



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3523

Introduced 2/9/2024, 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, 2026, 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, 2026. Provides for comparable provisions for such convictions that are eligible for sealing.

LRB103 37534 RLC 67657 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, 2026 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 12-3.1 or 12-3.2 of the Criminal
22 Code of 1961 or the Criminal Code of 2012, or
23 Section 125 of the Stalking No Contact Order Act,
24 or Section 219 of the Civil No Contact Order Act,
25 or a similar provision of a local ordinance;

26 (iv) Class A misdemeanors or felony offenses

1 under the Humane Care for Animals Act; or

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

5 (D) (blank).

6 (b) Expungement.

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

20 (1.5) When a petitioner seeks to have a record of
21 arrest expunged under this Section, and the offender has
22 been convicted of a criminal offense, the State's Attorney
23 may object to the expungement on the grounds that the
24 records contain specific relevant information aside from
25 the mere fact of the arrest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (7) Nothing in this Section shall prevent the Illinois
23 State Police from maintaining all records of any person
24 who is admitted to probation upon terms and conditions and
25 who fulfills those terms and conditions pursuant to
26 Section 10 of the Cannabis Control Act, Section 410 of the

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

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

17 (c) Sealing.

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

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

26 (A) All arrests resulting in release without

1 charging;

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

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

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

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

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

26 (3) When Records Are Eligible to Be Sealed. Records

1 identified as eligible under subsection (c)(2) may be
2 sealed as follows:

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

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

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

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

25 (E) Records identified as eligible under
26 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or

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

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

24 (5) Notice of eligibility for sealing. Upon entry of a
25 disposition for an eligible record under this subsection
26 (c), the petitioner shall be informed by the court of the

1 right to have the records sealed and the procedures for
2 the sealing of the records.

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

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

18 (1.5) County fee waiver pilot program. From August 9,
19 2019 (the effective date of Public Act 101-306) through
20 December 31, 2020, in a county of 3,000,000 or more
21 inhabitants, no fee shall be required to be paid by a
22 petitioner if the records sought to be expunged or sealed
23 were arrests resulting in release without charging or
24 arrests or charges not initiated by arrest resulting in
25 acquittal, dismissal, or conviction when the conviction
26 was reversed or vacated, unless excluded by subsection

1 (a) (3) (B). The provisions of this paragraph (1.5), other
2 than this sentence, are inoperative on and after January
3 1, 2022.

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

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

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

26 (B) seal felony records for a violation of the

1 Illinois Controlled Substances Act, the
2 Methamphetamine Control and Community Protection Act,
3 or the Cannabis Control Act under clause (c) (2) (F);

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

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

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

14 (5) Objections.

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

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

26 (6) Entry of order.

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

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

14 (C) Notwithstanding any other provision of law,
15 the court shall not deny a petition for sealing under
16 this Section because the petitioner has not satisfied
17 an outstanding legal financial obligation established,
18 imposed, or originated by a court, law enforcement
19 agency, or a municipal, State, county, or other unit
20 of local government, including, but not limited to,
21 any cost, assessment, fine, or fee. An outstanding
22 legal financial obligation does not include any court
23 ordered restitution to a victim under Section 5-5-6 of
24 the Unified Code of Corrections, unless the
25 restitution has been converted to a civil judgment.
26 Nothing in this subparagraph (C) waives, rescinds, or

1 abrogates a legal financial obligation or otherwise
2 eliminates or affects the right of the holder of any
3 financial obligation to pursue collection under
4 applicable federal, State, or local law.

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

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

26 (A) the strength of the evidence supporting the

1 defendant's conviction;

2 (B) the reasons for retention of the conviction
3 records by the State;

4 (C) the petitioner's age, criminal record history,
5 and employment history;

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

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

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

21 (9) Implementation of order.

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

25 (i) the records shall be expunged (as defined
26 in subsection (a) (1) (E)) by the arresting agency,

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

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

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

24 (i) the records shall be expunged (as defined
25 in subsection (a) (1) (E)) by the arresting agency
26 and any other agency as ordered by the court,

1 within 60 days of the date of service of the order,
2 unless a motion to vacate, modify, or reconsider
3 the order is filed pursuant to paragraph (12) of
4 subsection (d) of this Section;

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

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

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

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

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

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

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

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

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

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

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

18 (C) Upon entry of an order to seal records under
19 subsection (c), the arresting agency, any other agency
20 as ordered by the court, the Illinois State Police,
21 and the court shall seal the records (as defined in
22 subsection (a)(1)(K)). In response to an inquiry for
23 such records, from anyone not authorized by law to
24 access such records, the court, the Illinois State
25 Police, or the agency receiving such inquiry shall
26 reply as it does in response to inquiries when no

1 records ever existed.

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

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

1 shall not be entered into the official index required
2 to be kept by the circuit court clerk under Section 16
3 of the Clerks of Courts Act and shall be immediately
4 re-impounded upon the collection of the outstanding
5 financial obligations.

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

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

1 shall be deposited in the State Police Services Fund. If
2 the record brought under an expungement petition was
3 previously sealed under this Section, the fee for the
4 expungement petition for that same record shall be waived.

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

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

22 (13) Effect of Order. An order granting a petition
23 under the expungement or sealing provisions of this
24 Section shall not be considered void because it fails to
25 comply with the provisions of this Section or because of
26 any error asserted in a motion to vacate, modify, or

1 reconsider. The circuit court retains jurisdiction to
2 determine whether the order is voidable and to vacate,
3 modify, or reconsider its terms based on a motion filed
4 under paragraph (12) of this subsection (d).

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

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

23 (16) The changes to this subsection (d) made by Public
24 Act 98-163 apply to all petitions pending on August 5,
25 2013 (the effective date of Public Act 98-163) and to all
26 orders ruling on a petition to expunge or seal on or after

1 August 5, 2013 (the effective date of Public Act 98-163).

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

1 individual. Upon entry of the order of expungement, the
2 circuit court clerk shall promptly mail a copy of the order to
3 the person who was pardoned.

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

1 arrest for the same or similar offense or for the purpose of
2 sentencing for any subsequent felony. Upon conviction for any
3 subsequent offense, the Department of Corrections shall have
4 access to all sealed records of the Illinois State Police
5 pertaining to that individual. Upon entry of the order of
6 sealing, the circuit court clerk shall promptly mail a copy of
7 the order to the person who was granted the certificate of
8 eligibility for sealing.

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

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

14 (f) Subject to available funding, the Illinois Department
15 of Corrections shall conduct a study of the impact of sealing,
16 especially on employment and recidivism rates, utilizing a
17 random sample of those who apply for the sealing of their
18 criminal records under Public Act 93-211. At the request of
19 the Illinois Department of Corrections, records of the
20 Illinois Department of Employment Security shall be utilized
21 as appropriate to assist in the study. The study shall not
22 disclose any data in a manner that would allow the
23 identification of any particular individual or employing unit.
24 The study shall be made available to the General Assembly no
25 later than September 1, 2010.

26 (g) Immediate Sealing.

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

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

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

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

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

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

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

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

24 (D) Service of Petition. A copy of the petition
25 shall be served on the State's Attorney in open court.
26 The petitioner shall not be required to serve a copy of

1 the petition on any other agency.

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

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

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

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

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

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

25 (K) Motion to Vacate, Modify, or Reconsider. Under
26 Section 2-1203 of the Code of Civil Procedure, the

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

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

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

24 (h) Sealing or vacation and expungement of trafficking
25 victims' crimes.

26 (1) A trafficking victim, as defined by paragraph (10)

1 of subsection (a) of Section 10-9 of the Criminal Code of
2 2012, may petition for vacation and expungement or
3 immediate sealing of his or her criminal record upon the
4 completion of his or her last sentence if his or her
5 participation in the underlying offense was a result of
6 human trafficking under Section 10-9 of the Criminal Code
7 of 2012 or a severe form of trafficking under the federal
8 Trafficking Victims Protection Act.

9 (1.5) A petition under paragraph (1) shall be
10 prepared, signed, and filed in accordance with Supreme
11 Court Rule 9. The court may allow the petitioner to attend
12 any required hearing remotely in accordance with local
13 rules. The court may allow a petition to be filed under
14 seal if the public filing of the petition would constitute
15 a risk of harm to the petitioner.

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

26 (3) If an objection is filed alleging that the

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

15 (i) Minor Cannabis Offenses under the Cannabis Control
16 Act.

17 (1) Expungement of Arrest Records of Minor Cannabis
18 Offenses.

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

26 (i) One year or more has elapsed since the

1 date of the arrest or law enforcement interaction
2 documented in the records; and

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

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

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

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

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

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

24 In response to an inquiry for expunged records,
25 the law enforcement agency receiving such inquiry
26 shall reply as it does in response to inquiries when no

1 records ever existed; however, it shall provide a
2 certificate of disposition or confirmation that the
3 record was expunged to the individual whose record was
4 expunged if such a record exists.

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

11 (2) Pardons Authorizing Expungement of Minor Cannabis
12 Offenses.

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

18 (i) one or more convictions for a Minor
19 Cannabis Offense;

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

23 (iii) the conviction identified in paragraph
24 (2)(A)(i) is not associated with a conviction for
25 a violent crime as defined in subsection (c) of
26 Section 3 of the Rights of Crime Victims and

1 Witnesses Act.

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

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

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

24 (iii) The Prisoner Review Board shall make a
25 confidential and privileged recommendation to the
26 Governor as to whether to grant a pardon

1 authorizing expungement for each of the records
2 identified by the Department of State Police as
3 described in paragraph (2) (A).

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

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

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

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

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

21 (4) Any State's Attorney may file a motion to vacate
22 and expunge a conviction for a misdemeanor or Class 4
23 felony violation of Section 4 or Section 5 of the Cannabis
24 Control Act. Motions to vacate and expunge under this
25 subsection (i) may be filed with the circuit court, Chief
26 Judge of a judicial circuit or any judge of the circuit

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

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

26 (6) If a person is arrested for a Minor Cannabis

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

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

26 (8) The Illinois State Police shall allow a person to

1 use the access and review process, established in the
2 Illinois State Police, for verifying that his or her
3 records relating to Minor Cannabis Offenses of the
4 Cannabis Control Act eligible under this Section have been
5 expunged.

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

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

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

17 (j) Felony Prostitution Convictions.

18 (1) Automatic Expungement of Felony Prostitution
19 Arrests.

20 (A) Law enforcement agencies shall automatically
21 expunge the law enforcement records relating to a
22 person's Class 4 felony conviction for prostitution if
23 that conviction is eligible for expungement under
24 paragraph (1) of subsection (b).

25 (B) In the absence of a court order or upon the
26 order of a court, the clerk of the circuit court shall

1 automatically expunge the court records and case files
2 relating to a person's Class 4 felony conviction for
3 prostitution if that conviction is eligible for
4 expungement under paragraph (1) of subsection (b).

5 (C) The automatic expungements described in this
6 paragraph (1) shall be completed no later than January
7 1, 2026.

8 (2) Automatic Sealing of Felony Prostitution
9 Convictions.

10 (A) Law enforcement agencies shall automatically
11 seal the law enforcement records relating to a
12 person's Class 4 felony conviction for prostitution if
13 those records are eligible for sealing under paragraph
14 (2) of subsection (c).

15 (B) In the absence of a court order or upon the
16 order of a court, the clerk of the circuit court shall
17 automatically seal the court records relating to a
18 person's Class 4 felony conviction for prostitution if
19 those records are eligible for sealing under paragraph
20 (2) of subsection (c).

21 (C) The automatic sealing of records described in
22 this paragraph (2) shall be completed no later than
23 January 1, 2026.

24 (3) Motions to Vacate and Expunge Felony Prostitution
25 Convictions.

26 ~~(1)~~ Any individual may file a motion to vacate and

1 expunge a conviction for a prior Class 4 felony violation
2 of prostitution. Motions to vacate and expunge under this
3 subsection (j) may be filed with the circuit court, Chief
4 Judge of a judicial circuit, or any judge of the circuit
5 designated by the Chief Judge. When considering the motion
6 to vacate and expunge, a court shall consider the
7 following:

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

10 (B) the petitioner's age;

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

12 and

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

1 Judge of a judicial circuit or any judge of the circuit
2 designated by the Chief Judge, and the motion may
3 include more than one individual.

4 (4) ~~(2)~~ Any State's Attorney may file a motion to
5 vacate and expunge a conviction for a Class 4 felony
6 violation of prostitution. Motions to vacate and expunge
7 under this subsection (j) may be filed with the circuit
8 court, Chief Judge of a judicial circuit, or any judge of
9 the circuit court designated by the Chief Judge, and may
10 include more than one individual. When considering the
11 motion to vacate and expunge, a court shall consider the
12 following reasons:

13 (A) the reasons to retain the records provided by
14 law enforcement;

15 (B) the petitioner's age;

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

17 (D) the time since the conviction; and

18 (E) the specific adverse consequences if denied.

19 If the State's Attorney files a motion to vacate and
20 expunge records for felony prostitution convictions
21 pursuant to this Section, the State's Attorney shall
22 notify the Prisoner Review Board within 30 days of the
23 filing. If a motion to vacate and expunge is granted, the
24 records shall be expunged in accordance with subparagraph
25 (d) (9) (A) of this Section.

26 (5) ~~(3)~~ In the public interest, the State's Attorney

1 of a county has standing to file motions to vacate and
2 expunge pursuant to this Section in the circuit court with
3 jurisdiction over the underlying conviction.

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

9 (7) ~~(5)~~ No conviction vacated pursuant to this Section
10 shall serve as the basis for damages for time unjustly
11 served as provided in the Court of Claims Act.

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

17 (9) ~~(7)~~ Information. The Illinois State Police shall
18 post general information on its website about the
19 expungement process described in this subsection (j).

20 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
21 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
22 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

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

1 (20 ILCS 4026/10)

2 Sec. 10. Definitions. In this Act, unless the context
3 otherwise requires:

4 (a) "Board" means the Sex Offender Management Board
5 created in Section 15.

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

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

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

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

24 (3) public indecency, in violation of Section 11-9 or
25 11-30 of the Criminal Code of 1961 or the Criminal Code of
26 2012;

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

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

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

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

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

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

24 (10) promoting commercial sexual exploitation of a
25 child ~~juvenile prostitution~~ or exploitation of a child, in
26 violation of Section 11-14.4 or 11-19.2 of the Criminal

1 Code of 1961 or the Criminal Code of 2012;

2 (11) child pornography, in violation of Section
3 11-20.1 of the Criminal Code of 1961 or the Criminal Code
4 of 2012;

5 (11.5) aggravated child pornography, in violation of
6 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

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

9 (13) criminal sexual assault, in violation of Section
10 11-1.20 or 12-13 of the Criminal Code of 1961 or the
11 Criminal Code of 2012;

12 (13.5) grooming, in violation of Section 11-25 of the
13 Criminal Code of 1961 or the Criminal Code of 2012;

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

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

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

23 (16) criminal sexual abuse, in violation of Section
24 11-1.50 or 12-15 of the Criminal Code of 1961 or the
25 Criminal Code of 2012;

26 (17) aggravated criminal sexual abuse, in violation of

1 Section 11-1.60 or 12-16 of the Criminal Code of 1961 or
2 the Criminal Code of 2012;

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

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

8 (20) any felony offense under Illinois law that is
9 sexually motivated.

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

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

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

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

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

1 licensed sex offender evaluator or a licensed sex offender
2 treatment provider.

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

4 Section 105. The Counties Code is amended by changing
5 Section 5-10008 as follows:

6 (55 ILCS 5/5-10008) (from Ch. 34, par. 5-10008)

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

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

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

14 (225 ILCS 515/10) (from Ch. 111, par. 910)

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

1 No licensee shall permit questionable characters, persons
2 engaged in the sex trade ~~prostitutes~~, gamblers, intoxicated
3 persons, or procurers to frequent the agency.

4 No licensee shall accept any application for employment
5 made by or on behalf of any child, or shall place or assist in
6 placing any such child in any employment whatever, in
7 violation of the Child Labor Law. A violation of any provision
8 of this Section shall be a Class A misdemeanor.

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

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

20 No licensee shall print or stamp on any receipt or on any
21 contract used by that agency any part of this Act, unless the
22 entire Section from which that part is taken is printed or
23 stamped thereon.

24 All written communications sent out by any licensee,
25 directly or indirectly, to any person or firm with regard to
26 employees or employment shall contain therein definite

1 information that such person is a private employment agency.

2 No licensee or his or her employees shall knowingly give
3 any false or misleading information, or make any false or
4 misleading promise to any applicant who shall apply for
5 employment or employees.

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

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

9 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

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

12 (a) Except as otherwise provided in subsection (b) of this
13 Section and in paragraph (1) of subsection (a) of Section
14 3-12, no license of any kind issued by the State Commission or
15 any local commission shall be issued to:

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

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

21 (3) (Blank).

22 (4) A person who has been convicted of a felony under
23 any Federal or State law, unless the Commission determines
24 that such person will not be impaired by the conviction in

1 engaging in the licensed practice after considering
2 matters set forth in such person's application in
3 accordance with Section 6-2.5 of this Act and the
4 Commission's investigation.

5 (5) A person who has been convicted of keeping a place
6 of prostitution or keeping a place of commercial sexual
7 exploitation of a child ~~juvenile prostitution~~, promoting
8 prostitution that involves keeping a place of
9 prostitution, or promoting commercial sexual exploitation
10 of a child ~~juvenile prostitution~~ that involves keeping a
11 place of commercial sexual exploitation of a child
12 ~~juvenile prostitution~~.

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

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

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

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

26 (10) A corporation or limited liability company, if

1 any member, officer, manager or director thereof, or any
2 stockholder or stockholders owning in the aggregate more
3 than 5% of the stock of such corporation, would not be
4 eligible to receive a license hereunder for any reason
5 other than residence within the political subdivision.

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

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

21 (12) A person who has been convicted of a violation of
22 any Federal or State law concerning the manufacture,
23 possession or sale of alcoholic liquor, subsequent to the
24 passage of this Act or has forfeited his bond to appear in
25 court to answer charges for any such violation, unless the
26 Commission determines, in accordance with Section 6-2.5 of

1 this Act, that the person will not be impaired by the
2 conviction in engaging in the licensed practice.

3 (13) A person who does not beneficially own the
4 premises for which a license is sought, or does not have a
5 lease thereon for the full period for which the license is
6 to be issued.

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

1 issuance of the license is in accordance with all
2 applicable local ordinances in effect where the premises
3 are located, and (iv) the official granted a license does
4 not vote on alcoholic liquor issues pending before the
5 board or council to which the license holder is elected.
6 Notwithstanding any provision of this paragraph (14) to
7 the contrary, an alderperson or member of a city council
8 or commission, a member of a village board of trustees
9 other than the president of the village board of trustees,
10 or a member of a county board other than the president of a
11 county board may have a direct interest in the
12 manufacture, sale, or distribution of alcoholic liquor as
13 long as he or she is not a law enforcing public official, a
14 mayor, a village board president, or president of a county
15 board. To prevent any conflict of interest, the elected
16 official with the direct interest in the manufacture,
17 sale, or distribution of alcoholic liquor shall not
18 participate in any meetings, hearings, or decisions on
19 matters impacting the manufacture, sale, or distribution
20 of alcoholic liquor. Furthermore, the mayor of a city with
21 a population of 55,000 or less or the president of a
22 village with a population of 55,000 or less may have an
23 interest in the manufacture, sale, or distribution of
24 alcoholic liquor as long as the council or board over
25 which he or she presides has made a local liquor control
26 commissioner appointment that complies with the

1 requirements of Section 4-2 of this Act.

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

4 (16) A person who has been convicted of a gambling
5 offense as proscribed by any of subsections (a) (3)
6 through (a) (11) of Section 28-1 of, or as proscribed by
7 Section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
8 Criminal Code of 2012, or as proscribed by a statute
9 replaced by any of the aforesaid statutory provisions.

10 (17) A person or entity to whom a federal wagering
11 stamp has been issued by the federal government, unless
12 the person or entity is eligible to be issued a license
13 under the Raffles and Poker Runs Act or the Illinois Pull
14 Tabs and Jar Games Act.

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

21 (19) A person who is licensed by any licensing
22 authority as a manufacturer of beer, or any partnership,
23 corporation, limited liability company, or trust or any
24 subsidiary, affiliate, or agent thereof, or any other form
25 of business enterprise licensed as a manufacturer of beer,
26 having any legal, equitable, or beneficial interest,

1 directly or indirectly, in a person licensed in this State
2 as a distributor or importing distributor. For purposes of
3 this paragraph (19), a person who is licensed by any
4 licensing authority as a "manufacturer of beer" shall also
5 mean a brewer and a non-resident dealer who is also a
6 manufacturer of beer, including a 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 as a manufacturer of beer.

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

1 person who is licensed by any licensing authority as a
2 "manufacturer of beer" shall also mean a brewer and a
3 non-resident dealer who is also a manufacturer of beer,
4 including a partnership, corporation, limited liability
5 company, or trust or any subsidiary, affiliate, or agent
6 thereof, or any other form of business enterprise licensed
7 as a manufacturer of beer.

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

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

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

24 (325 ILCS 40/2) (from Ch. 23, par. 2252)

1 Sec. 2. As used in this Act:

2 (a) (Blank).

3 (b) "Director" means the Director of the Illinois State
4 Police.

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

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

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

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

20 (g) (Blank).

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

24 (i) "Exploitation" means activities and actions which
25 include, but are not limited to, child pornography, aggravated
26 child pornography, commercial sexual exploitation of a child

1 ~~child prostitution~~, child sexual abuse, drug and substance
2 abuse by children, and child suicide.

3 (j) (Blank).

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

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

7 (625 ILCS 5/6-206)

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

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

14 1. Has committed an offense for which mandatory
15 revocation of a driver's license or permit is required
16 upon conviction;

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

22 3. Has been repeatedly involved as a driver in motor
23 vehicle collisions or has been repeatedly convicted of
24 offenses against laws and ordinances regulating the

1 movement of traffic, to a degree that indicates lack of
2 ability to exercise ordinary and reasonable care in the
3 safe operation of a motor vehicle or disrespect for the
4 traffic laws and the safety of other persons upon the
5 highway;

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

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

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

23 7. Has refused or failed to submit to an examination
24 provided for by Section 6-207 or has failed to pass the
25 examination;

26 8. Is ineligible for a driver's license or permit

1 under the provisions of Section 6-103;

2 9. Has made a false statement or knowingly concealed a
3 material fact or has used false information or
4 identification in any application for a license,
5 identification card, or permit;

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

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

17 12. Has submitted to any portion of the application
18 process for another person or has obtained the services of
19 another person to submit to any portion of the application
20 process for the purpose of obtaining a license,
21 identification card, or permit for some other person;

22 13. Has operated a motor vehicle upon a highway of
23 this State when the person's driver's license or permit
24 was invalid under the provisions of Sections 6-107.1 and
25 6-110;

26 14. Has committed a violation of Section 6-301,

1 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
2 14B of the Illinois Identification Card Act or a similar
3 offense in another state if, at the time of the offense,
4 the person held an Illinois driver's license or
5 identification card;

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

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

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

18 18. (Blank);

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

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

24 21. Has been convicted of violating Section 11-402 of
25 this Code relating to leaving the scene of a crash
26 resulting in damage to a vehicle in excess of \$1,000, in

1 which case the suspension shall be for one year;

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

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

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

17 25. Has permitted any form of identification to be
18 used by another in the application process in order to
19 obtain or attempt to obtain a license, identification
20 card, or permit;

21 26. Has altered or attempted to alter a license or has
22 possessed an altered license, identification card, or
23 permit;

24 27. (Blank);

25 28. Has been convicted for a first time of the illegal
26 possession, while operating or in actual physical control,

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

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

1 shall be suspended for one year;

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

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

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

25 33. Has as a driver, who was less than 21 years of age
26 on the date of the offense, been convicted a first time of

1 a violation of paragraph (a) of Section 11-502 of this
2 Code or a similar provision of a local ordinance;

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

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

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

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

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

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

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

24 41. Has committed a second or subsequent violation of
25 Section 11-605.1 of this Code, a similar provision of a
26 local ordinance, or a similar violation in any other state

1 within 2 years of the date of the previous violation, in
2 which case the suspension shall be for 90 days;

3 42. Has committed a violation of subsection (a-1) of
4 Section 11-1301.3 of this Code or a similar provision of a
5 local ordinance;

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

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

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

26 46. Has committed a violation of subsection (j) of

1 Section 3-413 of this Code;

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

4 48. Has submitted a falsified or altered medical
5 examiner's certificate to the Secretary of State or
6 provided false information to obtain a medical examiner's
7 certificate;

8 49. Has been convicted of a violation of Section
9 11-1002 or 11-1002.5 that resulted in a Type A injury to
10 another, in which case the driving privileges of the
11 person shall be suspended for 12 months;

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

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

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

23 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
24 and 27 of this subsection, license means any driver's license,
25 any traffic ticket issued when the person's driver's license
26 is deposited in lieu of bail, a suspension notice issued by the

1 Secretary of State, a duplicate or corrected driver's license,
2 a probationary driver's license, or a temporary driver's
3 license.

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

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

19 2. If the Secretary of State suspends the driver's license
20 of a person under subsection 2 of paragraph (a) of this
21 Section, a person's privilege to operate a vehicle as an
22 occupation shall not be suspended, provided an affidavit is
23 properly completed, the appropriate fee received, and a permit
24 issued prior to the effective date of the suspension, unless 5
25 offenses were committed, at least 2 of which occurred while
26 operating a commercial vehicle in connection with the driver's

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

19 The provisions of this subparagraph shall not apply to any
20 driver required to possess a CDL for the purpose of operating a
21 commercial motor vehicle.

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

26 3. At the conclusion of a hearing under Section 2-118 of

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

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

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

15 (i) a single conviction of violating Section
16 11-501 of this Code or a similar provision of a local
17 ordinance or a similar out-of-state offense or Section
18 9-3 of the Criminal Code of 1961 or the Criminal Code
19 of 2012, where the use of alcohol or other drugs is
20 recited as an element of the offense, or a similar
21 out-of-state offense; or

22 (ii) a statutory summary suspension or revocation
23 under Section 11-501.1; or

24 (iii) a suspension under Section 6-203.1;
25 arising out of separate occurrences; that person, if
26 issued a restricted driving permit, may not operate a

1 vehicle unless it has been equipped with an ignition
2 interlock device as defined in Section 1-129.1.

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

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

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

1 exemption does not apply until either a one-year period
2 has elapsed during which that person had his or her
3 driving privileges revoked or a one-year period has
4 elapsed during which that person had a restricted driving
5 permit which required the use of an ignition interlock
6 device on every motor vehicle owned or operated by that
7 person.

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

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

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

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

25 In determining whether an applicant is eligible for a
26 restricted driving permit under this subparagraph (F), the

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

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

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

1 another state.

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

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

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

1 (d) This Section is subject to the provisions of the
2 Driver License Compact.

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

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

12 (Source: P.A. 102-299, eff. 8-6-21; 102-558, eff. 8-20-21;
13 102-749, eff. 1-1-23; 102-813, eff. 5-13-22; 102-982, eff.
14 7-1-23; 103-154, eff. 6-30-23.)

15 Section 130. The Criminal Code of 2012 is amended by
16 changing Sections 3-6, 8-2, 11-0.1, 11-9.3, 11-14.3, 11-14.4,
17 11-18, 11-18.1, 33G-3, and 36-1 as follows:

18 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

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

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

1 as follows:

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

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

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

24 (b-5) When the victim is under 18 years of age at the time
25 of the offense, a prosecution for involuntary servitude,
26 involuntary sexual servitude of a minor, or trafficking in

1 persons and related offenses under Section 10-9 of this Code
2 may be commenced within 25 years of the victim attaining the
3 age of 18 years.

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

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

13 (c) (Blank).

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

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

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

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

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

15 (g) (Blank).

16 (h) (Blank).

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

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

1 under any other provision of this Section.

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

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

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

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

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

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

9 (k) (Blank).

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

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

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

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

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

14 (o) A prosecution for any offense based upon fraudulent
15 activity connected to COVID-19-related relief programs, to
16 include the Paycheck Protection Program, COVID-19 Economic
17 Injury Disaster Loan Program, and the Unemployment Benefit
18 Programs shall be commenced within 5 years after discovery of
19 the offense by a person having a legal duty to report such
20 offense, or in the absence of such discovery, within 5 years
21 after the proper prosecuting officer becomes aware of the
22 offense. However, in no such case is the period of limitation
23 so extended more than 10 years beyond the expiration of the
24 period otherwise applicable.

25 (Source: P.A. 102-558, eff. 8-20-21; 103-184, eff. 1-1-24.)

1 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

2 Sec. 8-2. Conspiracy.

3 (a) Elements of the offense. A person commits the offense
4 of conspiracy when, with intent that an offense be committed,
5 he or she agrees with another to the commission of that
6 offense. No person may be convicted of conspiracy to commit an
7 offense unless an act in furtherance of that agreement is
8 alleged and proved to have been committed by him or her or by a
9 co-conspirator.

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

- 13 (1) have not been prosecuted or convicted,
14 (2) have been convicted of a different offense,
15 (3) are not amenable to justice,
16 (4) have been acquitted, or
17 (5) lacked the capacity to commit an offense.

18 (c) Sentence.

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

21 (A) a Class X felony shall be sentenced for a Class
22 1 felony;

23 (B) a Class 1 felony shall be sentenced for a Class
24 2 felony;

25 (C) a Class 2 felony shall be sentenced for a Class
26 3 felony;

1 (D) a Class 3 felony shall be sentenced for a Class
2 4 felony;

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

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

8 (2) A person convicted of conspiracy to commit any of
9 the following offenses shall be sentenced for a Class X
10 felony:

11 (A) aggravated insurance fraud conspiracy when the
12 person is an organizer of the conspiracy (720 ILCS
13 5/46-4); or

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

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

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

21 (B) aggravated insurance fraud (720 ILCS 5/46-3)
22 or aggravated governmental insurance fraud (720 ILCS
23 5/46-3).

24 (4) A person convicted of conspiracy to commit
25 insurance fraud (720 ILCS 5/46-3) or governmental entity
26 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a

1 Class 2 felony.

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

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

7 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or
8 5/11-14.3(a)(2)(B));

9 (C) keeping a place of prostitution (720 ILCS
10 5/11-14.3(a)(1));

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

12 (E) unlawful use of weapons under Section
13 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

14 (F) unlawful use of weapons under Section
15 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

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

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

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

20 (J) look-alike substances violation (720 ILCS
21 570/404);

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

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

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

1 (720 ILCS 5/11-0.1)

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

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

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

11 "Advance prostitution" means:

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

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

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

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

23 (2) Keeping a place of prostitution by controlling or
24 exercising control over the use of any place that could
25 offer seclusion or shelter for the practice of

1 prostitution and performing any of the following acts when
2 acting other than as a person engaged in the sex trade
3 ~~prostitute~~ or a patron of a person engaged in the sex trade
4 ~~prostitute~~:

5 (A) Knowingly granting or permitting the use of
6 the place for the purpose of prostitution.

7 (B) Granting or permitting the use of the place
8 under circumstances from which he or she could
9 reasonably know that the place is used or is to be used
10 for purposes of prostitution.

11 (C) Permitting the continued use of the place
12 after becoming aware of facts or circumstances from
13 which he or she should reasonably know that the place
14 is being used for purposes of prostitution.

15 "Agency". See Section 11-9.5.

16 "Arranges". See Section 11-6.5.

17 "Bodily harm" means physical harm, and includes, but is
18 not limited to, sexually transmitted disease, pregnancy, and
19 impotence.

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

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

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

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

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

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

26 "Consent" means a freely given agreement to the act of

1 sexual penetration or sexual conduct in question. Lack of
2 verbal or physical resistance or submission by the victim
3 resulting from the use of force or threat of force by the
4 accused shall not constitute consent. The manner of dress of
5 the victim at the time of the offense shall not constitute
6 consent.

7 "Custody". See Section 11-9.2.

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

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

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

11 "Disseminate". See Section 11-20.1.

12 "Distribute". See Section 11-21.

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

20 "Force or threat of force" means the use of force or
21 violence or the threat of force or violence, including, but
22 not limited to, the following situations:

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

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

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

5 "Loiter". See Section 9.3.

6 "Material". See Section 11-21.

7 "Minor". See Section 11-21.

8 "Nudity". See Section 11-21.

9 "Obscene". See Section 11-20.

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

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

12 "Person responsible for the child's welfare". See Section
13 11-9.1A.

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

15 "Playground". See Section 11-9.3.

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

17 "Produce". See Section 11-20.1.

18 "Profit from prostitution" means, when acting other than
19 as a person engaged in the sex trade ~~prostitute~~, to receive
20 anything of value for personally rendered prostitution
21 services or to receive anything of value from a person engaged
22 in the sex trade ~~prostitute~~, if the thing received is not for
23 lawful consideration and the person knows it was earned in
24 whole or in part from the practice of prostitution.

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

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

1 "Reproduce". See Section 11-20.1.

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

3 "School". See Section 11-9.3.

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

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

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

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

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

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

24 "Solicit". See Section 11-6.

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

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

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

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

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

17 (1) was unconscious or asleep;

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

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

23 (4) was not aware, knowing, perceiving, or cognizant
24 of the essential characteristics of the act due to the
25 perpetrator's fraudulent representation that the sexual
26 penetration served a professional purpose when it served

1 no professional purpose.

2 A victim is presumed "unable to give knowing consent" when
3 the victim:

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

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

16 (3) is a client or patient and the accused is a health
17 care provider or mental health care provider and the
18 sexual conduct or sexual penetration occurs during a
19 treatment session, consultation, interview, or
20 examination;

21 (4) is a resident or inpatient of a residential
22 facility and the accused is an employee of the facility
23 who is not married to such resident or inpatient who
24 provides direct care services, case management services,
25 medical or other clinical services, habilitative services
26 or direct supervision of the residents in the facility in

1 which the resident resides; or an officer or other
2 employee, consultant, contractor or volunteer of the
3 residential facility, who knows or reasonably should know
4 that the person is a resident of such facility; or

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

13 "Victim" means a person alleging to have been subjected to
14 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,
15 11-1.50, or 11-1.60 of this Code.

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

17 (720 ILCS 5/11-9.3)

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

22 (a) It is unlawful for a child sex offender to knowingly be
23 present in any school building, on real property comprising
24 any school, or in any conveyance owned, leased, or contracted
25 by a school to transport students to or from school or a school

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

26 (a-5) It is unlawful for a child sex offender to knowingly

1 be present within 100 feet of a site posted as a pick-up or
2 discharge stop for a conveyance owned, leased, or contracted
3 by a school to transport students to or from school or a school
4 related activity when one or more persons under the age of 18
5 are present at the site.

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

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

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

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

24 (b-5) It is unlawful for a child sex offender to knowingly
25 reside within 500 feet of a school building or the real
26 property comprising any school that persons under the age of

1 18 attend. Nothing in this subsection (b-5) prohibits a child
2 sex offender from residing within 500 feet of a school
3 building or the real property comprising any school that
4 persons under 18 attend if the property is owned by the child
5 sex offender and was purchased before July 7, 2000 (the
6 effective date of Public Act 91-911).

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

1 (b-15) It is unlawful for a child sex offender to
2 knowingly reside within 500 feet of the victim of the sex
3 offense. Nothing in this subsection (b-15) prohibits a child
4 sex offender from residing within 500 feet of the victim if the
5 property in which the child sex offender resides is owned by
6 the child sex offender and was purchased before August 22,
7 2002.

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

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

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

1 upon which the day care center, part day child care facility,
2 child care institution, or school providing before and after
3 school programs for children under 18 years of age is located,
4 provided the child sex offender refrains from being present on
5 the premises for the hours during which: (1) the programs or
6 services are being offered or (2) the day care center, part day
7 child care facility, child care institution, or school
8 providing before and after school programs for children under
9 18 years of age, day care home, or group day care home is
10 operated.

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

26 (c-5) It is unlawful for a child sex offender to knowingly

1 operate, manage, be employed by, or be associated with any
2 carnival, amusement enterprise, or county or State fair when
3 persons under the age of 18 are present.

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

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

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

25 (d) Definitions. In this Section:

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

1 (i) has been charged under Illinois law, or any
2 substantially similar federal law or law of another
3 state, with a sex offense set forth in paragraph (2) of
4 this subsection (d) or the attempt to commit an
5 included sex offense, and the victim is a person under
6 18 years of age at the time of the offense; and:

7 (A) is convicted of such offense or an attempt
8 to commit such offense; or

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

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

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

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

1 of such offense or of the attempted commission of
2 such offense; or

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

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

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

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

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

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

1 of the Criminal Code of 1961 or the Criminal Code of
2 2012: 10-4 (forcible detention), 10-7 (aiding or
3 abetting child abduction under Section 10-5(b)(10)),
4 10-5(b)(10) (child luring), 11-1.40 (predatory
5 criminal sexual assault of a child), 11-6 (indecent
6 solicitation of a child), 11-6.5 (indecent
7 solicitation of an adult), 11-9.1 (sexual exploitation
8 of a child), 11-9.2 (custodial sexual misconduct),
9 11-9.5 (sexual misconduct with a person with a
10 disability), 11-11 (sexual relations within families),
11 11-14.3(a)(1) (promoting prostitution by advancing
12 prostitution), 11-14.3(a)(2)(A) (promoting
13 prostitution by profiting from prostitution by
14 compelling a person to be a person engaged in the sex
15 trade prostitute), 11-14.3(a)(2)(C) (promoting
16 prostitution by profiting from prostitution by means
17 other than as described in subparagraphs (A) and (B)
18 of paragraph (2) of subsection (a) of Section
19 11-14.3), 11-14.4 (promoting commercial sexual
20 exploitation of a child juvenile prostitution),
21 11-18.1 (patronizing a sexually exploited child
22 juvenile prostitute), 11-20.1 (child pornography),
23 11-20.1B (aggravated child pornography), 11-21
24 (harmful material), 11-25 (grooming), 11-26 (traveling
25 to meet a minor or traveling to meet a child), 12-33
26 (ritualized abuse of a child), 11-20 (obscenity) (when

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

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

20 (iii) A violation of any of the following Sections
21 of the Criminal Code of 1961 or the Criminal Code of
22 2012, when the victim is a person under 18 years of age
23 and the defendant is not a parent of the victim:

24 10-1 (kidnapping),

25 10-2 (aggravated kidnapping),

26 10-3 (unlawful restraint),

1 10-3.1 (aggravated unlawful restraint),
2 11-9.1(A) (permitting sexual abuse of a child).

3 An attempt to commit any of these offenses.

4 (iv) A violation of any former law of this State
5 substantially equivalent to any offense listed in
6 clause (2)(i) or (2)(ii) of subsection (d) of this
7 Section.

8 (2.5) For the purposes of subsections (b-5) and (b-10)
9 only, a sex offense means:

10 (i) A violation of any of the following Sections
11 of the Criminal Code of 1961 or the Criminal Code of
12 2012:

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

1 subparagraphs (A) and (B) of paragraph (2) of
2 subsection (a) of Section 11-14.3), 11-14.4 (promoting
3 commercial sexual exploitation of a child ~~juvenile~~
4 ~~prostitution~~), 11-18.1 (patronizing a sexually
5 exploited child ~~juvenile prostitute~~), 11-20.1 (child
6 pornography), 11-20.1B (aggravated child pornography),
7 11-25 (grooming), 11-26 (traveling to meet a minor or
8 traveling to meet a child), or 12-33 (ritualized abuse
9 of a child). An attempt to commit any of these
10 offenses.

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

19 (iii) A violation of any of the following Sections
20 of the Criminal Code of 1961 or the Criminal Code of
21 2012, when the victim is a person under 18 years of age
22 and the defendant is not a parent of the victim:

23 10-1 (kidnapping),

24 10-2 (aggravated kidnapping),

25 10-3 (unlawful restraint),

26 10-3.1 (aggravated unlawful restraint),

1 11-9.1(A) (permitting sexual abuse of a child).

2 An attempt to commit any of these offenses.

3 (iv) A violation of any former law of this State
4 substantially equivalent to any offense listed in this
5 paragraph (2.5) of this subsection.

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

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

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

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

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

25 (8) "Facility providing programs or services directed
26 towards persons under the age of 18" means any facility

1 providing programs or services exclusively directed
2 towards persons under the age of 18.

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

5 (10) "Internet" has the meaning set forth in Section
6 16-0.1 of this Code.

7 (11) "Loiter" means:

8 (i) Standing, sitting idly, whether or not the
9 person is in a vehicle, or remaining in or around
10 school or public park property.

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

15 (iii) Entering or remaining in a building in or
16 around school property, other than the offender's
17 residence.

18 (12) "Part day child care facility" has the meaning
19 ascribed to it in Section 2.10 of the Child Care Act of
20 1969.

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

25 (14) "Public park" includes a park, forest preserve,
26 bikeway, trail, or conservation area under the

1 jurisdiction of the State or a unit of local government.

2 (15) "School" means a public or private preschool or
3 elementary or secondary school.

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

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

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

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

23 (720 ILCS 5/11-14.3)

24 Sec. 11-14.3. Promoting prostitution.

25 (a) Any person who knowingly performs any of the following

1 acts commits promoting prostitution:

2 (1) advances prostitution as defined in Section
3 11-0.1;

4 (2) profits from prostitution by:

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

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

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

19 (b) Sentence.

20 (1) A violation of subdivision (a)(1) is a Class 4
21 felony, unless committed within 1,000 feet of real
22 property comprising a school, in which case it is a Class 3
23 felony. A second or subsequent violation of subdivision
24 (a)(1), or any combination of convictions under
25 subdivision (a)(1), (a)(2)(A), or (a)(2)(B) and Section
26 11-14 (prostitution), 11-14.1 (solicitation of a sexual

1 act), 11-14.4 (promoting commercial sexual exploitation of
2 a child juvenile prostitution), 11-15 (soliciting for a
3 person engaged in the sex trade prostitute), 11-15.1
4 (soliciting for a sexually exploited child juvenile
5 prostitute), 11-16 (pandering), 11-17 (keeping a place of
6 prostitution), 11-17.1 (keeping a place of commercial
7 sexual exploitation of a child juvenile prostitution),
8 11-18 (patronizing a person engaged in the sex trade
9 prostitute), 11-18.1 (patronizing a sexually exploited
10 child juvenile prostitute), 11-19 (pimping), 11-19.1
11 (juvenile pimping or aggravated juvenile pimping), or
12 11-19.2 (exploitation of a child), is a Class 3 felony.

13 (2) A violation of subdivision (a) (2) (A) or (a) (2) (B)
14 is a Class 4 felony, unless committed within 1,000 feet of
15 real property comprising a school, in which case it is a
16 Class 3 felony.

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

1 person engaged in the sex trade ~~prostitute~~), 11-15.1
2 (soliciting for a sexually exploited child ~~juvenile~~
3 ~~prostitute~~), 11-16 (pandering), 11-17 (keeping a place of
4 prostitution), 11-17.1 (keeping a place of commercial
5 sexual exploitation of a child ~~juvenile prostitution~~),
6 11-18 (patronizing a person engaged in the sex trade
7 ~~prostitute~~), 11-18.1 (patronizing a sexually exploited
8 child ~~juvenile prostitute~~), 11-19 (pimping), 11-19.1
9 (juvenile pimping or aggravated juvenile pimping), or
10 11-19.2 (exploitation of a child), is a Class 3 felony.

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

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

16 (720 ILCS 5/11-14.4)

17 Sec. 11-14.4. Promoting commercial sexual exploitation of
18 a child ~~juvenile prostitution~~.

19 (a) Any person who knowingly performs any of the following
20 acts commits promoting commercial sexual exploitation of a
21 child ~~juvenile prostitution~~:

22 (1) advances prostitution as defined in Section
23 11-0.1, where the minor engaged in prostitution, or any
24 person engaged in prostitution in the place, is under 18
25 years of age or is a person with a severe or profound

1 intellectual disability at the time of the offense;

2 (2) profits from prostitution by any means where the
3 person engaged in the sex trade ~~prostituted person~~ is a
4 sexually exploited child under 18 years of age or is a
5 person with a severe or profound intellectual disability
6 at the time of the offense;

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

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

22 (A) compels the child or the person with a severe
23 or profound intellectual disability to engage in
24 prostitution;

25 (B) arranges a situation in which the child or the
26 person with a severe or profound intellectual

1 disability may practice prostitution; or

2 (C) profits from prostitution by the child or the
3 person with a severe or profound intellectual
4 disability.

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

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

22 (d) Sentence. A violation of subdivision (a)(1) is a Class
23 1 felony, unless committed within 1,000 feet of real property
24 comprising a school, in which case it is a Class X felony. A
25 violation of subdivision (a)(2) is a Class 1 felony. A
26 violation of subdivision (a)(3) is a Class X felony. A

1 violation of subdivision (a) (4) is a Class X felony, for which
2 the person shall be sentenced to a term of imprisonment of not
3 less than 6 years and not more than 60 years. A second or
4 subsequent violation of subdivision (a) (1), (a) (2), or (a) (3),
5 or any combination of convictions under subdivision (a) (1),
6 (a) (2), or (a) (3) and Sections 11-14 (prostitution), 11-14.1
7 (solicitation of a sexual act), 11-14.3 (promoting
8 prostitution), 11-15 (soliciting for a person engaged in the
9 sex trade prostitute), 11-15.1 (soliciting for a sexually
10 exploited child juvenile prostitute), 11-16 (pandering), 11-17
11 (keeping a place of prostitution), 11-17.1 (keeping a place of
12 commercial sexual exploitation of a child juvenile
13 prostitution), 11-18 (patronizing a person engaged in the sex
14 trade prostitute), 11-18.1 (patronizing a sexually exploited
15 child juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile
16 pimping or aggravated juvenile pimping), or 11-19.2
17 (exploitation of a child) of this Code, is a Class X felony.

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

25 (f) For the purposes of this Section, "person engaged in
26 the sex trade prostituted person" means any person who engages

1 in, or agrees or offers to engage in, any act of sexual
2 penetration as defined in Section 11-0.1 of this Code for any
3 money, property, token, object, or article or anything of
4 value, or any touching or fondling of the sex organs of one
5 person by another person, for any money, property, token,
6 object, or article or anything of value, for the purpose of
7 sexual arousal or gratification.

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

9 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

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

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

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

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

21 (3) Engages in any touching or fondling with a person
22 engaged in the sex trade ~~prostitute~~ of the sex organs of
23 one person by the other person, with the intent to achieve
24 sexual arousal or gratification.

25 (b) Sentence.

1 Patronizing a person engaged in the sex trade prostitute
2 is a Class 4 felony, unless committed within 1,000 feet of real
3 property comprising a school, in which case it is a Class 3
4 felony. A person convicted of a second or subsequent violation
5 of this Section, or of any combination of such number of
6 convictions under this Section and Sections 11-14
7 (prostitution), 11-14.1 (solicitation of a sexual act),
8 11-14.3 (promoting prostitution), 11-14.4 (promoting
9 commercial sexual exploitation of a child juvenile
10 prostitution), 11-15 (soliciting for a person engaged in the
11 sex trade prostitute), 11-15.1 (soliciting for a sexually
12 exploited child juvenile prostitute), 11-16 (pandering), 11-17
13 (keeping a place of prostitution), 11-17.1 (keeping a place of
14 commercial sexual exploitation of a child juvenile
15 prostitution), 11-18.1 (patronizing a sexually exploited child
16 juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile
17 pimping or aggravated juvenile pimping), or 11-19.2
18 (exploitation of a child) of this Code, is guilty of a Class 3
19 felony. If the court imposes a fine under this subsection (b),
20 it shall be collected and distributed to the Specialized
21 Services for Survivors of Human Trafficking Fund in accordance
22 with Section 5-9-1.21 of the Unified Code of Corrections.

23 (c) (Blank).

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

25 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

1 Sec. 11-18.1. Patronizing a sexually exploited child ~~minor~~
2 ~~engaged in prostitution.~~

3 (a) Any person who engages in an act of sexual penetration
4 as defined in Section 11-0.1 of this Code with a person who is
5 under 18 years of age engaged in prostitution ~~who is under 18~~
6 ~~years of age~~ or is a person with a severe or profound
7 intellectual disability commits patronizing a sexually
8 exploited child ~~minor engaged in prostitution.~~

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

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

22 (c) Sentence. A person who commits patronizing a sexually
23 exploited child ~~juvenile prostitute~~ is guilty of a Class 3
24 felony, unless committed within 1,000 feet of real property
25 comprising a school, in which case it is a Class 2 felony. A
26 person convicted of a second or subsequent violation of this

1 Section, or of any combination of such number of convictions
2 under this Section and Sections 11-14 (prostitution), 11-14.1
3 (solicitation of a sexual act), 11-14.3 (promoting
4 prostitution), 11-14.4 (promoting commercial sexual
5 exploitation of a child ~~juvenile prostitution~~), 11-15
6 (soliciting for a person engaged in the sex trade ~~prostitute~~),
7 11-15.1 (soliciting for a sexually exploited child ~~juvenile~~
8 ~~prostitute~~), 11-16 (pandering), 11-17 (keeping a place of
9 prostitution), 11-17.1 (keeping a place of commercial sexual
10 exploitation of a child ~~juvenile prostitution~~), 11-18
11 (patronizing a person engaged in the sex trade ~~prostitute~~),
12 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated
13 juvenile pimping), or 11-19.2 (exploitation of a child) of
14 this Code, is guilty of a Class 2 felony. The fact of such
15 conviction is not an element of the offense and may not be
16 disclosed to the jury during trial unless otherwise permitted
17 by issues properly raised during such trial.

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

19 (720 ILCS 5/33G-3)

20 (Section scheduled to be repealed on June 1, 2025)

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

22 (a) "Another state" means any State of the United States
23 (other than the State of Illinois), or the District of
24 Columbia, or the Commonwealth of Puerto Rico, or any territory
25 or possession of the United States, or any political

1 subdivision, or any department, agency, or instrumentality
2 thereof.

3 (b) "Enterprise" includes:

4 (1) any partnership, corporation, association,
5 business or charitable trust, or other legal entity; and

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

13 (A) have an ongoing organization or structure,
14 either formal or informal;

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

18 (C) have an ascertainable structure distinct from
19 that inherent in the conduct of a pattern of predicate
20 activity.

21 As used in this Article, "enterprise" includes licit and
22 illicit enterprises.

23 (c) "Labor organization" includes any organization, labor
24 union, craft union, or any voluntary unincorporated
25 association designed to further the cause of the rights of
26 union labor that is constituted for the purpose, in whole or in

1 part, of collective bargaining or of dealing with employers
2 concerning grievances, terms or conditions of employment, or
3 apprenticeships or applications for apprenticeships, or of
4 other mutual aid or protection in connection with employment,
5 including apprenticeships or applications for apprenticeships.

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

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

20 (1) under the Criminal Code of 1961 or the Criminal
21 Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1
22 (first degree murder), 9-3.3 (drug-induced homicide), 10-1
23 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1
24 (aggravated unlawful restraint), 10-4 (forcible
25 detention), 10-5(b)(10) (child abduction), 10-9
26 (trafficking in persons, involuntary servitude, and

1 related offenses), 11-1.20 (criminal sexual assault),
2 11-1.30 (aggravated criminal sexual assault), 11-1.40
3 (predatory criminal sexual assault of a child), 11-1.60
4 (aggravated criminal sexual abuse), 11-6 (indecent
5 solicitation of a child), 11-6.5 (indecent solicitation of
6 an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting
7 prostitution), 11-14.4 (promoting commercial sexual
8 exploitation of a child ~~juvenile prostitution~~), 11-18.1
9 (patronizing a sexually exploited child ~~minor engaged in~~
10 ~~prostitution~~; patronizing a sexually exploited child
11 ~~juvenile prostitute~~), 12-3.05 (aggravated battery), 12-6.4
12 (criminal street gang recruitment), 12-6.5 (compelling
13 organization membership of persons), 12-7.3 (stalking),
14 12-7.4 (aggravated stalking), 12-7.5 (cyberstalking),
15 12-11 or 19-6 (home invasion), 12-11.1 or 18-6 (vehicular
16 invasion), 18-1 (robbery; aggravated robbery), 18-2 (armed
17 robbery), 18-3 (vehicular hijacking), 18-4 (aggravated
18 vehicular hijacking), 18-5 (aggravated robbery), 19-1
19 (burglary), 19-3 (residential burglary), 20-1 (arson;
20 residential arson; place of worship arson), 20-1.1
21 (aggravated arson), 20-1.2 (residential arson), 20-1.3
22 (place of worship arson), 24-1.2 (aggravated discharge of
23 a firearm), 24-1.2-5 (aggravated discharge of a machine
24 gun or silencer equipped firearm), 24-1.8 (unlawful
25 possession of a firearm by a street gang member), 24-3.2
26 (unlawful discharge of firearm projectiles), 24-3.9

1 (aggravated possession of a stolen firearm), 24-3A
2 (gunrunning), 26-5 or 48-1 (dog-fighting), 29D-14.9
3 (terrorism), 29D-15 (soliciting support for terrorism),
4 29D-15.1 (causing a catastrophe), 29D-15.2 (possession of
5 a deadly substance), 29D-20 (making a terrorist threat),
6 29D-25 (falsely making a terrorist threat), 29D-29.9
7 (material support for terrorism), 29D-35 (hindering
8 prosecution of terrorism), 31A-1.2 (unauthorized
9 contraband in a penal institution), or 33A-3 (armed
10 violence);

11 (2) under the Cannabis Control Act: Sections 5
12 (manufacture or delivery of cannabis), 5.1 (cannabis
13 trafficking), or 8 (production or possession of cannabis
14 plants), provided the offense either involves more than
15 500 grams of any substance containing cannabis or involves
16 more than 50 cannabis sativa plants;

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

22 (4) under the Methamphetamine Control and Community
23 Protection Act: Sections 15 (methamphetamine
24 manufacturing), or 55 (methamphetamine delivery).

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

26 (1) at least 3 occurrences of predicate activity that

1 are in some way related to each other and that have
2 continuity between them, and that are separate acts. Acts
3 are related to each other if they are not isolated events,
4 including if they have similar purposes, or results, or
5 participants, or victims, or are committed a similar way,
6 or have other similar distinguishing characteristics, or
7 are part of the affairs of the same enterprise. There is
8 continuity between acts if they are ongoing over a
9 substantial period, or if they are part of the regular way
10 some entity does business or conducts its affairs; and

11 (2) which occurs after the effective date of this
12 Article, and the last of which falls within 3 years
13 (excluding any period of imprisonment) after the first
14 occurrence of predicate activity.

15 (g) "Unlawful death" includes the following offenses:
16 under the Code of 1961 or the Criminal Code of 2012: Sections
17 9-1 (first degree murder) or 9-2 (second degree murder).
18 (Source: P.A. 97-686, eff. 6-11-12; 97-1150, eff. 1-25-13.)

19 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

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

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

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

1 24-1.2 (aggravated discharge of a firearm), Section
2 24-1.2-5 (aggravated discharge of a machine gun or a
3 firearm equipped with a device designed or used for
4 silencing the report of a firearm), Section 24-1.5
5 (reckless discharge of a firearm), Section 28-1
6 (gambling), or Section 29D-15.2 (possession of a deadly
7 substance) of this Code;

8 (2) an offense prohibited by Section 21, 22, 23, 24 or
9 26 of the Cigarette Tax Act if the vessel or watercraft,
10 vehicle, or aircraft contains more than 10 cartons of such
11 cigarettes;

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

16 (4) an offense prohibited by Section 44 of the
17 Environmental Protection Act;

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

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

26 (A) during a period in which his or her driving

1 privileges are revoked or suspended if the revocation
2 or suspension was for:

3 (i) Section 11-501 (driving under the
4 influence of alcohol or other drug or drugs,
5 intoxicating compound or compounds or any
6 combination thereof),

7 (ii) Section 11-501.1 (statutory summary
8 suspension or revocation),

9 (iii) paragraph (b) of Section 11-401 (motor
10 vehicle crashes involving death or personal
11 injuries), or

12 (iv) reckless homicide as defined in Section
13 9-3 of this Code;

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

1 of the death or injuries;

2 (C) the person committed a violation of driving
3 under the influence of alcohol or other drug or drugs,
4 intoxicating compound or compounds or any combination
5 thereof under Section 11-501 of the Illinois Vehicle
6 Code or a similar provision for the third or
7 subsequent time;

8 (D) he or she did not possess a valid driver's
9 license or permit or a valid restricted driving permit
10 or a valid judicial driving permit or a valid
11 monitoring device driving permit; or

12 (E) he or she knew or should have known that the
13 vehicle he or she was driving was not covered by a
14 liability insurance policy;

15 (7) an offense described in subsection (g) of Section
16 6-303 of the Illinois Vehicle Code;

17 (8) an offense described in subsection (e) of Section
18 6-101 of the Illinois Vehicle Code; or

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

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

22 (b) In addition, any mobile or portable equipment used in
23 the commission of an act which is in violation of Section 7g of
24 the Metropolitan Water Reclamation District Act shall be
25 subject to seizure and forfeiture under the same procedures
26 provided in this Article for the seizure and forfeiture of

1 vessels or watercraft, vehicles, and aircraft, and any such
2 equipment shall be deemed a vessel or watercraft, vehicle, or
3 aircraft for purposes of this Article.

4 (c) In addition, when a person discharges a firearm at
5 another individual from a vehicle with the knowledge and
6 consent of the owner of the vehicle and with the intent to
7 cause death or great bodily harm to that individual and as a
8 result causes death or great bodily harm to that individual,
9 the vehicle shall be subject to seizure and forfeiture under
10 the same procedures provided in this Article for the seizure
11 and forfeiture of vehicles used in violations of clauses (1),
12 (2), (3), or (4) of subsection (a) of this Section.

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

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

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

16 Section 140. The Code of Criminal Procedure of 1963 is
17 amended by changing Sections 108B-3, 111-8, 124B-10, 124B-100,
18 and 124B-300 as follows:

19 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

20 Sec. 108B-3. Authorization for the interception of private
21 communication.

22 (a) The State's Attorney, or a person designated in
23 writing or by law to act for him and to perform his duties
24 during his absence or disability, may authorize, in writing,

1 an ex parte application to the chief judge of a court of
2 competent jurisdiction for an order authorizing the
3 interception of a private communication when no party has
4 consented to the interception and (i) the interception may
5 provide evidence of, or may assist in the apprehension of a
6 person who has committed, is committing or is about to commit,
7 a violation of Section 8-1(b) (solicitation of murder), 8-1.2
8 (solicitation of murder for hire), 9-1 (first degree murder),
9 10-9 (involuntary servitude, involuntary sexual servitude of a
10 minor, or trafficking in persons), paragraph (1), (2), or (3)
11 of subsection (a) of Section 11-14.4 (promoting commercial
12 sexual exploitation of a child ~~juvenile prostitution~~),
13 subdivision (a)(2)(A) or (a)(2)(B) of Section 11-14.3
14 (promoting prostitution), 11-15.1 (soliciting for a sexually
15 exploited child ~~minor engaged in prostitution~~), 11-16
16 (pandering), 11-17.1 (keeping a place of commercial sexual
17 exploitation of a child ~~juvenile prostitution~~), 11-18.1
18 (patronizing a sexually exploited child ~~minor engaged in~~
19 ~~prostitution~~), 11-19.1 (juvenile pimping and aggravated
20 juvenile pimping), or 29B-1 (money laundering) of the Criminal
21 Code of 1961 or the Criminal Code of 2012, Section 401, 401.1
22 (controlled substance trafficking), 405, 405.1 (criminal drug
23 conspiracy) or 407 of the Illinois Controlled Substances Act
24 or any Section of the Methamphetamine Control and Community
25 Protection Act, a violation of Section 24-2.1, 24-2.2, 24-3,
26 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection

1 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10),
2 or 24-1(c) of the Criminal Code of 1961 or the Criminal Code of
3 2012 or conspiracy to commit money laundering or conspiracy to
4 commit first degree murder; (ii) in response to a clear and
5 present danger of imminent death or great bodily harm to
6 persons resulting from: (1) a kidnapping or the holding of a
7 hostage by force or the threat of the imminent use of force; or
8 (2) the occupation by force or the threat of the imminent use
9 of force of any premises, place, vehicle, vessel or aircraft;
10 (iii) to aid an investigation or prosecution of a civil action
11 brought under the Illinois Streetgang Terrorism Omnibus
12 Prevention Act when there is probable cause to believe the
13 interception of the private communication will provide
14 evidence that a streetgang is committing, has committed, or
15 will commit a second or subsequent gang-related offense or
16 that the interception of the private communication will aid in
17 the collection of a judgment entered under that Act; or (iv)
18 upon information and belief that a streetgang has committed,
19 is committing, or is about to commit a felony.

20 (b) The State's Attorney or a person designated in writing
21 or by law to act for the State's Attorney and to perform his or
22 her duties during his or her absence or disability, may
23 authorize, in writing, an ex parte application to the chief
24 judge of a circuit court for an order authorizing the
25 interception of a private communication when no party has
26 consented to the interception and the interception may provide

1 evidence of, or may assist in the apprehension of a person who
2 has committed, is committing or is about to commit, a
3 violation of an offense under Article 29D of the Criminal Code
4 of 1961 or the Criminal Code of 2012.

5 (b-1) Subsection (b) is inoperative on and after January
6 1, 2005.

7 (b-2) No conversations recorded or monitored pursuant to
8 subsection (b) shall be made inadmissible in a court of law by
9 virtue of subsection (b-1).

10 (c) As used in this Section, "streetgang" and
11 "gang-related" have the meanings ascribed to them in Section
12 10 of the Illinois Streetgang Terrorism Omnibus Prevention
13 Act.

14 (Source: P.A. 96-710, eff. 1-1-10; 96-1464, eff. 8-20-10;
15 97-897, eff. 1-1-13; 97-1150, eff. 1-25-13.)

16 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

17 Sec. 111-8. Orders of protection to prohibit domestic
18 violence.

19 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
20 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
21 11-1.60, 11-14.3 that involves soliciting for a person engaged
22 in the sex trade ~~prostitute~~, 11-14.4 that involves soliciting
23 for a sexually exploited child ~~juvenile prostitute~~, 11-15,
24 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1, 12-2, 12-3,
25 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1, 12-4.3, 12-4.6,

1 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13,
2 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1, 21-2, 21-3, or
3 26.5-2 of the Criminal Code of 1961 or the Criminal Code of
4 2012 or Section 1-1 of the Harassing and Obscene
5 Communications Act is alleged in an information, complaint or
6 indictment on file, and the alleged offender and victim are
7 family or household members, as defined in the Illinois
8 Domestic Violence Act of 1986, as now or hereafter amended,
9 the People through the respective State's Attorneys may by
10 separate petition and upon notice to the defendant, except as
11 provided in subsection (c) herein, request the court to issue
12 an order of protection.

13 (b) In addition to any other remedies specified in Section
14 208 of the Illinois Domestic Violence Act of 1986, as now or
15 hereafter amended, the order may direct the defendant to
16 initiate no contact with the alleged victim or victims who are
17 family or household members and to refrain from entering the
18 residence, school or place of business of the alleged victim
19 or victims.

20 (c) The court may grant emergency relief without notice
21 upon a showing of immediate and present danger of abuse to the
22 victim or minor children of the victim and may enter a
23 temporary order pending notice and full hearing on the matter.

24 (Source: P.A. 99-642, eff. 7-28-16.)

1 Sec. 124B-10. Applicability; offenses. This Article
2 applies to forfeiture of property in connection with the
3 following:

4 (1) A violation of Section 10-9 or 10A-10 of the
5 Criminal Code of 1961 or the Criminal Code of 2012
6 (involuntary servitude; involuntary servitude of a minor;
7 or trafficking in persons).

8 (2) A violation of subdivision (a)(1) of Section
9 11-14.4 of the Criminal Code of 1961 or the Criminal Code
10 of 2012 (promoting commercial sexual exploitation of a
11 child ~~juvenile prostitution~~) or a violation of Section
12 11-17.1 of the Criminal Code of 1961 (keeping a place of
13 commercial sexual exploitation of a child ~~juvenile~~
14 ~~prostitution~~).

15 (3) A violation of subdivision (a)(4) of Section
16 11-14.4 of the Criminal Code of 1961 or the Criminal Code
17 of 2012 (promoting commercial sexual exploitation of a
18 child ~~juvenile prostitution~~) or a violation of Section
19 11-19.2 of the Criminal Code of 1961 (exploitation of a
20 child).

21 (4) A second or subsequent violation of Section 11-20
22 of the Criminal Code of 1961 or the Criminal Code of 2012
23 (obscenity).

24 (5) A violation of Section 11-20.1 of the Criminal
25 Code of 1961 or the Criminal Code of 2012 (child
26 pornography).

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

3 (6.5) A violation of Section 11-23.5 of the Criminal
4 Code of 2012.

5 (7) A violation of Section 12C-65 of the Criminal Code
6 of 2012 or Article 44 of the Criminal Code of 1961
7 (unlawful transfer of a telecommunications device to a
8 minor).

9 (8) A violation of Section 17-50 or Section 16D-5 of
10 the Criminal Code of 2012 or the Criminal Code of 1961
11 (computer fraud).

12 (9) A felony violation of Section 17-6.3 or Article
13 17B of the Criminal Code of 2012 or the Criminal Code of
14 1961 (WIC fraud).

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

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

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

22 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;
23 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.
24 6-1-15.)

25 (725 ILCS 5/124B-100)

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

3 (1) In the case of forfeiture authorized under Section
4 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
5 Criminal Code of 2012, "offense" means the offense of
6 involuntary servitude, involuntary servitude of a minor,
7 or trafficking in persons in violation of Section 10-9 or
8 10A-10 of those Codes.

9 (2) In the case of forfeiture authorized under
10 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 "offense" means the offense of promoting commercial sexual
13 exploitation of a child ~~juvenile prostitution~~ or keeping a
14 place of commercial sexual exploitation of a child
15 ~~juvenile prostitution~~ in violation of subdivision (a) (1)
16 of Section 11-14.4, or Section 11-17.1, of those Codes.

17 (3) In the case of forfeiture authorized under
18 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
19 of the Criminal Code of 1961 or the Criminal Code of 2012,
20 "offense" means the offense of promoting commercial sexual
21 exploitation of a child ~~juvenile prostitution~~ or
22 exploitation of a child in violation of subdivision (a) (4)
23 of Section 11-14.4, or Section 11-19.2, of those Codes.

24 (4) In the case of forfeiture authorized under Section
25 11-20 of the Criminal Code of 1961 or the Criminal Code of
26 2012, "offense" means the offense of obscenity in

1 violation of that Section.

2 (5) In the case of forfeiture authorized under Section
3 11-20.1 of the Criminal Code of 1961 or the Criminal Code
4 of 2012, "offense" means the offense of child pornography
5 in violation of Section 11-20.1 of that Code.

6 (6) In the case of forfeiture authorized under Section
7 11-20.1B or 11-20.3 of the Criminal Code of 1961,
8 "offense" means the offense of aggravated child
9 pornography in violation of Section 11-20.1B or 11-20.3 of
10 that Code.

11 (7) In the case of forfeiture authorized under Section
12 12C-65 of the Criminal Code of 2012 or Article 44 of the
13 Criminal Code of 1961, "offense" means the offense of
14 unlawful transfer of a telecommunications device to a
15 minor in violation of Section 12C-65 or Article 44 of
16 those Codes.

17 (8) In the case of forfeiture authorized under Section
18 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
19 Code of 2012, "offense" means the offense of computer
20 fraud in violation of Section 17-50 or 16D-5 of those
21 Codes.

22 (9) In the case of forfeiture authorized under Section
23 17-6.3 or Article 17B of the Criminal Code of 1961 or the
24 Criminal Code of 2012, "offense" means any felony
25 violation of Section 17-6.3 or Article 17B of those Codes.

26 (10) In the case of forfeiture authorized under

1 Section 29D-65 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, "offense" means any offense under
3 Article 29D of that Code.

4 (11) In the case of forfeiture authorized under
5 Section 4.01 of the Humane Care for Animals Act, Section
6 26-5 of the Criminal Code of 1961, or Section 48-1 of the
7 Criminal Code of 2012, "offense" means any felony offense
8 under either of those Sections.

9 (12) In the case of forfeiture authorized under
10 Section 124B-1000(b) of the Code of Criminal Procedure of
11 1963, "offense" means an offense in violation of the
12 Criminal Code of 1961, the Criminal Code of 2012, the
13 Illinois Controlled Substances Act, the Cannabis Control
14 Act, or the Methamphetamine Control and Community
15 Protection Act, or an offense involving a
16 telecommunications device possessed by a person on the
17 real property of any elementary or secondary school
18 without authority of the school principal.

19 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
20 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
21 1-1-13; 97-1150, eff. 1-25-13.)

22 (725 ILCS 5/124B-300)

23 Sec. 124B-300. Persons and property subject to forfeiture.
24 A person who commits the offense of involuntary servitude,
25 involuntary servitude of a minor, or trafficking of persons

1 under Section 10A-10 or Section 10-9 of the Criminal Code of
2 1961 or the Criminal Code of 2012, promoting commercial sexual
3 exploitation of a child ~~juvenile prostitution~~, keeping a place
4 of commercial sexual exploitation of a child ~~juvenile~~
5 ~~prostitution~~, or promoting prostitution that involves keeping
6 a place of prostitution under subsection (a)(1) or (a)(4) of
7 Section 11-14.4 or under Section 11-14.3, 11-17.1, or 11-19.2
8 of the Criminal Code of 1961 or of the Criminal Code of 2012
9 shall forfeit to the State of Illinois any profits or proceeds
10 and any property he or she has acquired or maintained in
11 violation of Section 10A-10 or Section 10-9 of the Criminal
12 Code of 1961 or the Criminal Code of 2012, promoting
13 commercial sexual exploitation of a child ~~juvenile~~
14 ~~prostitution~~, keeping a place of commercial sexual
15 exploitation of a child ~~juvenile prostitution~~, or promoting
16 prostitution that involves keeping a place of prostitution
17 under subsection (a)(1) or (a)(4) of Section 11-14.4 or under
18 Section 11-14.3, 11-17.1, or 11-19.2 of the Criminal Code of
19 1961 or of the Criminal Code of 2012 that the sentencing court
20 determines, after a forfeiture hearing under this Article, to
21 have been acquired or maintained as a result of maintaining a
22 person in involuntary servitude or participating in
23 trafficking of persons.

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

25 Section 145. The Sexually Violent Persons Commitment Act

1 is amended by changing Section 40 as follows:

2 (725 ILCS 207/40)

3 Sec. 40. Commitment.

4 (a) If a court or jury determines that the person who is
5 the subject of a petition under Section 15 of this Act is a
6 sexually violent person, the court shall order the person to
7 be committed to the custody of the Department for control,
8 care and treatment until such time as the person is no longer a
9 sexually violent person.

10 (b) (1) The court shall enter an initial commitment order
11 under this Section pursuant to a hearing held as soon as
12 practicable after the judgment is entered that the person who
13 is the subject of a petition under Section 15 is a sexually
14 violent person. If the court lacks sufficient information to
15 make the determination required by paragraph (b) (2) of this
16 Section immediately after trial, it may adjourn the hearing
17 and order the Department to conduct a predisposition
18 investigation or a supplementary mental examination, or both,
19 to assist the court in framing the commitment order. If the
20 Department's examining evaluator previously rendered an
21 opinion that the person who is the subject of a petition under
22 Section 15 does not meet the criteria to be found a sexually
23 violent person, then another evaluator shall conduct the
24 predisposition investigation and/or supplementary mental
25 examination. A supplementary mental examination under this

1 Section shall be conducted in accordance with Section 3-804 of
2 the Mental Health and Developmental Disabilities Code. The
3 State has the right to have the person evaluated by experts
4 chosen by the State.

5 (2) An order for commitment under this Section shall
6 specify either institutional care in a secure facility, as
7 provided under Section 50 of this Act, or conditional release.
8 In determining whether commitment shall be for institutional
9 care in a secure facility or for conditional release, the
10 court shall consider the nature and circumstances of the
11 behavior that was the basis of the allegation in the petition
12 under paragraph (b)(1) of Section 15, the person's mental
13 history and present mental condition, and what arrangements
14 are available to ensure that the person has access to and will
15 participate in necessary treatment. All treatment, whether in
16 institutional care, in a secure facility, or while on
17 conditional release, shall be conducted in conformance with
18 the standards developed under the Sex Offender Management
19 Board Act and conducted by a treatment provider licensed under
20 the Sex Offender Evaluation and Treatment Provider Act. The
21 Department shall arrange for control, care and treatment of
22 the person in the least restrictive manner consistent with the
23 requirements of the person and in accordance with the court's
24 commitment order.

25 (3) If the court finds that the person is appropriate for
26 conditional release, the court shall notify the Department.

1 The Department shall prepare a plan that identifies the
2 treatment and services, if any, that the person will receive
3 in the community. The plan shall address the person's need, if
4 any, for supervision, counseling, medication, community
5 support services, residential services, vocational services,
6 and alcohol or other drug abuse treatment. The Department may
7 contract with a county health department, with another public
8 agency or with a private agency to provide the treatment and
9 services identified in the plan. The plan shall specify who
10 will be responsible for providing the treatment and services
11 identified in the plan. The plan shall be presented to the
12 court for its approval within 60 days after the court finding
13 that the person is appropriate for conditional release, unless
14 the Department and the person to be released request
15 additional time to develop the plan. The conditional release
16 program operated under this Section is not subject to the
17 provisions of the Mental Health and Developmental Disabilities
18 Confidentiality Act.

19 (4) An order for conditional release places the person in
20 the custody and control of the Department. A person on
21 conditional release is subject to the conditions set by the
22 court and to the rules of the Department. Before a person is
23 placed on conditional release by the court under this Section,
24 the court shall so notify the municipal police department and
25 county sheriff for the municipality and county in which the
26 person will be residing. The notification requirement under

1 this Section does not apply if a municipal police department
2 or county sheriff submits to the court a written statement
3 waiving the right to be notified. Notwithstanding any other
4 provision in the Act, the person being supervised on
5 conditional release shall not reside at the same street
6 address as another sex offender being supervised on
7 conditional release under this Act, mandatory supervised
8 release, parole, aftercare release, probation, or any other
9 manner of supervision. If the Department alleges that a
10 released person has violated any condition or rule, or that
11 the safety of others requires that conditional release be
12 revoked, he or she may be taken into custody under the rules of
13 the Department.

14 At any time during which the person is on conditional
15 release, if the Department determines that the person has
16 violated any condition or rule, or that the safety of others
17 requires that conditional release be revoked, the Department
18 may request the Attorney General or State's Attorney to
19 request the court to issue an emergency ex parte order
20 directing any law enforcement officer to take the person into
21 custody and transport the person to the county jail. The
22 Department may request, or the Attorney General or State's
23 Attorney may request independently of the Department, that a
24 petition to revoke conditional release be filed. When a
25 petition is filed, the court may order the Department to issue
26 a notice to the person to be present at the Department or other

1 agency designated by the court, order a summons to the person
2 to be present, or order a body attachment for all law
3 enforcement officers to take the person into custody and
4 transport him or her to the county jail, hospital, or
5 treatment facility. The Department shall submit a statement
6 showing probable cause of the detention and a petition to
7 revoke the order for conditional release to the committing
8 court within 48 hours after the detention. The court shall
9 hear the petition within 30 days, unless the hearing or time
10 deadline is waived by the detained person. Pending the
11 revocation hearing, the Department may detain the person in a
12 jail, in a hospital or treatment facility. The State has the
13 burden of proving by clear and convincing evidence that any
14 rule or condition of release has been violated, or that the
15 safety of others requires that the conditional release be
16 revoked. If the court determines after hearing that any rule
17 or condition of release has been violated, or that the safety
18 of others requires that conditional release be revoked, it may
19 revoke the order for conditional release and order that the
20 released person be placed in an appropriate institution until
21 the person is discharged from the commitment under Section 65
22 of this Act or until again placed on conditional release under
23 Section 60 of this Act.

24 (5) An order for conditional release places the person in
25 the custody, care, and control of the Department. The court
26 shall order the person be subject to the following rules of

1 conditional release, in addition to any other conditions
2 ordered, and the person shall be given a certificate setting
3 forth the conditions of conditional release. These conditions
4 shall be that the person:

5 (A) not violate any criminal statute of any
6 jurisdiction;

7 (B) report to or appear in person before such person
8 or agency as directed by the court and the Department;

9 (C) refrain from possession of a firearm or other
10 dangerous weapon;

11 (D) not leave the State without the consent of the
12 court or, in circumstances in which the reason for the
13 absence is of such an emergency nature, that prior consent
14 by the court is not possible without the prior
15 notification and approval of the Department;

16 (E) at the direction of the Department, notify third
17 parties of the risks that may be occasioned by his or her
18 criminal record or sexual offending history or
19 characteristics, and permit the supervising officer or
20 agent to make the notification requirement;

21 (F) attend and fully participate in assessment,
22 treatment, and behavior monitoring including, but not
23 limited to, medical, psychological or psychiatric
24 treatment specific to sexual offending, drug addiction, or
25 alcoholism, to the extent appropriate to the person based
26 upon the recommendation and findings made in the

1 Department evaluation or based upon any subsequent
2 recommendations by the Department;

3 (G) waive confidentiality allowing the court and
4 Department access to assessment or treatment results or
5 both;

6 (H) work regularly at a Department approved occupation
7 or pursue a course of study or vocational training and
8 notify the Department within 72 hours of any change in
9 employment, study, or training;

10 (I) not be employed or participate in any volunteer
11 activity that involves contact with children, except under
12 circumstances approved in advance and in writing by the
13 Department officer;

14 (J) submit to the search of his or her person,
15 residence, vehicle, or any personal or real property under
16 his or her control at any time by the Department;

17 (K) financially support his or her dependents and
18 provide the Department access to any requested financial
19 information;

20 (L) serve a term of home confinement, the conditions
21 of which shall be that the person:

22 (i) remain within the interior premises of the
23 place designated for his or her confinement during the
24 hours designated by the Department;

25 (ii) admit any person or agent designated by the
26 Department into the offender's place of confinement at

1 any time for purposes of verifying the person's
2 compliance with the condition of his or her
3 confinement;

4 (iii) if deemed necessary by the Department, be
5 placed on an electronic monitoring device;

6 (M) comply with the terms and conditions of an order
7 of protection issued by the court pursuant to the Illinois
8 Domestic Violence Act of 1986. A copy of the order of
9 protection shall be transmitted to the Department by the
10 clerk of the court;

11 (N) refrain from entering into a designated geographic
12 area except upon terms the Department finds appropriate.
13 The terms may include consideration of the purpose of the
14 entry, the time of day, others accompanying the person,
15 and advance approval by the Department;

16 (O) refrain from having any contact, including written
17 or oral communications, directly or indirectly, with
18 certain specified persons including, but not limited to,
19 the victim or the victim's family, and report any
20 incidental contact with the victim or the victim's family
21 to the Department within 72 hours; refrain from entering
22 onto the premises of, traveling past, or loitering near
23 the victim's residence, place of employment, or other
24 places frequented by the victim;

25 (P) refrain from having any contact, including written
26 or oral communications, directly or indirectly, with

1 particular types of persons, including but not limited to
2 members of street gangs, drug users, drug dealers, or
3 persons engaged in the sex trade ~~prostitutes~~;

4 (Q) refrain from all contact, direct or indirect,
5 personally, by telephone, letter, or through another
6 person, with minor children without prior identification
7 and approval of the Department;

8 (R) refrain from having in his or her body the
9 presence of alcohol or any illicit drug prohibited by the
10 Cannabis Control Act, the Illinois Controlled Substances
11 Act, or the Methamphetamine Control and Community
12 Protection Act, unless prescribed by a physician, and
13 submit samples of his or her breath, saliva, blood, or
14 urine for tests to determine the presence of alcohol or
15 any illicit drug;

16 (S) not establish a dating, intimate, or sexual
17 relationship with a person without prior written
18 notification to the Department;

19 (T) neither possess or have under his or her control
20 any material that is pornographic, sexually oriented, or
21 sexually stimulating, or that depicts or alludes to sexual
22 activity or depicts minors under the age of 18, including
23 but not limited to visual, auditory, telephonic,
24 electronic media, or any matter obtained through access to
25 any computer or material linked to computer access use;

26 (U) not patronize any business providing sexually

1 stimulating or sexually oriented entertainment nor utilize
2 "900" or adult telephone numbers or any other sex-related
3 telephone numbers;

4 (V) not reside near, visit, or be in or about parks,
5 schools, day care centers, swimming pools, beaches,
6 theaters, or any other places where minor children
7 congregate without advance approval of the Department and
8 report any incidental contact with minor children to the
9 Department within 72 hours;

10 (W) not establish any living arrangement or residence
11 without prior approval of the Department;

12 (X) not publish any materials or print any
13 advertisements without providing a copy of the proposed
14 publications to the Department officer and obtaining
15 permission prior to publication;

16 (Y) not leave the county except with prior permission
17 of the Department and provide the Department officer or
18 agent with written travel routes to and from work and any
19 other designated destinations;

20 (Z) not possess or have under his or her control
21 certain specified items of contraband related to the
22 incidence of sexually offending items including video or
23 still camera items or children's toys;

24 (AA) provide a written daily log of activities as
25 directed by the Department;

26 (BB) comply with all other special conditions that the

1 Department may impose that restrict the person from
2 high-risk situations and limit access or potential
3 victims.

4 (6) A person placed on conditional release and who during
5 the term undergoes mandatory drug or alcohol testing or is
6 assigned to be placed on an approved electronic monitoring
7 device may be ordered to pay all costs incidental to the
8 mandatory drug or alcohol testing and all costs incidental to
9 the approved electronic monitoring in accordance with the
10 person's ability to pay those costs. The Department may
11 establish reasonable fees for the cost of maintenance,
12 testing, and incidental expenses related to the mandatory drug
13 or alcohol testing and all costs incidental to approved
14 electronic monitoring.

15 (Source: P.A. 97-1098, eff. 7-1-14 (see Section 5 of P.A.
16 98-612 for the effective date of P.A. 97-1098); 98-558, eff.
17 1-1-14.)

18 Section 150. The Statewide Grand Jury Act is amended by
19 changing Sections 2 and 3 as follows:

20 (725 ILCS 215/2) (from Ch. 38, par. 1702)

21 Sec. 2. (a) County grand juries and State's Attorneys have
22 always had and shall continue to have primary responsibility
23 for investigating, indicting, and prosecuting persons who
24 violate the criminal laws of the State of Illinois. However,

1 in recent years organized terrorist activity directed against
2 innocent civilians and certain criminal enterprises have
3 developed that require investigation, indictment, and
4 prosecution on a statewide or multicounty level. The criminal
5 enterprises exist as a result of the allure of profitability
6 present in narcotic activity, the unlawful sale and transfer
7 of firearms, and streetgang related felonies and organized
8 terrorist activity is supported by the contribution of money
9 and expert assistance from geographically diverse sources. In
10 order to shut off the life blood of terrorism and weaken or
11 eliminate the criminal enterprises, assets, and property used
12 to further these offenses must be frozen, and any profit must
13 be removed. State statutes exist that can accomplish that
14 goal. Among them are the offense of money laundering,
15 violations of Article 29D of the Criminal Code of 1961 or the
16 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,
17 and gunrunning. Local prosecutors need investigative personnel
18 and specialized training to attack and eliminate these
19 profits. In light of the transitory and complex nature of
20 conduct that constitutes these criminal activities, the many
21 diverse property interests that may be used, acquired directly
22 or indirectly as a result of these criminal activities, and
23 the many places that illegally obtained property may be
24 located, it is the purpose of this Act to create a limited,
25 multicounty Statewide Grand Jury with authority to
26 investigate, indict, and prosecute: narcotic activity,

1 including cannabis and controlled substance trafficking,
2 narcotics racketeering, money laundering, violations of the
3 Cannabis and Controlled Substances Tax Act, and violations of
4 Article 29D of the Criminal Code of 1961 or the Criminal Code
5 of 2012; the unlawful sale and transfer of firearms;
6 gunrunning; and streetgang related felonies.

7 (b) A Statewide Grand Jury may also investigate, indict,
8 and prosecute violations facilitated by the use of a computer
9 of any of the following offenses: indecent solicitation of a
10 child, sexual exploitation of a child, soliciting for a
11 sexually exploited child ~~juvenile prostitute~~, keeping a place
12 of commercial sexual exploitation of a child ~~juvenile~~
13 ~~prostitution~~, juvenile pimping, child pornography, aggravated
14 child pornography, or promoting commercial sexual exploitation
15 of a child ~~juvenile prostitution~~ except as described in
16 subdivision (a) (4) of Section 11-14.4 of the Criminal Code of
17 1961 or the Criminal Code of 2012.

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

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

21 (725 ILCS 215/3) (from Ch. 38, par. 1703)

22 Sec. 3. Written application for the appointment of a
23 Circuit Judge to convene and preside over a Statewide Grand
24 Jury, with jurisdiction extending throughout the State, shall
25 be made to the Chief Justice of the Supreme Court. Upon such

1 written application, the Chief Justice of the Supreme Court
2 shall appoint a Circuit Judge from the circuit where the
3 Statewide Grand Jury is being sought to be convened, who shall
4 make a determination that the convening of a Statewide Grand
5 Jury is necessary.

6 In such application the Attorney General shall state that
7 the convening of a Statewide Grand Jury is necessary because
8 of an alleged offense or offenses set forth in this Section
9 involving more than one county of the State and identifying
10 any such offense alleged; and

11 (a) that he or she believes that the grand jury
12 function for the investigation and indictment of the
13 offense or offenses cannot effectively be performed by a
14 county grand jury together with the reasons for such
15 belief, and

16 (b) (1) that each State's Attorney with jurisdiction
17 over an offense or offenses to be investigated has
18 consented to the impaneling of the Statewide Grand Jury,
19 or

20 (2) if one or more of the State's Attorneys having
21 jurisdiction over an offense or offenses to be
22 investigated fails to consent to the impaneling of the
23 Statewide Grand Jury, the Attorney General shall set forth
24 good cause for impaneling the Statewide Grand Jury.

25 If the Circuit Judge determines that the convening of a
26 Statewide Grand Jury is necessary, he or she shall convene and

1 impanel the Statewide Grand Jury with jurisdiction extending
2 throughout the State to investigate and return indictments:

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

17 (a-5) For violations facilitated by the use of a
18 computer, including the use of the Internet, the World
19 Wide Web, electronic mail, message board, newsgroup, or
20 any other commercial or noncommercial on-line service, of
21 any of the following offenses: indecent solicitation of a
22 child, sexual exploitation of a child, soliciting for a
23 sexually exploited child ~~juvenile prostitute~~, keeping a
24 place of commercial sexual exploitation of a child
25 ~~juvenile prostitution~~, juvenile pimping, child
26 pornography, aggravated child pornography, or promoting

1 commercial sexual exploitation of a child ~~juvenile~~
2 ~~prostitution~~ except as described in subdivision (a)(4) of
3 Section 11-14.4 of the Criminal Code of 1961 or the
4 Criminal Code of 2012; and

5 (b) For the offenses of perjury, subornation of
6 perjury, communicating with jurors and witnesses, and
7 harassment of jurors and witnesses, as they relate to
8 matters before the Statewide Grand Jury.

9 "Streetgang related" has the meaning ascribed to it in
10 Section 10 of the Illinois Streetgang Terrorism Omnibus
11 Prevention Act.

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

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

21 Section 155. The Unified Code of Corrections is amended by
22 changing Sections 3-1-2, 3-2.5-95, 3-3-7, 5-5-3, 5-5-3.2,
23 5-6-3, 5-6-3.1, and 5-9-1.7 as follows:

24 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

1 Sec. 3-1-2. Definitions.

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

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

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

16 (i) A violation of any of the following Sections of
17 the Criminal Code of 1961 or the Criminal Code of 2012:
18 10-7 (aiding or abetting child abduction under Section
19 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
20 solicitation of a child), 11-6.5 (indecent solicitation of
21 an adult), 11-14.4 (promoting commercial sexual
22 exploitation of a child ~~juvenile prostitution~~), 11-15.1
23 (soliciting for a sexually exploited child ~~juvenile~~
24 ~~prostitute~~), 11-17.1 (keeping a place of commercial sexual
25 exploitation of a child ~~juvenile prostitution~~), 11-18.1
26 (patronizing a sexually exploited child ~~juvenile~~

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

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

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

18 10-1 (kidnapping),
19 10-2 (aggravated kidnapping),
20 10-3 (unlawful restraint),
21 10-3.1 (aggravated unlawful restraint).

22 An attempt to commit any of these offenses.

23 (iv) A violation of any former law of this State
24 substantially equivalent to any offense listed in this
25 subsection (a-5).

26 An offense violating federal law or the law of another

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

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

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

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

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

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

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

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

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

20 (f-5) (Blank).

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

23 (h) "Discipline" means the rules and regulations for the
24 maintenance of order and the protection of persons and
25 property within the institutions and facilities of the
26 Department and their enforcement.

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

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

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

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

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

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

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

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

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

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

20 (730 ILCS 5/3-2.5-95)

21 Sec. 3-2.5-95. Conditions of aftercare release.

22 (a) The conditions of aftercare release for all youth
23 committed to the Department under the Juvenile Court Act of
24 1987 shall be such as the Department of Juvenile Justice deems
25 necessary to assist the youth in leading a law-abiding life.

1 The conditions of every aftercare release are that the youth:

2 (1) not violate any criminal statute of any
3 jurisdiction during the aftercare release term;

4 (2) refrain from possessing a firearm or other
5 dangerous weapon;

6 (3) report to an agent of the Department;

7 (4) permit the agent or aftercare specialist to visit
8 the youth at his or her home, employment, or elsewhere to
9 the extent necessary for the agent or aftercare specialist
10 to discharge his or her duties;

11 (5) reside at a Department-approved host site;

12 (6) secure permission before visiting or writing a
13 committed person in an Illinois Department of Corrections
14 or Illinois Department of Juvenile Justice facility;

15 (7) report all arrests to an agent of the Department
16 as soon as permitted by the arresting authority but in no
17 event later than 24 hours after release from custody and
18 immediately report service or notification of an order of
19 protection, a civil no contact order, or a stalking no
20 contact order to an agent of the Department;

21 (8) obtain permission of an agent of the Department
22 before leaving the State of Illinois;

23 (9) obtain permission of an agent of the Department
24 before changing his or her residence or employment;

25 (10) consent to a search of his or her person,
26 property, or residence under his or her control;

1 (11) refrain from the use or possession of narcotics
2 or other controlled substances in any form, or both, or
3 any paraphernalia related to those substances and submit
4 to a urinalysis test as instructed by an agent of the
5 Department;

6 (12) not frequent places where controlled substances
7 are illegally sold, used, distributed, or administered;

8 (13) not knowingly associate with other persons on
9 parole, aftercare release, or mandatory supervised release
10 without prior written permission of his or her aftercare
11 specialist and not associate with persons who are members
12 of an organized gang as that term is defined in the
13 Illinois Streetgang Terrorism Omnibus Prevention Act;

14 (14) provide true and accurate information, as it
15 relates to his or her adjustment in the community while on
16 aftercare release or to his or her conduct while
17 incarcerated, in response to inquiries by an agent of the
18 Department;

19 (15) follow any specific instructions provided by the
20 agent that are consistent with furthering conditions set
21 and approved by the Department or by law to achieve the
22 goals and objectives of his or her aftercare release or to
23 protect the public; these instructions by the agent may be
24 modified at any time, as the agent deems appropriate;

25 (16) comply with the terms and conditions of an order
26 of protection issued under the Illinois Domestic Violence

1 Act of 1986; an order of protection issued by the court of
2 another state, tribe, or United States territory; a no
3 contact order issued under the Civil No Contact Order Act;
4 or a no contact order issued under the Stalking No Contact
5 Order Act;

6 (17) if convicted of a sex offense as defined in the
7 Sex Offender Management Board Act, and a sex offender
8 treatment provider has evaluated and recommended further
9 sex offender treatment while on aftercare release, the
10 youth shall undergo treatment by a sex offender treatment
11 provider or associate sex offender provider as defined in
12 the Sex Offender Management Board Act at his or her
13 expense based on his or her ability to pay for the
14 treatment;

15 (18) if convicted of a sex offense as defined in the
16 Sex Offender Management Board Act, refrain from residing
17 at the same address or in the same condominium unit or
18 apartment unit or in the same condominium complex or
19 apartment complex with another person he or she knows or
20 reasonably should know is a convicted sex offender or has
21 been placed on supervision for a sex offense; the
22 provisions of this paragraph do not apply to a person
23 convicted of a sex offense who is placed in a Department of
24 Corrections licensed transitional housing facility for sex
25 offenders, or is in any facility operated or licensed by
26 the Department of Children and Family Services or by the

1 Department of Human Services, or is in any licensed
2 medical facility;

3 (19) if convicted for an offense that would qualify
4 the offender as a sexual predator under the Sex Offender
5 Registration Act wear an approved electronic monitoring
6 device as defined in Section 5-8A-2 for the duration of
7 the youth's aftercare release term and if convicted for an
8 offense of criminal sexual assault, aggravated criminal
9 sexual assault, predatory criminal sexual assault of a
10 child, criminal sexual abuse, aggravated criminal sexual
11 abuse, or ritualized abuse of a child when the victim was
12 under 18 years of age at the time of the commission of the
13 offense and the offender used force or the threat of force
14 in the commission of the offense wear an approved
15 electronic monitoring device as defined in Section 5-8A-2
16 that has Global Positioning System (GPS) capability for
17 the duration of the youth's aftercare release term;

18 (20) if convicted for an offense that would qualify
19 the offender as a child sex offender as defined in Section
20 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, refrain from communicating with or
22 contacting, by means of the Internet, a person who is not
23 related to the offender and whom the offender reasonably
24 believes to be under 18 years of age; for purposes of this
25 paragraph (20), "Internet" has the meaning ascribed to it
26 in Section 16-0.1 of the Criminal Code of 2012; and a

1 person is not related to the offender if the person is not:
2 (A) the spouse, brother, or sister of the offender; (B) a
3 descendant of the offender; (C) a first or second cousin
4 of the offender; or (D) a step-child or adopted child of
5 the offender;

6 (21) if convicted under Section 11-6, 11-20.1,
7 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
8 or the Criminal Code of 2012, consent to search of
9 computers, PDAs, cellular phones, and other devices under
10 his or her control that are capable of accessing the
11 Internet or storing electronic files, in order to confirm
12 Internet protocol addresses reported in accordance with
13 the Sex Offender Registration Act and compliance with
14 conditions in this Act;

15 (22) if convicted for an offense that would qualify
16 the offender as a sex offender or sexual predator under
17 the Sex Offender Registration Act, not possess
18 prescription drugs for erectile dysfunction;

19 (23) if convicted for an offense under Section 11-6,
20 11-9.1, 11-14.4 that involves soliciting for a sexually
21 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,
22 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
23 or the Criminal Code of 2012, or any attempt to commit any
24 of these offenses:

25 (A) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the Department;

2 (B) submit to periodic unannounced examinations of
3 the youth's computer or any other device with Internet
4 capability by the youth's aftercare specialist, a law
5 enforcement officer, or assigned computer or
6 information technology specialist, including the
7 retrieval and copying of all data from the computer or
8 device and any internal or external peripherals and
9 removal of the information, equipment, or device to
10 conduct a more thorough inspection;

11 (C) submit to the installation on the youth's
12 computer or device with Internet capability, at the
13 youth's expense, of one or more hardware or software
14 systems to monitor the Internet use; and

15 (D) submit to any other appropriate restrictions
16 concerning the youth's use of or access to a computer
17 or any other device with Internet capability imposed
18 by the Department or the youth's aftercare specialist;

19 (24) if convicted of a sex offense as defined in the
20 Sex Offender Registration Act, refrain from accessing or
21 using a social networking website as defined in Section
22 17-0.5 of the Criminal Code of 2012;

23 (25) if convicted of a sex offense as defined in
24 Section 2 of the Sex Offender Registration Act that
25 requires the youth to register as a sex offender under
26 that Act, not knowingly use any computer scrub software on

1 any computer that the youth uses;

2 (26) if convicted of a sex offense as defined in
3 subsection (a-5) of Section 3-1-2 of this Code, unless the
4 youth is a parent or guardian of a person under 18 years of
5 age present in the home and no non-familial minors are
6 present, not participate in a holiday event involving
7 children under 18 years of age, such as distributing candy
8 or other items to children on Halloween, wearing a Santa
9 Claus costume on or preceding Christmas, being employed as
10 a department store Santa Claus, or wearing an Easter Bunny
11 costume on or preceding Easter;

12 (27) if convicted of a violation of an order of
13 protection under Section 12-3.4 or Section 12-30 of the
14 Criminal Code of 1961 or the Criminal Code of 2012, be
15 placed under electronic surveillance as provided in
16 Section 5-8A-7 of this Code; and

17 (28) if convicted of a violation of the
18 Methamphetamine Control and Community Protection Act, the
19 Methamphetamine Precursor Control Act, or a
20 methamphetamine related offense, be:

21 (A) prohibited from purchasing, possessing, or
22 having under his or her control any product containing
23 pseudoephedrine unless prescribed by a physician; and

24 (B) prohibited from purchasing, possessing, or
25 having under his or her control any product containing
26 ammonium nitrate.

1 (b) The Department may in addition to other conditions
2 require that the youth:

3 (1) work or pursue a course of study or vocational
4 training;

5 (2) undergo medical or psychiatric treatment, or
6 treatment for drug addiction or alcoholism;

7 (3) attend or reside in a facility established for the
8 instruction or residence of persons on probation or
9 aftercare release;

10 (4) support his or her dependents;

11 (5) if convicted for an offense that would qualify the
12 youth as a child sex offender as defined in Section 11-9.3
13 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code
14 of 2012, refrain from communicating with or contacting, by
15 means of the Internet, a person who is related to the youth
16 and whom the youth reasonably believes to be under 18
17 years of age; for purposes of this paragraph (5),
18 "Internet" has the meaning ascribed to it in Section
19 16-0.1 of the Criminal Code of 2012; and a person is
20 related to the youth if the person is: (A) the spouse,
21 brother, or sister of the youth; (B) a descendant of the
22 youth; (C) a first or second cousin of the youth; or (D) a
23 step-child or adopted child of the youth;

24 (6) if convicted for an offense that would qualify as
25 a sex offense as defined in the Sex Offender Registration
26 Act:

1 (A) not access or use a computer or any other
2 device with Internet capability without the prior
3 written approval of the Department;

4 (B) submit to periodic unannounced examinations of
5 the youth's computer or any other device with Internet
6 capability by the youth's aftercare specialist, a law
7 enforcement officer, or assigned computer or
8 information technology specialist, including the
9 retrieval and copying of all data from the computer or
10 device and any internal or external peripherals and
11 removal of the information, equipment, or device to
12 conduct a more thorough inspection;

13 (C) submit to the installation on the youth's
14 computer or device with Internet capability, at the
15 youth's offender's expense, of one or more hardware or
16 software systems to monitor the Internet use; and

17 (D) submit to any other appropriate restrictions
18 concerning the youth's use of or access to a computer
19 or any other device with Internet capability imposed
20 by the Department or the youth's aftercare specialist;
21 and

22 (7) in addition to other conditions:

23 (A) reside with his or her parents or in a foster
24 home;

25 (B) attend school;

26 (C) attend a non-residential program for youth; or

1 (D) contribute to his or her own support at home or
2 in a foster home.

3 (c) In addition to the conditions under subsections (a)
4 and (b) of this Section, youths required to register as sex
5 offenders under the Sex Offender Registration Act, upon
6 release from the custody of the Department of Juvenile
7 Justice, may be required by the Department to comply with the
8 following specific conditions of release:

9 (1) reside only at a Department approved location;

10 (2) comply with all requirements of the Sex Offender
11 Registration Act;

12 (3) notify third parties of the risks that may be
13 occasioned by his or her criminal record;

14 (4) obtain the approval of an agent of the Department
15 prior to accepting employment or pursuing a course of
16 study or vocational training and notify the Department
17 prior to any change in employment, study, or training;

18 (5) not be employed or participate in any volunteer
19 activity that involves contact with children, except under
20 circumstances approved in advance and in writing by an
21 agent of the Department;

22 (6) be electronically monitored for a specified period
23 of time from the date of release as determined by the
24 Department;

25 (7) refrain from entering into a designated geographic
26 area except upon terms approved in advance by an agent of

1 the Department; these terms may include consideration of
2 the purpose of the entry, the time of day, and others
3 accompanying the youth;

4 (8) refrain from having any contact, including written
5 or oral communications, directly or indirectly, personally
6 or by telephone, letter, or through a third party with
7 certain specified persons including, but not limited to,
8 the victim or the victim's family without the prior
9 written approval of an agent of the Department;

10 (9) refrain from all contact, directly or indirectly,
11 personally, by telephone, letter, or through a third
12 party, with minor children without prior identification
13 and approval of an agent of the Department;

14 (10) neither possess or have under his or her control
15 any material that is sexually oriented, sexually
16 stimulating, or that shows male or female sex organs or
17 any pictures depicting children under 18 years of age nude
18 or any written or audio material describing sexual
19 intercourse or that depicts or alludes to sexual activity,
20 including, but not limited to, visual, auditory,
21 telephonic, or electronic media, or any matter obtained
22 through access to any computer or material linked to
23 computer access use;

24 (11) not patronize any business providing sexually
25 stimulating or sexually oriented entertainment nor utilize
26 "900" or adult telephone numbers;

1 (12) not reside near, visit, or be in or about parks,
2 schools, day care centers, swimming pools, beaches,
3 theaters, or any other places where minor children
4 congregate without advance approval of an agent of the
5 Department and immediately report any incidental contact
6 with minor children to the Department;

7 (13) not possess or have under his or her control
8 certain specified items of contraband related to the
9 incidence of sexually offending as determined by an agent
10 of the Department;

11 (14) may be required to provide a written daily log of
12 activities if directed by an agent of the Department;

13 (15) comply with all other special conditions that the
14 Department may impose that restrict the youth from
15 high-risk situations and limit access to potential
16 victims;

17 (16) take an annual polygraph exam;

18 (17) maintain a log of his or her travel; or

19 (18) obtain prior approval of an agent of the
20 Department before driving alone in a motor vehicle.

21 (d) The conditions under which the aftercare release is to
22 be served shall be communicated to the youth in writing prior
23 to his or her release, and he or she shall sign the same before
24 release. A signed copy of these conditions, including a copy
25 of an order of protection if one had been issued by the
26 criminal court, shall be retained by the youth and another

1 copy forwarded to the officer or aftercare specialist in
2 charge of his or her supervision.

3 (e) After a revocation hearing under Section 3-3-9.5, the
4 Department of Juvenile Justice may modify or enlarge the
5 conditions of aftercare release.

6 (f) The Department shall inform all youth of the optional
7 services available to them upon release and shall assist youth
8 in availing themselves of the optional services upon their
9 release on a voluntary basis.

10 (Source: P.A. 99-628, eff. 1-1-17.)

11 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

12 Sec. 3-3-7. Conditions of parole or mandatory supervised
13 release.

14 (a) The conditions of parole or mandatory supervised
15 release shall be such as the Prisoner Review Board deems
16 necessary to assist the subject in leading a law-abiding life.
17 The conditions of every parole and mandatory supervised
18 release are that the subject:

19 (1) not violate any criminal statute of any
20 jurisdiction during the parole or release term;

21 (2) refrain from possessing a firearm or other
22 dangerous weapon;

23 (3) report to an agent of the Department of
24 Corrections;

25 (4) permit the agent to visit him or her at his or her

1 home, employment, or elsewhere to the extent necessary for
2 the agent to discharge his or her duties;

3 (5) attend or reside in a facility established for the
4 instruction or residence of persons on parole or mandatory
5 supervised release;

6 (6) secure permission before visiting or writing a
7 committed person in an Illinois Department of Corrections
8 facility;

9 (7) report all arrests to an agent of the Department
10 of Corrections as soon as permitted by the arresting
11 authority but in no event later than 24 hours after
12 release from custody and immediately report service or
13 notification of an order of protection, a civil no contact
14 order, or a stalking no contact order to an agent of the
15 Department of Corrections;

16 (7.5) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, the individual shall
18 undergo and successfully complete sex offender treatment
19 conducted in conformance with the standards developed by
20 the Sex Offender Management Board Act by a treatment
21 provider approved by the Board;

22 (7.6) if convicted of a sex offense as defined in the
23 Sex Offender Management Board Act, refrain from residing
24 at the same address or in the same condominium unit or
25 apartment unit or in the same condominium complex or
26 apartment complex with another person he or she knows or

1 reasonably should know is a convicted sex offender or has
2 been placed on supervision for a sex offense; the
3 provisions of this paragraph do not apply to a person
4 convicted of a sex offense who is placed in a Department of
5 Corrections licensed transitional housing facility for sex
6 offenders, or is in any facility operated or licensed by
7 the Department of Children and Family Services or by the
8 Department of Human Services, or is in any licensed
9 medical facility;

10 (7.7) if convicted for an offense that would qualify
11 the accused as a sexual predator under the Sex Offender
12 Registration Act on or after January 1, 2007 (the
13 effective date of Public Act 94-988), wear an approved
14 electronic monitoring device as defined in Section 5-8A-2
15 for the duration of the person's parole, mandatory
16 supervised release term, or extended mandatory supervised
17 release term and if convicted for an offense of criminal
18 sexual assault, aggravated criminal sexual assault,
19 predatory criminal sexual assault of a child, criminal
20 sexual abuse, aggravated criminal sexual abuse, or
21 ritualized abuse of a child committed on or after August
22 11, 2009 (the effective date of Public Act 96-236) when
23 the victim was under 18 years of age at the time of the
24 commission of the offense and the defendant used force or
25 the threat of force in the commission of the offense wear
26 an approved electronic monitoring device as defined in

1 Section 5-8A-2 that has Global Positioning System (GPS)
2 capability for the duration of the person's parole,
3 mandatory supervised release term, or extended mandatory
4 supervised release term;

5 (7.8) if convicted for an offense committed on or
6 after June 1, 2008 (the effective date of Public Act
7 95-464) that would qualify the accused as a child sex
8 offender as defined in Section 11-9.3 or 11-9.4 of the
9 Criminal Code of 1961 or the Criminal Code of 2012,
10 refrain from communicating with or contacting, by means of
11 the Internet, a person who is not related to the accused
12 and whom the accused reasonably believes to be under 18
13 years of age; for purposes of this paragraph (7.8),
14 "Internet" has the meaning ascribed to it in Section
15 16-0.1 of the Criminal Code of 2012; and a person is not
16 related to the accused if the person is not: (i) the
17 spouse, brother, or sister of the accused; (ii) a
18 descendant of the accused; (iii) a first or second cousin
19 of the accused; or (iv) a step-child or adopted child of
20 the accused;

21 (7.9) if convicted under Section 11-6, 11-20.1,
22 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
23 or the Criminal Code of 2012, consent to search of
24 computers, PDAs, cellular phones, and other devices under
25 his or her control that are capable of accessing the
26 Internet or storing electronic files, in order to confirm

1 Internet protocol addresses reported in accordance with
2 the Sex Offender Registration Act and compliance with
3 conditions in this Act;

4 (7.10) if convicted for an offense that would qualify
5 the accused as a sex offender or sexual predator under the
6 Sex Offender Registration Act on or after June 1, 2008
7 (the effective date of Public Act 95-640), not possess
8 prescription drugs for erectile dysfunction;

9 (7.11) if convicted for an offense under Section 11-6,
10 11-9.1, 11-14.4 that involves soliciting for a sexually
11 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,
12 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
13 or the Criminal Code of 2012, or any attempt to commit any
14 of these offenses, committed on or after June 1, 2009 (the
15 effective date of Public Act 95-983):

16 (i) not access or use a computer or any other
17 device with Internet capability without the prior
18 written approval of the Department;

19 (ii) submit to periodic unannounced examinations
20 of the offender's computer or any other device with
21 Internet capability by the offender's supervising
22 agent, a law enforcement officer, or assigned computer
23 or information technology specialist, including the
24 retrieval and copying of all data from the computer or
25 device and any internal or external peripherals and
26 removal of such information, equipment, or device to

1 conduct a more thorough inspection;

2 (iii) submit to the installation on the offender's
3 computer or device with Internet capability, at the
4 offender's expense, of one or more hardware or
5 software systems to monitor the Internet use; and

6 (iv) submit to any other appropriate restrictions
7 concerning the offender's use of or access to a
8 computer or any other device with Internet capability
9 imposed by the Board, the Department or the offender's
10 supervising agent;

11 (7.12) if convicted of a sex offense as defined in the
12 Sex Offender Registration Act committed on or after
13 January 1, 2010 (the effective date of Public Act 96-262),
14 refrain from accessing or using a social networking
15 website as defined in Section 17-0.5 of the Criminal Code
16 of 2012;

17 (7.13) if convicted of a sex offense as defined in
18 Section 2 of the Sex Offender Registration Act committed
19 on or after January 1, 2010 (the effective date of Public
20 Act 96-362) that requires the person to register as a sex
21 offender under that Act, may not knowingly use any
22 computer scrub software on any computer that the sex
23 offender uses;

24 (8) obtain permission of an agent of the Department of
25 Corrections before leaving the State of Illinois;

26 (9) obtain permission of an agent of the Department of

1 Corrections before changing his or her residence or
2 employment;

3 (10) consent to a search of his or her person,
4 property, or residence under his or her control;

5 (11) refrain from the use or possession of narcotics
6 or other controlled substances in any form, or both, or
7 any paraphernalia related to those substances and submit
8 to a urinalysis test as instructed by a parole agent of the
9 Department of Corrections if there is reasonable suspicion
10 of illicit drug use and the source of the reasonable
11 suspicion is documented in the Department's case
12 management system;

13 (12) not knowingly frequent places where controlled
14 substances are illegally sold, used, distributed, or
15 administered;

16 (13) except when the association described in either
17 subparagraph (A) or (B) of this paragraph (13) involves
18 activities related to community programs, worship
19 services, volunteering, engaging families, or some other
20 pro-social activity in which there is no evidence of
21 criminal intent:

22 (A) not knowingly associate with other persons on
23 parole or mandatory supervised release without prior
24 written permission of his or her parole agent; or

25 (B) not knowingly associate with persons who are
26 members of an organized gang as that term is defined in

1 the Illinois Streetgang Terrorism Omnibus Prevention
2 Act;

3 (14) provide true and accurate information, as it
4 relates to his or her adjustment in the community while on
5 parole or mandatory supervised release or to his or her
6 conduct while incarcerated, in response to inquiries by
7 his or her parole agent or of the Department of
8 Corrections;

9 (15) follow any specific instructions provided by the
10 parole agent that are consistent with furthering
11 conditions set and approved by the Prisoner Review Board
12 or by law, exclusive of placement on electronic detention,
13 to achieve the goals and objectives of his or her parole or
14 mandatory supervised release or to protect the public.
15 These instructions by the parole agent may be modified at
16 any time, as the agent deems appropriate;

17 (16) if convicted of a sex offense as defined in
18 subsection (a-5) of Section 3-1-2 of this Code, unless the
19 offender is a parent or guardian of the person under 18
20 years of age present in the home and no non-familial
21 minors are present, not participate in a holiday event
22 involving children under 18 years of age, such as
23 distributing candy or other items to children on
24 Halloween, wearing a Santa Claus costume on or preceding
25 Christmas, being employed as a department store Santa
26 Claus, or wearing an Easter Bunny costume on or preceding

1 Easter;

2 (17) if convicted of a violation of an order of
3 protection under Section 12-3.4 or Section 12-30 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, be
5 placed under electronic surveillance as provided in
6 Section 5-8A-7 of this Code;

7 (18) comply with the terms and conditions of an order
8 of protection issued pursuant to the Illinois Domestic
9 Violence Act of 1986; an order of protection issued by the
10 court of another state, tribe, or United States territory;
11 a no contact order issued pursuant to the Civil No Contact
12 Order Act; or a no contact order issued pursuant to the
13 Stalking No Contact Order Act;

14 (19) if convicted of a violation of the
15 Methamphetamine Control and Community Protection Act, the
16 Methamphetamine Precursor Control Act, or a
17 methamphetamine related offense, be:

18 (A) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 pseudoephedrine unless prescribed by a physician; and

21 (B) prohibited from purchasing, possessing, or
22 having under his or her control any product containing
23 ammonium nitrate;

24 (20) if convicted of a hate crime under Section 12-7.1
25 of the Criminal Code of 2012, perform public or community
26 service of no less than 200 hours and enroll in an

1 educational program discouraging hate crimes involving the
2 protected class identified in subsection (a) of Section
3 12-7.1 of the Criminal Code of 2012 that gave rise to the
4 offense the offender committed ordered by the court; and

5 (21) be evaluated by the Department of Corrections
6 prior to release using a validated risk assessment and be
7 subject to a corresponding level of supervision. In
8 accordance with the findings of that evaluation:

9 (A) All subjects found to be at a moderate or high
10 risk to recidivate, or on parole or mandatory
11 supervised release for first degree murder, a forcible
12 felony as defined in Section 2-8 of the Criminal Code
13 of 2012, any felony that requires registration as a
14 sex offender under the Sex Offender Registration Act,
15 or a Class X felony or Class 1 felony that is not a
16 violation of the Cannabis Control Act, the Illinois
17 Controlled Substances Act, or the Methamphetamine
18 Control and Community Protection Act, shall be subject
19 to high level supervision. The Department shall define
20 high level supervision based upon evidence-based and
21 research-based practices. Notwithstanding this
22 placement on high level supervision, placement of the
23 subject on electronic monitoring or detention shall
24 not occur unless it is required by law or expressly
25 ordered or approved by the Prisoner Review Board.

26 (B) All subjects found to be at a low risk to

1 recidivate shall be subject to low-level supervision,
2 except for those subjects on parole or mandatory
3 supervised release for first degree murder, a forcible
4 felony as defined in Section 2-8 of the Criminal Code
5 of 2012, any felony that requires registration as a
6 sex offender under the Sex Offender Registration Act,
7 or a Class X felony or Class 1 felony that is not a
8 violation of the Cannabis Control Act, the Illinois
9 Controlled Substances Act, or the Methamphetamine
10 Control and Community Protection Act. Low level
11 supervision shall require the subject to check in with
12 the supervising officer via phone or other electronic
13 means. Notwithstanding this placement on low level
14 supervision, placement of the subject on electronic
15 monitoring or detention shall not occur unless it is
16 required by law or expressly ordered or approved by
17 the Prisoner Review Board.

18 (b) The Board may after making an individualized
19 assessment pursuant to subsection (a) of Section 3-14-2 in
20 addition to other conditions require that the subject:

21 (1) work or pursue a course of study or vocational
22 training;

23 (2) undergo medical or psychiatric treatment, or
24 treatment for drug addiction or alcoholism;

25 (3) attend or reside in a facility established for the
26 instruction or residence of persons on probation or

1 parole;

2 (4) support his or her dependents;

3 (5) (blank);

4 (6) (blank);

5 (7) (blank);

6 (7.5) if convicted for an offense committed on or
7 after the effective date of this amendatory Act of the
8 95th General Assembly that would qualify the accused as a
9 child sex offender as defined in Section 11-9.3 or 11-9.4
10 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 refrain from communicating with or contacting, by means of
12 the Internet, a person who is related to the accused and
13 whom the accused reasonably believes to be under 18 years
14 of age; for purposes of this paragraph (7.5), "Internet"
15 has 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 (7.6) if convicted for an offense committed on or
22 after June 1, 2009 (the effective date of Public Act
23 95-983) that would qualify as a sex offense as defined in
24 the Sex 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 Department;

2 (ii) submit to periodic unannounced examinations
3 of the offender's computer or any other device with
4 Internet capability by the offender's supervising
5 agent, a law enforcement officer, or assigned computer
6 or information technology specialist, including the
7 retrieval and copying of all data from the computer or
8 device and any internal or external peripherals and
9 removal of such information, equipment, or device to
10 conduct a more thorough inspection;

11 (iii) submit to the installation on the offender's
12 computer or device with Internet capability, at the
13 offender's expense, of one or more hardware or
14 software systems to monitor the Internet use; and

15 (iv) submit to any other appropriate restrictions
16 concerning the offender's use of or access to a
17 computer or any other device with Internet capability
18 imposed by the Board, the Department or the offender's
19 supervising agent; and

20 (8) (blank).

21 (b-1) In addition to the conditions set forth in
22 subsections (a) and (b), persons required to register as sex
23 offenders pursuant to the Sex Offender Registration Act, upon
24 release from the custody of the Illinois Department of
25 Corrections, may be required by the Board to comply with the
26 following specific conditions of release following an

1 individualized assessment pursuant to subsection (a) of
2 Section 3-14-2:

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 of Corrections prior to accepting employment or pursuing a
10 course of study or vocational training and notify the
11 Department prior to any change in employment, study, or
12 training;

13 (5) not be employed or participate in any volunteer
14 activity that involves contact with children, except under
15 circumstances approved in advance and in writing by an
16 agent of the Department of Corrections;

17 (6) be electronically monitored for a minimum of 12
18 months from the date of release as determined by the
19 Board;

20 (7) refrain from entering into a designated geographic
21 area except upon terms approved in advance by an agent of
22 the Department of Corrections. The terms may include
23 consideration of the purpose of the entry, the time of
24 day, and others accompanying the person;

25 (8) refrain from having any contact, including written
26 or oral communications, directly or indirectly, personally

1 or by telephone, letter, or through a third party with
2 certain specified persons including, but not limited to,
3 the victim or the victim's family without the prior
4 written approval of an agent of the Department of
5 Corrections;

6 (9) refrain from all contact, directly or indirectly,
7 personally, by telephone, letter, or through a third
8 party, with minor children without prior identification
9 and approval of an agent of the Department of Corrections;

10 (10) neither possess or have under his or her control
11 any material that is sexually oriented, sexually
12 stimulating, or that shows male or female sex organs or
13 any pictures depicting children under 18 years of age nude
14 or any written or audio material describing sexual
15 intercourse or that depicts or alludes to sexual activity,
16 including but not limited to visual, auditory, telephonic,
17 or electronic media, or any matter obtained through access
18 to any computer or material linked to computer access use;

19 (11) not patronize any business providing sexually
20 stimulating or sexually oriented entertainment nor utilize
21 "900" or adult telephone numbers;

22 (12) not reside near, visit, or be in or about parks,
23 schools, day care centers, swimming pools, beaches,
24 theaters, or any other places where minor children
25 congregate without advance approval of an agent of the
26 Department of Corrections and immediately report any

1 incidental contact with minor children to the Department;

2 (13) not possess or have under his or her control
3 certain specified items of contraband related to the
4 incidence of sexually offending as determined by an agent
5 of the Department of Corrections;

6 (14) may be required to provide a written daily log of
7 activities if directed by an agent of the Department of
8 Corrections;

9 (15) comply with all other special conditions that the
10 Department may impose that restrict the person from
11 high-risk situations and limit access to potential
12 victims;

13 (16) take an annual polygraph exam;

14 (17) maintain a log of his or her travel; or

15 (18) obtain prior approval of his or her parole
16 officer before driving alone in a motor vehicle.

17 (c) The conditions under which the parole or mandatory
18 supervised release is to be served shall be communicated to
19 the person in writing prior to his or her release, and he or
20 she shall sign the same before release. A signed copy of these
21 conditions, including a copy of an order of protection where
22 one had been issued by the criminal court, shall be retained by
23 the person and another copy forwarded to the officer in charge
24 of his or her supervision.

25 (d) After a hearing under Section 3-3-9, the Prisoner
26 Review Board may modify or enlarge the conditions of parole or

1 mandatory supervised release.

2 (e) The Department shall inform all offenders committed to
3 the Department of the optional services available to them upon
4 release and shall assist inmates in availing themselves of
5 such optional services upon their release on a voluntary
6 basis.

7 (f) (Blank).

8 (Source: P.A. 103-271, eff. 1-1-24.)

9 (730 ILCS 5/5-5-3)

10 Sec. 5-5-3. Disposition.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (1) (Blank).

14 (2) A period of probation, a term of periodic imprisonment
15 or conditional discharge shall not be imposed for the
16 following offenses. The court shall sentence the offender to
17 not less than the minimum term of imprisonment set forth in
18 this Code for the following offenses, and may order a fine or
19 restitution or both in conjunction with such term of
20 imprisonment:

21 (A) First degree murder.

22 (B) Attempted first degree murder.

23 (C) A Class X felony.

24 (D) A violation of Section 401.1 or 407 of the
25 Illinois Controlled Substances Act, or a violation of

1 subdivision (c)(1.5) of Section 401 of that Act which
2 relates to more than 5 grams of a substance containing
3 fentanyl or an analog thereof.

4 (D-5) A violation of subdivision (c)(1) of Section 401
5 of the Illinois Controlled Substances Act which relates to
6 3 or more grams of a substance containing heroin or an
7 analog thereof.

8 (E) (Blank).

9 (F) A Class 1 or greater felony if the offender had
10 been convicted of a Class 1 or greater felony, including
11 any state or federal conviction for an offense that
12 contained, at the time it was committed, the same elements
13 as an offense now (the date of the offense committed after
14 the prior Class 1 or greater felony) classified as a Class
15 1 or greater felony, within 10 years of the date on which
16 the offender committed the offense for which he or she is
17 being sentenced, except as otherwise provided in Section
18 40-10 of the Substance Use Disorder Act.

19 (F-3) A Class 2 or greater felony sex offense or
20 felony firearm offense if the offender had been convicted
21 of a Class 2 or greater felony, including any state or
22 federal conviction for an offense that contained, at the
23 time it was committed, the same elements as an offense now
24 (the date of the offense committed after the prior Class 2
25 or greater felony) classified as a Class 2 or greater
26 felony, within 10 years of the date on which the offender

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

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

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

9 (H) Criminal sexual assault.

10 (I) Aggravated battery of a senior citizen as
11 described in Section 12-4.6 or subdivision (a)(4) of
12 Section 12-3.05 of the Criminal Code of 1961 or the
13 Criminal Code of 2012.

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

16 Before July 1, 1994, for the purposes of this
17 paragraph, "organized gang" means an association of 5 or
18 more persons, with an established hierarchy, that
19 encourages members of the association to perpetrate crimes
20 or provides support to the members of the association who
21 do commit crimes.

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

26 (K) Vehicular hijacking.

1 (L) A second or subsequent conviction for the offense
2 of hate crime when the underlying offense upon which the
3 hate crime is based is felony aggravated assault or felony
4 mob action.

5 (M) A second or subsequent conviction for the offense
6 of institutional vandalism if the damage to the property
7 exceeds \$300.

8 (N) A Class 3 felony violation of paragraph (1) of
9 subsection (a) of Section 2 of the Firearm Owners
10 Identification Card Act.

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

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

16 (P-5) A violation of paragraph (6) of subsection (a)
17 of Section 11-20.1 of the Criminal Code of 1961 or the
18 Criminal Code of 2012 if the victim is a household or
19 family member of the defendant.

20 (Q) A violation of subsection (b) or (b-5) of Section
21 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
22 Code of 1961 or the Criminal Code of 2012.

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

25 (S) (Blank).

26 (T) (Blank).

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

8 (V) A violation of paragraph (4) of subsection (c) of
9 Section 11-20.1B or paragraph (4) of subsection (c) of
10 Section 11-20.3 of the Criminal Code of 1961, or paragraph
11 (6) of subsection (a) of Section 11-20.1 of the Criminal
12 Code of 2012 when the victim is under 13 years of age and
13 the defendant has previously been convicted under the laws
14 of this State or any other state of the offense of child
15 pornography, aggravated child pornography, aggravated
16 criminal sexual abuse, aggravated criminal sexual assault,
17 predatory criminal sexual assault of a child, or any of
18 the offenses formerly known as rape, deviate sexual
19 assault, indecent liberties with a child, or aggravated
20 indecent liberties with a child where the victim was under
21 the age of 18 years or an offense that is substantially
22 equivalent to those offenses.

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

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

1 (Y) A conviction for unlawful possession of a firearm
2 by a street gang member when the firearm was loaded or
3 contained firearm ammunition.

4 (Z) A Class 1 felony committed while he or she was
5 serving a term of probation or conditional discharge for a
6 felony.

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

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

11 (CC) Knowingly selling, offering for sale, holding for
12 sale, or using 2,000 or more counterfeit items or
13 counterfeit items having a retail value in the aggregate
14 of \$500,000 or more.

15 (DD) A conviction for aggravated assault under
16 paragraph (6) of subsection (c) of Section 12-2 of the
17 Criminal Code of 1961 or the Criminal Code of 2012 if the
18 firearm is aimed toward the person against whom the
19 firearm is being used.

20 (EE) A conviction for a violation of paragraph (2) of
21 subsection (a) of Section 24-3B of the Criminal Code of
22 2012.

23 (3) (Blank).

24 (4) A minimum term of imprisonment of not less than 10
25 consecutive days or 30 days of community service shall be
26 imposed for a violation of paragraph (c) of Section 6-303 of

1 the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
4 this subsection (c), a minimum of 100 hours of community
5 service shall be imposed for a second violation of Section
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300
8 hours of community service, as determined by the court, shall
9 be imposed for a second violation of subsection (c) of Section
10 6-303 of the Illinois Vehicle Code.

11 (4.4) Except as provided in paragraphs (4.5), (4.6), and
12 (4.9) of this subsection (c), a minimum term of imprisonment
13 of 30 days or 300 hours of community service, as determined by
14 the court, shall be imposed for a third or subsequent
15 violation of Section 6-303 of the Illinois Vehicle Code. The
16 court may give credit toward the fulfillment of community
17 service hours for participation in activities and treatment as
18 determined by court services.

19 (4.5) A minimum term of imprisonment of 30 days shall be
20 imposed for a third violation of subsection (c) of Section
21 6-303 of the Illinois Vehicle Code.

22 (4.6) Except as provided in paragraph (4.10) of this
23 subsection (c), a minimum term of imprisonment of 180 days
24 shall be imposed for a fourth or subsequent violation of
25 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

26 (4.7) A minimum term of imprisonment of not less than 30

1 consecutive days, or 300 hours of community service, shall be
2 imposed for a violation of subsection (a-5) of Section 6-303
3 of the Illinois Vehicle Code, as provided in subsection (b-5)
4 of that Section.

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

11 (4.9) A mandatory prison sentence of not less than 4 and
12 not more than 15 years shall be imposed for a third violation
13 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
14 Code, as provided in subsection (d-2.5) of that Section. The
15 person's driving privileges shall be revoked for the remainder
16 of his or her life.

17 (4.10) A mandatory prison sentence for a Class 1 felony
18 shall be imposed, and the person shall be eligible for an
19 extended term sentence, for a fourth or subsequent violation
20 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
21 Code, as provided in subsection (d-3.5) of that Section. The
22 person's driving privileges shall be revoked for the remainder
23 of his or her life.

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

26 (A) a period of conditional discharge;

1 (B) a fine;

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

4 (5.1) In addition to any other penalties imposed, and
5 except as provided in paragraph (5.2) or (5.3), a person
6 convicted of violating subsection (c) of Section 11-907 of the
7 Illinois Vehicle Code shall have his or her driver's license,
8 permit, or privileges suspended for at least 90 days but not
9 more than one year, if the violation resulted in damage to the
10 property of another person.

11 (5.2) In addition to any other penalties imposed, and
12 except as provided in paragraph (5.3), a person convicted of
13 violating subsection (c) of Section 11-907 of the Illinois
14 Vehicle Code shall have his or her driver's license, permit,
15 or privileges suspended for at least 180 days but not more than
16 2 years, if the violation resulted in injury to another
17 person.

18 (5.3) In addition to any other penalties imposed, a person
19 convicted of violating subsection (c) of Section 11-907 of the
20 Illinois Vehicle Code shall have his or her driver's license,
21 permit, or privileges suspended for 2 years, if the violation
22 resulted in the death of another person.

23 (5.4) In addition to any other penalties imposed, a person
24 convicted of violating Section 3-707 of the Illinois Vehicle
25 Code shall have his or her driver's license, permit, or
26 privileges suspended for 3 months and until he or she has paid

1 a reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed, a person
3 convicted of violating Section 3-707 of the Illinois Vehicle
4 Code during a period in which his or her driver's license,
5 permit, or privileges were suspended for a previous violation
6 of that Section shall have his or her driver's license,
7 permit, or privileges suspended for an additional 6 months
8 after the expiration of the original 3-month suspension and
9 until he or she has paid a reinstatement fee of \$100.

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

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

16 (10) (Blank).

17 (11) The court shall impose a minimum fine of \$1,000 for a
18 first offense and \$2,000 for a second or subsequent offense
19 upon a person convicted of or placed on supervision for
20 battery when the individual harmed was a sports official or
21 coach at any level of competition and the act causing harm to
22 the sports official or coach occurred within an athletic
23 facility or within the immediate vicinity of the athletic
24 facility at which the sports official or coach was an active
25 participant of the athletic contest held at the athletic
26 facility. For the purposes of this paragraph (11), "sports

1 official" means a person at an athletic contest who enforces
2 the rules of the contest, such as an umpire or referee;
3 "athletic facility" means an indoor or outdoor playing field
4 or recreational area where sports activities are conducted;
5 and "coach" means a person recognized as a coach by the
6 sanctioning authority that conducted the sporting event.

7 (12) A person may not receive a disposition of court
8 supervision for a violation of Section 5-16 of the Boat
9 Registration and Safety Act if that person has previously
10 received a disposition of court supervision for a violation of
11 that Section.

12 (13) A person convicted of or placed on court supervision
13 for an assault or aggravated assault when the victim and the
14 offender are family or household members as defined in Section
15 103 of the Illinois Domestic Violence Act of 1986 or convicted
16 of domestic battery or aggravated domestic battery may be
17 required to attend a Partner Abuse Intervention Program under
18 protocols set forth by the Illinois Department of Human
19 Services under such terms and conditions imposed by the court.
20 The costs of such classes shall be paid by the offender.

21 (d) In any case in which a sentence originally imposed is
22 vacated, the case shall be remanded to the trial court. The
23 trial court shall hold a hearing under Section 5-4-1 of this
24 Code which may include evidence of the defendant's life, moral
25 character and occupation during the time since the original
26 sentence was passed. The trial court shall then impose

1 sentence upon the defendant. The trial court may impose any
2 sentence which could have been imposed at the original trial
3 subject to Section 5-5-4 of this Code. If a sentence is vacated
4 on appeal or on collateral attack due to the failure of the
5 trier of fact at trial to determine beyond a reasonable doubt
6 the existence of a fact (other than a prior conviction)
7 necessary to increase the punishment for the offense beyond
8 the statutory maximum otherwise applicable, either the
9 defendant may be re-sentenced to a term within the range
10 otherwise provided or, if the State files notice of its
11 intention to again seek the extended sentence, the defendant
12 shall be afforded a new trial.

13 (e) In cases where prosecution for aggravated criminal
14 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
15 Code of 1961 or the Criminal Code of 2012 results in conviction
16 of a defendant who was a family member of the victim at the
17 time of the commission of the offense, the court shall
18 consider the safety and welfare of the victim and may impose a
19 sentence of probation only where:

20 (1) the court finds (A) or (B) or both are
21 appropriate:

22 (A) the defendant is willing to undergo a court
23 approved counseling program for a minimum duration of
24 2 years; or

25 (B) the defendant is willing to participate in a
26 court approved plan, including, but not limited to,

1 the defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the
5 family;

6 (iv) restitution for harm done to the victim;

7 and

8 (v) compliance with any other measures that
9 the court may deem appropriate; and

10 (2) the court orders the defendant to pay for the
11 victim's counseling services, to the extent that the court
12 finds, after considering the defendant's income and
13 assets, that the defendant is financially capable of
14 paying for such services, if the victim was under 18 years
15 of age at the time the offense was committed and requires
16 counseling as a result of the offense.

17 Probation may be revoked or modified pursuant to Section
18 5-6-4; except where the court determines at the hearing that
19 the defendant violated a condition of his or her probation
20 restricting contact with the victim or other family members or
21 commits another offense with the victim or other family
22 members, the court shall revoke the defendant's probation and
23 impose a term of imprisonment.

24 For the purposes of this Section, "family member" and
25 "victim" shall have the meanings ascribed to them in Section
26 11-0.1 of the Criminal Code of 2012.

1 (f) (Blank).

2 (g) Whenever a defendant is convicted of an offense under
3 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
4 11-14.3, 11-14.4 except for an offense that involves keeping a
5 place of commercial sexual exploitation of a child ~~juvenile~~
6 ~~prostitution~~, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
7 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15, or
8 12-16 of the Criminal Code of 1961 or the Criminal Code of
9 2012, the defendant shall undergo medical testing to determine
10 whether the defendant has any sexually transmissible disease,
11 including a test for infection with human immunodeficiency
12 virus (HIV) or any other identified causative agent of
13 acquired immunodeficiency syndrome (AIDS). Any such medical
14 test shall be performed only by appropriately licensed medical
15 practitioners and may include an analysis of any bodily fluids
16 as well as an examination of the defendant's person. Except as
17 otherwise provided by law, the results of such test shall be
18 kept strictly confidential by all medical personnel involved
19 in the testing and must be personally delivered in a sealed
20 envelope to the judge of the court in which the conviction was
21 entered for the judge's inspection in camera. Acting in
22 accordance with the best interests of the victim and the
23 public, the judge shall have the discretion to determine to
24 whom, if anyone, the results of the testing may be revealed.
25 The court shall notify the defendant of the test results. The
26 court shall also notify the victim if requested by the victim,

1 and if the victim is under the age of 15 and if requested by
2 the victim's parents or legal guardian, the court shall notify
3 the victim's parents or legal guardian of the test results.
4 The court shall provide information on the availability of HIV
5 testing and counseling at Department of Public Health
6 facilities to all parties to whom the results of the testing
7 are revealed and shall direct the State's Attorney to provide
8 the information to the victim when possible. The court shall
9 order that the cost of any such test shall be paid by the
10 county and may be taxed as costs against the convicted
11 defendant.

12 (g-5) When an inmate is tested for an airborne
13 communicable disease, as determined by the Illinois Department
14 of Public Health, including, but not limited to, tuberculosis,
15 the results of the test shall be personally delivered by the
16 warden or his or her designee in a sealed envelope to the judge
17 of the court in which the inmate must appear for the judge's
18 inspection in camera if requested by the judge. Acting in
19 accordance with the best interests of those in the courtroom,
20 the judge shall have the discretion to determine what if any
21 precautions need to be taken to prevent transmission of the
22 disease in the courtroom.

23 (h) Whenever a defendant is convicted of an offense under
24 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
25 defendant shall undergo medical testing to determine whether
26 the defendant has been exposed to human immunodeficiency virus

1 (HIV) or any other identified causative agent of acquired
2 immunodeficiency syndrome (AIDS). Except as otherwise provided
3 by law, the results of such test shall be kept strictly
4 confidential by all medical personnel involved in the testing
5 and must be personally delivered in a sealed envelope to the
6 judge of the court in which the conviction was entered for the
7 judge's inspection in camera. Acting in accordance with the
8 best interests of the public, the judge shall have the
9 discretion to determine to whom, if anyone, the results of the
10 testing may be revealed. The court shall notify the defendant
11 of a positive test showing an infection with the human
12 immunodeficiency virus (HIV). The court shall provide
13 information on the availability of HIV testing and counseling
14 at Department of Public Health facilities to all parties to
15 whom the results of the testing are revealed and shall direct
16 the State's Attorney to provide the information to the victim
17 when possible. The court shall order that the cost of any such
18 test shall be paid by the county and may be taxed as costs
19 against the convicted defendant.

20 (i) All fines and penalties imposed under this Section for
21 any violation of Chapters 3, 4, 6, and 11 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, shall be collected and
25 disbursed by the circuit clerk as provided under the Criminal
26 and Traffic Assessment Act.

1 (j) In cases when prosecution for any violation of Section
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
3 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
4 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
5 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
6 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
7 Code of 2012, any violation of the Illinois Controlled
8 Substances Act, any violation of the Cannabis Control Act, or
9 any violation of the Methamphetamine Control and Community
10 Protection Act results in conviction, a disposition of court
11 supervision, or an order of probation granted under Section 10
12 of the Cannabis Control Act, Section 410 of the Illinois
13 Controlled Substances Act, or Section 70 of the
14 Methamphetamine Control and Community Protection Act of a
15 defendant, the court shall determine whether the defendant is
16 employed by a facility or center as defined under the Child
17 Care Act of 1969, a public or private elementary or secondary
18 school, or otherwise works with children under 18 years of age
19 on a daily basis. When a defendant is so employed, the court
20 shall order the Clerk of the Court to send a copy of the
21 judgment of conviction or order of supervision or probation to
22 the defendant's employer by certified mail. If the employer of
23 the defendant is a school, the Clerk of the Court shall direct
24 the mailing of a copy of the judgment of conviction or order of
25 supervision or probation to the appropriate regional
26 superintendent of schools. The regional superintendent of

1 schools shall notify the State Board of Education of any
2 notification under this subsection.

3 (j-5) A defendant at least 17 years of age who is convicted
4 of a felony and who has not been previously convicted of a
5 misdemeanor or felony and who is sentenced to a term of
6 imprisonment in the Illinois Department of Corrections shall
7 as a condition of his or her sentence be required by the court
8 to attend educational courses designed to prepare the
9 defendant for a high school diploma and to work toward a high
10 school diploma or to work toward passing high school
11 equivalency testing or to work toward completing a vocational
12 training program offered by the Department of Corrections. If
13 a defendant fails to complete the educational training
14 required by his or her sentence during the term of
15 incarceration, the Prisoner Review Board shall, as a condition
16 of mandatory supervised release, require the defendant, at his
17 or her own expense, to pursue a course of study toward a high
18 school diploma or passage of high school equivalency testing.
19 The Prisoner Review Board shall revoke the mandatory
20 supervised release of a defendant who wilfully fails to comply
21 with this subsection (j-5) upon his or her release from
22 confinement in a penal institution while serving a mandatory
23 supervised release term; however, the inability of the
24 defendant after making a good faith effort to obtain financial
25 aid or pay for the educational training shall not be deemed a
26 wilful failure to comply. The Prisoner Review Board shall

1 recommit the defendant whose mandatory supervised release term
2 has been revoked under this subsection (j-5) as provided in
3 Section 3-3-9. This subsection (j-5) does not apply to a
4 defendant who has a high school diploma or has successfully
5 passed high school equivalency testing. This subsection (j-5)
6 does not apply to a defendant who is determined by the court to
7 be a person with a developmental disability or otherwise
8 mentally incapable of completing the educational or vocational
9 program.

10 (k) (Blank).

11 (l) (A) Except as provided in paragraph (C) of subsection
12 (l), whenever a defendant, who is not a citizen or national of
13 the United States, is convicted of any felony or misdemeanor
14 offense, the court after sentencing the defendant may, upon
15 motion of the State's Attorney, hold sentence in abeyance and
16 remand the defendant to the custody of the Attorney General of
17 the United States or his or her designated agent to be deported
18 when:

19 (1) a final order of deportation has been issued
20 against the defendant pursuant to proceedings under the
21 Immigration and Nationality Act, and

22 (2) the deportation of the defendant would not
23 deprecate the seriousness of the defendant's conduct and
24 would not be inconsistent with the ends of justice.

25 Otherwise, the defendant shall be sentenced as provided in
26 this Chapter V.

1 (B) If the defendant has already been sentenced for a
2 felony or misdemeanor offense, or has been placed on probation
3 under Section 10 of the Cannabis Control Act, Section 410 of
4 the Illinois Controlled Substances Act, or Section 70 of the
5 Methamphetamine Control and Community Protection Act, the
6 court may, upon motion of the State's Attorney to suspend the
7 sentence imposed, commit the defendant to the custody of the
8 Attorney General of the United States or his or her designated
9 agent when:

10 (1) a final order of deportation has been issued
11 against the defendant pursuant to proceedings under the
12 Immigration and Nationality Act, and

13 (2) the deportation of the defendant would not
14 deprecate the seriousness of the defendant's conduct and
15 would not be inconsistent with the ends of justice.

16 (C) This subsection (1) does not apply to offenders who
17 are subject to the provisions of paragraph (2) of subsection
18 (a) of Section 3-6-3.

19 (D) Upon motion of the State's Attorney, if a defendant
20 sentenced under this Section returns to the jurisdiction of
21 the United States, the defendant shall be recommitted to the
22 custody of the county from which he or she was sentenced.
23 Thereafter, the defendant shall be brought before the
24 sentencing court, which may impose any sentence that was
25 available under Section 5-5-3 at the time of initial
26 sentencing. In addition, the defendant shall not be eligible

1 for additional earned sentence credit as provided under
2 Section 3-6-3.

3 (m) A person convicted of criminal defacement of property
4 under Section 21-1.3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, in which the property damage exceeds
6 \$300 and the property damaged is a school building, shall be
7 ordered to perform community service that may include cleanup,
8 removal, or painting over the defacement.

9 (n) The court may sentence a person convicted of a
10 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
11 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
12 of 1961 or the Criminal Code of 2012 (i) to an impact
13 incarceration program if the person is otherwise eligible for
14 that program under Section 5-8-1.1, (ii) to community service,
15 or (iii) if the person has a substance use disorder, as defined
16 in the Substance Use Disorder Act, to a treatment program
17 licensed under that Act.

18 (o) Whenever a person is convicted of a sex offense as
19 defined in Section 2 of the Sex Offender Registration Act, the
20 defendant's driver's license or permit shall be subject to
21 renewal on an annual basis in accordance with the provisions
22 of license renewal established by the Secretary of State.

23 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
24 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
25 1-1-24.)

1 (730 ILCS 5/5-5-3.2)

2 Sec. 5-5-3.2. Factors in aggravation and extended-term
3 sentencing.

4 (a) The following factors shall be accorded weight in
5 favor of imposing a term of imprisonment or may be considered
6 by the court as reasons to impose a more severe sentence under
7 Section 5-8-1 or Article 4.5 of Chapter V:

8 (1) the defendant's conduct caused or threatened
9 serious harm;

10 (2) the defendant received compensation for committing
11 the offense;

12 (3) the defendant has a history of prior delinquency
13 or criminal activity;

14 (4) the defendant, by the duties of his office or by
15 his position, was obliged to prevent the particular
16 offense committed or to bring the offenders committing it
17 to justice;

18 (5) the defendant held public office at the time of
19 the offense, and the offense related to the conduct of
20 that office;

21 (6) the defendant utilized his professional reputation
22 or position in the community to commit the offense, or to
23 afford him an easier means of committing it;

24 (7) the sentence is necessary to deter others from
25 committing the same crime;

26 (8) the defendant committed the offense against a

1 person 60 years of age or older or such person's property;

2 (9) the defendant committed the offense against a
3 person who has a physical disability or such person's
4 property;

5 (10) by reason of another individual's actual or
6 perceived race, color, creed, religion, ancestry, gender,
7 sexual orientation, physical or mental disability, or
8 national origin, the defendant committed the offense
9 against (i) the person or property of that individual;
10 (ii) the person or property of a person who has an
11 association with, is married to, or has a friendship with
12 the other individual; or (iii) the person or property of a
13 relative (by blood or marriage) of a person described in
14 clause (i) or (ii). For the purposes of this Section,
15 "sexual orientation" has the meaning ascribed to it in
16 paragraph (O-1) of Section 1-103 of the Illinois Human
17 Rights Act;

18 (11) the offense took place in a place of worship or on
19 the grounds of a place of worship, immediately prior to,
20 during or immediately following worship services. For
21 purposes of this subparagraph, "place of worship" shall
22 mean any church, synagogue or other building, structure or
23 place used primarily for religious worship;

24 (12) the defendant was convicted of a felony committed
25 while he was on pretrial release or his own recognizance
26 pending trial for a prior felony and was convicted of such

1 prior felony, or the defendant was convicted of a felony
2 committed while he was serving a period of probation,
3 conditional discharge, or mandatory supervised release
4 under subsection (d) of Section 5-8-1 for a prior felony;

5 (13) the defendant committed or attempted to commit a
6 felony while he was wearing a bulletproof vest. For the
7 purposes of this paragraph (13), a bulletproof vest is any
8 device which is designed for the purpose of protecting the
9 wearer from bullets, shot or other lethal projectiles;

10 (14) the defendant held a position of trust or
11 supervision such as, but not limited to, family member as
12 defined in Section 11-0.1 of the Criminal Code of 2012,
13 teacher, scout leader, baby sitter, or day care worker, in
14 relation to a victim under 18 years of age, and the
15 defendant committed an offense in violation of Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
17 11-14.4 except for an offense that involves keeping a
18 place of commercial sexual exploitation of a child
19 ~~juvenile prostitution~~, 11-15.1, 11-19.1, 11-19.2, 11-20.1,
20 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15 or 12-16
21 of the Criminal Code of 1961 or the Criminal Code of 2012
22 against that victim;

23 (15) the defendant committed an offense related to the
24 activities of an organized gang. For the purposes of this
25 factor, "organized gang" has the meaning ascribed to it in
26 Section 10 of the Streetgang Terrorism Omnibus Prevention

1 Act;

2 (16) the defendant committed an offense in violation
3 of one of the following Sections while in a school,
4 regardless of the time of day or time of year; on any
5 conveyance owned, leased, or contracted by a school to
6 transport students to or from school or a school related
7 activity; on the real property of a school; or on a public
8 way within 1,000 feet of the real property comprising any
9 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
10 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
11 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
12 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
13 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
14 for subdivision (a) (4) or (g) (1), of the Criminal Code of
15 1961 or the Criminal Code of 2012;

16 (16.5) the defendant committed an offense in violation
17 of one of the following Sections while in a day care
18 center, regardless of the time of day or time of year; on
19 the real property of a day care center, regardless of the
20 time of day or time of year; or on a public way within
21 1,000 feet of the real property comprising any day care
22 center, regardless of the time of day or time of year:
23 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
24 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
26 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,

1 18-2, or 33A-2, or Section 12-3.05 except for subdivision
2 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
3 Criminal Code of 2012;

4 (17) the defendant committed the offense by reason of
5 any person's activity as a community policing volunteer or
6 to prevent any person from engaging in activity as a
7 community policing volunteer. For the purpose of this
8 Section, "community policing volunteer" has the meaning
9 ascribed to it in Section 2-3.5 of the Criminal Code of
10 2012;

11 (18) the defendant committed the offense in a nursing
12 home or on the real property comprising a nursing home.
13 For the purposes of this paragraph (18), "nursing home"
14 means a skilled nursing or intermediate long term care
15 facility that is subject to license by the Illinois
16 Department of Public Health under the Nursing Home Care
17 Act, the Specialized Mental Health Rehabilitation Act of
18 2013, the ID/DD Community Care Act, or the MC/DD Act;

19 (19) the defendant was a federally licensed firearm
20 dealer and was previously convicted of a violation of
21 subsection (a) of Section 3 of the Firearm Owners
22 Identification Card Act and has now committed either a
23 felony violation of the Firearm Owners Identification Card
24 Act or an act of armed violence while armed with a firearm;

25 (20) the defendant (i) committed the offense of
26 reckless homicide under Section 9-3 of the Criminal Code

1 of 1961 or the Criminal Code of 2012 or the offense of
2 driving under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds or any
4 combination thereof under Section 11-501 of the Illinois
5 Vehicle Code or a similar provision of a local ordinance
6 and (ii) was operating a motor vehicle in excess of 20
7 miles per hour over the posted speed limit as provided in
8 Article VI of Chapter 11 of the Illinois Vehicle Code;

9 (21) the defendant (i) committed the offense of
10 reckless driving or aggravated reckless driving under
11 Section 11-503 of the Illinois Vehicle Code and (ii) was
12 operating a motor vehicle in excess of 20 miles per hour
13 over the posted speed limit as provided in Article VI of
14 Chapter 11 of the Illinois Vehicle Code;

15 (22) the defendant committed the offense against a
16 person that the defendant knew, or reasonably should have
17 known, was a member of the Armed Forces of the United
18 States serving on active duty. For purposes of this clause
19 (22), the term "Armed Forces" means any of the Armed
20 Forces of the United States, including a member of any
21 reserve component thereof or National Guard unit called to
22 active duty;

23 (23) the defendant committed the offense against a
24 person who was elderly or infirm or who was a person with a
25 disability by taking advantage of a family or fiduciary
26 relationship with the elderly or infirm person or person

1 with a disability;

2 (24) the defendant committed any offense under Section
3 11-20.1 of the Criminal Code of 1961 or the Criminal Code
4 of 2012 and possessed 100 or more images;

5 (25) the defendant committed the offense while the
6 defendant or the victim was in a train, bus, or other
7 vehicle used for public transportation;

8 (26) the defendant committed the offense of child
9 pornography or aggravated child pornography, specifically
10 including paragraph (1), (2), (3), (4), (5), or (7) of
11 subsection (a) of Section 11-20.1 of the Criminal Code of
12 1961 or the Criminal Code of 2012 where a child engaged in,
13 solicited for, depicted in, or posed in any act of sexual
14 penetration or bound, fettered, or subject to sadistic,
15 masochistic, or sadomasochistic abuse in a sexual context
16 and specifically including paragraph (1), (2), (3), (4),
17 (5), or (7) of subsection (a) of Section 11-20.1B or
18 Section 11-20.3 of the Criminal Code of 1961 where a child
19 engaged in, solicited for, depicted in, or posed in any
20 act of sexual penetration or bound, fettered, or subject
21 to sadistic, masochistic, or sadomasochistic abuse in a
22 sexual context;

23 (27) the defendant committed the offense of first
24 degree murder, assault, aggravated assault, battery,
25 aggravated battery, robbery, armed robbery, or aggravated
26 robbery against a person who was a veteran and the

1 defendant knew, or reasonably should have known, that the
2 person was a veteran performing duties as a representative
3 of a veterans' organization. For the purposes of this
4 paragraph (27), "veteran" means an Illinois resident who
5 has served as a member of the United States Armed Forces, a
6 member of the Illinois National Guard, or a member of the
7 United States Reserve Forces; and "veterans' organization"
8 means an organization comprised of members of which
9 substantially all are individuals who are veterans or
10 spouses, widows, or widowers of veterans, the primary
11 purpose of which is to promote the welfare of its members
12 and to provide assistance to the general public in such a
13 way as to confer a public benefit;

14 (28) the defendant committed the offense of assault,
15 aggravated assault, battery, aggravated battery, robbery,
16 armed robbery, or aggravated robbery against a person that
17 the defendant knew or reasonably should have known was a
18 letter carrier or postal worker while that person was
19 performing his or her duties delivering mail for the
20 United States Postal Service;

21 (29) the defendant committed the offense of criminal
22 sexual assault, aggravated criminal sexual assault,
23 criminal sexual abuse, or aggravated criminal sexual abuse
24 against a victim with an intellectual disability, and the
25 defendant holds a position of trust, authority, or
26 supervision in relation to the victim;

1 (30) the defendant committed the offense of promoting
2 commercial sexual exploitation of a child ~~juvenile~~
3 ~~prostitution~~, patronizing a person engaged in the sex
4 trade prostitute, or patronizing a sexually exploited
5 child ~~minor engaged in prostitution~~ and at the time of the
6 commission of the offense knew that the person engaged in
7 the sex trade prostitute or sexually exploited child ~~minor~~
8 ~~engaged in prostitution~~ was in the custody or guardianship
9 of the Department of Children and Family Services;

10 (31) the defendant (i) committed the offense of
11 driving while under the influence of alcohol, other drug
12 or drugs, intoxicating compound or compounds or any
13 combination thereof in violation of Section 11-501 of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance and (ii) the defendant during the commission of
16 the offense was driving his or her vehicle upon a roadway
17 designated for one-way traffic in the opposite direction
18 of the direction indicated by official traffic control
19 devices;

20 (32) the defendant committed the offense of reckless
21 homicide while committing a violation of Section 11-907 of
22 the Illinois Vehicle Code;

23 (33) the defendant was found guilty of an
24 administrative infraction related to an act or acts of
25 public indecency or sexual misconduct in the penal
26 institution. In this paragraph (33), "penal institution"

1 has the same meaning as in Section 2-14 of the Criminal
2 Code of 2012; or

3 (34) the defendant committed the offense of leaving
4 the scene of a crash in violation of subsection (b) of
5 Section 11-401 of the Illinois Vehicle Code and the crash
6 resulted in the death of a person and at the time of the
7 offense, the defendant was: (i) driving under the
8 influence of alcohol, other drug or drugs, intoxicating
9 compound or compounds or any combination thereof as
10 defined by Section 11-501 of the Illinois Vehicle Code; or
11 (ii) operating the motor vehicle while using an electronic
12 communication device as defined in Section 12-610.2 of the
13 Illinois Vehicle Code.

14 For the purposes of this Section:

15 "School" is defined as a public or private elementary or
16 secondary school, community college, college, or university.

17 "Day care center" means a public or private State
18 certified and licensed day care center as defined in Section
19 2.09 of the Child Care Act of 1969 that displays a sign in
20 plain view stating that the property is a day care center.

21 "Intellectual disability" means significantly subaverage
22 intellectual functioning which exists concurrently with
23 impairment in adaptive behavior.

24 "Public transportation" means the transportation or
25 conveyance of persons by means available to the general
26 public, and includes paratransit services.

1 "Traffic control devices" means all signs, signals,
2 markings, and devices that conform to the Illinois Manual on
3 Uniform Traffic Control Devices, placed or erected by
4 authority of a public body or official having jurisdiction,
5 for the purpose of regulating, warning, or guiding traffic.

6 (b) The following factors, related to all felonies, may be
7 considered by the court as reasons to impose an extended term
8 sentence under Section 5-8-2 upon any offender:

9 (1) When a defendant is convicted of any felony, after
10 having been previously convicted in Illinois or any other
11 jurisdiction of the same or similar class felony or
12 greater class felony, when such conviction has occurred
13 within 10 years after the previous conviction, excluding
14 time spent in custody, and such charges are separately
15 brought and tried and arise out of different series of
16 acts; or

17 (2) When a defendant is convicted of any felony and
18 the court finds that the offense was accompanied by
19 exceptionally brutal or heinous behavior indicative of
20 wanton cruelty; or

21 (3) When a defendant is convicted of any felony
22 committed against:

23 (i) a person under 12 years of age at the time of
24 the offense or such person's property;

25 (ii) a person 60 years of age or older at the time
26 of the offense or such person's property; or

1 (iii) a person who had a physical disability at
2 the time of the offense or such person's property; or

3 (4) When a defendant is convicted of any felony and
4 the offense involved any of the following types of
5 specific misconduct committed as part of a ceremony, rite,
6 initiation, observance, performance, practice or activity
7 of any actual or ostensible religious, fraternal, or
8 social group:

9 (i) the brutalizing or torturing of humans or
10 animals;

11 (ii) the theft of human corpses;

12 (iii) the kidnapping of humans;

13 (iv) the desecration of any cemetery, religious,
14 fraternal, business, governmental, educational, or
15 other building or property; or

16 (v) ritualized abuse of a child; or

17 (5) When a defendant is convicted of a felony other
18 than conspiracy and the court finds that the felony was
19 committed under an agreement with 2 or more other persons
20 to commit that offense and the defendant, with respect to
21 the other individuals, occupied a position of organizer,
22 supervisor, financier, or any other position of management
23 or leadership, and the court further finds that the felony
24 committed was related to or in furtherance of the criminal
25 activities of an organized gang or was motivated by the
26 defendant's leadership in an organized gang; or

1 (6) When a defendant is convicted of an offense
2 committed while using a firearm with a laser sight
3 attached to it. For purposes of this paragraph, "laser
4 sight" has the meaning ascribed to it in Section 26-7 of
5 the Criminal Code of 2012; or

6 (7) When a defendant who was at least 17 years of age
7 at the time of the commission of the offense is convicted
8 of a felony and has been previously adjudicated a
9 delinquent minor under the Juvenile Court Act of 1987 for
10 an act that if committed by an adult would be a Class X or
11 Class 1 felony when the conviction has occurred within 10
12 years after the previous adjudication, excluding time
13 spent in custody; or

14 (8) When a defendant commits any felony and the
15 defendant used, possessed, exercised control over, or
16 otherwise directed an animal to assault a law enforcement
17 officer engaged in the execution of his or her official
18 duties or in furtherance of the criminal activities of an
19 organized gang in which the defendant is engaged; or

20 (9) When a defendant commits any felony and the
21 defendant knowingly video or audio records the offense
22 with the intent to disseminate the recording.

23 (c) The following factors may be considered by the court
24 as reasons to impose an extended term sentence under Section
25 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
26 offenses:

1 (1) When a defendant is convicted of first degree
2 murder, after having been previously convicted in Illinois
3 of any offense listed under paragraph (c)(2) of Section
4 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
5 occurred within 10 years after the previous conviction,
6 excluding time spent in custody, and the charges are
7 separately brought and tried and arise out of different
8 series of acts.

9 (1.5) When a defendant is convicted of first degree
10 murder, after having been previously convicted of domestic
11 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
12 (720 ILCS 5/12-3.3) committed on the same victim or after
13 having been previously convicted of violation of an order
14 of protection (720 ILCS 5/12-30) in which the same victim
15 was the protected person.

16 (2) When a defendant is convicted of voluntary
17 manslaughter, second degree murder, involuntary
18 manslaughter, or reckless homicide in which the defendant
19 has been convicted of causing the death of more than one
20 individual.

21 (3) When a defendant is convicted of aggravated
22 criminal sexual assault or criminal sexual assault, when
23 there is a finding that aggravated criminal sexual assault
24 or criminal sexual assault was also committed on the same
25 victim by one or more other individuals, and the defendant
26 voluntarily participated in the crime with the knowledge

1 of the participation of the others in the crime, and the
2 commission of the crime was part of a single course of
3 conduct during which there was no substantial change in
4 the nature of the criminal objective.

5 (4) If the victim was under 18 years of age at the time
6 of the commission of the offense, when a defendant is
7 convicted of aggravated criminal sexual assault or
8 predatory criminal sexual assault of a child under
9 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
10 of Section 12-14.1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

12 (5) When a defendant is convicted of a felony
13 violation of Section 24-1 of the Criminal Code of 1961 or
14 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
15 finding that the defendant is a member of an organized
16 gang.

17 (6) When a defendant was convicted of unlawful use of
18 weapons under Section 24-1 of the Criminal Code of 1961 or
19 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
20 a weapon that is not readily distinguishable as one of the
21 weapons enumerated in Section 24-1 of the Criminal Code of
22 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

23 (7) When a defendant is convicted of an offense
24 involving the illegal manufacture of a controlled
25 substance under Section 401 of the Illinois Controlled
26 Substances Act (720 ILCS 570/401), the illegal manufacture

1 of methamphetamine under Section 25 of the Methamphetamine
2 Control and Community Protection Act (720 ILCS 646/25), or
3 the illegal possession of explosives and an emergency
4 response officer in the performance of his or her duties
5 is killed or injured at the scene of the offense while
6 responding to the emergency caused by the commission of
7 the offense. In this paragraph, "emergency" means a
8 situation in which a person's life, health, or safety is
9 in jeopardy; and "emergency response officer" means a
10 peace officer, community policing volunteer, fireman,
11 emergency medical technician-ambulance, emergency medical
12 technician-intermediate, emergency medical
13 technician-paramedic, ambulance driver, other medical
14 assistance or first aid personnel, or hospital emergency
15 room personnel.

16 (8) When the defendant is convicted of attempted mob
17 action, solicitation to commit mob action, or conspiracy
18 to commit mob action under Section 8-1, 8-2, or 8-4 of the
19 Criminal Code of 2012, where the criminal object is a
20 violation of Section 25-1 of the Criminal Code of 2012,
21 and an electronic communication is used in the commission
22 of the offense. For the purposes of this paragraph (8),
23 "electronic communication" shall have the meaning provided
24 in Section 26.5-0.1 of the Criminal Code of 2012.

25 (d) For the purposes of this Section, "organized gang" has
26 the meaning ascribed to it in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

2 (e) The court may impose an extended term sentence under
3 Article 4.5 of Chapter V upon an offender who has been
4 convicted of a felony violation of Section 11-1.20, 11-1.30,
5 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
6 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
7 when the victim of the offense is under 18 years of age at the
8 time of the commission of the offense and, during the
9 commission of the offense, the victim was under the influence
10 of alcohol, regardless of whether or not the alcohol was
11 supplied by the offender; and the offender, at the time of the
12 commission of the offense, knew or should have known that the
13 victim had consumed alcohol.

14 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
15 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
16 8-20-21; 102-982, eff. 7-1-23.)

17 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

18 Sec. 5-6-3. Conditions of probation and of conditional
19 discharge.

20 (a) The conditions of probation and of conditional
21 discharge shall be that the person:

22 (1) not violate any criminal statute of any
23 jurisdiction;

24 (2) report to or appear in person before such person
25 or agency as directed by the court. To comply with the

1 provisions of this paragraph (2), in lieu of requiring the
2 person on probation or conditional discharge to appear in
3 person for the required reporting or meetings, the officer
4 may utilize technology, including cellular and other
5 electronic communication devices or platforms, that allow
6 for communication between the supervised person and the
7 officer in accordance with standards and guidelines
8 established by the Administrative Office of the Illinois
9 Courts;

10 (3) refrain from possessing a firearm or other
11 dangerous weapon where the offense is a felony or, if a
12 misdemeanor, the offense involved the intentional or
13 knowing infliction of bodily harm or threat of bodily
14 harm;

15 (4) not leave the State without the consent of the
16 court or, in circumstances in which the reason for the
17 absence is of such an emergency nature that prior consent
18 by the court is not possible, without the prior
19 notification and approval of the person's probation
20 officer. Transfer of a person's probation or conditional
21 discharge supervision to another state is subject to
22 acceptance by the other state pursuant to the Interstate
23 Compact for Adult Offender Supervision;

24 (5) permit the probation officer to visit him at his
25 home or elsewhere to the extent necessary to discharge his
26 duties;

1 (6) perform no less than 30 hours of community service
2 and not more than 120 hours of community service, if
3 community service is available in the jurisdiction and is
4 funded and approved by the county board where the offense
5 was committed, where the offense was related to or in
6 furtherance of the criminal activities of an organized
7 gang and was motivated by the offender's membership in or
8 allegiance to an organized gang. The community service
9 shall include, but not be limited to, the cleanup and
10 repair of any damage caused by a violation of Section
11 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
12 2012 and similar damage to property located within the
13 municipality or county in which the violation occurred.
14 When possible and reasonable, the community service should
15 be performed in the offender's neighborhood. For purposes
16 of this Section, "organized gang" has the meaning ascribed
17 to it in Section 10 of the Illinois Streetgang Terrorism
18 Omnibus Prevention Act. The court may give credit toward
19 the fulfillment of community service hours for
20 participation in activities and treatment as determined by
21 court services. Community service shall not interfere with
22 the school hours, school-related activities, or work
23 commitments of the minor or the minor's parent, guardian,
24 or legal custodian;

25 (7) if he or she is at least 17 years of age and has
26 been sentenced to probation or conditional discharge for a

1 misdemeanor or felony in a county of 3,000,000 or more
2 inhabitants and has not been previously convicted of a
3 misdemeanor or felony, may be required by the sentencing
4 court to attend educational courses designed to prepare
5 the defendant for a high school diploma and to work toward
6 a high school diploma or to work toward passing high
7 school equivalency testing or to work toward completing a
8 vocational training program approved by the court. The
9 person on probation or conditional discharge must attend a
10 public institution of education to obtain the educational
11 or vocational training required by this paragraph (7). The
12 court shall revoke the probation or conditional discharge
13 of a person who willfully fails to comply with this
14 paragraph (7). The person on probation or conditional
15 discharge shall be required to pay for the cost of the
16 educational courses or high school equivalency testing if
17 a fee is charged for those courses or testing. The court
18 shall resentence the offender whose probation or
19 conditional discharge has been revoked as provided in
20 Section 5-6-4. This paragraph (7) does not apply to a
21 person who has a high school diploma or has successfully
22 passed high school equivalency testing. This paragraph (7)
23 does not apply to a person who is determined by the court
24 to be a person with a developmental disability or
25 otherwise mentally incapable of completing the educational
26 or vocational program;

1 (8) if convicted of possession of a substance
2 prohibited by the Cannabis Control Act, the Illinois
3 Controlled Substances Act, or the Methamphetamine Control
4 and Community Protection Act after a previous conviction
5 or disposition of supervision for possession of a
6 substance prohibited by the Cannabis Control Act or
7 Illinois Controlled Substances Act or after a sentence of
8 probation under Section 10 of the Cannabis Control Act,
9 Section 410 of the Illinois Controlled Substances Act, or
10 Section 70 of the Methamphetamine Control and Community
11 Protection Act and upon a finding by the court that the
12 person is addicted, undergo treatment at a substance abuse
13 program approved by the court;

14 (8.5) if convicted of a felony sex offense as defined
15 in the Sex Offender Management Board Act, the person shall
16 undergo and successfully complete sex offender treatment
17 by a treatment provider approved by the Board and
18 conducted in conformance with the standards developed
19 under the Sex Offender Management Board Act;

20 (8.6) if convicted of a sex offense as defined in the
21 Sex Offender Management Board Act, refrain from residing
22 at the same address or in the same condominium unit or
23 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
26 been placed on supervision for a sex offense; the

1 provisions of this paragraph do not apply to a person
2 convicted of a sex offense who is placed in a Department of
3 Corrections licensed transitional housing facility for sex
4 offenders;

5 (8.7) if convicted for an offense committed on or
6 after June 1, 2008 (the effective date of Public Act
7 95-464) that would qualify the accused as a child sex
8 offender as defined in Section 11-9.3 or 11-9.4 of the
9 Criminal Code of 1961 or the Criminal Code of 2012,
10 refrain from communicating with or contacting, by means of
11 the Internet, a person who is not related to the accused
12 and whom the accused reasonably believes to be under 18
13 years of age; for purposes of this paragraph (8.7),
14 "Internet" has the meaning ascribed to it in Section
15 16-0.1 of the Criminal Code of 2012; and a person is not
16 related to the accused if the person is not: (i) the
17 spouse, brother, or sister of the accused; (ii) a
18 descendant of the accused; (iii) a first or second cousin
19 of the accused; or (iv) a step-child or adopted child of
20 the accused;

21 (8.8) if convicted for an offense under Section 11-6,
22 11-9.1, 11-14.4 that involves soliciting for a sexually
23 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,
24 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
25 or the Criminal Code of 2012, or any attempt to commit any
26 of these offenses, committed on or after June 1, 2009 (the

1 effective date of Public Act 95-983):

2 (i) not access or use a computer or any other
3 device with Internet capability without the prior
4 written approval of the offender's probation officer,
5 except in connection with the offender's employment or
6 search for employment with the prior approval of the
7 offender's probation officer;

8 (ii) submit to periodic unannounced examinations
9 of the offender's computer or any other device with
10 Internet capability by the offender's probation
11 officer, a law enforcement officer, or assigned
12 computer or information technology specialist,
13 including the retrieval and copying of all data from
14 the computer or device and any internal or external
15 peripherals and removal of such information,
16 equipment, or device to conduct a more thorough
17 inspection;

18 (iii) submit to the installation on the offender's
19 computer or device with Internet capability, at the
20 offender's expense, of one or more hardware or
21 software systems to monitor the Internet use; and

22 (iv) submit to any other appropriate restrictions
23 concerning the offender's use of or access to a
24 computer or any other device with Internet capability
25 imposed by the offender's probation officer;

26 (8.9) if convicted of a sex offense as defined in the

1 Sex Offender Registration Act committed on or after
2 January 1, 2010 (the effective date of Public Act 96-262),
3 refrain from accessing or using a social networking
4 website as defined in Section 17-0.5 of the Criminal Code
5 of 2012;

6 (9) if convicted of a felony or of any misdemeanor
7 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
8 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
9 2012 that was determined, pursuant to Section 112A-11.1 of
10 the Code of Criminal Procedure of 1963, to trigger the
11 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
12 at a time and place designated by the court, his or her
13 Firearm Owner's Identification Card and any and all
14 firearms in his or her possession. The Court shall return
15 to the Illinois State Police Firearm Owner's
16 Identification Card Office the person's Firearm Owner's
17 Identification Card;

18 (10) if convicted of a sex offense as defined in
19 subsection (a-5) of Section 3-1-2 of this Code, unless the
20 offender is a parent or guardian of the person under 18
21 years of age present in the home and no non-familial
22 minors are present, not participate in a holiday event
23 involving children under 18 years of age, such as
24 distributing candy or other items to children on
25 Halloween, wearing a Santa Claus costume on or preceding
26 Christmas, being employed as a department store Santa

1 Claus, or wearing an Easter Bunny costume on or preceding
2 Easter;

3 (11) if convicted of a sex offense as defined in
4 Section 2 of the Sex Offender Registration Act committed
5 on or after January 1, 2010 (the effective date of Public
6 Act 96-362) that requires the person to register as a sex
7 offender under that Act, may not knowingly use any
8 computer scrub software on any computer that the sex
9 offender uses;

10 (12) if convicted of a violation of the
11 Methamphetamine Control and Community Protection Act, the
12 Methamphetamine Precursor Control Act, or a
13 methamphetamine related offense:

14 (A) prohibited from purchasing, possessing, or
15 having under his or her control any product containing
16 pseudoephedrine unless prescribed by a physician; and

17 (B) prohibited from purchasing, possessing, or
18 having under his or her control any product containing
19 ammonium nitrate; and

20 (13) if convicted of a hate crime involving the
21 protected class identified in subsection (a) of Section
22 12-7.1 of the Criminal Code of 2012 that gave rise to the
23 offense the offender committed, perform public or
24 community service of no less than 200 hours and enroll in
25 an educational program discouraging hate crimes that
26 includes racial, ethnic, and cultural sensitivity training

1 ordered by the court.

2 (b) The Court may in addition to other reasonable
3 conditions relating to the nature of the offense or the
4 rehabilitation of the defendant as determined for each
5 defendant in the proper discretion of the Court require that
6 the person:

7 (1) serve a term of periodic imprisonment under
8 Article 7 for a period not to exceed that specified in
9 paragraph (d) of Section 5-7-1;

10 (2) pay a fine and costs;

11 (3) work or pursue a course of study or vocational
12 training;

13 (4) undergo medical, psychological or psychiatric
14 treatment; or treatment for drug addiction or alcoholism;

15 (5) attend or reside in a facility established for the
16 instruction or residence of defendants on probation;

17 (6) support his dependents;

18 (7) and in addition, if a minor:

19 (i) reside with his parents or in a foster home;

20 (ii) attend school;

21 (iii) attend a non-residential program for youth;

22 (iv) provide nonfinancial contributions to his own
23 support at home or in a foster home;

24 (v) with the consent of the superintendent of the
25 facility, attend an educational program at a facility
26 other than the school in which the offense was

1 committed if he or she is convicted of a crime of
2 violence as defined in Section 2 of the Crime Victims
3 Compensation Act committed in a school, on the real
4 property comprising a school, or within 1,000 feet of
5 the real property comprising a school;

6 (8) make restitution as provided in Section 5-5-6 of
7 this Code;

8 (9) perform some reasonable public or community
9 service;

10 (10) serve a term of home confinement. In addition to
11 any other applicable condition of probation or conditional
12 discharge, the conditions of home confinement shall be
13 that the offender:

14 (i) remain within the interior premises of the
15 place designated for his confinement during the hours
16 designated by the court;

17 (ii) admit any person or agent designated by the
18 court into the offender's place of confinement at any
19 time for purposes of verifying the offender's
20 compliance with the conditions of his confinement; and

21 (iii) if further deemed necessary by the court or
22 the probation or court services department ~~Probation~~
23 ~~or Court Services Department~~, be placed on an approved
24 electronic monitoring device, subject to Article 8A of
25 Chapter V;

26 (iv) for persons convicted of any alcohol,

1 cannabis or controlled substance violation who are
2 placed on an approved monitoring device as a condition
3 of probation or conditional discharge, the court shall
4 impose a reasonable fee for each day of the use of the
5 device, as established by the county board in
6 subsection (g) of this Section, unless after
7 determining the inability of the offender to pay the
8 fee, the court assesses a lesser fee or no fee as the
9 case may be. This fee shall be imposed in addition to
10 the fees imposed under subsections (g) and (i) of this
11 Section. The fee shall be collected by the clerk of the
12 circuit court, except as provided in an administrative
13 order of the Chief Judge of the circuit court. The
14 clerk of the circuit court shall pay all monies
15 collected from this fee to the county treasurer for
16 deposit in the substance abuse services fund under
17 Section 5-1086.1 of the Counties Code, except as
18 provided in an administrative order of the Chief Judge
19 of the circuit court.

20 The Chief Judge of the circuit court of the county
21 may by administrative order establish a program for
22 electronic monitoring of offenders, in which a vendor
23 supplies and monitors the operation of the electronic
24 monitoring device, and collects the fees on behalf of
25 the county. The program shall include provisions for
26 indigent offenders and the collection of unpaid fees.

1 The program shall not unduly burden the offender and
2 shall be subject to review by the Chief Judge.

3 The Chief Judge of the circuit court may suspend
4 any additional charges or fees for late payment,
5 interest, or damage to any device; and

6 (v) for persons convicted of offenses other than
7 those referenced in clause (iv) above and who are
8 placed on an approved monitoring device as a condition
9 of probation or conditional discharge, the court shall
10 impose a reasonable fee for each day of the use of the
11 device, as established by the county board in
12 subsection (g) of this Section, unless after
13 determining the inability of the defendant to pay the
14 fee, the court assesses a lesser fee or no fee as the
15 case may be. This fee shall be imposed in addition to
16 the fees imposed under subsections (g) and (i) of this
17 Section. The fee shall be collected by the clerk of the
18 circuit court, except as provided in an administrative
19 order of the Chief Judge of the circuit court. The
20 clerk of the circuit court shall pay all monies
21 collected from this fee to the county treasurer who
22 shall use the monies collected to defray the costs of
23 corrections. The county treasurer shall deposit the
24 fee collected in the probation and court services
25 fund. The Chief Judge of the circuit court of the
26 county may by administrative order establish a program

1 for electronic monitoring of offenders, in which a
2 vendor supplies and monitors the operation of the
3 electronic monitoring device, and collects the fees on
4 behalf of the county. The program shall include
5 provisions for indigent offenders and the collection
6 of unpaid fees. The program shall not unduly burden
7 the offender and shall be subject to review by the
8 Chief Judge.

9 The Chief Judge of the circuit court may suspend
10 any additional charges or fees for late payment,
11 interest, or damage to any device.

12 (11) comply with the terms and conditions of an order
13 of protection issued by the court pursuant to the Illinois
14 Domestic Violence Act of 1986, as now or hereafter
15 amended, or an order of protection issued by the court of
16 another state, tribe, or United States territory. A copy
17 of the order of protection shall be transmitted to the
18 probation officer or agency having responsibility for the
19 case;

20 (12) reimburse any "local anti-crime program" as
21 defined in Section 7 of the Anti-Crime Advisory Council
22 Act for any reasonable expenses incurred by the program on
23 the offender's case, not to exceed the maximum amount of
24 the fine authorized for the offense for which the
25 defendant was sentenced;

26 (13) contribute a reasonable sum of money, not to

1 exceed the maximum amount of the fine authorized for the
2 offense for which the defendant was sentenced, (i) to a
3 "local anti-crime program", as defined in Section 7 of the
4 Anti-Crime Advisory Council Act, or (ii) for offenses
5 under the jurisdiction of the Department of Natural
6 Resources, to the fund established by the Department of
7 Natural Resources for the purchase of evidence for
8 investigation purposes and to conduct investigations as
9 outlined in Section 805-105 of the Department of Natural
10 Resources (Conservation) Law;

11 (14) refrain from entering into a designated
12 geographic area except upon such terms as the court finds
13 appropriate. Such terms may include consideration of the
14 purpose of the entry, the time of day, other persons
15 accompanying the defendant, and advance approval by a
16 probation officer, if the defendant has been placed on
17 probation or advance approval by the court, if the
18 defendant was placed on conditional discharge;

19 (15) refrain from having any contact, directly or
20 indirectly, with certain specified persons or particular
21 types of persons, including, but not limited to, members
22 of street gangs and drug users or dealers;

23 (16) refrain from having in his or her body the
24 presence of any illicit drug prohibited by the Illinois
25 Controlled Substances Act or the Methamphetamine Control
26 and Community Protection Act, unless prescribed by a

1 physician, and submit samples of his or her blood or urine
2 or both for tests to determine the presence of any illicit
3 drug;

4 (17) if convicted for an offense committed on or after
5 June 1, 2008 (the effective date of Public Act 95-464)
6 that would qualify the accused as a child sex offender as
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
8 of 1961 or the Criminal Code of 2012, refrain from
9 communicating with or contacting, by means of the
10 Internet, a person who is related to the accused and whom
11 the accused reasonably believes to be under 18 years of
12 age; for purposes of this paragraph (17), "Internet" has
13 the meaning ascribed to it in Section 16-0.1 of the
14 Criminal Code of 2012; and a person is related to the
15 accused if the person is: (i) the spouse, brother, or
16 sister of the accused; (ii) a descendant of the accused;
17 (iii) a first or second cousin of the accused; or (iv) a
18 step-child or adopted child of the accused;

19 (18) if convicted for an offense committed on or after
20 June 1, 2009 (the effective date of Public Act 95-983)
21 that would qualify as a sex offense as defined in the Sex
22 Offender Registration Act:

23 (i) not access or use a computer or any other
24 device with Internet capability without the prior
25 written approval of the offender's probation officer,
26 except in connection with the offender's employment or

1 search for employment with the prior approval of the
2 offender's probation officer;

3 (ii) submit to periodic unannounced examinations
4 of the offender's computer or any other device with
5 Internet capability by the offender's probation
6 officer, a law enforcement officer, or assigned
7 computer or information technology specialist,
8 including the retrieval and copying of all data from
9 the computer or device and any internal or external
10 peripherals and removal of such information,
11 equipment, or device to conduct a more thorough
12 inspection;

13 (iii) submit to the installation on the offender's
14 computer or device with Internet capability, at the
15 subject's expense, of one or more hardware or software
16 systems to monitor the Internet use; and

17 (iv) submit to any other appropriate restrictions
18 concerning the offender's use of or access to a
19 computer or any other device with Internet capability
20 imposed by the offender's probation officer; and

21 (19) refrain from possessing a firearm or other
22 dangerous weapon where the offense is a misdemeanor that
23 did not involve the intentional or knowing infliction of
24 bodily harm or threat of bodily harm.

25 (c) The court may as a condition of probation or of
26 conditional discharge require that a person under 18 years of

1 age found guilty of any alcohol, cannabis or controlled
2 substance violation, refrain from acquiring a driver's license
3 during the period of probation or conditional discharge. If
4 such person is in possession of a permit or license, the court
5 may require that the minor refrain from driving or operating
6 any motor vehicle during the period of probation or
7 conditional discharge, except as may be necessary in the
8 course of the minor's lawful employment.

9 (d) An offender sentenced to probation or to conditional
10 discharge shall be given a certificate setting forth the
11 conditions thereof.

12 (e) Except where the offender has committed a fourth or
13 subsequent violation of subsection (c) of Section 6-303 of the
14 Illinois Vehicle Code, the court shall not require as a
15 condition of the sentence of probation or conditional
16 discharge that the offender be committed to a period of
17 imprisonment in excess of 6 months. This 6-month limit shall
18 not include periods of confinement given pursuant to a
19 sentence of county impact incarceration under Section 5-8-1.2.

20 Persons committed to imprisonment as a condition of
21 probation or conditional discharge shall not be committed to
22 the Department of Corrections.

23 (f) The court may combine a sentence of periodic
24 imprisonment under Article 7 or a sentence to a county impact
25 incarceration program under Article 8 with a sentence of
26 probation or conditional discharge.

1 (g) An offender sentenced to probation or to conditional
2 discharge and who during the term of either undergoes
3 mandatory drug or alcohol testing, or both, or is assigned to
4 be placed on an approved electronic monitoring device, shall
5 be ordered to pay all costs incidental to such mandatory drug
6 or alcohol testing, or both, and all costs incidental to such
7 approved electronic monitoring in accordance with the
8 defendant's ability to pay those costs. The county board with
9 the concurrence of the Chief Judge of the judicial circuit in
10 which the county is located shall establish reasonable fees
11 for the cost of maintenance, testing, and incidental expenses
12 related to the mandatory drug or alcohol testing, or both, and
13 all costs incidental to approved electronic monitoring,
14 involved in a successful probation program for the county. The
15 concurrence of the Chief Judge shall be in the form of an
16 administrative order. The fees shall be collected by the clerk
17 of the circuit court, except as provided in an administrative
18 order of the Chief Judge of the circuit court. The clerk of the
19 circuit court shall pay all moneys collected from these fees
20 to the county treasurer who shall use the moneys collected to
21 defray the costs of drug testing, alcohol testing, and
22 electronic monitoring. The county treasurer shall deposit the
23 fees collected in the county working cash fund under Section
24 6-27001 or Section 6-29002 of the Counties Code, as the case
25 may be. The Chief Judge of the circuit court of the county may
26 by administrative order establish a program for electronic

1 monitoring of offenders, in which a vendor supplies and
2 monitors the operation of the electronic monitoring device,
3 and collects the fees on behalf of the county. The program
4 shall include provisions for indigent offenders and the
5 collection of unpaid fees. The program shall not unduly burden
6 the offender and shall be subject to review by the Chief Judge.
7 A person shall not be assessed costs or fees for mandatory
8 testing for drugs, alcohol, or both, if the person is an
9 indigent person as defined in paragraph (2) of subsection (a)
10 of Section 5-105 of the Code of Civil Procedure.

11 The Chief Judge of the circuit court may suspend any
12 additional charges or fees for late payment, interest, or
13 damage to any device.

14 (h) Jurisdiction over an offender may be transferred from
15 the sentencing court to the court of another circuit with the
16 concurrence of both courts. Further transfers or retransfers
17 of jurisdiction are also authorized in the same manner. The
18 court to which jurisdiction has been transferred shall have
19 the same powers as the sentencing court. The probation
20 department within the circuit to which jurisdiction has been
21 transferred, or which has agreed to provide supervision, may
22 impose probation fees upon receiving the transferred offender,
23 as provided in subsection (i). For all transfer cases, as
24 defined in Section 9b of the Probation and Probation Officers
25 Act, the probation department from the original sentencing
26 court shall retain all probation fees collected prior to the

1 transfer. After the transfer, all probation fees shall be paid
2 to the probation department within the circuit to which
3 jurisdiction has been transferred.

4 (i) The court shall impose upon an offender sentenced to
5 probation after January 1, 1989 or to conditional discharge
6 after January 1, 1992 or to community service under the
7 supervision of a probation or court services department after
8 January 1, 2004, as a condition of such probation or
9 conditional discharge or supervised community service, a fee
10 of \$50 for each month of probation or conditional discharge
11 supervision or supervised community service ordered by the
12 court, unless after determining the inability of the person
13 sentenced to probation or conditional discharge or supervised
14 community service to pay the fee, the court assesses a lesser
15 fee. The court may not impose the fee on a minor who is placed
16 in the guardianship or custody of the Department of Children
17 and Family Services under the Juvenile Court Act of 1987 while
18 the minor is in placement. The fee shall be imposed only upon
19 an offender who is actively supervised by the probation and
20 court services department. The fee shall be collected by the
21 clerk of the circuit court. The clerk of the circuit court
22 shall pay all monies collected from this fee to the county
23 treasurer for deposit in the probation and court services fund
24 under Section 15.1 of the Probation and Probation Officers
25 Act.

26 A circuit court may not impose a probation fee under this

1 subsection (i) in excess of \$25 per month unless the circuit
2 court has adopted, by administrative order issued by the Chief
3 Judge ~~chief judge~~, a standard probation fee guide determining
4 an offender's ability to pay. Of the amount collected as a
5 probation fee, up to \$5 of that fee collected per month may be
6 used to provide services to crime victims and their families.

7 The Court may only waive probation fees based on an
8 offender's ability to pay. The probation department may
9 re-evaluate an offender's ability to pay every 6 months, and,
10 with the approval of the Director of Court Services or the
11 Chief Probation Officer, adjust the monthly fee amount. An
12 offender may elect to pay probation fees due in a lump sum. Any
13 offender that has been assigned to the supervision of a
14 probation department, or has been transferred either under
15 subsection (h) of this Section or under any interstate
16 compact, shall be required to pay probation fees to the
17 department supervising the offender, based on the offender's
18 ability to pay.

19 Public Act 93-970 deletes the \$10 increase in the fee
20 under this subsection that was imposed by Public Act 93-616.
21 This deletion is intended to control over any other Act of the
22 93rd General Assembly that retains or incorporates that fee
23 increase.

24 (i-5) In addition to the fees imposed under subsection (i)
25 of this Section, in the case of an offender convicted of a
26 felony sex offense (as defined in the Sex Offender Management

1 Board Act) or an offense that the court or probation
2 department has determined to be sexually motivated (as defined
3 in the Sex Offender Management Board Act), the court or the
4 probation department shall assess additional fees to pay for
5 all costs of treatment, assessment, evaluation for risk and
6 treatment, and monitoring the offender, based on that
7 offender's ability to pay those costs either as they occur or
8 under a payment plan.

9 (j) All fines and costs imposed under this Section for any
10 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
11 Code, or a similar provision of a local ordinance, and any
12 violation of the Child Passenger Protection Act, or a similar
13 provision of a local ordinance, shall be collected and
14 disbursed by the circuit clerk as provided under the Criminal
15 and Traffic Assessment Act.

16 (k) Any offender who is sentenced to probation or
17 conditional discharge for a felony sex offense as defined in
18 the Sex Offender Management Board Act or any offense that the
19 court or probation department has determined to be sexually
20 motivated as defined in the Sex Offender Management Board Act
21 shall be required to refrain from any contact, directly or
22 indirectly, with any persons specified by the court and shall
23 be available for all evaluations and treatment programs
24 required by the court or the probation department.

25 (l) The court may order an offender who is sentenced to
26 probation or conditional discharge for a violation of an order

1 of protection be placed under electronic surveillance as
2 provided in Section 5-8A-7 of this Code.

3 (m) Except for restitution, and assessments issued for
4 adjudications under Section 5-125 of the Juvenile Court Act of
5 1987, fines and assessments, such as fees or administrative
6 costs, authorized under this Section shall not be ordered or
7 imposed on a minor subject to Article III, IV, or V of the
8 Juvenile Court Act of 1987, or a minor under the age of 18
9 transferred to adult court or excluded from juvenile court
10 jurisdiction under Article V of the Juvenile Court Act of
11 1987, or the minor's parent, guardian, or legal custodian.

12 (n) ~~(m)~~ A person on probation, conditional discharge, or
13 supervision shall not be ordered to refrain from having
14 cannabis or alcohol in his or her body unless:

15 (1) the person is under 21 years old;

16 (2) the person was sentenced to probation, conditional
17 discharge, or supervision for an offense which had as an
18 element of the offense the presence of an intoxicating
19 compound in the person's body;

20 (3) the person is participating in a problem-solving
21 court certified by the Illinois Supreme Court;

22 (4) the person has undergone a validated clinical
23 assessment and the clinical treatment plan includes
24 alcohol or cannabis testing; or

25 (5) a court ordered evaluation recommends that the
26 person refrain from using alcohol or cannabis, provided

1 the evaluation is a validated clinical assessment and the
2 recommendation originates from a clinical treatment plan.

3 If the court has made findings that alcohol use was a
4 contributing factor in the commission of the underlying
5 offense, the court may order a person on probation,
6 conditional discharge, or supervision to refrain from having
7 alcohol in his or her body during the time between sentencing
8 and the completion of a validated clinical assessment,
9 provided that such order shall not exceed 30 days and shall be
10 terminated if the clinical treatment plan does not recommend
11 abstinence or testing, or both.

12 In this subsection (n) ~~(m)~~, "validated clinical
13 assessment" and "clinical treatment plan" have the meanings
14 ascribed to them in Section 10 of the Drug Court Treatment Act.

15 In any instance in which the court orders testing for
16 cannabis or alcohol, the court shall state the reasonable
17 relation the condition has to the person's crime for which the
18 person was placed on probation, conditional discharge, or
19 supervision.

20 (o) ~~(n)~~ A person on probation, conditional discharge, or
21 supervision shall not be ordered to refrain from use or
22 consumption of any substance lawfully prescribed by a medical
23 provider or authorized by the Compassionate Use of Medical
24 Cannabis Program Act, except where use is prohibited in
25 paragraph (3) or (4) of subsection (n) ~~(m)~~.

26 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;

1 103-271, eff. 1-1-24; 103-379, eff. 7-28-23; 103-391, eff.
2 1-1-24; revised 12-15-23.)

3 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

4 Sec. 5-6-3.1. Incidents and conditions of supervision.

5 (a) When a defendant is placed on supervision, the court
6 shall enter an order for supervision specifying the period of
7 such supervision, and shall defer further proceedings in the
8 case until the conclusion of the period.

9 (b) The period of supervision shall be reasonable under
10 all of the circumstances of the case, but may not be longer
11 than 2 years, unless the defendant has failed to pay the
12 assessment required by Section 10.3 of the Cannabis Control
13 Act, Section 411.2 of the Illinois Controlled Substances Act,
14 or Section 80 of the Methamphetamine Control and Community
15 Protection Act, in which case the court may extend supervision
16 beyond 2 years. Additionally, the court shall order the
17 defendant to perform no less than 30 hours of community
18 service and not more than 120 hours of community service, if
19 community service is available in the jurisdiction and is
20 funded and approved by the county board where the offense was
21 committed, when the offense (1) was related to or in
22 furtherance of the criminal activities of an organized gang or
23 was motivated by the defendant's membership in or allegiance
24 to an organized gang; or (2) is a violation of any Section of
25 Article 24 of the Criminal Code of 1961 or the Criminal Code of

1 2012 where a disposition of supervision is not prohibited by
2 Section 5-6-1 of this Code. The community service shall
3 include, but not be limited to, the cleanup and repair of any
4 damage caused by violation of Section 21-1.3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012 and similar damages
6 to property located within the municipality or county in which
7 the violation occurred. Where possible and reasonable, the
8 community service should be performed in the offender's
9 neighborhood.

10 For the purposes of this Section, "organized gang" has the
11 meaning ascribed to it in Section 10 of the Illinois
12 Streetgang Terrorism Omnibus Prevention Act.

13 (c) The court may in addition to other reasonable
14 conditions relating to the nature of the offense or the
15 rehabilitation of the defendant as determined for each
16 defendant in the proper discretion of the court require that
17 the person:

18 (1) make a report to and appear in person before or
19 participate with the court or such courts, person, or
20 social service agency as directed by the court in the
21 order of supervision;

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational
24 training;

25 (4) undergo medical, psychological or psychiatric
26 treatment; or treatment for drug addiction or alcoholism;

1 (5) attend or reside in a facility established for the
2 instruction or residence of defendants on probation;

3 (6) support his dependents;

4 (7) refrain from possessing a firearm or other
5 dangerous weapon;

6 (8) and in addition, if a minor:

7 (i) reside with his parents or in a foster home;

8 (ii) attend school;

9 (iii) attend a non-residential program for youth;

10 (iv) provide nonfinancial contributions to his own
11 support at home or in a foster home; or

12 (v) with the consent of the superintendent of the
13 facility, attend an educational program at a facility
14 other than the school in which the offense was
15 committed if he or she is placed on supervision for a
16 crime of violence as defined in Section 2 of the Crime
17 Victims Compensation Act committed in a school, on the
18 real property comprising a school, or within 1,000
19 feet of the real property comprising a school;

20 (9) make restitution or reparation in an amount not to
21 exceed actual loss or damage to property and pecuniary
22 loss or make restitution under Section 5-5-6 to a domestic
23 violence shelter. The court shall determine the amount and
24 conditions of payment;

25 (10) perform some reasonable public or community
26 service;

1 (11) comply with the terms and conditions of an order
2 of protection issued by the court pursuant to the Illinois
3 Domestic Violence Act of 1986 or an order of protection
4 issued by the court of another state, tribe, or United
5 States territory. If the court has ordered the defendant
6 to make a report and appear in person under paragraph (1)
7 of this subsection, a copy of the order of protection
8 shall be transmitted to the person or agency so designated
9 by the court;

10 (12) reimburse any "local anti-crime program" as
11 defined in Section 7 of the Anti-Crime Advisory Council
12 Act for any reasonable expenses incurred by the program on
13 the offender's case, not to exceed the maximum amount of
14 the fine authorized for the offense for which the
15 defendant was sentenced;

16 (13) contribute a reasonable sum of money, not to
17 exceed the maximum amount of the fine authorized for the
18 offense for which the defendant was sentenced, (i) to a
19 "local anti-crime program", as defined in Section 7 of the
20 Anti-Crime Advisory Council Act, or (ii) for offenses
21 under the jurisdiction of the Department of Natural
22 Resources, to the fund established by the Department of
23 Natural Resources for the purchase of evidence for
24 investigation purposes and to conduct investigations as
25 outlined in Section 805-105 of the Department of Natural
26 Resources (Conservation) Law;

1 (14) refrain from entering into a designated
2 geographic area except upon such terms as the court finds
3 appropriate. Such terms may include consideration of the
4 purpose of the entry, the time of day, other persons
5 accompanying the defendant, and advance approval by a
6 probation officer;

7 (15) refrain from having any contact, directly or
8 indirectly, with certain specified persons or particular
9 types of person, including but not limited to members of
10 street gangs and drug users or dealers;

11 (16) refrain from having in his or her body the
12 presence of any illicit drug prohibited by the Cannabis
13 Control Act, the Illinois Controlled Substances Act, or
14 the Methamphetamine Control and Community Protection Act,
15 unless prescribed by a physician, and submit samples of
16 his or her blood or urine or both for tests to determine
17 the presence of any illicit drug;

18 (17) refrain from operating any motor vehicle not
19 equipped with an ignition interlock device as defined in
20 Section 1-129.1 of the Illinois Vehicle Code; under this
21 condition the court may allow a defendant who is not
22 self-employed to operate a vehicle owned by the
23 defendant's employer that is not equipped with an ignition
24 interlock device in the course and scope of the
25 defendant's employment; and

26 (18) if placed on supervision for a sex offense as

1 defined in subsection (a-5) of Section 3-1-2 of this Code,
2 unless the offender is a parent or guardian of the person
3 under 18 years of age present in the home and no
4 non-familial minors are present, not participate in a
5 holiday event involving children under 18 years of age,
6 such as distributing candy or other items to children on
7 Halloween, wearing a Santa Claus costume on or preceding
8 Christmas, being employed as a department store Santa
9 Claus, or wearing an Easter Bunny costume on or preceding
10 Easter.

11 (c-5) If payment of restitution as ordered has not been
12 made, the victim shall file a petition notifying the
13 sentencing court, any other person to whom restitution is
14 owed, and the State's Attorney of the status of the ordered
15 restitution payments unpaid at least 90 days before the
16 supervision expiration date. If payment as ordered has not
17 been made, the court shall hold a review hearing prior to the
18 expiration date, unless the hearing is voluntarily waived by
19 the defendant with the knowledge that waiver may result in an
20 extension of the supervision period or in a revocation of
21 supervision. If the court does not extend supervision, it
22 shall issue a judgment for the unpaid restitution and direct
23 the clerk of the circuit court to file and enter the judgment
24 in the judgment and lien docket, without fee, unless it finds
25 that the victim has recovered a judgment against the defendant
26 for the amount covered by the restitution order. If the court

1 issues a judgment for the unpaid restitution, the court shall
2 send to the defendant at his or her last known address written
3 notification that a civil judgment has been issued for the
4 unpaid restitution.

5 (d) The court shall defer entering any judgment on the
6 charges until the conclusion of the supervision.

7 (e) At the conclusion of the period of supervision, if the
8 court determines that the defendant has successfully complied
9 with all of the conditions of supervision, the court shall
10 discharge the defendant and enter a judgment dismissing the
11 charges.

12 (f) Discharge and dismissal upon a successful conclusion
13 of a disposition of supervision shall be deemed without
14 adjudication of guilt and shall not be termed a conviction for
15 purposes of disqualification or disabilities imposed by law
16 upon conviction of a crime. Two years after the discharge and
17 dismissal under this Section, unless the disposition of
18 supervision was for a violation of Sections 3-707, 3-708,
19 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance, or for a violation of
21 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
22 or the Criminal Code of 2012, in which case it shall be 5 years
23 after discharge and dismissal, a person may have his record of
24 arrest sealed or expunged as may be provided by law. However,
25 any defendant placed on supervision before January 1, 1980,
26 may move for sealing or expungement of his arrest record, as

1 provided by law, at any time after discharge and dismissal
2 under this Section. A person placed on supervision for a
3 sexual offense committed against a minor as defined in clause
4 (a)(1)(L) of Section 5.2 of the Criminal Identification Act or
5 for a violation of Section 11-501 of the Illinois Vehicle Code
6 or a similar provision of a local ordinance shall not have his
7 or her record of arrest sealed or expunged.

8 (g) A defendant placed on supervision and who during the
9 period of supervision undergoes mandatory drug or alcohol
10 testing, or both, or is assigned to be placed on an approved
11 electronic monitoring device, shall be ordered to pay the
12 costs incidental to such mandatory drug or alcohol testing, or
13 both, and costs incidental to such approved electronic
14 monitoring in accordance with the defendant's ability to pay
15 those costs. The county board with the concurrence of the
16 Chief Judge of the judicial circuit in which the county is
17 located shall establish reasonable fees for the cost of
18 maintenance, testing, and incidental expenses related to the
19 mandatory drug or alcohol testing, or both, and all costs
20 incidental to approved electronic monitoring, of all
21 defendants placed on supervision. The concurrence of the Chief
22 Judge shall be in the form of an administrative order. The fees
23 shall be collected by the clerk of the circuit court, except as
24 provided in an administrative order of the Chief Judge of the
25 circuit court. The clerk of the circuit court shall pay all
26 moneys collected from these fees to the county treasurer who

1 shall use the moneys collected to defray the costs of drug
2 testing, alcohol testing, and electronic monitoring. The
3 county treasurer shall deposit the fees collected in the
4 county working cash fund under Section 6-27001 or Section
5 6-29002 of the Counties Code, as the case may be.

6 The Chief Judge of the circuit court of the county may by
7 administrative order establish a program for electronic
8 monitoring of offenders, in which a vendor supplies and
9 monitors the operation of the electronic monitoring device,
10 and collects the fees on behalf of the county. The program
11 shall include provisions for indigent offenders and the
12 collection of unpaid fees. The program shall not unduly burden
13 the offender and shall be subject to review by the Chief Judge.

14 The Chief Judge of the circuit court may suspend any
15 additional charges or fees for late payment, interest, or
16 damage to any device.

17 (h) A disposition of supervision is a final order for the
18 purposes of appeal.

19 (i) The court shall impose upon a defendant placed on
20 supervision after January 1, 1992 or to community service
21 under the supervision of a probation or court services
22 department after January 1, 2004, as a condition of
23 supervision or supervised community service, a fee of \$50 for
24 each month of supervision or supervised community service
25 ordered by the court, unless after determining the inability
26 of the person placed on supervision or supervised community

1 service to pay the fee, the court assesses a lesser fee. The
2 court may not impose the fee on a minor who is placed in the
3 guardianship or custody of the Department of Children and
4 Family Services under the Juvenile Court Act of 1987 while the
5 minor is in placement. The fee shall be imposed only upon a
6 defendant who is actively supervised by the probation and
7 court services department. The fee shall be collected by the
8 clerk of the circuit court. The clerk of the circuit court
9 shall pay all monies collected from this fee to the county
10 treasurer for deposit in the probation and court services fund
11 pursuant to Section 15.1 of the Probation and Probation
12 Officers Act.

13 A circuit court may not impose a probation fee in excess of
14 \$25 per month unless the circuit court has adopted, by
15 administrative order issued by the chief judge, a standard
16 probation fee guide determining an offender's ability to pay.
17 Of the amount collected as a probation fee, not to exceed \$5 of
18 that fee collected per month may be used to provide services to
19 crime victims and their families.

20 The Court may only waive probation fees based on an
21 offender's ability to pay. The probation department may
22 re-evaluate an offender's ability to pay every 6 months, and,
23 with the approval of the Director of Court Services or the
24 Chief Probation Officer, adjust the monthly fee amount. An
25 offender may elect to pay probation fees due in a lump sum. Any
26 offender that has been assigned to the supervision of a

1 probation department, or has been transferred either under
2 subsection (h) of this Section or under any interstate
3 compact, shall be required to pay probation fees to the
4 department supervising the offender, based on the offender's
5 ability to pay.

6 (j) All fines and costs imposed under this Section for any
7 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
8 Code, or a similar provision of a local ordinance, and any
9 violation of the Child Passenger Protection Act, or a similar
10 provision of a local ordinance, shall be collected and
11 disbursed by the circuit clerk as provided under the Criminal
12 and Traffic Assessment Act.

13 (k) A defendant at least 17 years of age who is placed on
14 supervision for a misdemeanor in a county of 3,000,000 or more
15 inhabitants and who has not been previously convicted of a
16 misdemeanor or felony may as a condition of his or her
17 supervision be required by the court to attend educational
18 courses designed to prepare the defendant for a high school
19 diploma and to work toward a high school diploma or to work
20 toward passing high school equivalency testing or to work
21 toward completing a vocational training program approved by
22 the court. The defendant placed on supervision must attend a
23 public institution of education to obtain the educational or
24 vocational training required by this subsection (k). The
25 defendant placed on supervision shall be required to pay for
26 the cost of the educational courses or high school equivalency

1 testing if a fee is charged for those courses or testing. The
2 court shall revoke the supervision of a person who wilfully
3 fails to comply with this subsection (k). The court shall
4 resentence the defendant upon revocation of supervision as
5 provided in Section 5-6-4. This subsection (k) does not apply
6 to a defendant who has a high school diploma or has
7 successfully passed high school equivalency testing. This
8 subsection (k) does not apply to a defendant who is determined
9 by the court to be a person with a developmental disability or
10 otherwise mentally incapable of completing the educational or
11 vocational program.

12 (l) The court shall require a defendant placed on
13 supervision for possession of a substance prohibited by the
14 Cannabis Control Act, the Illinois Controlled Substances Act,
15 or the Methamphetamine Control and Community Protection Act
16 after a previous conviction or disposition of supervision for
17 possession of a substance prohibited by the Cannabis Control
18 Act, the Illinois Controlled Substances Act, or the
19 Methamphetamine Control and Community Protection Act or a
20 sentence of probation under Section 10 of the Cannabis Control
21 Act or Section 410 of the Illinois Controlled Substances Act
22 and after a finding by the court that the person is addicted,
23 to undergo treatment at a substance abuse program approved by
24 the court.

25 (m) The Secretary of State shall require anyone placed on
26 court supervision for a violation of Section 3-707 of the

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance to give proof of his or her financial responsibility
3 as defined in Section 7-315 of the Illinois Vehicle Code. The
4 proof shall be maintained by the individual in a manner
5 satisfactory to the Secretary of State for a minimum period of
6 3 years after the date the proof is first filed. The proof
7 shall be limited to a single action per arrest and may not be
8 affected by any post-sentence disposition. The Secretary of
9 State shall suspend the driver's license of any person
10 determined by the Secretary to be in violation of this
11 subsection. This subsection does not apply to a person who, at
12 the time of the offense, was operating a motor vehicle
13 registered in a state other than Illinois.

14 (n) Any offender placed on supervision for any offense
15 that the court or probation department has determined to be
16 sexually motivated as defined in the Sex Offender Management
17 Board Act shall be required to refrain from any contact,
18 directly or indirectly, with any persons specified by the
19 court and shall be available for all evaluations and treatment
20 programs required by the court or the probation department.

21 (o) An offender placed on supervision for a sex offense as
22 defined in the Sex Offender Management Board Act shall refrain
23 from residing at the same address or in the same condominium
24 unit or apartment unit or in the same condominium complex or
25 apartment complex with another person he or she knows or
26 reasonably should know is a convicted sex offender or has been

1 placed on supervision for a sex offense. The provisions of
2 this subsection (o) do not apply to a person convicted of a sex
3 offense who is placed in a Department of Corrections licensed
4 transitional housing facility for sex offenders.

5 (p) An offender placed on supervision for an offense
6 committed on or after June 1, 2008 (the effective date of
7 Public Act 95-464) that would qualify the accused as a child
8 sex offender as defined in Section 11-9.3 or 11-9.4 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 shall
10 refrain from communicating with or contacting, by means of the
11 Internet, a person who is not related to the accused and whom
12 the accused reasonably believes to be under 18 years of age.
13 For purposes of this subsection (p), "Internet" has the
14 meaning ascribed to it in Section 16-0.1 of the Criminal Code
15 of 2012; and a person is not related to the accused if the
16 person is not: (i) the spouse, brother, or sister of the
17 accused; (ii) a descendant of the accused; (iii) a first or
18 second cousin of the accused; or (iv) a step-child or adopted
19 child of the accused.

20 (q) An offender placed on supervision for an offense
21 committed on or after June 1, 2008 (the effective date of
22 Public Act 95-464) that would qualify the accused as a child
23 sex offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
25 ordered by the court, refrain from communicating with or
26 contacting, by means of the Internet, a person who is related

1 to the accused and whom the accused reasonably believes to be
2 under 18 years of age. For purposes of this subsection (q),
3 "Internet" has the meaning ascribed to it in Section 16-0.1 of
4 the Criminal Code of 2012; and a person is related to the
5 accused if the person is: (i) the spouse, brother, or sister of
6 the accused; (ii) a descendant of the accused; (iii) a first or
7 second cousin of the accused; or (iv) a step-child or adopted
8 child of the accused.

9 (r) An offender placed on supervision for an offense under
10 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
11 sexually exploited child ~~juvenile prostitute~~, 11-15.1,
12 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of
13 1961 or the Criminal Code of 2012, or any attempt to commit any
14 of these offenses, committed on or after June 1, 2009 (the
15 effective date of Public Act 95-983) shall:

16 (i) not access or use a computer or any other device
17 with Internet capability without the prior written
18 approval of the court, except in connection with the
19 offender's employment or search for employment with the
20 prior approval of the court;

21 (ii) submit to periodic unannounced examinations of
22 the offender's computer or any other device with Internet
23 capability by the offender's probation officer, a law
24 enforcement officer, or assigned computer or information
25 technology specialist, including the retrieval and copying
26 of all data from the computer or device and any internal or

1 external peripherals and removal of such information,
2 equipment, or device to conduct a more thorough
3 inspection;

4 (iii) submit to the installation on the offender's
5 computer or device with Internet capability, at the
6 offender's expense, of one or more hardware or software
7 systems to monitor the Internet use; and

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a computer
10 or any other device with Internet capability imposed by
11 the court.

12 (s) An offender placed on supervision for an offense that
13 is a sex offense as defined in Section 2 of the Sex Offender
14 Registration Act that is committed on or after January 1, 2010
15 (the effective date of Public Act 96-362) that requires the
16 person to register as a sex offender under that Act, may not
17 knowingly use any computer scrub software on any computer that
18 the sex offender uses.

19 (t) An offender placed on supervision for a sex offense as
20 defined in the Sex Offender Registration Act committed on or
21 after January 1, 2010 (the effective date of Public Act
22 96-262) shall refrain from accessing or using a social
23 networking website as defined in Section 17-0.5 of the
24 Criminal Code of 2012.

25 (u) Jurisdiction over an offender may be transferred from
26 the sentencing court to the court of another circuit with the

1 concurrence of both courts. Further transfers or retransfers
2 of jurisdiction are also authorized in the same manner. The
3 court to which jurisdiction has been transferred shall have
4 the same powers as the sentencing court. The probation
5 department within the circuit to which jurisdiction has been
6 transferred may impose probation fees upon receiving the
7 transferred offender, as provided in subsection (i). The
8 probation department from the original sentencing court shall
9 retain all probation fees collected prior to the transfer.

10 (v) Except for restitution, and assessments issued for
11 adjudications under Section 5-125 of the Juvenile Court Act of
12 1987, fines and assessments, such as fees or administrative
13 costs, authorized under this Section shall not be ordered or
14 imposed on a minor subject to Article III, IV, or V of the
15 Juvenile Court Act of 1987, or a minor under the age of 18
16 transferred to adult court or excluded from juvenile court
17 jurisdiction under Article V of the Juvenile Court Act of
18 1987, or the minor's parent, guardian, or legal custodian.

19 (Source: P.A. 102-299, eff. 8-6-21; 103-379, eff. 7-28-23.)

20 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

21 Sec. 5-9-1.7. Sexual assault fines.

22 (a) Definitions. The terms used in this Section shall have
23 the following meanings ascribed to them:

24 (1) "Sexual assault" means the commission or attempted
25 commission of the following: sexual exploitation of a

1 child, criminal sexual assault, predatory criminal sexual
2 assault of a child, aggravated criminal sexual assault,
3 criminal sexual abuse, aggravated criminal sexual abuse,
4 indecent solicitation of a child, public indecency, sexual
5 relations within families, promoting commercial sexual
6 exploitation of a child ~~juvenile prostitution~~, soliciting
7 for a sexually exploited child ~~juvenile prostitute~~,
8 keeping a place of commercial sexual exploitation of a
9 child ~~juvenile prostitution~~, patronizing a sexually
10 exploited child ~~juvenile prostitute~~, juvenile pimping,
11 exploitation of a child, obscenity, child pornography,
12 aggravated child pornography, harmful material, or
13 ritualized abuse of a child, as those offenses are defined
14 in the Criminal Code of 1961 or the Criminal Code of 2012.

15 (2) (Blank).

16 (3) "Sexual assault organization" means any
17 not-for-profit organization providing comprehensive,
18 community-based services to victims of sexual assault.
19 "Community-based services" include, but are not limited
20 to, direct crisis intervention through a 24-hour response,
21 medical and legal advocacy, counseling, information and
22 referral services, training, and community education.

23 (b) (Blank).

24 (c) Sexual Assault Services Fund; administration. There is
25 created a Sexual Assault Services Fund. Moneys deposited into
26 the Fund under Section 15-20 and 15-40 of the Criminal and

1 Traffic Assessment Act shall be appropriated to the Department
2 of Public Health. Upon appropriation of moneys from the Sexual
3 Assault Services Fund, the Department of Public Health shall
4 make grants of these moneys from the Fund to sexual assault
5 organizations with whom the Department has contracts for the
6 purpose of providing community-based services to victims of
7 sexual assault. Grants made under this Section are in addition
8 to, and are not substitutes for, other grants authorized and
9 made by the Department.

10 (Source: P.A. 100-987, eff. 7-1-19.)

11 Section 160. The Sex Offender Registration Act is amended
12 by changing Section 2 as follows:

13 (730 ILCS 150/2) (from Ch. 38, par. 222)

14 Sec. 2. Definitions.

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

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

22 (a) is convicted of such offense or an attempt to
23 commit such offense; or

24 (b) is found not guilty by reason of insanity of

1 such offense or an attempt to commit such offense; or

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

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

11 (e) is found not guilty by reason of insanity
12 following a hearing conducted pursuant to a federal,
13 Uniform Code of Military Justice, sister state, or
14 foreign country law substantially similar to Section
15 104-25(c) of the Code of Criminal Procedure of 1963 of
16 such offense or of the attempted commission of such
17 offense; or

18 (f) is the subject of a finding not resulting in an
19 acquittal at a hearing conducted pursuant to a
20 federal, Uniform Code of Military Justice, sister
21 state, or foreign country law substantially similar to
22 Section 104-25(a) of the Code of Criminal Procedure of
23 1963 for the alleged violation or attempted commission
24 of such offense; or

25 (2) declared as a sexually dangerous person pursuant
26 to the Illinois Sexually Dangerous Persons Act, or any

1 substantially similar federal, Uniform Code of Military
2 Justice, sister state, or foreign country law; or

3 (3) subject to the provisions of Section 2 of the
4 Interstate Agreements on Sexually Dangerous Persons Act;
5 or

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

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

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

1 conviction for purposes of this Article.

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

4 (B) As used in this Article, "sex offense" means:

5 (1) A violation of any of the following Sections of
6 the Criminal Code of 1961 or the Criminal Code of 2012:

7 11-20.1 (child pornography),

8 11-20.1B or 11-20.3 (aggravated child
9 pornography),

10 11-6 (indecent solicitation of a child),

11 11-9.1 (sexual exploitation of a child),

12 11-9.2 (custodial sexual misconduct),

13 11-9.5 (sexual misconduct with a person with a
14 disability),

15 11-14.4 (promoting commercial sexual exploitation
16 of a child ~~juvenile prostitution~~),

17 11-15.1 (soliciting for a sexually exploited child
18 ~~juvenile prostitute~~),

19 11-18.1 (patronizing a sexually exploited child
20 ~~juvenile prostitute~~),

21 11-17.1 (keeping a place of commercial sexual
22 exploitation of a child ~~juvenile prostitution~~),

23 11-19.1 (juvenile pimping),

24 11-19.2 (exploitation of a child),

25 11-25 (grooming),

26 11-26 (traveling to meet a minor or traveling to

1 meet a child),
2 11-1.20 or 12-13 (criminal sexual assault),
3 11-1.30 or 12-14 (aggravated criminal sexual
4 assault),
5 11-1.40 or 12-14.1 (predatory criminal sexual
6 assault of a child),
7 11-1.50 or 12-15 (criminal sexual abuse),
8 11-1.60 or 12-16 (aggravated criminal sexual
9 abuse),
10 12-33 (ritualized abuse of a child).

11 An attempt to commit any of these offenses.

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

19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint).

23 If the offense was committed before January 1, 1996,
24 it is a sex offense requiring registration only when the
25 person is convicted of any felony after July 1, 2011, and
26 paragraph (2.1) of subsection (c) of Section 3 of this Act

1 applies.

2 (1.6) First degree murder under Section 9-1 of the
3 Criminal Code of 1961 or the Criminal Code of 2012,
4 provided the offense was sexually motivated as defined in
5 Section 10 of the Sex Offender Management Board Act.

6 (1.7) (Blank).

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

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

1 of any felony after July 1, 2011, and paragraph (2.1) of
2 subsection (c) of Section 3 of this Act applies.

3 (1.10) A violation or attempted violation of any of
4 the following Sections of the Criminal Code of 1961 or the
5 Criminal Code of 2012 when the offense was committed on or
6 after July 1, 1999:

7 10-4 (forcible detention, if the victim is under
8 18 years of age), provided the offense was sexually
9 motivated as defined in Section 10 of the Sex Offender
10 Management Board Act,

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

12 11-14.3 that involves soliciting for a person
13 engaged in the sex trade ~~prostitute~~, or 11-15
14 (soliciting for a person engaged in the sex trade
15 ~~prostitute~~, if the victim is under 18 years of age),

16 subdivision (a)(2)(A) or (a)(2)(B) of Section
17 11-14.3, or Section 11-16 (pandering, if the victim is
18 under 18 years of age),

19 11-18 (patronizing a person engaged in the sex
20 trade ~~prostitute~~, if the victim is under 18 years of
21 age),

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

25 If the offense was committed before July 1, 1999, it
26 is a sex offense requiring registration only when the

1 person is convicted of any felony after July 1, 2011, and
2 paragraph (2.1) of subsection (c) of Section 3 of this Act
3 applies.

4 (1.11) A violation or attempted violation of any of
5 the following Sections of the Criminal Code of 1961 or the
6 Criminal Code of 2012 when the offense was committed on or
7 after August 22, 2002:

8 11-9 or 11-30 (public indecency for a third or
9 subsequent conviction).

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

15 (1.12) A violation or attempted violation of Section
16 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
17 Criminal Code of 1961 or the Criminal Code of 2012
18 (permitting sexual abuse) when the offense was committed
19 on or after August 22, 2002. If the offense was committed
20 before August 22, 2002, it is a sex offense requiring
21 registration only when the person is convicted of any
22 felony after July 1, 2011, and paragraph (2.1) of
23 subsection (c) of Section 3 of this Act applies.

24 (2) A violation of any former law of this State
25 substantially equivalent to any offense listed in
26 subsection (B) of this Section.

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

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

1 convicted of any felony after July 1, 2011, and paragraph
2 (2.1) of subsection (c) of Section 3 of this Act applies.

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

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

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

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

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

14 10-5.1 (luring of a minor),

15 11-14.4 that involves keeping a place of
16 commercial sexual exploitation of a child ~~juvenile~~
17 ~~prostitution~~, or 11-17.1 (keeping a place of
18 commercial sexual exploitation of a child ~~juvenile~~
19 ~~prostitution~~),

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

22 subdivision (a) (4) of Section 11-14.4, or Section
23 11-19.2 (exploitation of a child),

24 11-20.1 (child pornography),

25 11-20.1B or 11-20.3 (aggravated child
26 pornography),

1 11-1.20 or 12-13 (criminal sexual assault),
2 11-1.30 or 12-14 (aggravated criminal sexual
3 assault),
4 11-1.40 or 12-14.1 (predatory criminal sexual
5 assault of a child),
6 11-1.60 or 12-16 (aggravated criminal sexual
7 abuse),
8 12-33 (ritualized abuse of a child);
9 (2) (blank);
10 (3) declared as a sexually dangerous person pursuant
11 to the Sexually Dangerous Persons Act or any substantially
12 similar federal, Uniform Code of Military Justice, sister
13 state, or foreign country law;
14 (4) found to be a sexually violent person pursuant to
15 the Sexually Violent Persons Commitment Act or any
16 substantially similar federal, Uniform Code of Military
17 Justice, sister state, or foreign country law;
18 (5) convicted of a second or subsequent offense which
19 requires registration pursuant to this Act. For purposes
20 of this paragraph (5), "convicted" shall include a
21 conviction under any substantially similar Illinois,
22 federal, Uniform Code of Military Justice, sister state,
23 or foreign country law;
24 (6) (blank); or
25 (7) if the person was convicted of an offense set
26 forth in this subsection (E) on or before July 1, 1999, the

1 person is a sexual predator for whom registration is
2 required only when the person is convicted of a felony
3 offense after July 1, 2011, and paragraph (2.1) of
4 subsection (c) of Section 3 of this Act applies.

5 (E-5) As used in this Article, "sexual predator" also
6 means a person convicted of a violation or attempted violation
7 of any of the following Sections of the Criminal Code of 1961
8 or the Criminal Code of 2012:

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

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

17 (3) when the victim is a person under 18 years of age,
18 the defendant is not a parent of the victim, the offense
19 was sexually motivated as defined in Section 10 of the Sex
20 Offender Management Board Act, and the offense was
21 committed on or after January 1, 1996: (A) Section 10-1
22 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
23 (C) Section 10-3 (unlawful restraint), and (D) Section
24 10-3.1 (aggravated unlawful restraint); and

25 (4) Section 10-5(b)(10) (child abduction committed by
26 luring or attempting to lure a child under the age of 16

1 into a motor vehicle, building, house trailer, or dwelling
2 place without the consent of the parent or lawful
3 custodian of the child for other than a lawful purpose and
4 the offense was committed on or after January 1, 1998,
5 provided the offense was sexually motivated as defined in
6 Section 10 of the Sex Offender Management Board Act).

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

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

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

1 employment time for any portion of a day spent in Illinois.

2 (H) As used in this Article, "school" means any public or
3 private educational institution, including, but not limited
4 to, any elementary or secondary school, trade or professional
5 institution, or institution of higher education.

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

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

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

14 Section 165. The Code of Civil Procedure is amended by
15 changing Section 8-802.1 as follows:

16 (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)

17 Sec. 8-802.1. Confidentiality of statements made to rape
18 crisis personnel.

19 (a) Purpose. This Section is intended to protect victims
20 of rape from public disclosure of statements they make in
21 confidence to counselors of organizations established to help
22 them. On or after July 1, 1984, "rape" means an act of forced
23 sexual penetration or sexual conduct, as defined in Section
24 11-0.1 of the Criminal Code of 2012, including acts prohibited

1 under Sections 11-1.20 through 11-1.60 or 12-13 through 12-16
2 of the Criminal Code of 1961 or the Criminal Code of 2012.
3 Because of the fear and stigma that often results from those
4 crimes, many victims hesitate to seek help even where it is
5 available at no cost to them. As a result they not only fail to
6 receive needed medical care and emergency counseling, but may
7 lack the psychological support necessary to report the crime
8 and aid police in preventing future crimes.

9 (b) Definitions. As used in this Act:

10 (1) "Rape crisis organization" means any organization
11 or association a major purpose of which is providing
12 information, counseling, and psychological support to
13 victims of any or all of the crimes of aggravated criminal
14 sexual assault, predatory criminal sexual assault of a
15 child, criminal sexual assault, sexual relations between
16 siblings, criminal sexual abuse and aggravated criminal
17 sexual abuse. "Rape crisis organization" includes, but is
18 not limited to, rape crisis centers certified by a
19 statewide sexual assault coalition.

20 (2) "Rape crisis counselor" means a person who is a
21 psychologist, social worker, employee, or volunteer in any
22 organization or association defined as a rape crisis
23 organization under this Section, who has undergone 40
24 hours of training and is under the control of a direct
25 services supervisor of a rape crisis organization.

26 (3) "Victim" means a person who is the subject of, or

1 who seeks information, counseling, or advocacy services as
2 a result of an aggravated criminal sexual assault,
3 predatory criminal sexual assault of a child, criminal
4 sexual assault, sexual relations within families, criminal
5 sexual abuse, aggravated criminal sexual abuse, sexual
6 exploitation of a child, indecent solicitation of a child,
7 public indecency, exploitation of a child, promoting
8 commercial sexual exploitation of a child ~~juvenile~~
9 ~~prostitution~~ as described in subdivision (a) (4) of Section
10 11-14.4, or an attempt to commit any of these offenses.

11 (4) "Confidential communication" means any
12 communication between a victim and a rape crisis counselor
13 in the course of providing information, counseling, and
14 advocacy. The term includes all records kept by the
15 counselor or by the organization in the course of
16 providing services to an alleged victim concerning the
17 alleged victim and the services provided.

18 (c) Waiver of privilege.

19 (1) The confidential nature of the communication is
20 not waived by: the presence of a third person who further
21 expresses the interests of the victim at the time of the
22 communication; group counseling; or disclosure to a third
23 person with the consent of the victim when reasonably
24 necessary to accomplish the purpose for which the
25 counselor is consulted.

26 (2) The confidential nature of counseling records is

1 not waived when: the victim inspects the records; or in
2 the case of a minor child less than 12 years of age, a
3 parent or guardian whose interests are not adverse to the
4 minor inspects the records; or in the case of a minor
5 victim 12 years or older, a parent or guardian whose
6 interests are not adverse to the minor inspects the
7 records with the victim's consent, or in the case of an
8 adult who has a guardian of his or her person, the guardian
9 inspects the records with the victim's consent.

10 (3) When a victim is deceased, the executor or
11 administrator of the victim's estate may waive the
12 privilege established by this Section, unless the executor
13 or administrator has an interest adverse to the victim.

14 (4) A minor victim 12 years of age or older may
15 knowingly waive the privilege established in this Section.
16 When a minor is, in the opinion of the Court, incapable of
17 knowingly waiving the privilege, the parent or guardian of
18 the minor may waive the privilege on behalf of the minor,
19 unless the parent or guardian has been charged with a
20 violent crime against the victim or otherwise has any
21 interest adverse to that of the minor with respect to the
22 waiver of the privilege.

23 (5) An adult victim who has a guardian of his or her
24 person may knowingly waive the privilege established in
25 this Section. When the victim is, in the opinion of the
26 court, incapable of knowingly waiving the privilege, the

1 guardian of the adult victim may waive the privilege on
2 behalf of the victim, unless the guardian has been charged
3 with a violent crime against the victim or otherwise has
4 any interest adverse to the victim with respect to the
5 privilege.

6 (d) Confidentiality. Except as provided in this Act, no
7 rape crisis counselor shall disclose any confidential
8 communication or be examined as a witness in any civil or
9 criminal proceeding as to any confidential communication
10 without the written consent of the victim or a representative
11 of the victim as provided in subparagraph (c).

12 (e) A rape crisis counselor may disclose a confidential
13 communication without the consent of the victim if failure to
14 disclose is likely to result in a clear, imminent risk of
15 serious physical injury or death of the victim or another
16 person. Any rape crisis counselor or rape crisis organization
17 participating in good faith in the disclosing of records and
18 communications under this Act shall have immunity from any
19 liability, civil, criminal, or otherwise that might result
20 from the action. In any proceeding, civil or criminal, arising
21 out of a disclosure under this Section, the good faith of any
22 rape crisis counselor or rape crisis organization who
23 disclosed the confidential communication shall be presumed.

24 (f) Any rape crisis counselor who knowingly discloses any
25 confidential communication in violation of this Act commits a
26 Class C misdemeanor.

1 (Source: P.A. 102-469, eff. 1-1-22.)

2 Section 170. The Trafficking Victims Protection Act is
3 amended by changing Section 10 as follows:

4 (740 ILCS 128/10)

5 Sec. 10. Definitions. As used in this Act:

6 "Human trafficking" means a violation or attempted
7 violation of subsection (d) of Section 10-9 of the Criminal
8 Code of 2012.

9 "Involuntary servitude" means a violation or attempted
10 violation of subsection (b) of Section 10-9 of the Criminal
11 Code of 2012.

12 "Sex trade" means a violation or attempted violation of
13 any of the following Sections of the Criminal Code of 1961 or
14 the Criminal Code of 2012: 11-14.3 (promoting prostitution);
15 11-14.4 (promoting commercial sexual exploitation of a child
16 ~~juvenile prostitution~~); 11-15 (soliciting for a person engaged
17 in the sex trade ~~prostitute~~); 11-15.1 (soliciting for a
18 sexually exploited child ~~juvenile prostitute~~); 11-16
19 (pandering); 11-17 (keeping a place of prostitution); 11-17.1
20 (keeping a place of commercial sexual exploitation of a child
21 ~~juvenile prostitution~~); 11-19 (pimping); 11-19.1 (juvenile
22 pimping and aggravated juvenile pimping); 11-19.2
23 (exploitation of a child); 11-20 (obscenity); 11-20.1 (child
24 pornography); 11-20.1B or 11-20.3 (aggravated child

1 pornography); or subsection (c) of Section 10-9 (involuntary
2 sexual servitude of a minor).

3 "Sex trade" activity may involve adults and youth of all
4 genders and sexual orientations.

5 "Victim of the sex trade" means, for the following sex
6 trade acts, the person or persons indicated:

7 (1) soliciting for a person engaged in the sex trade
8 ~~prostitute~~: the person engaged in the sex trade ~~prostitute~~
9 who is the object of the solicitation;

10 (2) soliciting for a sexually exploited child ~~juvenile~~
11 ~~prostitute~~: the sexually exploited child ~~juvenile~~
12 ~~prostitute~~, or person with a severe or profound
13 intellectual disability, who is the object of the
14 solicitation;

15 (3) promoting prostitution as described in subdivision
16 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal
17 Code of 1961 or the Criminal Code of 2012, or pandering:
18 the person intended or compelled to act as a person
19 engaged in the sex trade ~~prostitute~~;

20 (4) keeping a place of prostitution: any person
21 intended or compelled to act as a person engaged in the sex
22 trade ~~prostitute~~, while present at the place, during the
23 time period in question;

24 (5) keeping a place of commercial sexual exploitation
25 of a child ~~juvenile prostitution~~: any juvenile intended or
26 compelled to act as a person engaged in the sex trade

1 ~~prostitute~~, while present at the place, during the time
2 period in question;

3 (6) promoting prostitution as described in subdivision
4 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961
5 or the Criminal Code of 2012, or pimping: the person
6 engaged in the sex trade ~~prostitute~~ from whom anything of
7 value is received;

8 (7) promoting commercial sexual exploitation of a
9 child ~~juvenile prostitution~~ as described in subdivision
10 (a) (2) or (a) (3) of Section 11-14.4 of the Criminal Code
11 of 1961 or the Criminal Code of 2012, or juvenile pimping
12 and aggravated juvenile pimping: the juvenile, or person
13 with a severe or profound intellectual disability, from
14 whom anything of value is received for that person's act
15 of prostitution;

16 (8) promoting commercial sexual exploitation of a
17 child ~~juvenile prostitution~~ as described in subdivision
18 (a) (4) of Section 11-14.4 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, or exploitation of a child: the
20 juvenile, or person with a severe or profound intellectual
21 disability, intended or compelled to act as a person
22 engaged in the sex trade ~~prostitute~~ or from whom anything
23 of value is received for that person's act of
24 prostitution;

25 (9) obscenity: any person who appears in or is
26 described or depicted in the offending conduct or

1 material;

2 (10) child pornography or aggravated child
3 pornography: any child, or person with a severe or
4 profound intellectual disability, who appears in or is
5 described or depicted in the offending conduct or
6 material; or

7 (11) involuntary sexual servitude of a minor as
8 defined in subsection (c) of Section 10-9 of the Criminal
9 Code of 1961 or the Criminal Code of 2012.

10 (Source: P.A. 99-143, eff. 7-27-15; 100-939, eff. 1-1-19.)

11 Section 175. The Illinois Securities Law of 1953 is
12 amended by changing Section 7a as follows:

13 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

14 Sec. 7a. (a) Except as provided in subsection (b) of this
15 Section, no securities, issued by an issuer engaged in or
16 deriving revenues from the conduct of any business or
17 profession, the conduct of which would violate Section 11-14,
18 11-14.3, 11-14.4 as described in subdivision (a)(1), (a)(2),
19 or (a)(3) or that involves soliciting for a sexually exploited
20 child ~~juvenile prostitute~~, 11-15, 11-15.1, 11-16, 11-17, 11-19
21 or 11-19.1 of the Criminal Code of 1961 or the Criminal Code of
22 2012, if conducted in this State, shall be sold or registered
23 pursuant to Section 5, 6 or 7 of this Act nor sold pursuant to
24 the provisions of Section 3 or 4 of this Act.

1 (b) Notwithstanding the provisions of subsection (a)
2 hereof, such securities issued prior to the effective date of
3 this amendatory Act of 1989 may be sold by a resident of this
4 State in transactions which qualify for an exemption from the
5 registration requirements of this Act pursuant to subsection A
6 of Section 4 of this Act.

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

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