 5-5-4 of this Code. If a sentence is vacated

1 on appeal or on collateral attack due to the failure of the
2 trier of fact at trial to determine beyond a reasonable doubt
3 the existence of a fact (other than a prior conviction)
4 necessary to increase the punishment for the offense beyond
5 the statutory maximum otherwise applicable, either the
6 defendant may be re-sentenced to a term within the range
7 otherwise provided or, if the State files notice of its
8 intention to again seek the extended sentence, the defendant
9 shall be afforded a new trial.

10 (e) In cases where prosecution for aggravated criminal
11 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 results in conviction
13 of a defendant who was a family member of the victim at the
14 time of the commission of the offense, the court shall
15 consider the safety and welfare of the victim and may impose a
16 sentence of probation only where:

17 (1) the court finds (A) or (B) or both are
18 appropriate:

19 (A) the defendant is willing to undergo a court
20 approved counseling program for a minimum duration of
21 2 years; or

22 (B) the defendant is willing to participate in a
23 court approved plan, including, but not limited to,
24 the defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

5 (v) compliance with any other measures that
6 the court may deem appropriate; and

7 (2) the court orders the defendant to pay for the
8 victim's counseling services, to the extent that the court
9 finds, after considering the defendant's income and
10 assets, that the defendant is financially capable of
11 paying for such services, if the victim was under 18 years
12 of age at the time the offense was committed and requires
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section
15 5-6-4; except where the court determines at the hearing that
16 the defendant violated a condition of his or her probation
17 restricting contact with the victim or other family members or
18 commits another offense with the victim or other family
19 members, the court shall revoke the defendant's probation and
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and
22 "victim" shall have the meanings ascribed to them in Section
23 11-0.1 of the Criminal Code of 2012.

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,

1 11-14.3, 11-14.4 except for an offense that involves keeping a
2 place of commercial sexual exploitation of a child ~~juvenile~~
3 ~~prostitution~~, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
4 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15, or
5 12-16 of the Criminal Code of 1961 or the Criminal Code of
6 2012, the defendant shall undergo medical testing to determine
7 whether the defendant has any sexually transmissible disease,
8 including a test for infection with human immunodeficiency
9 virus (HIV) or any other identified causative agent of
10 acquired immunodeficiency syndrome (AIDS). Any such medical
11 test shall be performed only by appropriately licensed medical
12 practitioners and may include an analysis of any bodily fluids
13 as well as an examination of the defendant's person. Except as
14 otherwise provided by law, the results of such test shall be
15 kept strictly confidential by all medical personnel involved
16 in the testing and must be personally delivered in a sealed
17 envelope to the judge of the court in which the conviction was
18 entered for the judge's inspection in camera. Acting in
19 accordance with the best interests of the victim and the
20 public, the judge shall have the discretion to determine to
21 whom, if anyone, the results of the testing may be revealed.
22 The court shall notify the defendant of the test results. The
23 court shall also notify the victim if requested by the victim,
24 and if the victim is under the age of 15 and if requested by
25 the victim's parents or legal guardian, the court shall notify
26 the victim's parents or legal guardian of the test results.

1 The court shall provide information on the availability of HIV
2 testing and counseling at Department of Public Health
3 facilities to all parties to whom the results of the testing
4 are revealed and shall direct the State's Attorney to provide
5 the information to the victim when possible. The court shall
6 order that the cost of any such test shall be paid by the
7 county and may be taxed as costs against the convicted
8 defendant.

9 (g-5) When an inmate is tested for an airborne
10 communicable disease, as determined by the Illinois Department
11 of Public Health, including, but not limited to, tuberculosis,
12 the results of the test shall be personally delivered by the
13 warden or his or her designee in a sealed envelope to the judge
14 of the court in which the inmate must appear for the judge's
15 inspection in camera if requested by the judge. Acting in
16 accordance with the best interests of those in the courtroom,
17 the judge shall have the discretion to determine what if any
18 precautions need to be taken to prevent transmission of the
19 disease in the courtroom.

20 (h) Whenever a defendant is convicted of an offense under
21 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
22 defendant shall undergo medical testing to determine whether
23 the defendant has been exposed to human immunodeficiency virus
24 (HIV) or any other identified causative agent of acquired
25 immunodeficiency syndrome (AIDS). Except as otherwise provided
26 by law, the results of such test shall be kept strictly

1 confidential by all medical personnel involved in the testing
2 and must be personally delivered in a sealed envelope to the
3 judge of the court in which the conviction was entered for the
4 judge's inspection in camera. Acting in accordance with the
5 best interests of the public, the judge shall have the
6 discretion to determine to whom, if anyone, the results of the
7 testing may be revealed. The court shall notify the defendant
8 of a positive test showing an infection with the human
9 immunodeficiency virus (HIV). The court shall provide
10 information on the availability of HIV testing and counseling
11 at Department of Public Health facilities to all parties to
12 whom the results of the testing are revealed and shall direct
13 the State's Attorney to provide the information to the victim
14 when possible. The court shall order that the cost of any such
15 test shall be paid by the county and may be taxed as costs
16 against the convicted defendant.

17 (i) All fines and penalties imposed under this Section for
18 any violation of Chapters 3, 4, 6, and 11 of the Illinois
19 Vehicle Code, or a similar provision of a local ordinance, and
20 any violation of the Child Passenger Protection Act, or a
21 similar provision of a local ordinance, shall be collected and
22 disbursed by the circuit clerk as provided under the Criminal
23 and Traffic Assessment Act.

24 (j) In cases when prosecution for any violation of Section
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
26 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,

1 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
2 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
3 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
4 Code of 2012, any violation of the Illinois Controlled
5 Substances Act, any violation of the Cannabis Control Act, or
6 any violation of the Methamphetamine Control and Community
7 Protection Act results in conviction, a disposition of court
8 supervision, or an order of probation granted under Section 10
9 of the Cannabis Control Act, Section 410 of the Illinois
10 Controlled Substances Act, or Section 70 of the
11 Methamphetamine Control and Community Protection Act of a
12 defendant, the court shall determine whether the defendant is
13 employed by a facility or center as defined under the Child
14 Care Act of 1969, a public or private elementary or secondary
15 school, or otherwise works with children under 18 years of age
16 on a daily basis. When a defendant is so employed, the court
17 shall order the Clerk of the Court to send a copy of the
18 judgment of conviction or order of supervision or probation to
19 the defendant's employer by certified mail. If the employer of
20 the defendant is a school, the Clerk of the Court shall direct
21 the mailing of a copy of the judgment of conviction or order of
22 supervision or probation to the appropriate regional
23 superintendent of schools. The regional superintendent of
24 schools shall notify the State Board of Education of any
25 notification under this subsection.

26 (j-5) A defendant at least 17 years of age who is convicted

1 of a felony and who has not been previously convicted of a
2 misdemeanor or felony and who is sentenced to a term of
3 imprisonment in the Illinois Department of Corrections shall
4 as a condition of his or her sentence be required by the court
5 to attend educational courses designed to prepare the
6 defendant for a high school diploma and to work toward a high
7 school diploma or to work toward passing high school
8 equivalency testing or to work toward completing a vocational
9 training program offered by the Department of Corrections. If
10 a defendant fails to complete the educational training
11 required by his or her sentence during the term of
12 incarceration, the Prisoner Review Board shall, as a condition
13 of mandatory supervised release, require the defendant, at his
14 or her own expense, to pursue a course of study toward a high
15 school diploma or passage of high school equivalency testing.
16 The Prisoner Review Board shall revoke the mandatory
17 supervised release of a defendant who wilfully fails to comply
18 with this subsection (j-5) upon his or her release from
19 confinement in a penal institution while serving a mandatory
20 supervised release term; however, the inability of the
21 defendant after making a good faith effort to obtain financial
22 aid or pay for the educational training shall not be deemed a
23 wilful failure to comply. The Prisoner Review Board shall
24 recommit the defendant whose mandatory supervised release term
25 has been revoked under this subsection (j-5) as provided in
26 Section 3-3-9. This subsection (j-5) does not apply to a

1 defendant who has a high school diploma or has successfully
2 passed high school equivalency testing. This subsection (j-5)
3 does not apply to a defendant who is determined by the court to
4 be a person with a developmental disability or otherwise
5 mentally incapable of completing the educational or vocational
6 program.

7 (k) (Blank).

8 (l) (A) Except as provided in paragraph (C) of subsection
9 (l), whenever a defendant, who is not a citizen or national of
10 the United States, is convicted of any felony or misdemeanor
11 offense, the court after sentencing the defendant may, upon
12 motion of the State's Attorney, hold sentence in abeyance and
13 remand the defendant to the custody of the Attorney General of
14 the United States or his or her designated agent to be deported
15 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 Otherwise, the defendant shall be sentenced as provided in
23 this Chapter V.

24 (B) If the defendant has already been sentenced for a
25 felony or misdemeanor offense, or has been placed on probation
26 under Section 10 of the Cannabis Control Act, Section 410 of

1 the Illinois Controlled Substances Act, or Section 70 of the
2 Methamphetamine Control and Community Protection Act, the
3 court may, upon motion of the State's Attorney to suspend the
4 sentence imposed, commit the defendant to the custody of the
5 Attorney General of the United States or his or her designated
6 agent when:

7 (1) a final order of deportation has been issued
8 against the defendant pursuant to proceedings under the
9 Immigration and Nationality Act, and

10 (2) the deportation of the defendant would not
11 deprecate the seriousness of the defendant's conduct and
12 would not be inconsistent with the ends of justice.

13 (C) This subsection (1) does not apply to offenders who
14 are subject to the provisions of paragraph (2) of subsection
15 (a) of Section 3-6-3.

16 (D) Upon motion of the State's Attorney, if a defendant
17 sentenced under this Section returns to the jurisdiction of
18 the United States, the defendant shall be recommitted to the
19 custody of the county from which he or she was sentenced.
20 Thereafter, the defendant shall be brought before the
21 sentencing court, which may impose any sentence that was
22 available under Section 5-5-3 at the time of initial
23 sentencing. In addition, the defendant shall not be eligible
24 for additional earned sentence credit as provided under
25 Section 3-6-3.

26 (m) A person convicted of criminal defacement of property

1 under Section 21-1.3 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, in which the property damage exceeds
3 \$300 and the property damaged is a school building, shall be
4 ordered to perform community service that may include cleanup,
5 removal, or painting over the defacement.

6 (n) The court may sentence a person convicted of a
7 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
8 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
9 of 1961 or the Criminal Code of 2012 (i) to an impact
10 incarceration program if the person is otherwise eligible for
11 that program under Section 5-8-1.1, (ii) to community service,
12 or (iii) if the person has a substance use disorder, as defined
13 in the Substance Use Disorder Act, to a treatment program
14 licensed under that Act.

15 (o) Whenever a person is convicted of a sex offense as
16 defined in Section 2 of the Sex Offender Registration Act, the
17 defendant's driver's license or permit shall be subject to
18 renewal on an annual basis in accordance with the provisions
19 of license renewal established by the Secretary of State.

20 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
21 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
22 5-27-22.)

23 (730 ILCS 5/5-5-3.2)

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

25 Sec. 5-5-3.2. Factors in aggravation and extended-term

1 sentencing.

2 (a) The following factors shall be accorded weight in
3 favor of imposing a term of imprisonment or may be considered
4 by the court as reasons to impose a more severe sentence under
5 Section 5-8-1 or Article 4.5 of Chapter V:

6 (1) the defendant's conduct caused or threatened
7 serious harm;

8 (2) the defendant received compensation for committing
9 the offense;

10 (3) the defendant has a history of prior delinquency
11 or criminal activity;

12 (4) the defendant, by the duties of his office or by
13 his position, was obliged to prevent the particular
14 offense committed or to bring the offenders committing it
15 to justice;

16 (5) the defendant held public office at the time of
17 the offense, and the offense related to the conduct of
18 that office;

19 (6) the defendant utilized his professional reputation
20 or position in the community to commit the offense, or to
21 afford him an easier means of committing it;

22 (7) the sentence is necessary to deter others from
23 committing the same crime;

24 (8) the defendant committed the offense against a
25 person 60 years of age or older or such person's property;

26 (9) the defendant committed the offense against a

1 person who has a physical disability or such person's
2 property;

3 (10) by reason of another individual's actual or
4 perceived race, color, creed, religion, ancestry, gender,
5 sexual orientation, physical or mental disability, or
6 national origin, the defendant committed the offense
7 against (i) the person or property of that individual;
8 (ii) the person or property of a person who has an
9 association with, is married to, or has a friendship with
10 the other individual; or (iii) the person or property of a
11 relative (by blood or marriage) of a person described in
12 clause (i) or (ii). For the purposes of this Section,
13 "sexual orientation" has the meaning ascribed to it in
14 paragraph (O-1) of Section 1-103 of the Illinois Human
15 Rights Act;

16 (11) the offense took place in a place of worship or on
17 the grounds of a place of worship, immediately prior to,
18 during or immediately following worship services. For
19 purposes of this subparagraph, "place of worship" shall
20 mean any church, synagogue or other building, structure or
21 place used primarily for religious worship;

22 (12) the defendant was convicted of a felony committed
23 while he was on pretrial release or his own recognizance
24 pending trial for a prior felony and was convicted of such
25 prior felony, or the defendant was convicted of a felony
26 committed while he was serving a period of probation,

1 conditional discharge, or mandatory supervised release
2 under subsection (d) of Section 5-8-1 for a prior felony;

3 (13) the defendant committed or attempted to commit a
4 felony while he was wearing a bulletproof vest. For the
5 purposes of this paragraph (13), a bulletproof vest is any
6 device which is designed for the purpose of protecting the
7 wearer from bullets, shot or other lethal projectiles;

8 (14) the defendant held a position of trust or
9 supervision such as, but not limited to, family member as
10 defined in Section 11-0.1 of the Criminal Code of 2012,
11 teacher, scout leader, baby sitter, or day care worker, in
12 relation to a victim under 18 years of age, and the
13 defendant committed an offense in violation of Section
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
15 11-14.4 except for an offense that involves keeping a
16 place of commercial sexual exploitation of a child
17 ~~juvenile prostitution~~, 11-15.1, 11-19.1, 11-19.2, 11-20.1,
18 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15 or 12-16
19 of the Criminal Code of 1961 or the Criminal Code of 2012
20 against that victim;

21 (15) the defendant committed an offense related to the
22 activities of an organized gang. For the purposes of this
23 factor, "organized gang" has the meaning ascribed to it in
24 Section 10 of the Streetgang Terrorism Omnibus Prevention
25 Act;

26 (16) the defendant committed an offense in violation

1 of one of the following Sections while in a school,
2 regardless of the time of day or time of year; on any
3 conveyance owned, leased, or contracted by a school to
4 transport students to or from school or a school related
5 activity; on the real property of a school; or on a public
6 way within 1,000 feet of the real property comprising any
7 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
9 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
10 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
11 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
12 for subdivision (a)(4) or (g)(1), of the Criminal Code of
13 1961 or the Criminal Code of 2012;

14 (16.5) the defendant committed an offense in violation
15 of one of the following Sections while in a day care
16 center, regardless of the time of day or time of year; on
17 the real property of a day care center, regardless of the
18 time of day or time of year; or on a public way within
19 1,000 feet of the real property comprising any day care
20 center, regardless of the time of day or time of year:
21 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
22 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
23 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
24 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
25 18-2, or 33A-2, or Section 12-3.05 except for subdivision
26 (a)(4) or (g)(1), of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

2 (17) the defendant committed the offense by reason of
3 any person's activity as a community policing volunteer or
4 to prevent any person from engaging in activity as a
5 community policing volunteer. For the purpose of this
6 Section, "community policing volunteer" has the meaning
7 ascribed to it in Section 2-3.5 of the Criminal Code of
8 2012;

9 (18) the defendant committed the offense in a nursing
10 home or on the real property comprising a nursing home.
11 For the purposes of this paragraph (18), "nursing home"
12 means a skilled nursing or intermediate long term care
13 facility that is subject to license by the Illinois
14 Department of Public Health under the Nursing Home Care
15 Act, the Specialized Mental Health Rehabilitation Act of
16 2013, the ID/DD Community Care Act, or the MC/DD Act;

17 (19) the defendant was a federally licensed firearm
18 dealer and was previously convicted of a violation of
19 subsection (a) of Section 3 of the Firearm Owners
20 Identification Card Act and has now committed either a
21 felony violation of the Firearm Owners Identification Card
22 Act or an act of armed violence while armed with a firearm;

23 (20) the defendant (i) committed the offense of
24 reckless homicide under Section 9-3 of the Criminal Code
25 of 1961 or the Criminal Code of 2012 or the offense of
26 driving under the influence of alcohol, other drug or

1 drugs, intoxicating compound or compounds or any
2 combination thereof under Section 11-501 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance
4 and (ii) was operating a motor vehicle in excess of 20
5 miles per hour over the posted speed limit as provided in
6 Article VI of Chapter 11 of the Illinois Vehicle Code;

7 (21) the defendant (i) committed the offense of
8 reckless driving or aggravated reckless driving under
9 Section 11-503 of the Illinois Vehicle Code and (ii) was
10 operating a motor vehicle in excess of 20 miles per hour
11 over the posted speed limit as provided in Article VI of
12 Chapter 11 of the Illinois Vehicle Code;

13 (22) the defendant committed the offense against a
14 person that the defendant knew, or reasonably should have
15 known, was a member of the Armed Forces of the United
16 States serving on active duty. For purposes of this clause
17 (22), the term "Armed Forces" means any of the Armed
18 Forces of the United States, including a member of any
19 reserve component thereof or National Guard unit called to
20 active duty;

21 (23) the defendant committed the offense against a
22 person who was elderly or infirm or who was a person with a
23 disability by taking advantage of a family or fiduciary
24 relationship with the elderly or infirm person or person
25 with a disability;

26 (24) the defendant committed any offense under Section

1 11-20.1 of the Criminal Code of 1961 or the Criminal Code
2 of 2012 and possessed 100 or more images;

3 (25) the defendant committed the offense while the
4 defendant or the victim was in a train, bus, or other
5 vehicle used for public transportation;

6 (26) the defendant committed the offense of child
7 pornography or aggravated child pornography, specifically
8 including paragraph (1), (2), (3), (4), (5), or (7) of
9 subsection (a) of Section 11-20.1 of the Criminal Code of
10 1961 or the Criminal Code of 2012 where a child engaged in,
11 solicited for, depicted in, or posed in any act of sexual
12 penetration or bound, fettered, or subject to sadistic,
13 masochistic, or sadomasochistic abuse in a sexual context
14 and specifically including paragraph (1), (2), (3), (4),
15 (5), or (7) of subsection (a) of Section 11-20.1B or
16 Section 11-20.3 of the Criminal Code of 1961 where a child
17 engaged in, solicited for, depicted in, or posed in any
18 act of sexual penetration or bound, fettered, or subject
19 to sadistic, masochistic, or sadomasochistic abuse in a
20 sexual context;

21 (27) the defendant committed the offense of first
22 degree murder, assault, aggravated assault, battery,
23 aggravated battery, robbery, armed robbery, or aggravated
24 robbery against a person who was a veteran and the
25 defendant knew, or reasonably should have known, that the
26 person was a veteran performing duties as a representative

1 of a veterans' organization. For the purposes of this
2 paragraph (27), "veteran" means an Illinois resident who
3 has served as a member of the United States Armed Forces, a
4 member of the Illinois National Guard, or a member of the
5 United States Reserve Forces; and "veterans' organization"
6 means an organization comprised of members of which
7 substantially all are individuals who are veterans or
8 spouses, widows, or widowers of veterans, the primary
9 purpose of which is to promote the welfare of its members
10 and to provide assistance to the general public in such a
11 way as to confer a public benefit;

12 (28) the defendant committed the offense of assault,
13 aggravated assault, battery, aggravated battery, robbery,
14 armed robbery, or aggravated robbery against a person that
15 the defendant knew or reasonably should have known was a
16 letter carrier or postal worker while that person was
17 performing his or her duties delivering mail for the
18 United States Postal Service;

19 (29) the defendant committed the offense of criminal
20 sexual assault, aggravated criminal sexual assault,
21 criminal sexual abuse, or aggravated criminal sexual abuse
22 against a victim with an intellectual disability, and the
23 defendant holds a position of trust, authority, or
24 supervision in relation to the victim;

25 (30) the defendant committed the offense of promoting
26 commercial sexual exploitation of a child ~~juvenile~~

1 ~~prostitution~~, patronizing a person engaged in the sex
2 trade prostitute, or patronizing a sexually exploited
3 child ~~minor engaged in prostitution~~ and at the time of the
4 commission of the offense knew that the person engaged in
5 the sex trade prostitute or sexually exploited child ~~minor~~
6 ~~engaged in prostitution~~ was in the custody or guardianship
7 of the Department of Children and Family Services;

8 (31) the defendant (i) committed the offense of
9 driving while under the influence of alcohol, other drug
10 or drugs, intoxicating compound or compounds or any
11 combination thereof in violation of Section 11-501 of the
12 Illinois Vehicle Code or a similar provision of a local
13 ordinance and (ii) the defendant during the commission of
14 the offense was driving his or her vehicle upon a roadway
15 designated for one-way traffic in the opposite direction
16 of the direction indicated by official traffic control
17 devices;

18 (32) the defendant committed the offense of reckless
19 homicide while committing a violation of Section 11-907 of
20 the Illinois Vehicle Code;

21 (33) the defendant was found guilty of an
22 administrative infraction related to an act or acts of
23 public indecency or sexual misconduct in the penal
24 institution. In this paragraph (33), "penal institution"
25 has the same meaning as in Section 2-14 of the Criminal
26 Code of 2012; or

1 (34) the defendant committed the offense of leaving
2 the scene of an accident in violation of subsection (b) of
3 Section 11-401 of the Illinois Vehicle Code and the
4 accident resulted in the death of a person and at the time
5 of the offense, the defendant was: (i) driving under the
6 influence of alcohol, other drug or drugs, intoxicating
7 compound or compounds or any combination thereof as
8 defined by Section 11-501 of the Illinois Vehicle Code; or
9 (ii) operating the motor vehicle while using an electronic
10 communication device as defined in Section 12-610.2 of the
11 Illinois Vehicle Code.

12 For the purposes of this Section:

13 "School" is defined as a public or private elementary or
14 secondary school, community college, college, or university.

15 "Day care center" means a public or private State
16 certified and licensed day care center as defined in Section
17 2.09 of the Child Care Act of 1969 that displays a sign in
18 plain view stating that the property is a day care center.

19 "Intellectual disability" means significantly subaverage
20 intellectual functioning which exists concurrently with
21 impairment in adaptive behavior.

22 "Public transportation" means the transportation or
23 conveyance of persons by means available to the general
24 public, and includes paratransit services.

25 "Traffic control devices" means all signs, signals,
26 markings, and devices that conform to the Illinois Manual on

1 Uniform Traffic Control Devices, placed or erected by
2 authority of a public body or official having jurisdiction,
3 for the purpose of regulating, warning, or guiding traffic.

4 (b) The following factors, related to all felonies, may be
5 considered by the court as reasons to impose an extended term
6 sentence under Section 5-8-2 upon any offender:

7 (1) When a defendant is convicted of any felony, after
8 having been previously convicted in Illinois or any other
9 jurisdiction of the same or similar class felony or
10 greater class felony, when such conviction has occurred
11 within 10 years after the previous conviction, excluding
12 time spent in custody, and such charges are separately
13 brought and tried and arise out of different series of
14 acts; or

15 (2) When a defendant is convicted of any felony and
16 the court finds that the offense was accompanied by
17 exceptionally brutal or heinous behavior indicative of
18 wanton cruelty; or

19 (3) When a defendant is convicted of any felony
20 committed against:

21 (i) a person under 12 years of age at the time of
22 the offense or such person's property;

23 (ii) a person 60 years of age or older at the time
24 of the offense or such person's property; or

25 (iii) a person who had a physical disability at
26 the time of the offense or such person's property; or

1 (4) When a defendant is convicted of any felony and
2 the offense involved any of the following types of
3 specific misconduct committed as part of a ceremony, rite,
4 initiation, observance, performance, practice or activity
5 of any actual or ostensible religious, fraternal, or
6 social group:

7 (i) the brutalizing or torturing of humans or
8 animals;

9 (ii) the theft of human corpses;

10 (iii) the kidnapping of humans;

11 (iv) the desecration of any cemetery, religious,
12 fraternal, business, governmental, educational, or
13 other building or property; or

14 (v) ritualized abuse of a child; or

15 (5) When a defendant is convicted of a felony other
16 than conspiracy and the court finds that the felony was
17 committed under an agreement with 2 or more other persons
18 to commit that offense and the defendant, with respect to
19 the other individuals, occupied a position of organizer,
20 supervisor, financier, or any other position of management
21 or leadership, and the court further finds that the felony
22 committed was related to or in furtherance of the criminal
23 activities of an organized gang or was motivated by the
24 defendant's leadership in an organized gang; or

25 (6) When a defendant is convicted of an offense
26 committed while using a firearm with a laser sight

1 attached to it. For purposes of this paragraph, "laser
2 sight" has the meaning ascribed to it in Section 26-7 of
3 the Criminal Code of 2012; or

4 (7) When a defendant who was at least 17 years of age
5 at the time of the commission of the offense is convicted
6 of a felony and has been previously adjudicated a
7 delinquent minor under the Juvenile Court Act of 1987 for
8 an act that if committed by an adult would be a Class X or
9 Class 1 felony when the conviction has occurred within 10
10 years after the previous adjudication, excluding time
11 spent in custody; or

12 (8) When a defendant commits any felony and the
13 defendant used, possessed, exercised control over, or
14 otherwise directed an animal to assault a law enforcement
15 officer engaged in the execution of his or her official
16 duties or in furtherance of the criminal activities of an
17 organized gang in which the defendant is engaged; or

18 (9) When a defendant commits any felony and the
19 defendant knowingly video or audio records the offense
20 with the intent to disseminate the recording.

21 (c) The following factors may be considered by the court
22 as reasons to impose an extended term sentence under Section
23 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
24 offenses:

25 (1) When a defendant is convicted of first degree
26 murder, after having been previously convicted in Illinois

1 of any offense listed under paragraph (c)(2) of Section
2 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
3 occurred within 10 years after the previous conviction,
4 excluding time spent in custody, and the charges are
5 separately brought and tried and arise out of different
6 series of acts.

7 (1.5) When a defendant is convicted of first degree
8 murder, after having been previously convicted of domestic
9 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
10 (720 ILCS 5/12-3.3) committed on the same victim or after
11 having been previously convicted of violation of an order
12 of protection (720 ILCS 5/12-30) in which the same victim
13 was the protected person.

14 (2) When a defendant is convicted of voluntary
15 manslaughter, second degree murder, involuntary
16 manslaughter, or reckless homicide in which the defendant
17 has been convicted of causing the death of more than one
18 individual.

19 (3) When a defendant is convicted of aggravated
20 criminal sexual assault or criminal sexual assault, when
21 there is a finding that aggravated criminal sexual assault
22 or criminal sexual assault was also committed on the same
23 victim by one or more other individuals, and the defendant
24 voluntarily participated in the crime with the knowledge
25 of the participation of the others in the crime, and the
26 commission of the crime was part of a single course of

1 conduct during which there was no substantial change in
2 the nature of the criminal objective.

3 (4) If the victim was under 18 years of age at the time
4 of the commission of the offense, when a defendant is
5 convicted of aggravated criminal sexual assault or
6 predatory criminal sexual assault of a child under
7 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
8 of Section 12-14.1 of the Criminal Code of 1961 or the
9 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

10 (5) When a defendant is convicted of a felony
11 violation of Section 24-1 of the Criminal Code of 1961 or
12 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
13 finding that the defendant is a member of an organized
14 gang.

15 (6) When a defendant was convicted of unlawful use of
16 weapons under Section 24-1 of the Criminal Code of 1961 or
17 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
18 a weapon that is not readily distinguishable as one of the
19 weapons enumerated in Section 24-1 of the Criminal Code of
20 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

21 (7) When a defendant is convicted of an offense
22 involving the illegal manufacture of a controlled
23 substance under Section 401 of the Illinois Controlled
24 Substances Act (720 ILCS 570/401), the illegal manufacture
25 of methamphetamine under Section 25 of the Methamphetamine
26 Control and Community Protection Act (720 ILCS 646/25), or

1 the illegal possession of explosives and an emergency
2 response officer in the performance of his or her duties
3 is killed or injured at the scene of the offense while
4 responding to the emergency caused by the commission of
5 the offense. In this paragraph, "emergency" means a
6 situation in which a person's life, health, or safety is
7 in jeopardy; and "emergency response officer" means a
8 peace officer, community policing volunteer, fireman,
9 emergency medical technician-ambulance, emergency medical
10 technician-intermediate, emergency medical
11 technician-paramedic, ambulance driver, other medical
12 assistance or first aid personnel, or hospital emergency
13 room personnel.

14 (8) When the defendant is convicted of attempted mob
15 action, solicitation to commit mob action, or conspiracy
16 to commit mob action under Section 8-1, 8-2, or 8-4 of the
17 Criminal Code of 2012, where the criminal object is a
18 violation of Section 25-1 of the Criminal Code of 2012,
19 and an electronic communication is used in the commission
20 of the offense. For the purposes of this paragraph (8),
21 "electronic communication" shall have the meaning provided
22 in Section 26.5-0.1 of the Criminal Code of 2012.

23 (d) For the purposes of this Section, "organized gang" has
24 the meaning ascribed to it in Section 10 of the Illinois
25 Streetgang Terrorism Omnibus Prevention Act.

26 (e) The court may impose an extended term sentence under

1 Article 4.5 of Chapter V upon an offender who has been
2 convicted of a felony violation of Section 11-1.20, 11-1.30,
3 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
4 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
5 when the victim of the offense is under 18 years of age at the
6 time of the commission of the offense and, during the
7 commission of the offense, the victim was under the influence
8 of alcohol, regardless of whether or not the alcohol was
9 supplied by the offender; and the offender, at the time of the
10 commission of the offense, knew or should have known that the
11 victim had consumed alcohol.

12 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
13 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
14 8-20-21.)

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

16 Sec. 5-5-3.2. Factors in aggravation and extended-term
17 sentencing.

18 (a) The following factors shall be accorded weight in
19 favor of imposing a term of imprisonment or may be considered
20 by the court as reasons to impose a more severe sentence under
21 Section 5-8-1 or Article 4.5 of Chapter V:

22 (1) the defendant's conduct caused or threatened
23 serious harm;

24 (2) the defendant received compensation for committing
25 the offense;

1 (3) the defendant has a history of prior delinquency
2 or criminal activity;

3 (4) the defendant, by the duties of his office or by
4 his position, was obliged to prevent the particular
5 offense committed or to bring the offenders committing it
6 to justice;

7 (5) the defendant held public office at the time of
8 the offense, and the offense related to the conduct of
9 that office;

10 (6) the defendant utilized his professional reputation
11 or position in the community to commit the offense, or to
12 afford him an easier means of committing it;

13 (7) the sentence is necessary to deter others from
14 committing the same crime;

15 (8) the defendant committed the offense against a
16 person 60 years of age or older or such person's property;

17 (9) the defendant committed the offense against a
18 person who has a physical disability or such person's
19 property;

20 (10) by reason of another individual's actual or
21 perceived race, color, creed, religion, ancestry, gender,
22 sexual orientation, physical or mental disability, or
23 national origin, the defendant committed the offense
24 against (i) the person or property of that individual;
25 (ii) the person or property of a person who has an
26 association with, is married to, or has a friendship with

1 the other individual; or (iii) the person or property of a
2 relative (by blood or marriage) of a person described in
3 clause (i) or (ii). For the purposes of this Section,
4 "sexual orientation" has the meaning ascribed to it in
5 paragraph (0-1) of Section 1-103 of the Illinois Human
6 Rights Act;

7 (11) the offense took place in a place of worship or on
8 the grounds of a place of worship, immediately prior to,
9 during or immediately following worship services. For
10 purposes of this subparagraph, "place of worship" shall
11 mean any church, synagogue or other building, structure or
12 place used primarily for religious worship;

13 (12) the defendant was convicted of a felony committed
14 while he was on pretrial release or his own recognizance
15 pending trial for a prior felony and was convicted of such
16 prior felony, or the defendant was convicted of a felony
17 committed while he was serving a period of probation,
18 conditional discharge, or mandatory supervised release
19 under subsection (d) of Section 5-8-1 for a prior felony;

20 (13) the defendant committed or attempted to commit a
21 felony while he was wearing a bulletproof vest. For the
22 purposes of this paragraph (13), a bulletproof vest is any
23 device which is designed for the purpose of protecting the
24 wearer from bullets, shot or other lethal projectiles;

25 (14) the defendant held a position of trust or
26 supervision such as, but not limited to, family member as

1 defined in Section 11-0.1 of the Criminal Code of 2012,
2 teacher, scout leader, baby sitter, or day care worker, in
3 relation to a victim under 18 years of age, and the
4 defendant committed an offense in violation of Section
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
6 11-14.4 except for an offense that involves keeping a
7 place of commercial sexual exploitation of a child
8 ~~juvenile prostitution~~, 11-15.1, 11-19.1, 11-19.2, 11-20.1,
9 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15 or 12-16
10 of the Criminal Code of 1961 or the Criminal Code of 2012
11 against that victim;

12 (15) the defendant committed an offense related to the
13 activities of an organized gang. For the purposes of this
14 factor, "organized gang" has the meaning ascribed to it in
15 Section 10 of the Streetgang Terrorism Omnibus Prevention
16 Act;

17 (16) the defendant committed an offense in violation
18 of one of the following Sections while in a school,
19 regardless of the time of day or time of year; on any
20 conveyance owned, leased, or contracted by a school to
21 transport students to or from school or a school related
22 activity; on the real property of a school; or on a public
23 way within 1,000 feet of the real property comprising any
24 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
25 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
26 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,

1 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
2 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
3 for subdivision (a)(4) or (g)(1), of the Criminal Code of
4 1961 or the Criminal Code of 2012;

5 (16.5) the defendant committed an offense in violation
6 of one of the following Sections while in a day care
7 center, regardless of the time of day or time of year; on
8 the real property of a day care center, regardless of the
9 time of day or time of year; or on a public way within
10 1,000 feet of the real property comprising any day care
11 center, regardless of the time of day or time of year:
12 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
13 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
14 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
15 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
16 18-2, or 33A-2, or Section 12-3.05 except for subdivision
17 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
18 Criminal Code of 2012;

19 (17) the defendant committed the offense by reason of
20 any person's activity as a community policing volunteer or
21 to prevent any person from engaging in activity as a
22 community policing volunteer. For the purpose of this
23 Section, "community policing volunteer" has the meaning
24 ascribed to it in Section 2-3.5 of the Criminal Code of
25 2012;

26 (18) the defendant committed the offense in a nursing

1 home or on the real property comprising a nursing home.
2 For the purposes of this paragraph (18), "nursing home"
3 means a skilled nursing or intermediate long term care
4 facility that is subject to license by the Illinois
5 Department of Public Health under the Nursing Home Care
6 Act, the Specialized Mental Health Rehabilitation Act of
7 2013, the ID/DD Community Care Act, or the MC/DD Act;

8 (19) the defendant was a federally licensed firearm
9 dealer and was previously convicted of a violation of
10 subsection (a) of Section 3 of the Firearm Owners
11 Identification Card Act and has now committed either a
12 felony violation of the Firearm Owners Identification Card
13 Act or an act of armed violence while armed with a firearm;

14 (20) the defendant (i) committed the offense of
15 reckless homicide under Section 9-3 of the Criminal Code
16 of 1961 or the Criminal Code of 2012 or the offense of
17 driving under the influence of alcohol, other drug or
18 drugs, intoxicating compound or compounds or any
19 combination thereof under Section 11-501 of the Illinois
20 Vehicle Code or a similar provision of a local ordinance
21 and (ii) was operating a motor vehicle in excess of 20
22 miles per hour over the posted speed limit as provided in
23 Article VI of Chapter 11 of the Illinois Vehicle Code;

24 (21) the defendant (i) committed the offense of
25 reckless driving or aggravated reckless driving under
26 Section 11-503 of the Illinois Vehicle Code and (ii) was

1 operating a motor vehicle in excess of 20 miles per hour
2 over the posted speed limit as provided in Article VI of
3 Chapter 11 of the Illinois Vehicle Code;

4 (22) the defendant committed the offense against a
5 person that the defendant knew, or reasonably should have
6 known, was a member of the Armed Forces of the United
7 States serving on active duty. For purposes of this clause
8 (22), the term "Armed Forces" means any of the Armed
9 Forces of the United States, including a member of any
10 reserve component thereof or National Guard unit called to
11 active duty;

12 (23) the defendant committed the offense against a
13 person who was elderly or infirm or who was a person with a
14 disability by taking advantage of a family or fiduciary
15 relationship with the elderly or infirm person or person
16 with a disability;

17 (24) the defendant committed any offense under Section
18 11-20.1 of the Criminal Code of 1961 or the Criminal Code
19 of 2012 and possessed 100 or more images;

20 (25) the defendant committed the offense while the
21 defendant or the victim was in a train, bus, or other
22 vehicle used for public transportation;

23 (26) the defendant committed the offense of child
24 pornography or aggravated child pornography, specifically
25 including paragraph (1), (2), (3), (4), (5), or (7) of
26 subsection (a) of Section 11-20.1 of the Criminal Code of

1 1961 or the Criminal Code of 2012 where a child engaged in,
2 solicited for, depicted in, or posed in any act of sexual
3 penetration or bound, fettered, or subject to sadistic,
4 masochistic, or sadomasochistic abuse in a sexual context
5 and specifically including paragraph (1), (2), (3), (4),
6 (5), or (7) of subsection (a) of Section 11-20.1B or
7 Section 11-20.3 of the Criminal Code of 1961 where a child
8 engaged in, solicited for, depicted in, or posed in any
9 act of sexual penetration or bound, fettered, or subject
10 to sadistic, masochistic, or sadomasochistic abuse in a
11 sexual context;

12 (27) the defendant committed the offense of first
13 degree murder, assault, aggravated assault, battery,
14 aggravated battery, robbery, armed robbery, or aggravated
15 robbery against a person who was a veteran and the
16 defendant knew, or reasonably should have known, that the
17 person was a veteran performing duties as a representative
18 of a veterans' organization. For the purposes of this
19 paragraph (27), "veteran" means an Illinois resident who
20 has served as a member of the United States Armed Forces, a
21 member of the Illinois National Guard, or a member of the
22 United States Reserve Forces; and "veterans' organization"
23 means an organization comprised of members of which
24 substantially all are individuals who are veterans or
25 spouses, widows, or widowers of veterans, the primary
26 purpose of which is to promote the welfare of its members

1 and to provide assistance to the general public in such a
2 way as to confer a public benefit;

3 (28) the defendant committed the offense of assault,
4 aggravated assault, battery, aggravated battery, robbery,
5 armed robbery, or aggravated robbery against a person that
6 the defendant knew or reasonably should have known was a
7 letter carrier or postal worker while that person was
8 performing his or her duties delivering mail for the
9 United States Postal Service;

10 (29) the defendant committed the offense of criminal
11 sexual assault, aggravated criminal sexual assault,
12 criminal sexual abuse, or aggravated criminal sexual abuse
13 against a victim with an intellectual disability, and the
14 defendant holds a position of trust, authority, or
15 supervision in relation to the victim;

16 (30) the defendant committed the offense of promoting
17 commercial sexual exploitation of a child ~~juvenile~~
18 ~~prostitution~~, patronizing a person engaged in the sex
19 trade prostitute, or patronizing a sexually exploited
20 child ~~minor engaged in prostitution~~ and at the time of the
21 commission of the offense knew that the person engaged in
22 the sex trade prostitute or sexually exploited child ~~minor~~
23 ~~engaged in prostitution~~ was in the custody or guardianship
24 of the Department of Children and Family Services;

25 (31) the defendant (i) committed the offense of
26 driving while under the influence of alcohol, other drug

1 or drugs, intoxicating compound or compounds or any
2 combination thereof in violation of Section 11-501 of the
3 Illinois Vehicle Code or a similar provision of a local
4 ordinance and (ii) the defendant during the commission of
5 the offense was driving his or her vehicle upon a roadway
6 designated for one-way traffic in the opposite direction
7 of the direction indicated by official traffic control
8 devices;

9 (32) the defendant committed the offense of reckless
10 homicide while committing a violation of Section 11-907 of
11 the Illinois Vehicle Code;

12 (33) the defendant was found guilty of an
13 administrative infraction related to an act or acts of
14 public indecency or sexual misconduct in the penal
15 institution. In this paragraph (33), "penal institution"
16 has the same meaning as in Section 2-14 of the Criminal
17 Code of 2012; or

18 (34) the defendant committed the offense of leaving
19 the scene of a crash in violation of subsection (b) of
20 Section 11-401 of the Illinois Vehicle Code and the crash
21 resulted in the death of a person and at the time of the
22 offense, the defendant was: (i) driving under the
23 influence of alcohol, other drug or drugs, intoxicating
24 compound or compounds or any combination thereof as
25 defined by Section 11-501 of the Illinois Vehicle Code; or
26 (ii) operating the motor vehicle while using an electronic

1 communication device as defined in Section 12-610.2 of the
2 Illinois Vehicle Code.

3 For the purposes of this Section:

4 "School" is defined as a public or private elementary or
5 secondary school, community college, college, or university.

6 "Day care center" means a public or private State
7 certified and licensed day care center as defined in Section
8 2.09 of the Child Care Act of 1969 that displays a sign in
9 plain view stating that the property is a day care center.

10 "Intellectual disability" means significantly subaverage
11 intellectual functioning which exists concurrently with
12 impairment in adaptive behavior.

13 "Public transportation" means the transportation or
14 conveyance of persons by means available to the general
15 public, and includes paratransit services.

16 "Traffic control devices" means all signs, signals,
17 markings, and devices that conform to the Illinois Manual on
18 Uniform Traffic Control Devices, placed or erected by
19 authority of a public body or official having jurisdiction,
20 for the purpose of regulating, warning, or guiding traffic.

21 (b) The following factors, related to all felonies, may be
22 considered by the court as reasons to impose an extended term
23 sentence under Section 5-8-2 upon any offender:

24 (1) When a defendant is convicted of any felony, after
25 having been previously convicted in Illinois or any other
26 jurisdiction of the same or similar class felony or

1 greater class felony, when such conviction has occurred
2 within 10 years after the previous conviction, excluding
3 time spent in custody, and such charges are separately
4 brought and tried and arise out of different series of
5 acts; or

6 (2) When a defendant is convicted of any felony and
7 the court finds that the offense was accompanied by
8 exceptionally brutal or heinous behavior indicative of
9 wanton cruelty; or

10 (3) When a defendant is convicted of any felony
11 committed against:

12 (i) a person under 12 years of age at the time of
13 the offense or such person's property;

14 (ii) a person 60 years of age or older at the time
15 of the offense or such person's property; or

16 (iii) a person who had a physical disability at
17 the time of the offense or such person's property; or

18 (4) When a defendant is convicted of any felony and
19 the offense involved any of the following types of
20 specific misconduct committed as part of a ceremony, rite,
21 initiation, observance, performance, practice or activity
22 of any actual or ostensible religious, fraternal, or
23 social group:

24 (i) the brutalizing or torturing of humans or
25 animals;

26 (ii) the theft of human corpses;

1 (iii) the kidnapping of humans;

2 (iv) the desecration of any cemetery, religious,
3 fraternal, business, governmental, educational, or
4 other building or property; or

5 (v) ritualized abuse of a child; or

6 (5) When a defendant is convicted of a felony other
7 than conspiracy and the court finds that the felony was
8 committed under an agreement with 2 or more other persons
9 to commit that offense and the defendant, with respect to
10 the other individuals, occupied a position of organizer,
11 supervisor, financier, or any other position of management
12 or leadership, and the court further finds that the felony
13 committed was related to or in furtherance of the criminal
14 activities of an organized gang or was motivated by the
15 defendant's leadership in an organized gang; or

16 (6) When a defendant is convicted of an offense
17 committed while using a firearm with a laser sight
18 attached to it. For purposes of this paragraph, "laser
19 sight" has the meaning ascribed to it in Section 26-7 of
20 the Criminal Code of 2012; or

21 (7) When a defendant who was at least 17 years of age
22 at the time of the commission of the offense is convicted
23 of a felony and has been previously adjudicated a
24 delinquent minor under the Juvenile Court Act of 1987 for
25 an act that if committed by an adult would be a Class X or
26 Class 1 felony when the conviction has occurred within 10

1 years after the previous adjudication, excluding time
2 spent in custody; or

3 (8) When a defendant commits any felony and the
4 defendant used, possessed, exercised control over, or
5 otherwise directed an animal to assault a law enforcement
6 officer engaged in the execution of his or her official
7 duties or in furtherance of the criminal activities of an
8 organized gang in which the defendant is engaged; or

9 (9) When a defendant commits any felony and the
10 defendant knowingly video or audio records the offense
11 with the intent to disseminate the recording.

12 (c) The following factors may be considered by the court
13 as reasons to impose an extended term sentence under Section
14 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
15 offenses:

16 (1) When a defendant is convicted of first degree
17 murder, after having been previously convicted in Illinois
18 of any offense listed under paragraph (c)(2) of Section
19 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
20 occurred within 10 years after the previous conviction,
21 excluding time spent in custody, and the charges are
22 separately brought and tried and arise out of different
23 series of acts.

24 (1.5) When a defendant is convicted of first degree
25 murder, after having been previously convicted of domestic
26 battery (720 ILCS 5/12-3.2) or aggravated domestic battery

1 (720 ILCS 5/12-3.3) committed on the same victim or after
2 having been previously convicted of violation of an order
3 of protection (720 ILCS 5/12-30) in which the same victim
4 was the protected person.

5 (2) When a defendant is convicted of voluntary
6 manslaughter, second degree murder, involuntary
7 manslaughter, or reckless homicide in which the defendant
8 has been convicted of causing the death of more than one
9 individual.

10 (3) When a defendant is convicted of aggravated
11 criminal sexual assault or criminal sexual assault, when
12 there is a finding that aggravated criminal sexual assault
13 or criminal sexual assault was also committed on the same
14 victim by one or more other individuals, and the defendant
15 voluntarily participated in the crime with the knowledge
16 of the participation of the others in the crime, and the
17 commission of the crime was part of a single course of
18 conduct during which there was no substantial change in
19 the nature of the criminal objective.

20 (4) If the victim was under 18 years of age at the time
21 of the commission of the offense, when a defendant is
22 convicted of aggravated criminal sexual assault or
23 predatory criminal sexual assault of a child under
24 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
25 of Section 12-14.1 of the Criminal Code of 1961 or the
26 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

1 (5) When a defendant is convicted of a felony
2 violation of Section 24-1 of the Criminal Code of 1961 or
3 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
4 finding that the defendant is a member of an organized
5 gang.

6 (6) When a defendant was convicted of unlawful use of
7 weapons under Section 24-1 of the Criminal Code of 1961 or
8 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
9 a weapon that is not readily distinguishable as one of the
10 weapons enumerated in Section 24-1 of the Criminal Code of
11 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

12 (7) When a defendant is convicted of an offense
13 involving the illegal manufacture of a controlled
14 substance under Section 401 of the Illinois Controlled
15 Substances Act (720 ILCS 570/401), the illegal manufacture
16 of methamphetamine under Section 25 of the Methamphetamine
17 Control and Community Protection Act (720 ILCS 646/25), or
18 the illegal possession of explosives and an emergency
19 response officer in the performance of his or her duties
20 is killed or injured at the scene of the offense while
21 responding to the emergency caused by the commission of
22 the offense. In this paragraph, "emergency" means a
23 situation in which a person's life, health, or safety is
24 in jeopardy; and "emergency response officer" means a
25 peace officer, community policing volunteer, fireman,
26 emergency medical technician-ambulance, emergency medical

1 technician-intermediate, emergency medical
2 technician-paramedic, ambulance driver, other medical
3 assistance or first aid personnel, or hospital emergency
4 room personnel.

5 (8) When the defendant is convicted of attempted mob
6 action, solicitation to commit mob action, or conspiracy
7 to commit mob action under Section 8-1, 8-2, or 8-4 of the
8 Criminal Code of 2012, where the criminal object is a
9 violation of Section 25-1 of the Criminal Code of 2012,
10 and an electronic communication is used in the commission
11 of the offense. For the purposes of this paragraph (8),
12 "electronic communication" shall have the meaning provided
13 in Section 26.5-0.1 of the Criminal Code of 2012.

14 (d) For the purposes of this Section, "organized gang" has
15 the meaning ascribed to it in Section 10 of the Illinois
16 Streetgang Terrorism Omnibus Prevention Act.

17 (e) The court may impose an extended term sentence under
18 Article 4.5 of Chapter V upon an offender who has been
19 convicted of a felony violation of Section 11-1.20, 11-1.30,
20 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
21 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
22 when the victim of the offense is under 18 years of age at the
23 time of the commission of the offense and, during the
24 commission of the offense, the victim was under the influence
25 of alcohol, regardless of whether or not the alcohol was
26 supplied by the offender; and the offender, at the time of the

1 commission of the offense, knew or should have known that the
2 victim had consumed alcohol.

3 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
4 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
5 8-20-21; 102-982, eff. 7-1-23.)

6 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

7 Sec. 5-6-3. Conditions of probation and of conditional
8 discharge.

9 (a) The conditions of probation and of conditional
10 discharge shall be that the person:

11 (1) not violate any criminal statute of any
12 jurisdiction;

13 (2) report to or appear in person before such person
14 or agency as directed by the court;

15 (3) refrain from possessing a firearm or other
16 dangerous weapon where the offense is a felony or, if a
17 misdemeanor, the offense involved the intentional or
18 knowing infliction of bodily harm or threat of bodily
19 harm;

20 (4) not leave the State without the consent of the
21 court or, in circumstances in which the reason for the
22 absence is of such an emergency nature that prior consent
23 by the court is not possible, without the prior
24 notification and approval of the person's probation
25 officer. Transfer of a person's probation or conditional

1 discharge supervision to another state is subject to
2 acceptance by the other state pursuant to the Interstate
3 Compact for Adult Offender Supervision;

4 (5) permit the probation officer to visit him at his
5 home or elsewhere to the extent necessary to discharge his
6 duties;

7 (6) perform no less than 30 hours of community service
8 and not more than 120 hours of community service, if
9 community service is available in the jurisdiction and is
10 funded and approved by the county board where the offense
11 was committed, where the offense was related to or in
12 furtherance of the criminal activities of an organized
13 gang and was motivated by the offender's membership in or
14 allegiance to an organized gang. The community service
15 shall include, but not be limited to, the cleanup and
16 repair of any damage caused by a violation of Section
17 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
18 2012 and similar damage to property located within the
19 municipality or county in which the violation occurred.
20 When possible and reasonable, the community service should
21 be performed in the offender's neighborhood. For purposes
22 of this Section, "organized gang" has the meaning ascribed
23 to it in Section 10 of the Illinois Streetgang Terrorism
24 Omnibus Prevention Act. The court may give credit toward
25 the fulfillment of community service hours for
26 participation in activities and treatment as determined by

1 court services;

2 (7) if he or she is at least 17 years of age and has
3 been sentenced to probation or conditional discharge for a
4 misdemeanor or felony in a county of 3,000,000 or more
5 inhabitants and has not been previously convicted of a
6 misdemeanor or felony, may be required by the sentencing
7 court to attend educational courses designed to prepare
8 the defendant for a high school diploma and to work toward
9 a high school diploma or to work toward passing high
10 school equivalency testing or to work toward completing a
11 vocational training program approved by the court. The
12 person on probation or conditional discharge must attend a
13 public institution of education to obtain the educational
14 or vocational training required by this paragraph (7). The
15 court shall revoke the probation or conditional discharge
16 of a person who willfully fails to comply with this
17 paragraph (7). The person on probation or conditional
18 discharge shall be required to pay for the cost of the
19 educational courses or high school equivalency testing if
20 a fee is charged for those courses or testing. The court
21 shall resentence the offender whose probation or
22 conditional discharge has been revoked as provided in
23 Section 5-6-4. This paragraph (7) does not apply to a
24 person who has a high school diploma or has successfully
25 passed high school equivalency testing. This paragraph (7)
26 does not apply to a person who is determined by the court

1 to be a person with a developmental disability or
2 otherwise mentally incapable of completing the educational
3 or vocational program;

4 (8) if convicted of possession of a substance
5 prohibited by the Cannabis Control Act, the Illinois
6 Controlled Substances Act, or the Methamphetamine Control
7 and Community Protection Act after a previous conviction
8 or disposition of supervision for possession of a
9 substance prohibited by the Cannabis Control Act or
10 Illinois Controlled Substances Act or after a sentence of
11 probation under Section 10 of the Cannabis Control Act,
12 Section 410 of the Illinois Controlled Substances Act, or
13 Section 70 of the Methamphetamine Control and Community
14 Protection Act and upon a finding by the court that the
15 person is addicted, undergo treatment at a substance abuse
16 program approved by the court;

17 (8.5) if convicted of a felony sex offense as defined
18 in the Sex Offender Management Board Act, the person shall
19 undergo and successfully complete sex offender treatment
20 by a treatment provider approved by the Board and
21 conducted in conformance with the standards developed
22 under the Sex Offender Management Board Act;

23 (8.6) if convicted of a sex offense as defined in the
24 Sex Offender Management Board Act, refrain from residing
25 at the same address or in the same condominium unit or
26 apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or
2 reasonably should know is a convicted sex offender or has
3 been placed on supervision for a sex offense; the
4 provisions of this paragraph do not apply to a person
5 convicted of a sex offense who is placed in a Department of
6 Corrections licensed transitional housing facility for sex
7 offenders;

8 (8.7) 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 (8.7),
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 (8.8) if convicted for an offense under Section 11-6,
25 11-9.1, 11-14.4 that involves soliciting for a sexually
26 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,

1 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
2 or the Criminal Code of 2012, or any attempt to commit any
3 of these offenses, committed on or after June 1, 2009 (the
4 effective date of Public Act 95-983):

5 (i) not access or use a computer or any other
6 device with Internet capability without the prior
7 written approval of the offender's probation officer,
8 except in connection with the offender's employment or
9 search for employment with the prior approval of the
10 offender's probation officer;

11 (ii) submit to periodic unannounced examinations
12 of the offender's computer or any other device with
13 Internet capability by the offender's probation
14 officer, a law enforcement officer, or assigned
15 computer or information technology specialist,
16 including the retrieval and copying of all data from
17 the computer or device and any internal or external
18 peripherals and removal of such information,
19 equipment, or device to conduct a more thorough
20 inspection;

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 offender's expense, of one or more hardware or
24 software systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the offender's probation officer;

3 (8.9) if convicted of a sex offense as defined in the
4 Sex Offender Registration Act committed on or after
5 January 1, 2010 (the effective date of Public Act 96-262),
6 refrain from accessing or using a social networking
7 website as defined in Section 17-0.5 of the Criminal Code
8 of 2012;

9 (9) if convicted of a felony or of any misdemeanor
10 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
11 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
12 2012 that was determined, pursuant to Section 112A-11.1 of
13 the Code of Criminal Procedure of 1963, to trigger the
14 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
15 at a time and place designated by the court, his or her
16 Firearm Owner's Identification Card and any and all
17 firearms in his or her possession. The Court shall return
18 to the Illinois State Police Firearm Owner's
19 Identification Card Office the person's Firearm Owner's
20 Identification Card;

21 (10) if convicted of a sex offense as defined in
22 subsection (a-5) of Section 3-1-2 of this Code, unless the
23 offender is a parent or guardian of the person under 18
24 years of age present in the home and no non-familial
25 minors are present, not participate in a holiday event
26 involving children under 18 years of age, such as

1 distributing candy or other items to children on
2 Halloween, wearing a Santa Claus costume on or preceding
3 Christmas, being employed as a department store Santa
4 Claus, or wearing an Easter Bunny costume on or preceding
5 Easter;

6 (11) if convicted of a sex offense as defined in
7 Section 2 of the Sex Offender Registration Act committed
8 on or after January 1, 2010 (the effective date of Public
9 Act 96-362) that requires the person to register as a sex
10 offender under that Act, may not knowingly use any
11 computer scrub software on any computer that the sex
12 offender uses;

13 (12) if convicted of a violation of the
14 Methamphetamine Control and Community Protection Act, the
15 Methamphetamine Precursor Control Act, or a
16 methamphetamine related offense:

17 (A) prohibited from purchasing, possessing, or
18 having under his or her control any product containing
19 pseudoephedrine unless prescribed by a physician; and

20 (B) prohibited from purchasing, possessing, or
21 having under his or her control any product containing
22 ammonium nitrate; and

23 (13) if convicted of a hate crime involving the
24 protected class identified in subsection (a) of Section
25 12-7.1 of the Criminal Code of 2012 that gave rise to the
26 offense the offender committed, perform public or

1 community service of no less than 200 hours and enroll in
2 an educational program discouraging hate crimes that
3 includes racial, ethnic, and cultural sensitivity training
4 ordered by the court.

5 (b) The Court may in addition to other reasonable
6 conditions relating to the nature of the offense or the
7 rehabilitation of the defendant as determined for each
8 defendant in the proper discretion of the Court require that
9 the person:

10 (1) serve a term of periodic imprisonment under
11 Article 7 for a period not to exceed that specified in
12 paragraph (d) of Section 5-7-1;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical, psychological or psychiatric
17 treatment; or treatment for drug addiction or alcoholism;

18 (5) attend or reside in a facility established for the
19 instruction or residence of defendants on probation;

20 (6) support his dependents;

21 (7) and in addition, if a minor:

22 (i) reside with his parents or in a foster home;

23 (ii) attend school;

24 (iii) attend a non-residential program for youth;

25 (iv) contribute to his own support at home or in a
26 foster home;

1 (v) with the consent of the superintendent of the
2 facility, attend an educational program at a facility
3 other than the school in which the offense was
4 committed if he or she is convicted of a crime of
5 violence as defined in Section 2 of the Crime Victims
6 Compensation Act committed in a school, on the real
7 property comprising a school, or within 1,000 feet of
8 the real property comprising a school;

9 (8) make restitution as provided in Section 5-5-6 of
10 this Code;

11 (9) perform some reasonable public or community
12 service;

13 (10) serve a term of home confinement. In addition to
14 any other applicable condition of probation or conditional
15 discharge, the conditions of home confinement shall be
16 that the offender:

17 (i) remain within the interior premises of the
18 place designated for his confinement during the hours
19 designated by the court;

20 (ii) admit any person or agent designated by the
21 court into the offender's place of confinement at any
22 time for purposes of verifying the offender's
23 compliance with the conditions of his confinement; and

24 (iii) if further deemed necessary by the court or
25 the Probation or Court Services Department, be placed
26 on an approved electronic monitoring device, subject

1 to Article 8A of Chapter V;

2 (iv) for persons convicted of any alcohol,
3 cannabis or controlled substance violation who are
4 placed on an approved monitoring device as a condition
5 of probation or conditional discharge, the court shall
6 impose a reasonable fee for each day of the use of the
7 device, as established by the county board in
8 subsection (g) of this Section, unless after
9 determining the inability of the offender to pay the
10 fee, the court assesses a lesser fee or no fee as the
11 case may be. This fee shall be imposed in addition to
12 the fees imposed under subsections (g) and (i) of this
13 Section. The fee shall be collected by the clerk of the
14 circuit court, except as provided in an administrative
15 order of the Chief Judge of the circuit court. The
16 clerk of the circuit court shall pay all monies
17 collected from this fee to the county treasurer for
18 deposit in the substance abuse services fund under
19 Section 5-1086.1 of the Counties Code, except as
20 provided in an administrative order of the Chief Judge
21 of the circuit court.

22 The Chief Judge of the circuit court of the county
23 may by administrative order establish a program for
24 electronic monitoring of offenders, in which a vendor
25 supplies and monitors the operation of the electronic
26 monitoring device, and collects the fees on behalf of

1 the county. The program shall include provisions for
2 indigent offenders and the collection of unpaid fees.
3 The program shall not unduly burden the offender and
4 shall be subject to review by the Chief Judge.

5 The Chief Judge of the circuit court may suspend
6 any additional charges or fees for late payment,
7 interest, or damage to any device; and

8 (v) for persons convicted of offenses other than
9 those referenced in clause (iv) above and who are
10 placed on an approved monitoring device as a condition
11 of probation or conditional discharge, the court shall
12 impose a reasonable fee for each day of the use of the
13 device, as established by the county board in
14 subsection (g) of this Section, unless after
15 determining the inability of the defendant to pay the
16 fee, the court assesses a lesser fee or no fee as the
17 case may be. This fee shall be imposed in addition to
18 the fees imposed under subsections (g) and (i) of this
19 Section. The fee shall be collected by the clerk of the
20 circuit court, except as provided in an administrative
21 order of the Chief Judge of the circuit court. The
22 clerk of the circuit court shall pay all monies
23 collected from this fee to the county treasurer who
24 shall use the monies collected to defray the costs of
25 corrections. The county treasurer shall deposit the
26 fee collected in the probation and court services

1 fund. The Chief Judge of the circuit court of the
2 county may by administrative order establish a program
3 for electronic monitoring of offenders, in which a
4 vendor supplies and monitors the operation of the
5 electronic monitoring device, and collects the fees on
6 behalf of the county. The program shall include
7 provisions for indigent offenders and the collection
8 of unpaid fees. The program shall not unduly burden
9 the offender and shall be subject to review by the
10 Chief Judge.

11 The Chief Judge of the circuit court may suspend
12 any additional charges or fees for late payment,
13 interest, or damage to any device.

14 (11) comply with the terms and conditions of an order
15 of protection issued by the court pursuant to the Illinois
16 Domestic Violence Act of 1986, as now or hereafter
17 amended, or an order of protection issued by the court of
18 another state, tribe, or United States territory. A copy
19 of the order of protection shall be transmitted to the
20 probation officer or agency having responsibility for the
21 case;

22 (12) reimburse any "local anti-crime program" as
23 defined in Section 7 of the Anti-Crime Advisory Council
24 Act for any reasonable expenses incurred by the program on
25 the offender's case, not to exceed the maximum amount of
26 the fine authorized for the offense for which the

1 defendant was sentenced;

2 (13) contribute a reasonable sum of money, not to
3 exceed the maximum amount of the fine authorized for the
4 offense for which the defendant was sentenced, (i) to a
5 "local anti-crime program", as defined in Section 7 of the
6 Anti-Crime Advisory Council Act, or (ii) for offenses
7 under the jurisdiction of the Department of Natural
8 Resources, to the fund established by the Department of
9 Natural Resources for the purchase of evidence for
10 investigation purposes and to conduct investigations as
11 outlined in Section 805-105 of the Department of Natural
12 Resources (Conservation) Law;

13 (14) refrain from entering into a designated
14 geographic area except upon such terms as the court finds
15 appropriate. Such terms may include consideration of the
16 purpose of the entry, the time of day, other persons
17 accompanying the defendant, and advance approval by a
18 probation officer, if the defendant has been placed on
19 probation or advance approval by the court, if the
20 defendant was placed on conditional discharge;

21 (15) refrain from having any contact, directly or
22 indirectly, with certain specified persons or particular
23 types of persons, including but not limited to members of
24 street gangs and drug users or dealers;

25 (16) refrain from having in his or her body the
26 presence of any illicit drug prohibited by the Cannabis

1 Control Act, the Illinois Controlled Substances Act, or
2 the Methamphetamine Control and Community Protection Act,
3 unless prescribed by a physician, and submit samples of
4 his or her blood or urine or both for tests to determine
5 the presence of any illicit drug;

6 (17) if convicted for an offense committed on or after
7 June 1, 2008 (the effective date of Public Act 95-464)
8 that would qualify the accused as a child sex offender as
9 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
10 of 1961 or the Criminal Code of 2012, refrain from
11 communicating with or contacting, by means of the
12 Internet, a person who is related to the accused and whom
13 the accused reasonably believes to be under 18 years of
14 age; for purposes of this paragraph (17), "Internet" has
15 the meaning ascribed to it in Section 16-0.1 of the
16 Criminal Code of 2012; and a person is related to the
17 accused if the person is: (i) the spouse, brother, or
18 sister of the accused; (ii) a descendant of the accused;
19 (iii) a first or second cousin of the accused; or (iv) a
20 step-child or adopted child of the accused;

21 (18) if convicted for an offense committed on or after
22 June 1, 2009 (the effective date of Public Act 95-983)
23 that would qualify as a sex offense as defined in the Sex
24 Offender Registration Act:

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the offender's probation officer,
2 except in connection with the offender's employment or
3 search for employment with the prior approval of the
4 offender's probation officer;

5 (ii) submit to periodic unannounced examinations
6 of the offender's computer or any other device with
7 Internet capability by the offender's probation
8 officer, a law enforcement officer, or assigned
9 computer or information technology specialist,
10 including the retrieval and copying of all data from
11 the computer or device and any internal or external
12 peripherals and removal of such information,
13 equipment, or device to conduct a more thorough
14 inspection;

15 (iii) submit to the installation on the offender's
16 computer or device with Internet capability, at the
17 subject's expense, of one or more hardware or software
18 systems to monitor the Internet use; and

19 (iv) submit to any other appropriate restrictions
20 concerning the offender's use of or access to a
21 computer or any other device with Internet capability
22 imposed by the offender's probation officer; and

23 (19) refrain from possessing a firearm or other
24 dangerous weapon where the offense is a misdemeanor that
25 did not involve the intentional or knowing infliction of
26 bodily harm or threat of bodily harm.

1 (c) The court may as a condition of probation or of
2 conditional discharge require that a person under 18 years of
3 age found guilty of any alcohol, cannabis or controlled
4 substance violation, refrain from acquiring a driver's license
5 during the period of probation or conditional discharge. If
6 such person is in possession of a permit or license, the court
7 may require that the minor refrain from driving or operating
8 any motor vehicle during the period of probation or
9 conditional discharge, except as may be necessary in the
10 course of the minor's lawful employment.

11 (d) An offender sentenced to probation or to conditional
12 discharge shall be given a certificate setting forth the
13 conditions thereof.

14 (e) Except where the offender has committed a fourth or
15 subsequent violation of subsection (c) of Section 6-303 of the
16 Illinois Vehicle Code, the court shall not require as a
17 condition of the sentence of probation or conditional
18 discharge that the offender be committed to a period of
19 imprisonment in excess of 6 months. This 6-month limit shall
20 not include periods of confinement given pursuant to a
21 sentence of county impact incarceration under Section 5-8-1.2.

22 Persons committed to imprisonment as a condition of
23 probation or conditional discharge shall not be committed to
24 the Department of Corrections.

25 (f) The court may combine a sentence of periodic
26 imprisonment under Article 7 or a sentence to a county impact

1 incarceration program under Article 8 with a sentence of
2 probation or conditional discharge.

3 (g) An offender sentenced to probation or to conditional
4 discharge and who during the term of either undergoes
5 mandatory drug or alcohol testing, or both, or is assigned to
6 be placed on an approved electronic monitoring device, shall
7 be ordered to pay all costs incidental to such mandatory drug
8 or alcohol testing, or both, and all costs incidental to such
9 approved electronic monitoring in accordance with the
10 defendant's ability to pay those costs. The county board with
11 the concurrence of the Chief Judge of the judicial circuit in
12 which the county is located shall establish reasonable fees
13 for the cost of maintenance, testing, and incidental expenses
14 related to the mandatory drug or alcohol testing, or both, and
15 all costs incidental to approved electronic monitoring,
16 involved in a successful probation program for the county. The
17 concurrence of the Chief Judge shall be in the form of an
18 administrative order. The fees shall be collected by the clerk
19 of the circuit court, except as provided in an administrative
20 order of the Chief Judge of the circuit court. The clerk of the
21 circuit court shall pay all moneys collected from these fees
22 to the county treasurer who shall use the moneys collected to
23 defray the costs of drug testing, alcohol testing, and
24 electronic monitoring. The county treasurer shall deposit the
25 fees collected in the county working cash fund under Section
26 6-27001 or Section 6-29002 of the Counties Code, as the case

1 may be. The Chief Judge of the circuit court of the county may
2 by administrative order establish a program for electronic
3 monitoring of offenders, in which a vendor supplies and
4 monitors the operation of the electronic monitoring device,
5 and collects the fees on behalf of the county. The program
6 shall include provisions for indigent offenders and the
7 collection of unpaid fees. The program shall not unduly burden
8 the offender and shall be subject to review by the Chief Judge.

9 The Chief Judge of the circuit court may suspend any
10 additional charges or fees for late payment, interest, or
11 damage to any device.

12 (h) Jurisdiction over an offender may be transferred from
13 the sentencing court to the court of another circuit with the
14 concurrence of both courts. Further transfers or retransfers
15 of jurisdiction are also authorized in the same manner. The
16 court to which jurisdiction has been transferred shall have
17 the same powers as the sentencing court. The probation
18 department within the circuit to which jurisdiction has been
19 transferred, or which has agreed to provide supervision, may
20 impose probation fees upon receiving the transferred offender,
21 as provided in subsection (i). For all transfer cases, as
22 defined in Section 9b of the Probation and Probation Officers
23 Act, the probation department from the original sentencing
24 court shall retain all probation fees collected prior to the
25 transfer. After the transfer, all probation fees shall be paid
26 to the probation department within the circuit to which

1 jurisdiction has been transferred.

2 (i) The court shall impose upon an offender sentenced to
3 probation after January 1, 1989 or to conditional discharge
4 after January 1, 1992 or to community service under the
5 supervision of a probation or court services department after
6 January 1, 2004, as a condition of such probation or
7 conditional discharge or supervised community service, a fee
8 of \$50 for each month of probation or conditional discharge
9 supervision or supervised community service ordered by the
10 court, unless after determining the inability of the person
11 sentenced to probation or conditional discharge or supervised
12 community service to pay the fee, the court assesses a lesser
13 fee. The court may not impose the fee on a minor who is placed
14 in the guardianship or custody of the Department of Children
15 and Family Services under the Juvenile Court Act of 1987 while
16 the minor is in placement. The fee shall be imposed only upon
17 an offender who is actively supervised by the probation and
18 court services department. The fee shall be collected by the
19 clerk of the circuit court. The clerk of the circuit court
20 shall pay all monies collected from this fee to the county
21 treasurer for deposit in the probation and court services fund
22 under Section 15.1 of the Probation and Probation Officers
23 Act.

24 A circuit court may not impose a probation fee under this
25 subsection (i) in excess of \$25 per month unless the circuit
26 court has adopted, by administrative order issued by the chief

1 judge, a standard probation fee guide determining an
2 offender's ability to pay. Of the amount collected as a
3 probation fee, up to \$5 of that fee collected per month may be
4 used to provide services to crime victims and their families.

5 The Court may only waive probation fees based on an
6 offender's ability to pay. The probation department may
7 re-evaluate an offender's ability to pay every 6 months, and,
8 with the approval of the Director of Court Services or the
9 Chief Probation Officer, adjust the monthly fee amount. An
10 offender may elect to pay probation fees due in a lump sum. Any
11 offender that has been assigned to the supervision of a
12 probation department, or has been transferred either under
13 subsection (h) of this Section or under any interstate
14 compact, shall be required to pay probation fees to the
15 department supervising the offender, based on the offender's
16 ability to pay.

17 Public Act 93-970 deletes the \$10 increase in the fee
18 under this subsection that was imposed by Public Act 93-616.
19 This deletion is intended to control over any other Act of the
20 93rd General Assembly that retains or incorporates that fee
21 increase.

22 (i-5) In addition to the fees imposed under subsection (i)
23 of this Section, in the case of an offender convicted of a
24 felony sex offense (as defined in the Sex Offender Management
25 Board Act) or an offense that the court or probation
26 department has determined to be sexually motivated (as defined

1 in the Sex Offender Management Board Act), the court or the
2 probation department shall assess additional fees to pay for
3 all costs of treatment, assessment, evaluation for risk and
4 treatment, and monitoring the offender, based on that
5 offender's ability to pay those costs either as they occur or
6 under a payment plan.

7 (j) All fines and costs imposed under this Section for any
8 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
9 Code, or a similar provision of a local ordinance, and any
10 violation of the Child Passenger Protection Act, or a similar
11 provision of a local ordinance, shall be collected and
12 disbursed by the circuit clerk as provided under the Criminal
13 and Traffic Assessment Act.

14 (k) Any offender who is sentenced to probation or
15 conditional discharge for a felony sex offense as defined in
16 the Sex Offender Management Board Act or any offense that the
17 court or probation department has determined to be sexually
18 motivated as defined in the Sex Offender Management Board Act
19 shall be required to refrain from any contact, directly or
20 indirectly, with any persons specified by the court and shall
21 be available for all evaluations and treatment programs
22 required by the court or the probation department.

23 (l) The court may order an offender who is sentenced to
24 probation or conditional discharge for a violation of an order
25 of protection be placed under electronic surveillance as
26 provided in Section 5-8A-7 of this Code.

1 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

2 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

3 Sec. 5-6-3.1. Incidents and conditions of supervision.

4 (a) When a defendant is placed on supervision, the court
5 shall enter an order for supervision specifying the period of
6 such supervision, and shall defer further proceedings in the
7 case until the conclusion of the period.

8 (b) The period of supervision shall be reasonable under
9 all of the circumstances of the case, but may not be longer
10 than 2 years, unless the defendant has failed to pay the
11 assessment required by Section 10.3 of the Cannabis Control
12 Act, Section 411.2 of the Illinois Controlled Substances Act,
13 or Section 80 of the Methamphetamine Control and Community
14 Protection Act, in which case the court may extend supervision
15 beyond 2 years. Additionally, the court shall order the
16 defendant to perform no less than 30 hours of community
17 service and not more than 120 hours of community service, if
18 community service is available in the jurisdiction and is
19 funded and approved by the county board where the offense was
20 committed, when the offense (1) was related to or in
21 furtherance of the criminal activities of an organized gang or
22 was motivated by the defendant's membership in or allegiance
23 to an organized gang; or (2) is a violation of any Section of
24 Article 24 of the Criminal Code of 1961 or the Criminal Code of
25 2012 where a disposition of supervision is not prohibited by

1 Section 5-6-1 of this Code. The community service shall
2 include, but not be limited to, the cleanup and repair of any
3 damage caused by violation of Section 21-1.3 of the Criminal
4 Code of 1961 or the Criminal Code of 2012 and similar damages
5 to property located within the municipality or county in which
6 the violation occurred. Where possible and reasonable, the
7 community service should be performed in the offender's
8 neighborhood.

9 For the purposes of this Section, "organized gang" has the
10 meaning ascribed to it in Section 10 of the Illinois
11 Streetgang Terrorism Omnibus Prevention Act.

12 (c) The court may in addition to other reasonable
13 conditions relating to the nature of the offense or the
14 rehabilitation of the defendant as determined for each
15 defendant in the proper discretion of the court require that
16 the person:

17 (1) make a report to and appear in person before or
18 participate with the court or such courts, person, or
19 social service agency as directed by the court in the
20 order of supervision;

21 (2) pay a fine and costs;

22 (3) work or pursue a course of study or vocational
23 training;

24 (4) undergo medical, psychological or psychiatric
25 treatment; or treatment for drug addiction or alcoholism;

26 (5) attend or reside in a facility established for the

- 1 instruction or residence of defendants on probation;
- 2 (6) support his dependents;
- 3 (7) refrain from possessing a firearm or other
4 dangerous weapon;
- 5 (8) and in addition, if a minor:
- 6 (i) reside with his parents or in a foster home;
- 7 (ii) attend school;
- 8 (iii) attend a non-residential program for youth;
- 9 (iv) contribute to his own support at home or in a
10 foster home; or
- 11 (v) with the consent of the superintendent of the
12 facility, attend an educational program at a facility
13 other than the school in which the offense was
14 committed if he or she is placed on supervision for a
15 crime of violence as defined in Section 2 of the Crime
16 Victims Compensation Act committed in a school, on the
17 real property comprising a school, or within 1,000
18 feet of the real property comprising a school;
- 19 (9) make restitution or reparation in an amount not to
20 exceed actual loss or damage to property and pecuniary
21 loss or make restitution under Section 5-5-6 to a domestic
22 violence shelter. The court shall determine the amount and
23 conditions of payment;
- 24 (10) perform some reasonable public or community
25 service;
- 26 (11) comply with the terms and conditions of an order

1 of protection issued by the court pursuant to the Illinois
2 Domestic Violence Act of 1986 or an order of protection
3 issued by the court of another state, tribe, or United
4 States territory. If the court has ordered the defendant
5 to make a report and appear in person under paragraph (1)
6 of this subsection, a copy of the order of protection
7 shall be transmitted to the person or agency so designated
8 by the court;

9 (12) reimburse any "local anti-crime program" as
10 defined in Section 7 of the Anti-Crime Advisory Council
11 Act for any reasonable expenses incurred by the program on
12 the offender's case, not to exceed the maximum amount of
13 the fine authorized for the offense for which the
14 defendant was sentenced;

15 (13) contribute a reasonable sum of money, not to
16 exceed the maximum amount of the fine authorized for the
17 offense for which the defendant was sentenced, (i) to a
18 "local anti-crime program", as defined in Section 7 of the
19 Anti-Crime Advisory Council Act, or (ii) for offenses
20 under the jurisdiction of the Department of Natural
21 Resources, to the fund established by the Department of
22 Natural Resources for the purchase of evidence for
23 investigation purposes and to conduct investigations as
24 outlined in Section 805-105 of the Department of Natural
25 Resources (Conservation) Law;

26 (14) refrain from entering into a designated

1 geographic area except upon such terms as the court finds
2 appropriate. Such terms may include consideration of the
3 purpose of the entry, the time of day, other persons
4 accompanying the defendant, and advance approval by a
5 probation officer;

6 (15) refrain from having any contact, directly or
7 indirectly, with certain specified persons or particular
8 types of person, 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) refrain from operating any motor vehicle not
18 equipped with an ignition interlock device as defined in
19 Section 1-129.1 of the Illinois Vehicle Code; under this
20 condition the court may allow a defendant who is not
21 self-employed to operate a vehicle owned by the
22 defendant's employer that is not equipped with an ignition
23 interlock device in the course and scope of the
24 defendant's employment; and

25 (18) if placed on supervision for a sex offense as
26 defined in subsection (a-5) of Section 3-1-2 of this Code,

1 unless the offender is a parent or guardian of the person
2 under 18 years of age present in the home and no
3 non-familial minors are present, not participate in a
4 holiday event involving children under 18 years of age,
5 such as distributing candy or other items to children on
6 Halloween, wearing a Santa Claus costume on or preceding
7 Christmas, being employed as a department store Santa
8 Claus, or wearing an Easter Bunny costume on or preceding
9 Easter.

10 (c-5) If payment of restitution as ordered has not been
11 made, the victim shall file a petition notifying the
12 sentencing court, any other person to whom restitution is
13 owed, and the State's Attorney of the status of the ordered
14 restitution payments unpaid at least 90 days before the
15 supervision expiration date. If payment as ordered has not
16 been made, the court shall hold a review hearing prior to the
17 expiration date, unless the hearing is voluntarily waived by
18 the defendant with the knowledge that waiver may result in an
19 extension of the supervision period or in a revocation of
20 supervision. If the court does not extend supervision, it
21 shall issue a judgment for the unpaid restitution and direct
22 the clerk of the circuit court to file and enter the judgment
23 in the judgment and lien docket, without fee, unless it finds
24 that the victim has recovered a judgment against the defendant
25 for the amount covered by the restitution order. If the court
26 issues a judgment for the unpaid restitution, the court shall

1 send to the defendant at his or her last known address written
2 notification that a civil judgment has been issued for the
3 unpaid restitution.

4 (d) The court shall defer entering any judgment on the
5 charges until the conclusion of the supervision.

6 (e) At the conclusion of the period of supervision, if the
7 court determines that the defendant has successfully complied
8 with all of the conditions of supervision, the court shall
9 discharge the defendant and enter a judgment dismissing the
10 charges.

11 (f) Discharge and dismissal upon a successful conclusion
12 of a disposition of supervision shall be deemed without
13 adjudication of guilt and shall not be termed a conviction for
14 purposes of disqualification or disabilities imposed by law
15 upon conviction of a crime. Two years after the discharge and
16 dismissal under this Section, unless the disposition of
17 supervision was for a violation of Sections 3-707, 3-708,
18 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
19 similar provision of a local ordinance, or for a violation of
20 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
21 or the Criminal Code of 2012, in which case it shall be 5 years
22 after discharge and dismissal, a person may have his record of
23 arrest sealed or expunged as may be provided by law. However,
24 any defendant placed on supervision before January 1, 1980,
25 may move for sealing or expungement of his arrest record, as
26 provided by law, at any time after discharge and dismissal

1 under this Section. A person placed on supervision for a
2 sexual offense committed against a minor as defined in clause
3 (a)(1)(L) of Section 5.2 of the Criminal Identification Act or
4 for a violation of Section 11-501 of the Illinois Vehicle Code
5 or a similar provision of a local ordinance shall not have his
6 or her record of arrest sealed or expunged.

7 (g) A defendant placed on supervision and who during the
8 period of supervision undergoes mandatory drug or alcohol
9 testing, or both, or is assigned to be placed on an approved
10 electronic monitoring device, shall be ordered to pay the
11 costs incidental to such mandatory drug or alcohol testing, or
12 both, and costs incidental to such approved electronic
13 monitoring in accordance with the defendant's ability to pay
14 those costs. The county board with the concurrence of the
15 Chief Judge of the judicial circuit in which the county is
16 located shall establish reasonable fees for the cost of
17 maintenance, testing, and incidental expenses related to the
18 mandatory drug or alcohol testing, or both, and all costs
19 incidental to approved electronic monitoring, of all
20 defendants placed on supervision. The concurrence of the Chief
21 Judge shall be in the form of an administrative order. The fees
22 shall be collected by the clerk of the circuit court, except as
23 provided in an administrative order of the Chief Judge of the
24 circuit court. The clerk of the circuit court shall pay all
25 moneys collected from these fees to the county treasurer who
26 shall use the moneys collected to defray the costs of drug

1 testing, alcohol testing, and electronic monitoring. The
2 county treasurer shall deposit the fees collected in the
3 county working cash fund under Section 6-27001 or Section
4 6-29002 of the Counties Code, as the case may be.

5 The Chief Judge of the circuit court of the county may by
6 administrative order establish a program for electronic
7 monitoring of offenders, in which a vendor supplies and
8 monitors the operation of the electronic monitoring device,
9 and collects the fees on behalf of the county. The program
10 shall include provisions for indigent offenders and the
11 collection of unpaid fees. The program shall not unduly burden
12 the offender and shall be subject to review by the Chief Judge.

13 The Chief Judge of the circuit court may suspend any
14 additional charges or fees for late payment, interest, or
15 damage to any device.

16 (h) A disposition of supervision is a final order for the
17 purposes of appeal.

18 (i) The court shall impose upon a defendant placed on
19 supervision after January 1, 1992 or to community service
20 under the supervision of a probation or court services
21 department after January 1, 2004, as a condition of
22 supervision or supervised community service, a fee of \$50 for
23 each month of supervision or supervised community service
24 ordered by the court, unless after determining the inability
25 of the person placed on supervision or supervised community
26 service to pay the fee, the court assesses a lesser fee. The

1 court may not impose the fee on a minor who is placed in the
2 guardianship or custody of the Department of Children and
3 Family Services under the Juvenile Court Act of 1987 while the
4 minor is in placement. The fee shall be imposed only upon a
5 defendant who is actively supervised by the probation and
6 court services department. The fee shall be collected by the
7 clerk of the circuit court. The clerk of the circuit court
8 shall pay all monies collected from this fee to the county
9 treasurer for deposit in the probation and court services fund
10 pursuant to Section 15.1 of the Probation and Probation
11 Officers Act.

12 A circuit court may not impose a probation fee in excess of
13 \$25 per month unless the circuit court has adopted, by
14 administrative order issued by the chief judge, a standard
15 probation fee guide determining an offender's ability to pay.
16 Of the amount collected as a probation fee, not to exceed \$5 of
17 that fee collected per month may be used to provide services to
18 crime victims and their families.

19 The Court may only waive probation fees based on an
20 offender's ability to pay. The probation department may
21 re-evaluate an offender's ability to pay every 6 months, and,
22 with the approval of the Director of Court Services or the
23 Chief Probation Officer, adjust the monthly fee amount. An
24 offender may elect to pay probation fees due in a lump sum. Any
25 offender that has been assigned to the supervision of a
26 probation department, or has been transferred either under

1 subsection (h) of this Section or under any interstate
2 compact, shall be required to pay probation fees to the
3 department supervising the offender, based on the offender's
4 ability to pay.

5 (j) All fines and costs imposed under this Section for any
6 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
7 Code, or a similar provision of a local ordinance, and any
8 violation of the Child Passenger Protection Act, or a similar
9 provision of a local ordinance, shall be collected and
10 disbursed by the circuit clerk as provided under the Criminal
11 and Traffic Assessment Act.

12 (k) A defendant at least 17 years of age who is placed on
13 supervision for a misdemeanor in a county of 3,000,000 or more
14 inhabitants and who has not been previously convicted of a
15 misdemeanor or felony may as a condition of his or her
16 supervision be required by the court to attend educational
17 courses designed to prepare the defendant for a high school
18 diploma and to work toward a high school diploma or to work
19 toward passing high school equivalency testing or to work
20 toward completing a vocational training program approved by
21 the court. The defendant placed on supervision must attend a
22 public institution of education to obtain the educational or
23 vocational training required by this subsection (k). The
24 defendant placed on supervision shall be required to pay for
25 the cost of the educational courses or high school equivalency
26 testing if a fee is charged for those courses or testing. The

1 court shall revoke the supervision of a person who wilfully
2 fails to comply with this subsection (k). The court shall
3 resentence the defendant upon revocation of supervision as
4 provided in Section 5-6-4. This subsection (k) does not apply
5 to a defendant who has a high school diploma or has
6 successfully passed high school equivalency testing. This
7 subsection (k) does not apply to a defendant who is determined
8 by the court to be a person with a developmental disability or
9 otherwise mentally incapable of completing the educational or
10 vocational program.

11 (l) The court shall require a defendant placed on
12 supervision for possession of a substance prohibited by the
13 Cannabis Control Act, the Illinois Controlled Substances Act,
14 or the Methamphetamine Control and Community Protection Act
15 after a previous conviction or disposition of supervision for
16 possession of a substance prohibited by the Cannabis Control
17 Act, the Illinois Controlled Substances Act, or the
18 Methamphetamine Control and Community Protection Act or a
19 sentence of probation under Section 10 of the Cannabis Control
20 Act or Section 410 of the Illinois Controlled Substances Act
21 and after a finding by the court that the person is addicted,
22 to undergo treatment at a substance abuse program approved by
23 the court.

24 (m) The Secretary of State shall require anyone placed on
25 court supervision for a violation of Section 3-707 of the
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance to give proof of his or her financial responsibility
2 as defined in Section 7-315 of the Illinois Vehicle Code. The
3 proof shall be maintained by the individual in a manner
4 satisfactory to the Secretary of State for a minimum period of
5 3 years after the date the proof is first filed. The proof
6 shall be limited to a single action per arrest and may not be
7 affected by any post-sentence disposition. The Secretary of
8 State shall suspend the driver's license of any person
9 determined by the Secretary to be in violation of this
10 subsection. This subsection does not apply to a person who, at
11 the time of the offense, was operating a motor vehicle
12 registered in a state other than Illinois.

13 (n) Any offender placed on supervision for any offense
14 that the court or probation department has determined to be
15 sexually motivated as defined in the Sex Offender Management
16 Board Act shall be required to refrain from any contact,
17 directly or indirectly, with any persons specified by the
18 court and shall be available for all evaluations and treatment
19 programs required by the court or the probation department.

20 (o) An offender placed on supervision for a sex offense as
21 defined in the Sex Offender Management Board Act shall refrain
22 from residing at the same address or in the same condominium
23 unit or apartment unit or in the same condominium complex or
24 apartment complex with another person he or she knows or
25 reasonably should know is a convicted sex offender or has been
26 placed on supervision for a sex offense. The provisions of

1 this subsection (o) do not apply to a person convicted of a sex
2 offense who is placed in a Department of Corrections licensed
3 transitional housing facility for sex offenders.

4 (p) 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
9 refrain from communicating with or contacting, by means of the
10 Internet, a person who is not related to the accused and whom
11 the accused reasonably believes to be under 18 years of age.
12 For purposes of this subsection (p), "Internet" has the
13 meaning ascribed to it in Section 16-0.1 of the Criminal Code
14 of 2012; and a person is not related to the accused if the
15 person is not: (i) the spouse, brother, or sister of the
16 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 (q) An offender placed on supervision for an offense
20 committed on or after June 1, 2008 (the effective date of
21 Public Act 95-464) that would qualify the accused as a child
22 sex 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 shall, if so
24 ordered by the court, refrain from communicating with or
25 contacting, by means of the Internet, a person who is related
26 to the accused and whom the accused reasonably believes to be

1 under 18 years of age. For purposes of this subsection (q),
2 "Internet" has the meaning ascribed to it in Section 16-0.1 of
3 the Criminal Code of 2012; and a person is related to the
4 accused if the person is: (i) the spouse, brother, or sister of
5 the accused; (ii) a descendant of the accused; (iii) a first or
6 second cousin of the accused; or (iv) a step-child or adopted
7 child of the accused.

8 (r) An offender placed on supervision for an offense under
9 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
10 sexually exploited child ~~juvenile prostitute~~, 11-15.1,
11 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of
12 1961 or the Criminal Code of 2012, or any attempt to commit any
13 of these offenses, committed on or after June 1, 2009 (the
14 effective date of Public Act 95-983) shall:

15 (i) not access or use a computer or any other device
16 with Internet capability without the prior written
17 approval of the court, except in connection with the
18 offender's employment or search for employment with the
19 prior approval of the court;

20 (ii) submit to periodic unannounced examinations of
21 the offender's computer or any other device with Internet
22 capability by the offender's probation officer, a law
23 enforcement officer, or assigned computer or information
24 technology specialist, including the retrieval and copying
25 of all data from the computer or device and any internal or
26 external peripherals and removal of such information,

1 equipment, or device to conduct a more thorough
2 inspection;

3 (iii) submit to the installation on the offender's
4 computer or device with Internet capability, at the
5 offender's expense, of one or more hardware or software
6 systems to monitor the Internet use; and

7 (iv) submit to any other appropriate restrictions
8 concerning the offender's use of or access to a computer
9 or any other device with Internet capability imposed by
10 the court.

11 (s) An offender placed on supervision for an offense that
12 is a sex offense as defined in Section 2 of the Sex Offender
13 Registration Act that is committed on or after January 1, 2010
14 (the effective date of Public Act 96-362) that requires the
15 person to register as a sex offender under that Act, may not
16 knowingly use any computer scrub software on any computer that
17 the sex offender uses.

18 (t) An offender placed on supervision for a sex offense as
19 defined in the Sex Offender Registration Act committed on or
20 after January 1, 2010 (the effective date of Public Act
21 96-262) shall refrain from accessing or using a social
22 networking website as defined in Section 17-0.5 of the
23 Criminal Code of 2012.

24 (u) Jurisdiction over an offender may be transferred from
25 the sentencing court to the court of another circuit with the
26 concurrence of both courts. Further transfers or retransfers

1 of jurisdiction are also authorized in the same manner. The
2 court to which jurisdiction has been transferred shall have
3 the same powers as the sentencing court. The probation
4 department within the circuit to which jurisdiction has been
5 transferred may impose probation fees upon receiving the
6 transferred offender, as provided in subsection (i). The
7 probation department from the original sentencing court shall
8 retain all probation fees collected prior to the transfer.

9 (Source: P.A. 102-299, eff. 8-6-21.)

10 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

11 Sec. 5-9-1.7. Sexual assault fines.

12 (a) Definitions. The terms used in this Section shall have
13 the following meanings ascribed to them:

14 (1) "Sexual assault" means the commission or attempted
15 commission of the following: sexual exploitation of a
16 child, criminal sexual assault, predatory criminal sexual
17 assault of a child, aggravated criminal sexual assault,
18 criminal sexual abuse, aggravated criminal sexual abuse,
19 indecent solicitation of a child, public indecency, sexual
20 relations within families, promoting commercial sexual
21 exploitation of a child ~~juvenile prostitution~~, soliciting
22 for a sexually exploited child ~~juvenile prostitute~~,
23 keeping a place of commercial sexual exploitation of a
24 child ~~juvenile prostitution~~, patronizing a sexually
25 exploited child ~~juvenile prostitute~~, juvenile pimping,

1 exploitation of a child, obscenity, child pornography,
2 aggravated child pornography, harmful material, or
3 ritualized abuse of a child, as those offenses are defined
4 in the Criminal Code of 1961 or the Criminal Code of 2012.

5 (2) (Blank).

6 (3) "Sexual assault organization" means any
7 not-for-profit organization providing comprehensive,
8 community-based services to victims of sexual assault.
9 "Community-based services" include, but are not limited
10 to, direct crisis intervention through a 24-hour response,
11 medical and legal advocacy, counseling, information and
12 referral services, training, and community education.

13 (b) (Blank).

14 (c) Sexual Assault Services Fund; administration. There is
15 created a Sexual Assault Services Fund. Moneys deposited into
16 the Fund under Section 15-20 and 15-40 of the Criminal and
17 Traffic Assessment Act shall be appropriated to the Department
18 of Public Health. Upon appropriation of moneys from the Sexual
19 Assault Services Fund, the Department of Public Health shall
20 make grants of these moneys from the Fund to sexual assault
21 organizations with whom the Department has contracts for the
22 purpose of providing community-based services to victims of
23 sexual assault. Grants made under this Section are in addition
24 to, and are not substitutes for, other grants authorized and
25 made by the Department.

26 (Source: P.A. 100-987, eff. 7-1-19.)

1 Section 160. The Sex Offender Registration Act is amended
2 by changing Section 2 as follows:

3 (730 ILCS 150/2) (from Ch. 38, par. 222)

4 Sec. 2. Definitions.

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

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

12 (a) is convicted of such offense or an attempt to
13 commit such offense; or

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

16 (c) is found not guilty by reason of insanity
17 pursuant to Section 104-25(c) of the Code of Criminal
18 Procedure of 1963 of such offense or an attempt to
19 commit such offense; or

20 (d) is the subject of a finding not resulting in an
21 acquittal at a hearing conducted pursuant to Section
22 104-25(a) of the Code of Criminal Procedure of 1963
23 for the alleged commission or attempted commission of
24 such offense; or

1 (e) is found not guilty by reason of insanity
2 following a hearing conducted pursuant to a federal,
3 Uniform Code of Military Justice, sister state, or
4 foreign country law substantially similar to Section
5 104-25(c) of the Code of Criminal Procedure of 1963 of
6 such offense or of the attempted commission of such
7 offense; or

8 (f) is the subject of a finding not resulting in an
9 acquittal at a hearing conducted pursuant to a
10 federal, Uniform Code of Military Justice, sister
11 state, or foreign country law substantially similar to
12 Section 104-25(a) of the Code of Criminal Procedure of
13 1963 for the alleged violation or attempted commission
14 of such offense; or

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

19 (3) subject to the provisions of Section 2 of the
20 Interstate Agreements on Sexually Dangerous Persons Act;
21 or

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

26 (5) adjudicated a juvenile delinquent as the result of

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

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

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

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

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

23 11-20.1 (child pornography),

24 11-20.1B or 11-20.3 (aggravated child
25 pornography),

26 11-6 (indecent solicitation of a child),

1 11-9.1 (sexual exploitation of a child),
2 11-9.2 (custodial sexual misconduct),
3 11-9.5 (sexual misconduct with a person with a
4 disability),
5 11-14.4 (promoting commercial sexual exploitation
6 of a child ~~juvenile prostitution~~),
7 11-15.1 (soliciting for a sexually exploited child
8 ~~juvenile prostitute~~),
9 11-18.1 (patronizing a sexually exploited child
10 ~~juvenile prostitute~~),
11 11-17.1 (keeping a place of commercial sexual
12 exploitation of a child ~~juvenile prostitution~~),
13 11-19.1 (juvenile pimping),
14 11-19.2 (exploitation of a child),
15 11-25 (grooming),
16 11-26 (traveling to meet a minor or traveling to
17 meet a child),
18 11-1.20 or 12-13 (criminal sexual assault),
19 11-1.30 or 12-14 (aggravated criminal sexual
20 assault),
21 11-1.40 or 12-14.1 (predatory criminal sexual
22 assault of a child),
23 11-1.50 or 12-15 (criminal sexual abuse),
24 11-1.60 or 12-16 (aggravated criminal sexual
25 abuse),
26 12-33 (ritualized abuse of a child).

1 An attempt to commit any of these offenses.

2 (1.5) A violation of any of the following Sections of
3 the Criminal Code of 1961 or the Criminal Code of 2012,
4 when the victim is a person under 18 years of age, the
5 defendant is not a parent of the victim, the offense was
6 sexually motivated as defined in Section 10 of the Sex
7 Offender Evaluation and Treatment Act, and the offense was
8 committed on or after January 1, 1996:

9 10-1 (kidnapping),

10 10-2 (aggravated kidnapping),

11 10-3 (unlawful restraint),

12 10-3.1 (aggravated unlawful restraint).

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

18 (1.6) First degree murder under Section 9-1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012,
20 provided the offense was sexually motivated as defined in
21 Section 10 of the Sex Offender Management Board Act.

22 (1.7) (Blank).

23 (1.8) A violation or attempted violation of Section
24 11-11 (sexual relations within families) of the Criminal
25 Code of 1961 or the Criminal Code of 2012, and the offense
26 was committed on or after June 1, 1997. If the offense was

1 committed before June 1, 1997, it is a sex offense
2 requiring registration only when the person is convicted
3 of any felony after July 1, 2011, and paragraph (2.1) of
4 subsection (c) of Section 3 of this Act applies.

5 (1.9) Child abduction under paragraph (10) of
6 subsection (b) of Section 10-5 of the Criminal Code of
7 1961 or the Criminal Code of 2012 committed by luring or
8 attempting to lure a child under the age of 16 into a motor
9 vehicle, building, house trailer, or dwelling place
10 without the consent of the parent or lawful custodian of
11 the child for other than a lawful purpose and the offense
12 was committed on or after January 1, 1998, provided the
13 offense was sexually motivated as defined in Section 10 of
14 the Sex Offender Management Board Act. If the offense was
15 committed before January 1, 1998, it is a sex offense
16 requiring registration only when the person is convicted
17 of any felony after July 1, 2011, and paragraph (2.1) of
18 subsection (c) of Section 3 of this Act applies.

19 (1.10) A violation or attempted violation of any of
20 the following Sections of the Criminal Code of 1961 or the
21 Criminal Code of 2012 when the offense was committed on or
22 after July 1, 1999:

23 10-4 (forcible detention, if the victim is under
24 18 years of age), provided the offense was sexually
25 motivated as defined in Section 10 of the Sex Offender
26 Management Board Act,

1 11-6.5 (indecent solicitation of an adult),
2 11-14.3 that involves soliciting for a person
3 engaged in the sex trade ~~prostitute~~, or 11-15
4 (soliciting for a person engaged in the sex trade
5 ~~prostitute~~, if the victim is under 18 years of age),
6 subdivision (a)(2)(A) or (a)(2)(B) of Section
7 11-14.3, or Section 11-16 (pandering, if the victim is
8 under 18 years of age),
9 11-18 (patronizing a person engaged in the sex
10 trade ~~prostitute~~, if the victim is under 18 years of
11 age),
12 subdivision (a)(2)(C) of Section 11-14.3, or
13 Section 11-19 (pimping, if the victim is under 18
14 years of age).

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

20 (1.11) A violation or attempted violation of any of
21 the following Sections of the Criminal Code of 1961 or the
22 Criminal Code of 2012 when the offense was committed on or
23 after August 22, 2002:

24 11-9 or 11-30 (public indecency for a third or
25 subsequent conviction).

26 If the third or subsequent conviction was imposed

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

5 (1.12) A violation or attempted violation of Section
6 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
7 Criminal Code of 1961 or the Criminal Code of 2012
8 (permitting sexual abuse) when the offense was committed
9 on or after August 22, 2002. If the offense was committed
10 before August 22, 2002, it is a sex offense requiring
11 registration only when the person is convicted of any
12 felony after July 1, 2011, and paragraph (2.1) of
13 subsection (c) of Section 3 of this Act applies.

14 (2) A violation of any former law of this State
15 substantially equivalent to any offense listed in
16 subsection (B) of this Section.

17 (C) A conviction for an offense of federal law, Uniform
18 Code of Military Justice, or the law of another state or a
19 foreign country that is substantially equivalent to any
20 offense listed in subsections (B), (C), (E), and (E-5) of this
21 Section shall constitute a conviction for the purpose of this
22 Article. A finding or adjudication as a sexually dangerous
23 person or a sexually violent person under any federal law,
24 Uniform Code of Military Justice, or the law of another state
25 or foreign country that is substantially equivalent to the
26 Sexually Dangerous Persons Act or the Sexually Violent Persons

1 Commitment Act shall constitute an adjudication for the
2 purposes of this Article.

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

19 (C-6) A person who is convicted or adjudicated delinquent
20 of first degree murder as defined in Section 9-1 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, against a
22 person 18 years of age or over, shall be required to register
23 for his or her natural life. A conviction for an offense of
24 federal, Uniform Code of Military Justice, sister state, or
25 foreign country law that is substantially equivalent to any
26 offense listed in subsection (C-6) of this Section shall

1 constitute a conviction for the purpose of this Article. This
2 subsection (C-6) does not apply to those individuals released
3 from incarceration more than 10 years prior to January 1, 2012
4 (the effective date of Public Act 97-154).

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

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

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

22 (1) Convicted for an offense of federal, Uniform Code
23 of Military Justice, sister state, or foreign country law
24 that is substantially equivalent to any offense listed in
25 subsection (E) or (E-5) of this Section shall constitute a
26 conviction for the purpose of this Article. Convicted of a

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

4 10-5.1 (luring of a minor),

5 11-14.4 that involves keeping a place of
6 commercial sexual exploitation of a child ~~juvenile~~
7 ~~prostitution~~, or 11-17.1 (keeping a place of
8 commercial sexual exploitation of a child ~~juvenile~~
9 ~~prostitution~~),

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

12 subdivision (a) (4) of Section 11-14.4, or Section
13 11-19.2 (exploitation of a child),

14 11-20.1 (child pornography),

15 11-20.1B or 11-20.3 (aggravated child
16 pornography),

17 11-1.20 or 12-13 (criminal sexual assault),

18 11-1.30 or 12-14 (aggravated criminal sexual
19 assault),

20 11-1.40 or 12-14.1 (predatory criminal sexual
21 assault of a child),

22 11-1.60 or 12-16 (aggravated criminal sexual
23 abuse),

24 12-33 (ritualized abuse of a child);

25 (2) (blank);

26 (3) declared as a sexually dangerous person pursuant

1 to the Sexually Dangerous Persons Act or any substantially
2 similar federal, Uniform Code of Military Justice, sister
3 state, or foreign country law;

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

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

14 (6) (blank); or

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

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

25 (1) Section 9-1 (first degree murder, when the victim
26 was a person under 18 years of age and the defendant was at

1 least 17 years of age at the time of the commission of the
2 offense, provided the offense was sexually motivated as
3 defined in Section 10 of the Sex Offender Management Board
4 Act);

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

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

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

23 (E-10) As used in this Article, "sexual predator" also
24 means a person required to register in another State due to a
25 conviction, adjudication or other action of any court
26 triggering an obligation to register as a sex offender, sexual

1 predator, or substantially similar status under the laws of
2 that State.

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

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

18 (H) As used in this Article, "school" means any public or
19 private educational institution, including, but not limited
20 to, any elementary or secondary school, trade or professional
21 institution, or institution of higher education.

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

25 (J) As used in this Article, "Internet protocol address"
26 means the string of numbers by which a location on the Internet

1 is identified by routers or other computers connected to the
2 Internet.

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

4 Section 165. The Code of Civil Procedure is amended by
5 changing Section 8-802.1 as follows:

6 (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)

7 Sec. 8-802.1. Confidentiality of statements made to rape
8 crisis personnel.

9 (a) Purpose. This Section is intended to protect victims
10 of rape from public disclosure of statements they make in
11 confidence to counselors of organizations established to help
12 them. On or after July 1, 1984, "rape" means an act of forced
13 sexual penetration or sexual conduct, as defined in Section
14 11-0.1 of the Criminal Code of 2012, including acts prohibited
15 under Sections 11-1.20 through 11-1.60 or 12-13 through 12-16
16 of the Criminal Code of 1961 or the Criminal Code of 2012.
17 Because of the fear and stigma that often results from those
18 crimes, many victims hesitate to seek help even where it is
19 available at no cost to them. As a result they not only fail to
20 receive needed medical care and emergency counseling, but may
21 lack the psychological support necessary to report the crime
22 and aid police in preventing future crimes.

23 (b) Definitions. As used in this Act:

24 (1) "Rape crisis organization" means any organization

1 or association a major purpose of which is providing
2 information, counseling, and psychological support to
3 victims of any or all of the crimes of aggravated criminal
4 sexual assault, predatory criminal sexual assault of a
5 child, criminal sexual assault, sexual relations between
6 siblings, criminal sexual abuse and aggravated criminal
7 sexual abuse. "Rape crisis organization" includes, but is
8 not limited to, rape crisis centers certified by a
9 statewide sexual assault coalition.

10 (2) "Rape crisis counselor" means a person who is a
11 psychologist, social worker, employee, or volunteer in any
12 organization or association defined as a rape crisis
13 organization under this Section, who has undergone 40
14 hours of training and is under the control of a direct
15 services supervisor of a rape crisis organization.

16 (3) "Victim" means a person who is the subject of, or
17 who seeks information, counseling, or advocacy services as
18 a result of an aggravated criminal sexual assault,
19 predatory criminal sexual assault of a child, criminal
20 sexual assault, sexual relations within families, criminal
21 sexual abuse, aggravated criminal sexual abuse, sexual
22 exploitation of a child, indecent solicitation of a child,
23 public indecency, exploitation of a child, promoting
24 commercial sexual exploitation of a child ~~juvenile~~
25 ~~prostitution~~ as described in subdivision (a) (4) of Section
26 11-14.4, or an attempt to commit any of these offenses.

1 (4) "Confidential communication" means any
2 communication between a victim and a rape crisis counselor
3 in the course of providing information, counseling, and
4 advocacy. The term includes all records kept by the
5 counselor or by the organization in the course of
6 providing services to an alleged victim concerning the
7 alleged victim and the services provided.

8 (c) Waiver of privilege.

9 (1) The confidential nature of the communication is
10 not waived by: the presence of a third person who further
11 expresses the interests of the victim at the time of the
12 communication; group counseling; or disclosure to a third
13 person with the consent of the victim when reasonably
14 necessary to accomplish the purpose for which the
15 counselor is consulted.

16 (2) The confidential nature of counseling records is
17 not waived when: the victim inspects the records; or in
18 the case of a minor child less than 12 years of age, a
19 parent or guardian whose interests are not adverse to the
20 minor inspects the records; or in the case of a minor
21 victim 12 years or older, a parent or guardian whose
22 interests are not adverse to the minor inspects the
23 records with the victim's consent, or in the case of an
24 adult who has a guardian of his or her person, the guardian
25 inspects the records with the victim's consent.

26 (3) When a victim is deceased, the executor or

1 administrator of the victim's estate may waive the
2 privilege established by this Section, unless the executor
3 or administrator has an interest adverse to the victim.

4 (4) A minor victim 12 years of age or older may
5 knowingly waive the privilege established in this Section.
6 When a minor is, in the opinion of the Court, incapable of
7 knowingly waiving the privilege, the parent or guardian of
8 the minor may waive the privilege on behalf of the minor,
9 unless the parent or guardian has been charged with a
10 violent crime against the victim or otherwise has any
11 interest adverse to that of the minor with respect to the
12 waiver of the privilege.

13 (5) An adult victim who has a guardian of his or her
14 person may knowingly waive the privilege established in
15 this Section. When the victim is, in the opinion of the
16 court, incapable of knowingly waiving the privilege, the
17 guardian of the adult victim may waive the privilege on
18 behalf of the victim, unless the guardian has been charged
19 with a violent crime against the victim or otherwise has
20 any interest adverse to the victim with respect to the
21 privilege.

22 (d) Confidentiality. Except as provided in this Act, no
23 rape crisis counselor shall disclose any confidential
24 communication or be examined as a witness in any civil or
25 criminal proceeding as to any confidential communication
26 without the written consent of the victim or a representative

1 of the victim as provided in subparagraph (c).

2 (e) A rape crisis counselor may disclose a confidential
3 communication without the consent of the victim if failure to
4 disclose is likely to result in a clear, imminent risk of
5 serious physical injury or death of the victim or another
6 person. Any rape crisis counselor or rape crisis organization
7 participating in good faith in the disclosing of records and
8 communications under this Act shall have immunity from any
9 liability, civil, criminal, or otherwise that might result
10 from the action. In any proceeding, civil or criminal, arising
11 out of a disclosure under this Section, the good faith of any
12 rape crisis counselor or rape crisis organization who
13 disclosed the confidential communication shall be presumed.

14 (f) Any rape crisis counselor who knowingly discloses any
15 confidential communication in violation of this Act commits a
16 Class C misdemeanor.

17 (Source: P.A. 102-469, eff. 1-1-22.)

18 Section 170. The Trafficking Victims Protection Act is
19 amended by changing Section 10 as follows:

20 (740 ILCS 128/10)

21 Sec. 10. Definitions. As used in this Act:

22 "Human trafficking" means a violation or attempted
23 violation of subsection (d) of Section 10-9 of the Criminal
24 Code of 2012.

1 "Involuntary servitude" means a violation or attempted
2 violation of subsection (b) of Section 10-9 of the Criminal
3 Code of 2012.

4 "Sex trade" means a violation or attempted violation of
5 any of the following Sections of the Criminal Code of 1961 or
6 the Criminal Code of 2012: 11-14.3 (promoting prostitution);
7 11-14.4 (promoting commercial sexual exploitation of a child
8 ~~juvenile prostitution~~); 11-15 (soliciting for a person engaged
9 in the sex trade ~~prostitute~~); 11-15.1 (soliciting for a
10 sexually exploited child ~~juvenile prostitute~~); 11-16
11 (pandering); 11-17 (keeping a place of 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 person engaged in the sex trade
24 ~~prostitute~~: the person engaged in the sex trade ~~prostitute~~
25 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 prostitution as described in subdivision
6 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal
7 Code of 1961 or the Criminal Code of 2012, or pandering:
8 the person intended or compelled to act as a person
9 engaged in the sex trade ~~prostitute~~;

10 (4) keeping a place of prostitution: any person
11 intended or compelled to act as a person engaged in the sex
12 trade ~~prostitute~~, while present at the place, during the
13 time period in question;

14 (5) keeping a place of commercial sexual exploitation
15 of a child ~~juvenile prostitution~~: any juvenile intended or
16 compelled to act as a person engaged in the sex trade
17 ~~prostitute~~, while present at the place, during the time
18 period in question;

19 (6) promoting prostitution as described in subdivision
20 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961
21 or the Criminal Code of 2012, or pimping: the person
22 engaged in the sex trade ~~prostitute~~ from whom anything of
23 value is received;

24 (7) promoting commercial sexual exploitation of a
25 child ~~juvenile prostitution~~ as described in subdivision
26 (a) (2) or (a) (3) of Section 11-14.4 of the Criminal Code

1 of 1961 or the Criminal Code of 2012, or juvenile pimping
2 and aggravated juvenile pimping: the juvenile, or person
3 with a severe or profound intellectual disability, from
4 whom anything of value is received for that person's act
5 of prostitution;

6 (8) promoting commercial sexual exploitation of a
7 child ~~juvenile prostitution~~ as described in subdivision
8 (a)(4) of Section 11-14.4 of the Criminal Code of 1961 or
9 the Criminal Code of 2012, or exploitation of a child: the
10 juvenile, or person with a severe or profound intellectual
11 disability, intended or compelled to act as a person
12 engaged in the sex trade ~~prostitute~~ or from whom anything
13 of value is received for that person's act of
14 prostitution;

15 (9) obscenity: any person who appears in or is
16 described or depicted in the offending conduct or
17 material;

18 (10) child pornography or aggravated child
19 pornography: any child, or person with a severe or
20 profound intellectual disability, who appears in or is
21 described or depicted in the offending conduct or
22 material; or

23 (11) involuntary sexual servitude of a minor as
24 defined in subsection (c) of Section 10-9 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 (Source: P.A. 99-143, eff. 7-27-15; 100-939, eff. 1-1-19.)

1 Section 175. The Illinois Securities Law of 1953 is
2 amended by changing Section 7a as follows:

3 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

4 Sec. 7a. (a) Except as provided in subsection (b) of this
5 Section, no securities, issued by an issuer engaged in or
6 deriving revenues from the conduct of any business or
7 profession, the conduct of which would violate Section 11-14,
8 11-14.3, 11-14.4 as described in subdivision (a)(1), (a)(2),
9 or (a)(3) or that involves soliciting for a sexually exploited
10 child ~~juvenile prostitute~~, 11-15, 11-15.1, 11-16, 11-17, 11-19
11 or 11-19.1 of the Criminal Code of 1961 or the Criminal Code of
12 2012, if conducted in this State, shall be sold or registered
13 pursuant to Section 5, 6 or 7 of this Act nor sold pursuant to
14 the provisions of Section 3 or 4 of this Act.

15 (b) Notwithstanding the provisions of subsection (a)
16 hereof, such securities issued prior to the effective date of
17 this amendatory Act of 1989 may be sold by a resident of this
18 State in transactions which qualify for an exemption from the
19 registration requirements of this Act pursuant to subsection A
20 of Section 4 of this Act.

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

22 Section 995. No acceleration or delay. Where this Act
23 makes changes in a statute that is represented in this Act by

1 text that is not yet or no longer in effect (for example, a
2 Section represented by multiple versions), the use of that
3 text does not accelerate or delay the taking effect of (i) the
4 changes made by this Act or (ii) provisions derived from any
5 other Public Act.

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