

1 AN ACT in relation to criminal law.

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

4 Section 5. The Department of State Police Law of the
5 Civil Administrative Code of Illinois is amended by adding
6 Section 2605-560 as follows:

7 (20 ILCS 2605/2605-560 new)

8 Sec. 2605-560. Pilot program; Project Safe Child.

9 (a) In this Section:

10 "Child" means a person under 18 years of age or a
11 severely or profoundly mentally retarded person at the time
12 of the offense.

13 "Sex offense" has the meaning ascribed to it in
14 subsection (c) of Section 10 of the Sex Offender Management
15 Board Act.

16 "Severely or profoundly mentally retarded person" has the
17 meaning ascribed to it in Section 2-10.1 of the Criminal Code
18 of 1961.

19 (b) The Department shall establish a Project Safe Child
20 pilot program to combat crimes against children facilitated
21 by the Internet.

22 (c) Through the pilot program, the Department, in
23 coordination with local law enforcement agencies, State's
24 Attorneys, and United States Attorneys, shall, to the extent
25 it is appropriate based on a joint review of the case,
26 encourage the prosecution in federal court of all persons who
27 use the Internet, directly or indirectly, to commit or
28 attempt to commit illegal solicitation of a child or a sex
29 offense if the sex offense is committed or attempted against
30 a child. The program shall also encourage public outreach by
31 law enforcement agencies.

1 (d) There is created the Project Safe Child Fund, a
 2 special fund in the State treasury. Moneys appropriated for
 3 the purposes of Project Safe Child and moneys from any other
 4 private or public source, including without limitation grants
 5 from the Department of Commerce and Community Affairs or the
 6 United States Department of Justice, shall be deposited into
 7 the Fund. Moneys in the Fund, subject to appropriation, may
 8 be used by the Department of State Police to develop and
 9 administer the Project Safe Child program.

10 (e) The Department shall report to the General Assembly
 11 by March 1, 2005 regarding the implementation and effects of
 12 the Project Safe Child pilot program and shall by that date
 13 make recommendations to the General Assembly for changes in
 14 the program that the Department deems appropriate.

15 The requirement for reporting to the General Assembly
 16 shall be satisfied by filing copies of the report with the
 17 Speaker, the Minority Leader, and the Clerk of the House of
 18 Representatives, with the President, the Minority Leader, and
 19 the Secretary of the Senate, and with the Legislative
 20 Research Unit, as required by Section 3.1 of the General
 21 Assembly Organization Act, and filing such additional copies
 22 with the State Government Report Distribution Center for the
 23 General Assembly as is required under paragraph (t) of
 24 Section 7 of the State Library Act.

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

27 (20 ILCS 4026/10)

28 Sec. 10. Definitions. In this Act, unless the context
 29 otherwise requires:

30 (a) "Board" means the Sex Offender Management Board
 31 created in Section 15.

32 (b) "Sex offender" means any person who is convicted or

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

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

12 (1) Indecent solicitation of a child, in violation
13 of Section 11-6 of the Criminal Code of 1961;

14 (2) Indecent solicitation of an adult, in violation
15 of Section 11-6.5 of the Criminal Code of 1961;

16 (3) Public indecency, in violation of Section 11-9
17 of the Criminal Code of 1961;

18 (4) Sexual exploitation of a child, in violation of
19 Section 11-9.1 of the Criminal Code of 1961;

20 (5) Sexual relations within families, in violation
21 of Section 11-11 of the Criminal Code of 1961;

22 (6) Soliciting for a juvenile prostitute, in
23 violation of Section 11-15.1 of the Criminal Code of
24 1961;

25 (7) Keeping a place of juvenile prostitution, in
26 violation of Section 11-17.1 of the Criminal Code of
27 1961;

28 (8) Patronizing a juvenile prostitute, in violation
29 of Section 11-18.1 of the Criminal Code of 1961;

30 (9) Juvenile pimping, in violation of Section
31 11-19.1 of the Criminal Code of 1961;

32 (10) Exploitation of a child, in violation of
33 Section 11-19.2 of the Criminal Code of 1961;

34 (11) Child pornography, in violation of Section

1 11-20.1 of the Criminal Code of 1961;

2 (12) Harmful material for a child, in violation of
3 Section 11-21 of the Criminal Code of 1961;

4 (13) Criminal sexual assault, in violation of
5 Section 12-13 of the Criminal Code of 1961;

6 (14) Aggravated criminal sexual assault, in
7 violation of Section 12-14 of the Criminal Code of 1961;

8 (15) Predatory criminal sexual assault of a child,
9 in violation of Section 12-14.1 of the Criminal Code of
10 1961;

11 (16) Criminal sexual abuse, in violation of Section
12 12-15 of the Criminal Code of 1961;

13 (17) Aggravated criminal sexual abuse, in violation
14 of Section 12-16 of the Criminal Code of 1961;

15 (18) Ritualized abuse of a child, in violation of
16 Section 12-33 of the Criminal Code of 1961;

17 (19) An attempt to commit any of the offenses
18 enumerated in this subsection (c).

19 (d) "Management" means counseling, monitoring, and
20 supervision of any sex offender that conforms to the
21 standards created by the Board under Section 15.

22 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98.)

23 Section 15. The State Finance Act is amended by adding
24 Section 5.595 as follows:

25 (30 ILCS 105/5.595 new)

26 Sec. 5.595. The Project Safe Child Fund.

27 Section 20. The Criminal Code of 1961 is amended by
28 changing Sections 10-7, 11-9.3, 11-9.4, 11-20.1, and 11-21
29 and adding Sections 11-6.1 and 11-24 as follows:

30 (720 ILCS 5/10-7) (from Ch. 38, par. 10-7)

1 Sec. 10-7. Aiding and abetting child abduction or
2 illegal solicitation of a child. (a) A person violates this
3 Section when:

4 (i) Before or during the commission of a child abduction
5 as defined in Section 10-5 or illegal solicitation of a child
6 as defined in Section 11-6.1 and with the intent to promote
7 or facilitate such offense, he or she intentionally aids or
8 abets another in the planning or commission of child
9 abduction or illegal solicitation of a child, unless before
10 the commission of the offense he or she makes proper effort
11 to prevent the commission of the offense; or

12 (ii) With the intent to prevent the apprehension of a
13 person known to have committed the offense of child abduction
14 or illegal solicitation of a child, or with the intent to
15 obstruct or prevent efforts to locate the child victim of a
16 child abduction or illegal solicitation of a child, he or she
17 knowingly destroys, alters, conceals or disguises physical
18 evidence or furnishes false information.

19 (b) Sentence. A person who violates this Section commits
20 a Class 4 felony.

21 (Source: P.A. 84-1308.)

22 (720 ILCS 5/11-6.1 new)

23 Sec. 11-6.1. Illegal solicitation of a child.

24 (a) In this Section:

25 "Child" means a person under 18 years of age.

26 "Contacts or communicates with" includes direct and
27 indirect contact or communication, by any means, including in
28 person or through an agent or agency, and includes the use of
29 any print medium, the mails, a common carrier or
30 communication common carrier, any electronic communications
31 system, and any telecommunications, wire, computer, or radio
32 communications device or system.

33 "Detains" means taking or retaining physical custody of a

1 child, whether or not the child resists or objects.

2 "Solicit" means to command, authorize, urge, incite,
3 request, or advise another person to perform an act by any
4 means including, but not limited to, in person, over the
5 phone, in writing, by computer, or by advertisement of any
6 kind.

7 (b) A person commits the offense of illegal solicitation
8 of a child when he or she:

9 (1) intentionally solicits, lures, or attempts to
10 solicit or lure a child to any location without the
11 consent of the parent or lawful custodian of the child
12 for other than a lawful purpose; or

13 (2) intentionally contacts or communicates with, or
14 attempts to contact or communicate with, any child, with
15 belief or knowledge or reason to know the person is a
16 child, for the purpose of or with intent to engage in any
17 unlawful act upon or with any child, including aggravated
18 battery of a child, criminal sexual assault, aggravated
19 criminal sexual assault, predatory criminal sexual
20 assault of a child, criminal sexual abuse, aggravated
21 criminal sexual abuse, child pornography, a crime of
22 violence or theft, or any unlawful interference with
23 custody or control over a child, or any other act for
24 which any person can be charged with a criminal offense
25 under a state or federal law.

26 (c) It is not a defense to a violation of this Section
27 that the person solicited or lured is a peace officer whom
28 the defendant reasonably believes to be a child.

29 (d) Sentence. A person convicted of illegal solicitation
30 of a child is guilty of a Class 4 felony. A person convicted
31 of a second or subsequent violation of this Section is guilty
32 of a Class 3 felony. It is a factor in aggravation for which
33 a court may impose a more severe sentence under Section 5-8-1
34 of the Unified Code of Corrections if, upon sentencing, the

1 court finds evidence of any of the following aggravating
2 factors:

3 (1) that the defendant abused or neglected the child
4 following the concealment, detention, or removal of the
5 child; or

6 (2) that the defendant has previously been
7 convicted of illegal solicitation of a child or a sex
8 offense as defined in clause (c)(2), (c)(2.5), or (c)(3)
9 of Section 11-9.3; or

10 (3) that the defendant committed the offense while
11 armed with a deadly weapon or the taking of the child
12 resulted in serious bodily injury to another; or

13 (4) that the defendant committed the offense while
14 in a school, regardless of the time of day or time of
15 year; in a playground; on any conveyance owned, leased,
16 or contracted by a school to transport students to or
17 from school or a school related activity; on the real
18 property of a school; or on a public way within 1,000
19 feet of the real property comprising any school or
20 playground. For purposes of this paragraph (4),
21 "playground" means a piece of land owned or controlled by
22 a unit of local government that is designated by the unit
23 of local government for use solely or primarily for
24 children's recreation; and "school" means a public or
25 private elementary or secondary school, community
26 college, college, or university.

27 (720 ILCS 5/11-9.3)

28 Sec. 11-9.3. Presence within school zone by child sex
29 offenders prohibited.

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

1 school or a school related activity when persons under the
2 age of 18 are present in the building, on the grounds or in
3 the conveyance, unless the offender is a parent or guardian
4 of a student present in the building, on the grounds or in
5 the conveyance or unless the offender has permission to be
6 present from the superintendent or the school board or in the
7 case of a private school from the principal. In the case of
8 a public school, if permission is granted, the superintendent
9 or school board president must inform the principal of the
10 school where the sex offender will be present. Notification
11 includes the nature of the sex offender's visit and the hours
12 in which the sex offender will be present in the school. The
13 sex offender is responsible for notifying the principal's
14 office when he or she arrives on school property and when he
15 or she departs from school property. If the sex offender is
16 to be present in the vicinity of children, the sex offender
17 has the duty to remain under the direct supervision of a
18 school official. A child sex offender who violates this
19 provision is guilty of a Class 4 felony.

20 (1) (Blank; or)

21 (2) (Blank.)

22 (b) It is unlawful for a child sex offender to knowingly
23 loiter on a public way within 500 feet of a school building
24 or real property comprising any school while persons under
25 the age of 18 are present in the building or on the grounds,
26 unless the offender is a parent or guardian of a student
27 present in the building or on the grounds or has permission
28 to be present from the superintendent or the school board or
29 in the case of a private school from the principal. In the
30 case of a public school, if permission is granted, the
31 superintendent or school board president must inform the
32 principal of the school where the sex offender will be
33 present. Notification includes the nature of the sex
34 offender's visit and the hours in which the sex offender will

1 be present in the school. The sex offender is responsible
 2 for notifying the principal's office when he or she arrives
 3 on school property and when he or she departs from school
 4 property. If the sex offender is to be present in the
 5 vicinity of children, the sex offender has the duty to remain
 6 under the direct supervision of a school official. A child
 7 sex offender who violates this provision is guilty of a Class
 8 4 felony.

9 (1) (Blank; or)

10 (2) (Blank.)

11 (b-5) It is unlawful for a child sex offender to
 12 knowingly reside within 500 feet of a school building or the
 13 real property comprising any school that persons under the
 14 age of 18 attend. Nothing in this subsection (b-5) prohibits
 15 a child sex offender from residing within 500 feet of a
 16 school building or the real property comprising any school
 17 that persons under 18 attend if the property is owned by the
 18 child sex offender and was purchased before the effective
 19 date of this amendatory Act of the 91st General Assembly.

20 (c) Definitions. In this Section:

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

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

27 (A) is convicted of such offense or an
 28 attempt to commit such offense; or

29 (B) is found not guilty by reason of
 30 insanity of such offense or an attempt to
 31 commit such offense; or

32 (C) is found not guilty by reason of
 33 insanity pursuant to subsection (c) of Section
 34 104-25 of the Code of Criminal Procedure of

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

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

9 (E) is found not guilty by reason of
10 insanity following a hearing conducted pursuant
11 to a federal law or the law of another state
12 substantially similar to subsection (c) of
13 Section 104-25 of the Code of Criminal
14 Procedure of 1963 of such offense or of the
15 attempted commission of such offense; or

16 (F) is the subject of a finding not
17 resulting in an acquittal at a hearing
18 conducted pursuant to a federal law or the law
19 of another state substantially similar to
20 subsection (a) of Section 104-25 of the Code of
21 Criminal Procedure of 1963 for the alleged
22 violation or attempted commission of such
23 offense; or

24 (ii) is certified as a sexually dangerous
25 person pursuant to the Illinois Sexually Dangerous
26 Persons Act, or any substantially similar federal
27 law or the law of another state, when any conduct
28 giving rise to such certification is committed or
29 attempted against a person less than 18 years of
30 age; or

31 (iii) is subject to the provisions of Section
32 2 of the Interstate Agreements on Sexually Dangerous
33 Persons Act.

34 Convictions that result from or are connected with

1 the same act, or result from offenses committed at the
2 same time, shall be counted for the purpose of this
3 Section as one conviction. Any conviction set aside
4 pursuant to law is not a conviction for purposes of this
5 Section.

6 (2) Except as otherwise provided in paragraph
7 (2.5), "sex offense" means:

8 (i) A violation of any of the following
9 Sections of the Criminal Code of 1961: 10-7 (aiding
10 and abetting child abduction under Section
11 10-5(b)(10)) or aiding and abetting illegal
12 solicitation of a child under Section 11-6.1),
13 10-5(b)(10) (child luring), 11-6 (indecent
14 solicitation of a child), 11-6.1 (illegal
15 solicitation of a child), 11-6.5 (indecent
16 solicitation of an adult), 11-9 (public indecency
17 when committed in a school, on the real property
18 comprising a school, or on a conveyance, owned,
19 leased, or contracted by a school to transport
20 students to or from school or a school related
21 activity), 11-9.1 (sexual exploitation of a child),
22 11-15.1 (soliciting for a juvenile prostitute),
23 11-17.1 (keeping a place of juvenile prostitution),
24 11-18.1 (patronizing a juvenile prostitute), 11-19.1
25 (juvenile pimping), 11-19.2 (exploitation of a
26 child), 11-20.1 (child pornography), 11-21 (harmful
27 material for a child), 12-14.1 (predatory criminal
28 sexual assault of a child), 12-33 (ritualized abuse
29 of a child), 11-20 (obscenity) (when that offense
30 was committed in any school, on real property
31 comprising any school, in any conveyance owned,
32 leased, or contracted by a school to transport
33 students to or from school or a school related
34 activity). An attempt to commit any of these

1 offenses.

2 (ii) A violation of any of the following
3 Sections of the Criminal Code of 1961, when the
4 victim is a person under 18 years of age: 12-13
5 (criminal sexual assault), 12-14 (aggravated
6 criminal sexual assault), 12-15 (criminal sexual
7 abuse), 12-16 (aggravated criminal sexual abuse).
8 An attempt to commit any of these offenses.

9 (iii) A violation of any of the following
10 Sections of the Criminal Code of 1961, when the
11 victim is a person under 18 years of age and the
12 defendant is not a parent of the victim:

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

17 An attempt to commit any of these offenses.

18 (iv) A violation of any former law of this
19 State substantially equivalent to any offense listed
20 in clause (2)(i) of subsection (c) of this Section.

21 (2.5) For the purposes of subsection (b-5) only, a
22 sex offense means:

23 (i) A violation of any of the following
24 Sections of the Criminal Code of 1961:

- 25 10-5(b)(10) (child luring), 10-7 (aiding
- 26 and abetting child abduction under Section
- 27 10-5(b)(10) or aiding and abetting illegal
- 28 solicitation of a child under Section 11-6.1),
- 29 11-6 (indecent solicitation of a child), 11-6.1
- 30 (illegal solicitation of a child), 11-6.5
- 31 (indecent solicitation of an adult), 11-15.1
- 32 (soliciting for a juvenile prostitute), 11-17.1
- 33 (keeping a place of juvenile prostitution),
- 34 11-18.1 (patronizing a juvenile prostitute),

1 11-19.1 (juvenile pimping), 11-19.2
 2 (exploitation of a child), 11-20.1 (child
 3 pornography), 12-14.1 (predatory criminal
 4 sexual assault of a child), or 12-33
 5 (ritualized abuse of a child). An attempt to
 6 commit any of these offenses.

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

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

- 19 10-1 (kidnapping),
- 20 10-2 (aggravated kidnapping),
- 21 10-3 (unlawful restraint),
- 22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

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

27 (3) A conviction for an offense of federal law or
 28 the law of another state that is substantially equivalent
 29 to any offense listed in paragraph (2) of subsection (c)
 30 of this Section shall constitute a conviction for the
 31 purpose of this Article. A finding or adjudication as a
 32 sexually dangerous person under any federal law or law of
 33 another state that is substantially equivalent to the
 34 Sexually Dangerous Persons Act shall constitute an

1 adjudication for the purposes of this Section.

2 (4) "School" means a public or private pre-school,
3 elementary, or secondary school.

4 (5) "Loiter" means:

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

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

12 (6) "School official" means the principal, a
13 teacher, or any other certified employee of the school,
14 the superintendent of schools or a member of the school
15 board.

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

18 (Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98;
19 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)

20 (720 ILCS 5/11-9.4)

21 Sec. 11-9.4. Approaching, contacting, residing, or
22 communicating with a child within certain places by child sex
23 offenders prohibited.

24 (a) It is unlawful for a child sex offender to knowingly
25 be present in any public park building or on real property
26 comprising any public park when persons under the age of 18
27 are present in the building or on the grounds and to
28 approach, contact, or communicate with a child under 18 years
29 of age, unless the offender is a parent or guardian of a
30 person under 18 years of age present in the building or on
31 the grounds.

32 (b) It is unlawful for a child sex offender to knowingly
33 loiter on a public way within 500 feet of a public park

1 building or real property comprising any public park while
2 persons under the age of 18 are present in the building or on
3 the grounds and to approach, contact, or communicate with a
4 child under 18 years of age, unless the offender is a parent
5 or guardian of a person under 18 years of age present in the
6 building or on the grounds.

7 (b-5) It is unlawful for a child sex offender to
8 knowingly reside within 500 feet of a playground or a
9 facility providing programs or services exclusively directed
10 toward persons under 18 years of age. Nothing in this
11 subsection (b-5) prohibits a child sex offender from residing
12 within 500 feet of a playground or a facility providing
13 programs or services exclusively directed toward persons
14 under 18 years of age if the property is owned by the child
15 sex offender and was purchased before the effective date of
16 this amendatory Act of the 91st General Assembly.

17 (b-6) It is unlawful for a child sex offender to
18 knowingly reside within 500 feet of the victim of the sex
19 offense. Nothing in this subsection (b-6) prohibits a child
20 sex offender from residing within 500 feet of the victim if
21 the property in which the child sex offender resides is owned
22 by the child sex offender and was purchased before the
23 effective date of this amendatory Act of the 92nd General
24 Assembly.

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

27 (c) It is unlawful for a child sex offender to knowingly
28 operate, manage, be employed by, volunteer at, be associated
29 with, or knowingly be present at any facility providing
30 programs or services exclusively directed towards persons
31 under the age of 18. This does not prohibit a child sex
32 offender from owning the real property upon which the
33 programs or services are offered, provided the child sex
34 offender refrains from being present on the premises for the

1 hours during which the programs or services are being
2 offered.

3 (d) Definitions. In this Section:

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

5 (i) has been charged under Illinois law, or
6 any substantially similar federal law or law of
7 another state, with a sex offense set forth in
8 paragraph (2) of this subsection (d) or the attempt
9 to commit an included sex offense, and:

10 (A) is convicted of such offense or an
11 attempt to commit such offense; or

12 (B) is found not guilty by reason of
13 insanity of such offense or an attempt to
14 commit such offense; or

15 (C) is found not guilty by reason of
16 insanity pursuant to subsection (c) of Section
17 104-25 of the Code of Criminal Procedure of
18 1963 of such offense or an attempt to commit
19 such offense; or

20 (D) is the subject of a finding not
21 resulting in an acquittal at a hearing
22 conducted pursuant to subsection (a) of Section
23 104-25 of the Code of Criminal Procedure of
24 1963 for the alleged commission or attempted
25 commission of such offense; or

26 (E) is found not guilty by reason of
27 insanity following a hearing conducted pursuant
28 to a federal law or the law of another state
29 substantially similar to subsection (c) of
30 Section 104-25 of the Code of Criminal
31 Procedure of 1963 of such offense or of the
32 attempted commission of such offense; or

33 (F) is the subject of a finding not
34 resulting in an acquittal at a hearing

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

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

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

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

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

25 (i) A violation of any of the following
26 Sections of the Criminal Code of 1961: 10-7 (aiding
27 and abetting child abduction under Section
28 10-5(b)(10) or aiding and abetting illegal
29 solicitation of a child under Section 11-6.1),
30 10-5(b)(10) (child luring), 11-6 (indecent
31 solicitation of a child), 11-6.1 (illegal
32 solicitation of a child), 11-6.5 (indecent
33 solicitation of an adult), 11-9 (public indecency
34 when committed in a school, on the real property

1 comprising a school, on a conveyance owned, leased,
2 or contracted by a school to transport students to
3 or from school or a school related activity, or in a
4 public park), 11-9.1 (sexual exploitation of a
5 child), 11-15.1 (soliciting for a juvenile
6 prostitute), 11-17.1 (keeping a place of juvenile
7 prostitution), 11-18.1 (patronizing a juvenile
8 prostitute), 11-19.1 (juvenile pimping), 11-19.2
9 (exploitation of a child), 11-20.1 (child
10 pornography), 11-21 (harmful material for a child),
11 12-14.1 (predatory criminal sexual assault of a
12 child), 12-33 (ritualized abuse of a child), 11-20
13 (obscenity) (when that offense was committed in any
14 school, on real property comprising any school, on
15 any conveyance owned, leased, or contracted by a
16 school to transport students to or from school or a
17 school related activity, or in a public park). An
18 attempt to commit any of these offenses.

19 (ii) A violation of any of the following
20 Sections of the Criminal Code of 1961, when the
21 victim is a person under 18 years of age: 12-13
22 (criminal sexual assault), 12-14 (aggravated
23 criminal sexual assault), 12-15 (criminal sexual
24 abuse), 12-16 (aggravated criminal sexual abuse).
25 An attempt to commit any of these offenses.

26 (iii) A violation of any of the following
27 Sections of the Criminal Code of 1961, when the
28 victim is a person under 18 years of age and the
29 defendant is not a parent of the victim:

30 10-1 (kidnapping),
31 10-2 (aggravated kidnapping),
32 10-3 (unlawful restraint),
33 10-3.1 (aggravated unlawful restraint).

34 An attempt to commit any of these offenses.

1 (iv) A violation of any former law of this
2 State substantially equivalent to any offense listed
3 in clause (2)(i) of this subsection (d).

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

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

8 10-5(b)(10) (child luring), 10-7 (aiding
9 and abetting child abduction under Section
10 10-5(b)(10) or aiding and abetting illegal
11 solicitation of a child under Section 11-6.1),
12 11-6 (indecent solicitation of a child), 11-6.1
13 (illegal solicitation of a child), 11-6.5
14 (indecent solicitation of an adult), 11-15.1
15 (soliciting for a juvenile prostitute), 11-17.1
16 (keeping a place of juvenile prostitution),
17 11-18.1 (patronizing a juvenile prostitute),
18 11-19.1 (juvenile pimping), 11-19.2
19 (exploitation of a child), 11-20.1 (child
20 pornography), 12-14.1 (predatory criminal
21 sexual assault of a child), or 12-33
22 (ritualized abuse of a child). An attempt to
23 commit any of these offenses.

24 (ii) A violation of any of the following
25 Sections of the Criminal Code of 1961, when the
26 victim is a person under 18 years of age: 12-13
27 (criminal sexual assault), 12-14 (aggravated
28 criminal sexual assault), 12-16 (aggravated criminal
29 sexual abuse), and subsection (a) of Section 12-15
30 (criminal sexual abuse). An attempt to commit any
31 of these offenses.

32 (iii) A violation of any of the following
33 Sections of the Criminal Code of 1961, when the
34 victim is a person under 18 years of age and the

1 defendant is not a parent of the victim:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

7 (iv) A violation of any former law of this
8 State substantially equivalent to any offense listed
9 in this paragraph (2.5) of this subsection.

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

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

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

26 (6) "Loiter" means:

27 (i) Standing, sitting idly, whether or not the
28 person is in a vehicle or remaining in or around
29 public park property.

30 (ii) Standing, sitting idly, whether or not
31 the person is in a vehicle or remaining in or around
32 public park property, for the purpose of committing
33 or attempting to commit a sex offense.

34 (7) "Playground" means a piece of land owned or

1 controlled by a unit of local government that is
2 designated by the unit of local government for use solely
3 or primarily for children's recreation.

4 (e) Sentence. A person who violates this Section is
5 guilty of a Class 4 felony.

6 (Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00;
7 92-828, eff. 8-22-02.)

8 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

9 Sec. 11-20.1. Child pornography.

10 (a) A person commits the offense of child pornography
11 who:

12 (1) films, videotapes, photographs, or otherwise
13 depicts or portrays by means of any similar visual medium
14 or reproduction or depicts by computer any child whom he
15 knows or reasonably should know to be under the age of 18
16 or any severely or profoundly mentally retarded person
17 where such child or severely or profoundly mentally
18 retarded person is:

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

22 (ii) actually or by simulation engaged in any
23 act of sexual penetration or sexual conduct
24 involving the sex organs of the child or severely or
25 profoundly mentally retarded person and the mouth,
26 anus, or sex organs of another person or animal; or
27 which involves the mouth, anus or sex organs of the
28 child or severely or profoundly mentally retarded
29 person and the sex organs of another person or
30 animal; or

31 (iii) actually or by simulation engaged in any
32 act of masturbation; or

33 (iv) actually or by simulation portrayed as

1 being the object of, or otherwise engaged in, any
2 act of lewd fondling, touching, or caressing
3 involving another person or animal; or

4 (v) actually or by simulation engaged in any
5 act of excretion or urination within a sexual
6 context; or

7 (vi) actually or by simulation portrayed or
8 depicted as bound, fettered, or subject to sadistic,
9 masochistic, or sadomasochistic abuse in any sexual
10 context; or

11 (vii) depicted or portrayed in any pose,
12 posture or setting involving a lewd exhibition of
13 the unclothed genitals, pubic area, buttocks, or, if
14 such person is female, a fully or partially
15 developed breast of the child or other person; or

16 (2) with the knowledge of the nature or content
17 thereof, reproduces, disseminates, offers to disseminate,
18 exhibits or possesses with intent to disseminate any
19 film, videotape, photograph or other similar visual
20 reproduction or depiction by computer of any child or
21 severely or profoundly mentally retarded person whom the
22 person knows or reasonably should know to be under the
23 age of 18 or to be a severely or profoundly mentally
24 retarded person, engaged in any activity described in
25 subparagraphs (i) through (vii) of paragraph (1) of this
26 subsection; or

27 (3) with knowledge of the subject matter or theme
28 thereof, produces any stage play, live performance, film,
29 videotape or other similar visual portrayal or depiction
30 by computer which includes a child whom the person knows
31 or reasonably should know to be under the age of 18 or a
32 severely or profoundly mentally retarded person engaged
33 in any activity described in subparagraphs (i) through
34 (vii) of paragraph (1) of this subsection; or

1 (4) solicits, uses, persuades, induces, entices, or
2 coerces any child whom he knows or reasonably should know
3 to be under the age of 18 or a severely or profoundly
4 mentally retarded person to appear in any stage play,
5 live presentation, film, videotape, photograph or other
6 similar visual reproduction or depiction by computer in
7 which the child or severely or profoundly mentally
8 retarded person is or will be depicted, actually or by
9 simulation, in any act, pose or setting described in
10 subparagraphs (i) through (vii) of paragraph (1) of this
11 subsection; or

12 (5) is a parent, step-parent, legal guardian or
13 other person having care or custody of a child whom the
14 person knows or reasonably should know to be under the
15 age of 18 or a severely or profoundly mentally retarded
16 person and who knowingly permits, induces, promotes, or
17 arranges for such child or severely or profoundly
18 mentally retarded person to appear in any stage play,
19 live performance, film, videotape, photograph or other
20 similar visual presentation, portrayal or simulation or
21 depiction by computer of any act or activity described in
22 subparagraphs (i) through (vii) of paragraph (1) of this
23 subsection; or

24 (6) with knowledge of the nature or content
25 thereof, possesses any film, videotape, photograph or
26 other similar visual reproduction or depiction by
27 computer of any child or severely or profoundly mentally
28 retarded person whom the person knows or reasonably
29 should know to be under the age of 18 or to be a severely
30 or profoundly mentally retarded person, engaged in any
31 activity described in subparagraphs (i) through (vii) of
32 paragraph (1) of this subsection; or

33 (7) solicits, uses, persuades, induces, entices, or
34 coerces a person to provide a child under the age of 18

1 or a severely or profoundly mentally retarded person to
2 appear in any videotape, photograph, film, stage play,
3 live presentation, or other similar visual reproduction
4 or depiction by computer in which the child or severely
5 or profoundly mentally retarded person will be depicted,
6 actually or by simulation, in any act, pose, or setting
7 described in subparagraphs (i) through (vii) of paragraph
8 (1) of this subsection; or-

9 (8) solicits, persuades, induces, entices, seduces,
10 or coerces a child under 18 years of age to pose for a
11 photograph, video, or a digital image in any posture or
12 setting that could be construed as child erotica.

13 (b) (1) It shall be an affirmative defense to a charge
14 of child pornography that the defendant reasonably
15 believed, under all of the circumstances, that the child
16 was 18 years of age or older or that the person was not a
17 severely or profoundly mentally retarded person but only
18 where, prior to the act or acts giving rise to a
19 prosecution under this Section, he took some affirmative
20 action or made a bonafide inquiry designed to ascertain
21 whether the child was 18 years of age or older or that
22 the person was not a severely or profoundly mentally
23 retarded person and his reliance upon the information so
24 obtained was clearly reasonable.

25 (2) (Blank).

26 (3) The charge of child pornography shall not apply
27 to the performance of official duties by law enforcement
28 or prosecuting officers, court personnel or attorneys,
29 nor to bonafide treatment or professional education
30 programs conducted by licensed physicians, psychologists
31 or social workers.

32 (4) Possession by the defendant of more than one of
33 the same film, videotape or visual reproduction or
34 depiction by computer in which child pornography is

1 depicted shall raise a rebuttable presumption that the
2 defendant possessed such materials with the intent to
3 disseminate them.

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

12 (6) The charge of child pornography does not apply
13 to the generation, depiction, or possession of computer
14 generated images that are not depictions of actual
15 persons.

16 (c) Violation of paragraph (1), (4), (5), or (7) of
17 subsection (a) is a Class 1 felony with a mandatory minimum
18 fine of \$2,000 and a maximum fine of \$100,000. Violation of
19 paragraph (3) of subsection (a) is a Class 1 felony with a
20 mandatory minimum fine of \$1500 and a maximum fine of
21 \$100,000. Violation of paragraph (2) of subsection (a) is a
22 Class 1 felony with a mandatory minimum fine of \$1000 and a
23 maximum fine of \$100,000. Violation of paragraph (6) or (8)
24 of subsection (a) is a Class 3 felony with a mandatory
25 minimum fine of \$1000 and a maximum fine of \$100,000.

26 (d) If a person is convicted of a second or subsequent
27 violation of this Section within 10 years of a prior
28 conviction, the court shall order a presentence psychiatric
29 examination of the person. The examiner shall report to the
30 court whether treatment of the person is necessary.

31 (e) Any film, videotape, photograph or other similar
32 visual reproduction or depiction by computer which includes a
33 child under the age of 18 or a severely or profoundly
34 mentally retarded person engaged in any activity described in

1 subparagraphs (i) through (vii) or paragraph 1 of subsection
2 (a), and any material or equipment used or intended for use
3 in photographing, filming, printing, producing, reproducing,
4 manufacturing, projecting, exhibiting, depiction by computer,
5 or disseminating such material shall be seized and forfeited
6 in the manner, method and procedure provided by Section 36-1
7 of this Code for the seizure and forfeiture of vessels,
8 vehicles and aircraft.

9 (e-5) Upon the conclusion of a case brought under this
10 Section, the court shall seal all evidence depicting a victim
11 or witness that is sexually explicit. The evidence may be
12 unsealed and viewed, on a motion of the party seeking to
13 unseal and view the evidence, only for good cause shown and
14 in the discretion of the court. The motion must expressly
15 set forth the purpose for viewing the material. The State's
16 attorney and the victim, if possible, shall be provided
17 reasonable notice of the hearing on the motion to unseal the
18 evidence. Any person entitled to notice of a hearing under
19 this subsection (e-5) may object to the motion.

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

21 (1) "Disseminate" means (i) to sell, distribute,
22 exchange or transfer possession, whether with or without
23 consideration or (ii) to make a depiction by computer
24 available for distribution or downloading through the
25 facilities of any telecommunications network or through
26 any other means of transferring computer programs or data
27 to a computer.

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

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

32 (4) "Depict by computer" means to generate or
33 create, or cause to be created or generated, a computer
34 program or data that, after being processed by a computer

1 either alone or in conjunction with one or more computer
2 programs, results in a visual depiction on a computer
3 monitor, screen, or display.

4 (5) "Depiction by computer" means a computer
5 program or data that, after being processed by a computer
6 either alone or in conjunction with one or more computer
7 programs, results in a visual depiction on a computer
8 monitor, screen, or display.

9 (6) "Computer", "computer program", and "data" have
10 the meanings ascribed to them in Section 16D-2 of this
11 Code.

12 (7) "Child" includes a film, videotape, photograph,
13 or other similar visual medium or reproduction or
14 depiction by computer that is, or appears to be, that of
15 a person, either in part, or in total, under the age of
16 18, regardless of the method by which the film,
17 videotape, photograph, or other similar visual medium or
18 reproduction or depiction by computer is created,
19 adopted, or modified to appear as such. "Child" also
20 includes a film, videotape, photograph, or other similar
21 visual medium or reproduction or depiction by computer
22 that is advertised, promoted, presented, described, or
23 distributed in such a manner that conveys the impression
24 that the film, videotape, photograph, or other similar
25 visual medium or reproduction or depiction by computer is
26 of a person under the age of 18.

27 (8) "Sexual penetration" and "sexual conduct" have
28 the meanings ascribed to them in Section 12-12 of this
29 Code.

30 (9) "Child erotica" means any photograph,
31 videotape, or digital image in which the focus or the
32 concentration of the photograph, videotape, or digital
33 image is the lewd or lascivious depiction or exhibition
34 of the child's clothed or unclothed genitals, the child's

1 pubic area, or, if the child is a female, the child's
2 fully or partially developed breast exposed or through
3 transparent clothing. The following factors shall be
4 taken into consideration in determining whether a visual
5 depiction of a child constitutes a lewd or lascivious
6 exhibition of the genitals, pubic area, or breast: (i)
7 whether the focal point of the visual depiction is on the
8 child's genitalia, pubic area, or breast; (ii) whether
9 the setting of the visual depiction is sexually
10 suggestive, i.e., in a place or pose generally associated
11 with sexual activity; (iii) whether the child is depicted
12 in an unnatural pose, or in inappropriate attire,
13 considering the age of the child; (iv) whether the child
14 is fully or partially clothed, or nude; (v) whether the
15 visual depiction suggests sexual coyness or a willingness
16 to engage in sexual activity; or (vi) whether the visual
17 depiction is intended or designed to elicit a sexual
18 response in the viewer.

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

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

21 (i) Section 50-5 of Public Act 88-680,
22 effective January 1, 1995, contained provisions
23 amending the child pornography statute, Section
24 11-20.1 of the Criminal Code of 1961. Section 50-5
25 also contained other provisions.

26 (ii) In addition, Public Act 88-680 was
27 entitled "AN ACT to create a Safe Neighborhoods
28 Law". (A) Article 5 was entitled JUVENILE JUSTICE
29 and amended the Juvenile Court Act of 1987. (B)
30 Article 15 was entitled GANGS and amended various
31 provisions of the Criminal Code of 1961 and the
32 Unified Code of Corrections. (C) Article 20 was
33 entitled ALCOHOL ABUSE and amended various
34 provisions of the Illinois Vehicle Code. (D)

1 Article 25 was entitled DRUG ABUSE and amended the
2 Cannabis Control Act and the Illinois Controlled
3 Substances Act. (E) Article 30 was entitled FIREARMS
4 and amended the Criminal Code of 1961 and the Code
5 of Criminal Procedure of 1963. (F) Article 35
6 amended the Criminal Code of 1961, the Rights of
7 Crime Victims and Witnesses Act, and the Unified
8 Code of Corrections. (G) Article 40 amended the
9 Criminal Code of 1961 to increase the penalty for
10 compelling organization membership of persons. (H)
11 Article 45 created the Secure Residential Youth Care
12 Facility Licensing Act and amended the State Finance
13 Act, the Juvenile Court Act of 1987, the Unified
14 Code of Corrections, and the Private Correctional
15 Facility Moratorium Act. (I) Article 50 amended the
16 WIC Vendor Management Act, the Firearm Owners
17 Identification Card Act, the Juvenile Court Act of
18 1987, the Criminal Code of 1961, the Wrongs to
19 Children Act, and the Unified Code of Corrections.

20 (iii) On September 22, 1998, the Third
21 District Appellate Court in *People v. Dainty*, 701
22 N.E. 2d 118, ruled that Public Act 88-680 violates
23 the single subject clause of the Illinois
24 Constitution (Article IV, Section 8 (d)) and was
25 unconstitutional in its entirety. As of the time
26 this amendatory Act of 1999 was prepared, *People v.*
27 *Dainty* was still subject to appeal.

28 (iv) Child pornography is a vital concern to
29 the people of this State and the validity of future
30 prosecutions under the child pornography statute of
31 the Criminal Code of 1961 is in grave doubt.

32 (2) It is the purpose of this amendatory Act of
33 1999 to prevent or minimize any problems relating to
34 prosecutions for child pornography that may result from

1 challenges to the constitutional validity of Public Act
2 88-680 by re-enacting the Section relating to child
3 pornography that was included in Public Act 88-680.

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

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

23 (Source: P.A. 91-54, eff. 6-30-99; 91-229, eff. 1-1-00;
24 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-434, eff.
25 1-1-02; 92-827, eff. 8-22-02.)

26 (720 ILCS 5/11-21) (from Ch. 38, par. 11-21)

27 Sec. 11-21. Harmful material for a child.

28 (a) Elements of the Offense.

29 A person who, with knowledge that a person is a child,
30 that is a person under 18 years of age, or who fails to
31 exercise reasonable care in ascertaining the true age of a
32 child, knowingly distributes to or sends or causes to be sent
33 to, or exhibits to, or offers to distribute or exhibit any

1 harmful material to a child, is guilty of distribution of
2 harmful material for a child a-misdemeanor. For purposes of
3 this Section, if the distribution of the harmful material is
4 by computer or other electronic means, a person is criminally
5 liable for a violation of this Section if the harmful
6 material is intentionally transmitted by him or her to a
7 specific individual actually believed by him or her to be a
8 minor, and the specific minor is the intended and desired
9 recipient of the harmful material.

10 (b) Definitions.

11 (1) Material is harmful or obscene for children when it
12 is a pornographic written, visual, or audio matter,
13 judged in reference to the age group of children in the
14 intended and probable recipient audience, and if: (i) the
15 average adult person, applying contemporary community
16 standards, would find that the material, taken as a whole
17 and with respect to those children, appeals to a prurient
18 interest in nudity, sex, or excretion; and (ii) the
19 average adult person, applying contemporary community
20 standards, would find that the material depicts,
21 describes, or represents, in a patently offensive way
22 with respect to what is suitable for those children,
23 ultimate sexual acts or sadomasochistic sexual acts or
24 abuse, whether normal or perverted, actual or simulated,
25 or masturbation, excretory functions, or lewd exhibition
26 of the genitals, pubic area, buttocks, or post-pubertal
27 female breast; and (iii) a reasonable person would find
28 that the material, taken as a whole, lacks serious
29 literary, artistic, political, or scientific value for
30 those children in the intended and probable recipient
31 audience. Material-is-harmful-if,-to-the-average--person,
32 applying--contemporary-standards,-its-predominant-appeal,
33 taken-as-a-whole,-is-to--prurient--interest,-that--is--a
34 shameful-or-morbid-interest-in-nudity,-sex,-or-excretion,

1 which--goes--substantially--beyond--customary--limits--of
2 eander--in-description-or-representation-of-such-matters,
3 and-is-material-the-redeeming-social-importance-of--which
4 is-substantially-less-than-its-prurient-appeal.

5 (2) Material, as used in this Section means any writing,
6 picture, record or other representation or embodiment.

7 (3) Distribute means to transfer possession of, whether
8 with or without consideration.

9 (4) Knowingly, as used in this section means having
10 general knowledge or awareness of the nature or contents of
11 the subject matter, or recklessly failing to exercise
12 reasonable inspection which would have disclosed the contents
13 thereof.

14 (c) Interpretation of Evidence.

15 The predominant appeal to prurient interest of the
16 material shall be judged with reference to average children
17 of the same general age of the child to whom such material
18 was offered, distributed, sent or exhibited, unless it
19 appears from the nature of the matter or the circumstances of
20 its dissemination, distribution or exhibition that it is
21 designed for specially susceptible groups, in which case the
22 predominant appeal of the material shall be judged with
23 reference to its intended or probable recipient group.

24 In prosecutions under this section, where circumstances
25 of production, presentation, sale, dissemination,
26 distribution, or publicity indicate the material is being
27 commercially exploited for the sake of its prurient appeal,
28 such evidence is probative with respect to the nature of the
29 material and can justify the conclusion that the redeeming
30 social importance of the material is in fact substantially
31 less than its prurient appeal.

32 (d) Sentence.

33 Distribution of harmful material in violation of this
34 Section is a Class A misdemeanor. A second or subsequent

1 offense is a Class 4 felony. If a person uses a computer to
2 intentionally distribute harmful material to a child or to
3 send harmful material or cause harmful material to be sent to
4 a child, or offers to distribute or send any harmful material
5 for a child, he or she is guilty of a Class 4 felony.

6 (e) Affirmative Defenses.

7 (1) Nothing in this section shall prohibit any public
8 library or any library operated by an accredited institution
9 of higher education from circulating harmful material to any
10 person under 18 years of age, provided such circulation is in
11 aid of a legitimate scientific or educational purpose, and it
12 shall be an affirmative defense in any prosecution for a
13 violation of this section that the act charged was committed
14 in aid of legitimate scientific or educational purposes.

15 (2) Nothing in this section shall prohibit any parent
16 from distributing to his child any harmful material.

17 (3) Proof that the defendant demanded, was shown and
18 acted in reliance upon any of the following documents as
19 proof of the age of a child, shall be a defense to any
20 criminal prosecution under this section: A document issued by
21 the federal government or any state, county or municipal
22 government or subdivision or agency thereof, including, but
23 not limited to, a motor vehicle operator's license, a
24 registration certificate issued under the Federal Selective
25 Service Act or an identification card issued to a member of
26 the armed forces.

27 (4) In the event an advertisement of harmful material as
28 defined in this section culminates in the sale or
29 distribution of such harmful material to a child, under
30 circumstances where there was no personal confrontation of
31 the child by the defendant, his employees or agents, as where
32 the order or request for such harmful material was
33 transmitted by mail, telephone, or similar means of
34 communication, and delivery of such harmful material to the

1 child was by mail, freight, or similar means of transport, it
 2 shall be a defense in any prosecution for a violation of this
 3 section that the advertisement contained the following
 4 statement, or a statement substantially similar thereto, and
 5 that the defendant required the purchaser to certify that he
 6 was not under 18 years of age and that the purchaser falsely
 7 stated that he was not under 18 years of age: "NOTICE: It is
 8 unlawful for any person under 18 years of age to purchase the
 9 matter herein advertised. Any person under 18 years of age
 10 who falsely states that he is not under 18 years of age for
 11 the purpose of obtaining the material advertised herein, is
 12 guilty of a Class B misdemeanor under the laws of the State
 13 of Illinois."

14 (f) Child Falsifying Age.

15 Any person under 18 years of age who falsely states,
 16 either orally or in writing, that he is not under the age of
 17 18 years, or who presents or offers to any person any
 18 evidence of age and identity which is false or not actually
 19 his own for the purpose of ordering, obtaining, viewing, or
 20 otherwise procuring or attempting to procure or view any
 21 harmful material, is guilty of a Class B misdemeanor.

22 (Source: P.A. 77-2638.)

23 (720 ILCS 5/11-24 new)

24 Sec. 11-24. Child photography by sex offender.

25 (a) In this Section:

26 "Child" means a person under 18 years of age.

27 "Child sex offender" has the meaning ascribed to it in
 28 Section 11-9.3 of this Code.

29 (b) It is unlawful for a child sex offender to
 30 knowingly:

31 (1) conduct or operate any type of business in
 32 which he or she photographs, videotapes, or takes a
 33 digital image of a child;

1 (2) conduct or operate any type of business in
2 which he or she instructs or directs another person to
3 photograph, videotape, or take a digital image of a
4 child;

5 (3) conduct or operate any type of business in
6 which he or she offers for sale a photograph, videotape,
7 computer disk, digital image, or visual depiction of a
8 child;

9 (4) solicit, induce, persuade, or entice a child to
10 pose for "child erotica" as defined in subsection (f) of
11 Section 11-20.1 of this Code;

12 (5) transport a child or cause a child to be
13 transported in order to pose for "child erotica" as
14 defined in subsection (f) of Section 11-20.1 of this
15 Code; or

16 (6) arrange for a child to pose for a "child
17 erotica" as defined in subsection (f) of Section 11-20.1
18 of this Code.

19 (c) Sentence. A violation of this Section is a Class 2
20 felony.

21 Section 25. The Unified Code of Corrections is amended
22 by changing Sections 5-4-3 and 5-9-1.7 as follows:

23 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

24 Sec. 5-4-3. Persons convicted of, or found delinquent
25 for, certain offenses or institutionalized as sexually
26 dangerous; specimens; genetic marker groups.

27 (a) Any person convicted of, found guilty under the
28 Juvenile Court Act of 1987 for, or who received a disposition
29 of court supervision for, a qualifying offense or attempt of
30 a qualifying offense, convicted or found guilty of any
31 offense classified as a felony under Illinois law, found
32 guilty or given supervision for any offense classified as a

1 felony under the Juvenile Court Act of 1987, or
2 institutionalized as a sexually dangerous person under the
3 Sexually Dangerous Persons Act, or committed as a sexually
4 violent person under the Sexually Violent Persons Commitment
5 Act shall, regardless of the sentence or disposition imposed,
6 be required to submit specimens of blood, saliva, or tissue
7 to the Illinois Department of State Police in accordance with
8 the provisions of this Section, provided such person is:

9 (1) convicted of a qualifying offense or attempt of
10 a qualifying offense on or after the effective date of
11 this amendatory Act of 1989, and sentenced to a term of
12 imprisonment, periodic imprisonment, fine, probation,
13 conditional discharge or any other form of sentence, or
14 given a disposition of court supervision for the offense,
15 or

16 (1.5) found guilty or given supervision under the
17 Juvenile Court Act of 1987 for a qualifying offense or
18 attempt of a qualifying offense on or after the effective
19 date of this amendatory Act of 1996, or

20 (2) ordered institutionalized as a sexually
21 dangerous person on or after the effective date of this
22 amendatory Act of 1989, or

23 (3) convicted of a qualifying offense or attempt of
24 a qualifying offense before the effective date of this
25 amendatory Act of 1989 and is presently confined as a
26 result of such conviction in any State correctional
27 facility or county jail or is presently serving a
28 sentence of probation, conditional discharge or periodic
29 imprisonment as a result of such conviction, or

30 (3.5) convicted or found guilty of any offense
31 classified as a felony under Illinois law or found guilty
32 or given supervision for such an offense under the
33 Juvenile Court Act of 1987 on or after the effective date
34 of this amendatory Act of the 92nd General Assembly, or

1 (4) presently institutionalized as a sexually
2 dangerous person or presently institutionalized as a
3 person found guilty but mentally ill of a sexual offense
4 or attempt to commit a sexual offense; or

5 (4.5) ordered committed as a sexually violent
6 person on or after the effective date of the Sexually
7 Violent Persons Commitment Act; or

8 (5) seeking transfer to or residency in Illinois
9 under Sections 3-3-11.05 through 3-3-11.5 of the Unified
10 Code of Corrections and the Interstate Compact for Adult
11 Offenders Supervision or the Interstate Agreements on
12 Sexually Dangerous Persons Act.

13 Notwithstanding other provisions of this Section, any
14 person incarcerated in a facility of the Illinois Department
15 of Corrections on or after the effective date of this
16 amendatory Act of the 92nd General Assembly shall be required
17 to submit a specimen of blood, saliva, or tissue prior to his
18 or her release on parole or mandatory supervised release, as
19 a condition of his or her parole or mandatory supervised
20 release.

21 (a-5) Any person who was otherwise convicted of or
22 received a disposition of court supervision for any other
23 offense under the Criminal Code of 1961 or who was found
24 guilty or given supervision for such a violation under the
25 Juvenile Court Act of 1987, may, regardless of the sentence
26 imposed, be required by an order of the court to submit
27 specimens of blood, saliva, or tissue to the Illinois
28 Department of State Police in accordance with the provisions
29 of this Section.

30 (b) Any person required by paragraphs (a)(1), (a)(1.5),
31 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
32 saliva, or tissue shall provide specimens of blood, saliva,
33 or tissue within 45 days after sentencing or disposition at a
34 collection site designated by the Illinois Department of

1 State Police.

2 (c) Any person required by paragraphs (a)(3), (a)(4),
3 and (a)(4.5) to provide specimens of blood, saliva, or tissue
4 shall be required to provide such samples prior to final
5 discharge, parole, or release at a collection site designated
6 by the Illinois Department of State Police.

7 (c-5) Any person required by paragraph (a)(5) to provide
8 specimens of blood, saliva, or tissue shall, where feasible,
9 be required to provide the specimens before being accepted
10 for conditioned residency in Illinois under the interstate
11 compact or agreement, but no later than 45 days after arrival
12 in this State.

13 (c-6) The Illinois Department of State Police may
14 determine which type of specimen or specimens, blood, saliva,
15 or tissue, is acceptable for submission to the Division of
16 Forensic Services for analysis.

17 (d) The Illinois Department of State Police shall
18 provide all equipment and instructions necessary for the
19 collection of blood samples. The collection of samples shall
20 be performed in a medically approved manner. Only a
21 physician authorized to practice medicine, a registered nurse
22 or other qualified person trained in venipuncture may
23 withdraw blood for the purposes of this Act. The samples
24 shall thereafter be forwarded to the Illinois Department of
25 State Police, Division of Forensic Services, for analysis and
26 categorizing into genetic marker groupings.

27 (d-1) The Illinois Department of State Police shall
28 provide all equipment and instructions necessary for the
29 collection of saliva samples. The collection of saliva
30 samples shall be performed in a medically approved manner.
31 Only a person trained in the instructions promulgated by the
32 Illinois State Police on collecting saliva may collect saliva
33 for the purposes of this Section. The samples shall
34 thereafter be forwarded to the Illinois Department of State

1 Police, Division of Forensic Services, for analysis and
2 categorizing into genetic marker groupings.

3 (d-2) The Illinois Department of State Police shall
4 provide all equipment and instructions necessary for the
5 collection of tissue samples. The collection of tissue
6 samples shall be performed in a medically approved manner.
7 Only a person trained in the instructions promulgated by the
8 Illinois State Police on collecting tissue may collect tissue
9 for the purposes of this Section. The samples shall
10 thereafter be forwarded to the Illinois Department of State
11 Police, Division of Forensic Services, for analysis and
12 categorizing into genetic marker groupings.

13 (d-5) To the extent that funds are available, the
14 Illinois Department of State Police shall contract with
15 qualified personnel and certified laboratories for the
16 collection, analysis, and categorization of known samples.

17 (e) The genetic marker groupings shall be maintained by
18 the Illinois Department of State Police, Division of Forensic
19 Services.

20 (f) The genetic marker grouping analysis information
21 obtained pursuant to this Act shall be confidential and shall
22 be released only to peace officers of the United States, of
23 other states or territories, of the insular possessions of
24 the United States, of foreign countries duly authorized to
25 receive the same, to all peace officers of the State of
26 Illinois and to all prosecutorial agencies. The genetic
27 marker grouping analysis information obtained pursuant to
28 this Act shall be used only for (i) valid law enforcement
29 identification purposes and as required by the Federal Bureau
30 of Investigation for participation in the National DNA
31 database or (ii) technology validation purposes.
32 Notwithstanding any other statutory provision to the
33 contrary, all information obtained under this Section shall
34 be maintained in a single State data base, which may be

1 uploaded into a national database, and which information may
2 be subject to expungement only as set forth in subsection
3 (f-1).

4 (f-1) Upon receipt of notification of a reversal of a
5 conviction based on actual innocence, or of the granting of a
6 pardon pursuant to Section 12 of Article V of the Illinois
7 Constitution, if that pardon document specifically states
8 that the reason for the pardon is the actual innocence of an
9 individual whose DNA record has been stored in the State or
10 national DNA identification index in accordance with this
11 Section by the Illinois Department of State Police, the DNA
12 record shall be expunged from the DNA identification index,
13 and the Department shall by rule prescribe procedures to
14 ensure that the record and any samples, analyses, or other
15 documents relating to such record, whether in the possession
16 of the Department or any law enforcement or police agency, or
17 any forensic DNA laboratory, including any duplicates or
18 copies thereof, are destroyed and a letter is sent to the
19 court verifying the expungement is completed.

20 (f-5) Any person who intentionally uses genetic marker
21 grouping analysis information, or any other information
22 derived from a DNA sample, beyond the authorized uses as
23 provided under this Section, or any other Illinois law, is
24 guilty of a Class 4 felony, and shall be subject to a fine of
25 not less than \$5,000.

26 (g) For the purposes of this Section, "qualifying
27 offense" means any of the following:

28 (1) Any violation or inchoate violation of Section
29 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the
30 Criminal Code of 1961, or

31 (1.1) Any violation or inchoate violation of
32 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,
33 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961
34 for which persons are convicted on or after July 1, 2001,

1 or

2 (2) Any former statute of this State which defined
3 a felony sexual offense, or

4 (3) Any violation of Section 11-6.1 of the Criminal
5 Code of 1961 when the sentencing court, upon a motion by
6 the State's Attorney or Attorney General, makes a finding
7 that the child solicitation involved an intent to commit
8 sexual penetration or sexual conduct as defined in
9 Section 12-12 of the Criminal Code of 1961 (Blank), or

10 (4) Any inchoate violation of Section 9-3.1,
11 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961.

12 (g-5) (Blank).

13 (h) The Illinois Department of State Police shall be the
14 State central repository for all genetic marker grouping
15 analysis information obtained pursuant to this Act. The
16 Illinois Department of State Police may promulgate rules for
17 the form and manner of the collection of blood, saliva, or
18 tissue samples and other procedures for the operation of this
19 Act. The provisions of the Administrative Review Law shall
20 apply to all actions taken under the rules so promulgated.

21 (i) A person required to provide a blood, saliva, or
22 tissue specimen shall cooperate with the collection of the
23 specimen and any deliberate act by that person intended to
24 impede, delay or stop the collection of the blood, saliva, or
25 tissue specimen is a Class A misdemeanor.

26 (j) Any person required by subsection (a) to submit
27 specimens of blood, saliva, or tissue to the Illinois
28 Department of State Police for analysis and categorization
29 into genetic marker grouping, in addition to any other
30 disposition, penalty, or fine imposed, shall pay an analysis
31 fee of \$200. If the analysis fee is not paid at the time of
32 sentencing, the court shall establish a fee schedule by which
33 the entire amount of the analysis fee shall be paid in full,
34 such schedule not to exceed 24 months from the time of

1 conviction. The inability to pay this analysis fee shall not
2 be the sole ground to incarcerate the person.

3 (k) All analysis and categorization fees provided for by
4 subsection (j) shall be regulated as follows:

5 (1) The State Offender DNA Identification System
6 Fund is hereby created as a special fund in the State
7 Treasury.

8 (2) All fees shall be collected by the clerk of the
9 court and forwarded to the State Offender DNA
10 Identification System Fund for deposit. The clerk of the
11 circuit court may retain the amount of \$10 from each
12 collected analysis fee to offset administrative costs
13 incurred in carrying out the clerk's responsibilities
14 under this Section.

15 (3) Fees deposited into the State Offender DNA
16 Identification System Fund shall be used by Illinois
17 State Police crime laboratories as designated by the
18 Director of State Police. These funds shall be in
19 addition to any allocations made pursuant to existing
20 laws and shall be designated for the exclusive use of
21 State crime laboratories. These uses may include, but
22 are not limited to, the following:

23 (A) Costs incurred in providing analysis and
24 genetic marker categorization as required by
25 subsection (d).

26 (B) Costs incurred in maintaining genetic
27 marker groupings as required by subsection (e).

28 (C) Costs incurred in the purchase and
29 maintenance of equipment for use in performing
30 analyses.

31 (D) Costs incurred in continuing research and
32 development of new techniques for analysis and
33 genetic marker categorization.

34 (E) Costs incurred in continuing education,

1 training, and professional development of forensic
2 scientists regularly employed by these laboratories.

3 (1) The failure of a person to provide a specimen, or of
4 any person or agency to collect a specimen, within the 45 day
5 period shall in no way alter the obligation of the person to
6 submit such specimen, or the authority of the Illinois
7 Department of State Police or persons designated by the
8 Department to collect the specimen, or the authority of the
9 Illinois Department of State Police to accept, analyze and
10 maintain the specimen or to maintain or upload results of
11 genetic marker grouping analysis information into a State or
12 national database.

13 (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;
14 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff.
15 6-28-02; 92-829, eff. 8-22-02; revised 9-19-02.)

16 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

17 Sec. 5-9-1.7. Sexual assault fines.

18 (a) Definitions. The terms used in this Section shall
19 have the following meanings ascribed to them:

20 (1) "Sexual assault" means the commission or
21 attempted commission of the following: criminal sexual
22 assault, predatory criminal sexual assault of a child,
23 aggravated criminal sexual assault, criminal sexual
24 abuse, aggravated criminal sexual abuse, indecent
25 solicitation of a child, public indecency, sexual
26 relations within families, soliciting for a juvenile
27 prostitute, keeping a place of juvenile prostitution,
28 patronizing a juvenile prostitute, juvenile pimping,
29 exploitation of a child, obscenity, child pornography, or
30 harmful material for a child, as those offenses are
31 defined in the Criminal Code of 1961.

32 (2) "Family member" shall have the meaning ascribed
33 to it in Section 12-12 of the Criminal Code of 1961.

1 (3) "Sexual assault organization" means any
2 not-for-profit organization providing comprehensive,
3 community-based services to victims of sexual assault.
4 "Community-based services" include, but are not limited
5 to, direct crisis intervention through a 24-hour
6 response, medical and legal advocacy, counseling,
7 information and referral services, training, and
8 community education.

9 (b) Sexual assault fine; collection by clerk.

10 (1) In addition to any other penalty imposed, a
11 fine of \$100 shall be imposed upon any person who pleads
12 guilty or who is convicted of, or who receives a
13 disposition of court supervision for, a sexual assault or
14 attempt of a sexual assault. Upon request of the victim
15 or the victim's representative, the court shall determine
16 whether the fine will impose an undue burden on the
17 victim of the offense. For purposes of this paragraph,
18 the defendant may not be considered the victim's
19 representative. If the court finds that the fine would
20 impose an undue burden on the victim, the court may
21 reduce or waive the fine. The court shall order that the
22 defendant may not use funds belonging solely to the
23 victim of the offense for payment of the fine.

24 (2) Sexual assault fines shall be assessed by the
25 court imposing the sentence and shall be collected by the
26 circuit clerk. The circuit clerk shall retain 10% of the
27 penalty to cover the costs involved in administering and
28 enforcing this Section. The circuit clerk shall remit
29 the remainder of each fine within one month of its
30 receipt to the State Treasurer for deposit as follows:

31 (i) for family member offenders, one-half to
32 the Sexual Assault Services Fund, and one-half to
33 the Domestic Violence Shelter and Service Fund; and

34 (ii) for other than family member offenders,

1 the full amount to the Sexual Assault Services Fund.

2 (c) Sexual Assault Services Fund; administration. There
3 is created a Sexual Assault Services Fund. Moneys deposited
4 into the Fund under this Section shall be appropriated to the
5 Department of Public Health. Upon appropriation of moneys
6 from the Sexual Assault Services Fund, the Department of
7 Public Health shall make grants of these moneys from the Fund
8 to sexual assault organizations with whom the Department has
9 contracts for the purpose of providing community-based
10 services to victims of sexual assault. Grants made under this
11 Section are in addition to, and are not substitutes for,
12 other grants authorized and made by the Department.

13 (Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff.
14 5-29-96.)

15 Section 30. The Sex Offender Registration Act is amended
16 by changing Section 2 as follows:

17 (730 ILCS 150/2) (from Ch. 38, par. 222)

18 Sec. 2. Definitions.

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

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

26 (a) is convicted of such offense or an attempt
27 to commit such offense; or

28 (b) is found not guilty by reason of insanity
29 of such offense or an attempt to commit such
30 offense; or

31 (c) is found not guilty by reason of insanity
32 pursuant to Section 104-25(c) of the Code of

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

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

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

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

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

27 (3) subject to the provisions of Section 2 of the
28 Interstate Agreements on Sexually Dangerous Persons Act;
29 or

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

34 (5) adjudicated a juvenile delinquent as the result

1 of committing or attempting to commit an act which, if
 2 committed by an adult, would constitute any of the
 3 offenses specified in item (B), (C), or (C-5) of this
 4 Section or a violation of any substantially similar
 5 federal, Uniform Code of Military Justice, sister state,
 6 or foreign country law, or found guilty under Article V
 7 of the Juvenile Court Act of 1987 of committing or
 8 attempting to commit an act which, if committed by an
 9 adult, would constitute any of the offenses specified in
 10 item (B), (C), or (C-5) of this Section or a violation of
 11 any substantially similar federal, Uniform Code of
 12 Military Justice, sister state, or foreign country law.

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

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

20 (B) As used in this Article, "sex offense" means:

21 (1) A violation of any of the following Sections of
 22 the Criminal Code of 1961:

- 23 11-20.1 (child pornography),
- 24 11-6 (indecent solicitation of a child),
- 25 11-6.1 (illegal solicitation of a child),
- 26 11-9.1 (sexual exploitation of a child),
- 27 11-15.1 (soliciting for a juvenile prostitute),
- 28 11-18.1 (patronizing a juvenile prostitute),
- 29 11-17.1 (keeping a place of juvenile
- 30 prostitution),
- 31 11-19.1 (juvenile pimping),
- 32 11-19.2 (exploitation of a child),
- 33 12-13 (criminal sexual assault),
- 34 12-14 (aggravated criminal sexual assault),

1 12-14.1 (predatory criminal sexual assault of a
2 child),
3 12-15 (criminal sexual abuse),
4 12-16 (aggravated criminal sexual abuse),
5 12-33 (ritualized abuse of a child).

6 An attempt to commit any of these offenses.

7 (1.5) A violation of any of the following Sections
8 of the Criminal Code of 1961, when the victim is a person
9 under 18 years of age, the defendant is not a parent of
10 the victim, and the offense was committed on or after
11 January 1, 1996:

12 10-1 (kidnapping),
13 10-2 (aggravated kidnapping),
14 10-3 (unlawful restraint),
15 10-3.1 (aggravated unlawful restraint).

16 An attempt to commit any of these offenses.

17 (1.6) First degree murder under Section 9-1 of the
18 Criminal Code of 1961, when the victim was a person under
19 18 years of age, the defendant was at least 17 years of
20 age at the time of the commission of the offense, and the
21 offense was committed on or after June 1, 1996.

22 (1.7) (Blank).

23 (1.8) A violation or attempted violation of Section
24 11-11 (sexual relations within families) of the Criminal
25 Code of 1961, and the offense was committed on or after
26 June 1, 1997.

27 (1.9) Child abduction under paragraph (10) of
28 subsection (b) of Section 10-5 of the Criminal Code of
29 1961 committed by luring or attempting to lure a child
30 under the age of 16 into a motor vehicle, building, house
31 trailer, or dwelling place without the consent of the
32 parent or lawful custodian of the child for other than a
33 lawful purpose and the offense was committed on or after
34 January 1, 1998.

1 (1.10) A violation or attempted violation of any of
2 the following Sections of the Criminal Code of 1961 when
3 the offense was committed on or after July 1, 1999:

4 10-4 (forcible detention, if the victim is
5 under 18 years of age),

6 11-6.5 (indecent solicitation of an adult),

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

9 11-16 (pandering, if the victim is under 18
10 years of age),

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

13 11-19 (pimping, if the victim is under 18
14 years of age).

15 (1.11) A violation or attempted violation of any of
16 the following Sections of the Criminal Code of 1961 when
17 the offense was committed on or after the effective date
18 of this amendatory Act of the 92nd General Assembly:

19 11-9 (public indecency for a third or
20 subsequent conviction),

21 11-9.2 (custodial sexual misconduct).

22 (1.12) A violation or attempted violation of
23 Section 5.1 of the Wrongs to Children Act (permitting
24 sexual abuse) when the offense was committed on or after
25 the effective date of this amendatory Act of the 92nd
26 General Assembly.

27 (2) A violation of any former law of this State
28 substantially equivalent to any offense listed in
29 subsection (B) of this Section.

30 (C) A conviction for an offense of federal law, Uniform
31 Code of Military Justice, or the law of another state or a
32 foreign country that is substantially equivalent to any
33 offense listed in subsections (B), (C), and (E) of this
34 Section shall constitute a conviction for the purpose of this

1 Article. A finding or adjudication as a sexually dangerous
2 person or a sexually violent person under any federal law,
3 Uniform Code of Military Justice, or the law of another state
4 or foreign country that is substantially equivalent to the
5 Sexually Dangerous Persons Act or the Sexually Violent
6 Persons Commitment Act shall constitute an adjudication for
7 the purposes of this Article.

8 (C-5) A person at least 17 years of age at the time of
9 the commission of the offense who is convicted of first
10 degree murder under Section 9-1 of the Criminal Code of 1961,
11 committed on or after June 1, 1996 against a person under 18
12 years of age, shall be required to register for natural life.
13 A conviction for an offense of federal, Uniform Code of
14 Military Justice, sister state, or foreign country law that
15 is substantially equivalent to any offense listed in
16 subsection (C-5) of this Section shall constitute a
17 conviction for the purpose of this Article.

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

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

32 (1) Convicted for an offense of federal, Uniform
33 Code of Military Justice, sister state, or foreign
34 country law that is substantially equivalent to any

1 offense listed in subsection (E) of this Section shall
2 constitute a conviction for the purpose of this Article.
3 Convicted of a violation or attempted violation of any of
4 the following Sections of the Criminal Code of 1961, if
5 the conviction occurred after July 1, 1999:

6 11-17.1 (keeping a place of juvenile
7 prostitution),

8 11-19.1 (juvenile pimping),

9 11-19.2 (exploitation of a child),

10 11-20.1 (child pornography),

11 12-13 (criminal sexual assault, if the victim
12 is a person under 12 years of age),

13 12-14 (aggravated criminal sexual assault),

14 12-14.1 (predatory criminal sexual assault of
15 a child),

16 12-16 (aggravated criminal sexual abuse),

17 12-33 (ritualized abuse of a child); or

18 (2) convicted of first degree murder under Section
19 9-1 of the Criminal Code of 1961, when the victim was a
20 person under 18 years of age and the defendant was at
21 least 17 years of age at the time of the commission of
22 the offense; or

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

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

31 (5) convicted of a second or subsequent offense
32 which requires registration pursuant to this Act. The
33 conviction for the second or subsequent offense must have
34 occurred after July 1, 1999. For purposes of this

1 paragraph (5), "convicted" shall include a conviction
2 under any substantially similar Illinois, federal,
3 Uniform Code of Military Justice, sister state, or
4 foreign country law.

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

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

20 (Source: P.A. 91-48, eff. 7-1-99; 92-828, eff. 8-22-02.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.

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Statutes amended in order of appearance

- 20 ILCS 2605/2605-560 new
- 20 ILCS 4026/10
- 30 ILCS 105/5.595 new
- 720 ILCS 5/10-7 from Ch. 38, par. 10-7
- 720 ILCS 5/11-6.1 new
- 720 ILCS 5/11-9.3
- 720 ILCS 5/11-9.4
- 720 ILCS 5/11-20.1 from Ch. 38, par. 11-20.1
- 720 ILCS 5/11-21 from Ch. 38, par. 11-21
- 720 ILCS 5/11-24 new
- 730 ILCS 5/5-4-3 from Ch. 38, par. 1005-4-3
- 730 ILCS 5/5-9-1.7 from Ch. 38, par. 1005-9-1.7
- 730 ILCS 150/2 from Ch. 38, par. 222